



AGENDA

Ordinary Meeting of Council

9:30am Wednesday 29 June 2022

VENUE:

Council Chambers
Yarriambiack Shire Council
34 Lyle Street, Warracknabeal Vic 3393

Next Meeting

Wednesday 27 July 2022

Copies of the Yarriambiack Shire Council's Agendas and Minutes
can be obtained online at www.yarriambiack.vic.gov.au

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.

Recording

Consistent with section 2.44.3 of our Governance Rules, consent given by the Chair to the recording of any Council Meeting must be obtained prior to the commencement of the Council Meeting.

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.

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1 WELCOME

2 ACKNOWLEDGEMENT AND PRAYER

Cr K Zanker to open the meeting at 9:30am by acknowledging the Indigenous Community and offering the opening prayer.

Acknowledging Traditional Owners

'I would like to acknowledge that this meeting is being held on the traditional lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and I pay respects to their Elders, both past, present and emerging'.

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

3 PRESENT

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

5 CONFIRMATION OF MINUTES

5.1 Minutes of the ordinary Council Meeting held on Wednesday 25 May 2022 be taken as an accurate record and confirmed.

Minutes of the Ordinary Council Meeting held on Wednesday 25 May 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 25 May 2022, as circulated be taken as read and confirmed.

5.2 Minutes of the Closed Council Meeting held on 25 May 2022 be taken as an accurate record and confirmed.

Minutes of the Closed Council Meeting held on Wednesday 25 May 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 25 May 2022, as circulated, be taken as read and confirmed.

6 DECLARATION OF CONFLICT OF INTEREST

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

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

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

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

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

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

- a) The benefit or loss incurred may be directly or indirectly

OR

- b) In a pecuniary or non-pecuniary form.

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

7 BUSINESS ARISING**7.1 Business arising from previous Minutes****7.2 Ongoing and Pending Action List**

Council Meeting	Recommendation Action	Action Taken

8 PETITIONS**9 CORRESPONDENCE****10 SPECIAL COMMITTEES**

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

24 May	Attended Identifying and Mapping Organisational Priorities via ZOOM
27 May	Attended Murtoa Deb Ball with debutantes presenting to myself
1 June	Attended meeting with Stuart Grimley MP to look at social housing site build and the Warracknabeal Community Garden
3 June	Attended Land and Planning Session online
7 June	Radio interview with Flow FM
8 - 9 June	Attended the Community Transport Conference hosted by Victorian Community Transport Association (VTCTA) in the Yarra Valley
10 June	Attended the Federation University Scholarship Event in Horsham CEO / Mayor Catch up
15 June	Attended Council Forum
16 June	Attended the Active Aging in our Communities Forum in Horsham
17 June	CEO / Mayor Catch up
18 June	Travel to Canberra for the Regional Forum and National General Assembly
19 June	Attended the Regional Forum in Canberra
20 – 22 June	Attended the National General Assembly in Canberra
22 June	Return travel from Canberra
24 June	Attended Municipal Association Victoria (MAV) State Council Meeting in Melbourne

11.2 Councillor's Reports

Cr A McLean

- 29 May Met online with NBN representatives about RVP Program (NBN roll out for Hopetoun)
- 9 June Attended Meeting with Hopetoun Bowling Club regarding update on second green
- 15 June Attended Council Forum
- 18 June Attended Open Day at Hopetoun and District Gym
- 24 June Attended the last Grampians Central West Waste and Resource Recovery Group (GCWRRG) Local Government Forum in Ararat

Cr T Hamilton

- 8 June Attended Council Forum
- 9 June Attended Stick Shed Meeting in Murtoa
- 16 June Attended Trip Review meeting for the Seymour Heritage Rail via ZOOM
- 20 June Attended Rupanyup Progress Association Meeting
- 25 June Attended the opening of Sporting facilities upgrade at Rupanyup. Tennis Courts and Modular Changeroom Building

Cr G Massey

- 28 May Attended West Wind Energy Promotion in Warracknabeal
- 31 May Attended Wimmera Mallee Tourism Meeting with Paul Matthews in Horsham
- 14 June Attended Warracknabeal Action Group (WAG) Meeting
- 15 June Attended Council Forum
- 24 June Attended Grampians Wimmera Mallee (GWM) Water Stakeholder Workshop in Horsham
- 28 June Attended Wimmera Mallee Tourism Meeting in Hopetoun

Cr C Lehmann

- 15 May Attended Council Forum
- Attended Beulah Progress Association Meeting

Cr C Heintze

- 25 May Attended Council Meeting and Forum
- 27 May Attended Wimmera Southern Mallee Transport Group (WSMTG) in Horsham
- 1 June Attended Minyip Progress Association Meeting
- 3 June Attended Land Use Planning for Councillors via ZOOM
- 10 June Attended Grampians Central West Waste and Resource Recovery Group (GCWRRG) board Meeting via ZOOM
- 15 June Attended Council Forum
- 25 June Attended the opening of Sporting facilities upgrade at Rupanyup. Tennis Courts and Modular Changeroom Building
- 27 June Attended the last Grampians Central West Waste and Resource Recovery Group (GCWRRG) Board Meeting in Ballarat

Cr K Kirk

11.3 Chief Executive Officer Report

Prepared by Tammy Smith

26 May	Wimmera Southern Mallee Regional Partnership Meeting
26 May	Meeting with Local Warracknabeal Community Representative
26 May	Handover Brim Netball / Tennis Court Project
27 May	Rural Council's Victoria Meeting in Melbourne
30 May	Stakeholder Meeting regarding Childcare and Training Issues
30 May	Beulah Hall Meeting
31 May	Local Government Victoria (DJPR) Emergencies Team Visit
31 May	Wimmera Development Association Board Chair meet and greet
31 May	Rural Councils Victoria meeting with Minister Carroll and Minister Thomas in Ararat
02 June	LGPro Conference
03 June	FinPro Conference
07 June	Aubrey Hall Meeting with Committee representative
07 June	Meeting with community member regarding Housing in Warracknabeal
08 June	Information Session – Childhood Care and Education – in person session and online session.
08 June	Meeting with Rupanyup Future Fund representatives regarding land in Rupanyup for housing project.
09 June	CEO, DJPR and MAV Forum (online)
09 June	Hopetoun Bowling Club insurance claim meeting and update
10 June	Woodbine tour
14 June	Warracknabeal Action Group Meeting
14 June	Coinda Body Corporate Meeting
15 June	Council Forum
16 June	Wimmera Regional CEO Meeting
17 June	Wimmera Southern Mallee Housing Taskforce Meeting
18 – 22 June	Australian Local Government Association – National General Assembly
23 June	Destination Rupanyup representative meeting
25 June	Official Opening of the Rupanyup Netball / Tennis Courts and Changeroom Building facilities
27 June	Wheatlands Museum representative meeting
27 & 28 June	Local Government Inspectorate Office Visit
28 June	Wimmera Housing Innovation Briefing

12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

Nil

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

13.1 Request to Purchase Land – Crown Allotment 9B Parish of Nyallo

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

Council has received a request from Maloney Anderson Legal, representing a client who has expressed interest in purchasing a property owned by Council that adjoins the clients current farming properties. This parcel of land has been identified as being surplus to Council's requirements.

RECOMMENDATION:

That Council:

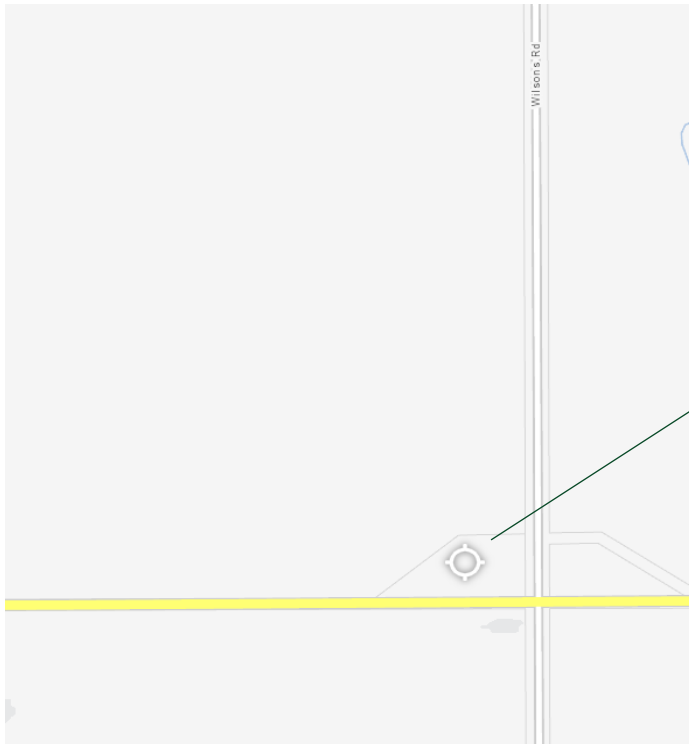
- a) Undertaken a public consultation process, in accordance with Part 4 – Division 4, s114 of the *Local Government Act 2020* (the Act), to seek public feedback on the proposed sale of Crown Allotment 9B Parish of Nyallo.
- b) Once the consultation process has been undertaken in accordance with the Act, if there are no further public submissions, endorses the Chief Executive Officer to:
 - i. Negotiate the sale of the land with Maloney Anderson Legal on behalf of their client.
 - ii. Sell the land on Council's behalf for no less than the market value of \$15,000 as outlined in the attached valuation report from Crown Allotment 9B Parish of Nyallo.
 - iii. Sign and execute the documentation endorsing the sale of the land on Council's behalf.

ATTACHMENTS

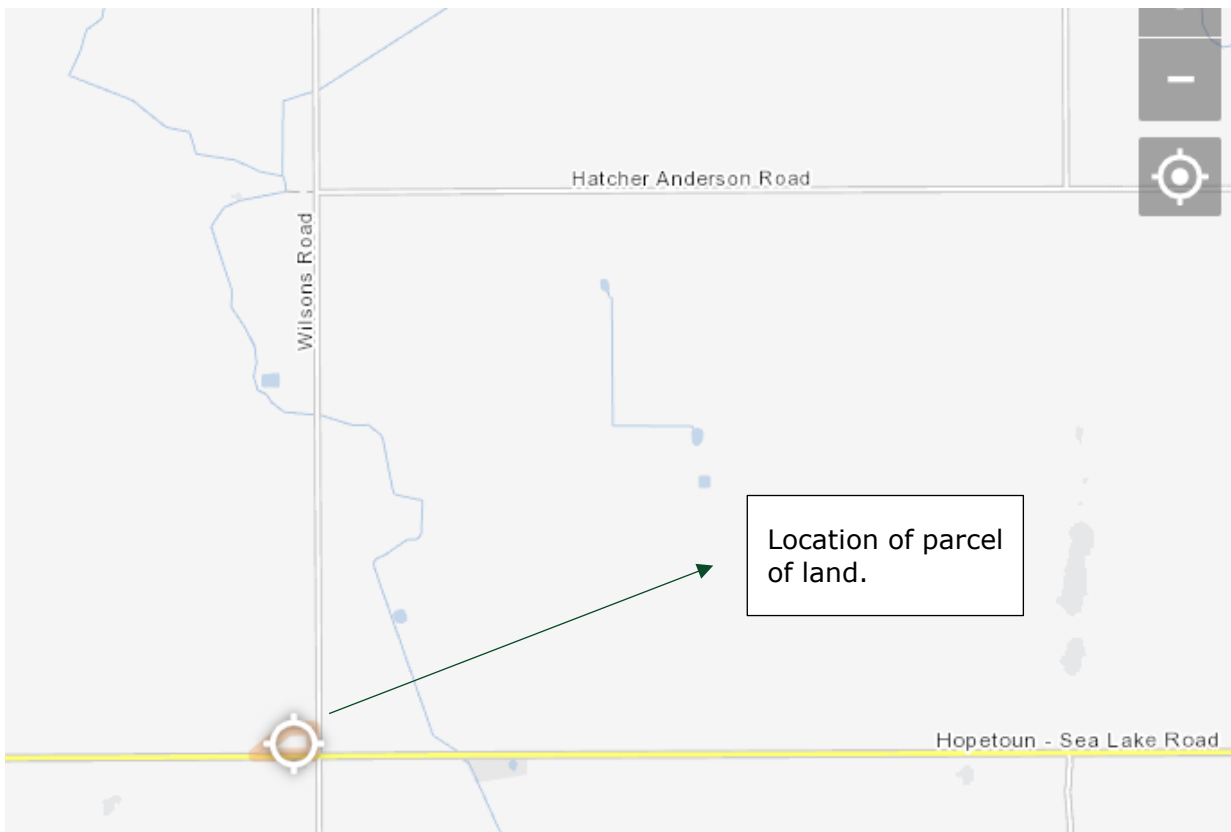
[Attachment: Property Valuation](#)

DISCUSSION

The parcel of land known as Crown Allotment 9B Parish of Nyallo is located on the corner of Wilsons Road and Hopetoun-Sea Lake Road. The address of the property in accordance with the title is Wilsons Road Woomelang 3485. The property type is rural land, zoned farming and is 2.02 hectares.



Parcel of land owned by Council, on corner of Wilsons Road and Hopetoun-Sea Lake Road Patchewollock



Location of parcel of land.

Council received a letter from Maloney Anderson Legal in April 2022 expressing interest on behalf of their client to purchase the property known as Crown Allotment 9B Parish of Nyallo.

Legislative Requirements

In accordance with Council’s Asset Lifecycle Policy and legislative requirements, all sales, exchanges and transfers of land owned by Council are required to comply with the provisions of the *Local Government Act 2020*.

Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expression of interest).

All sales should occur at not less than the market value assessed by Council's appointed valuer.

Land is not to be sold for less than the market value, unless there are some significant and independently verified alternate community benefits derived by the sale of the land.

Part 4 – Division 4, s114 *Local Government 2020* requires Council to undertake certain activities prior to selling or exchanging land as follows:

- a) To give at least four weeks 'public notice of an intention to sell or exchange land; and
- b) Undertake a community engagement process in accordance with its community engagement policy; and
- c) Obtain from a person who holds the qualification or experience specified under 13DA (2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.

Additionally, Council will institute the process to sell land no more than 6 months after the notice of intention to sell has been advertised.

Valuation of the Land

The parcel of land known as Crown Allotment 9B Parish of Nyallo has been valued by a valuer who holds the applicable qualifications in accordance with the *Valuation of Land Act 1960*, at the market value of \$15,000 (excluding GST).

Council can accept no less than this amount for the land to enter into a sale.

The valuation report identifies the date of inspection and relevant date to be 08 June 2022.

RELEVANT LAW

Part 4 – Division 4, s114 *Local Government Act 2020*.

Valuation of Land Act 1960

COUNCIL PLANS AND POLICIES

- Asset Lifecycle Policy

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Council could choose not to proceed forward and publicly advertise for expressions of interest to sell the land and retain the property.

SUSTAINABILITY IMPLICATIONS

Financial: Selling land assets that are surplus to Council's requirements reduces Council's financial obligations, particularly in relation to maintenance and upkeep obligations.

COMMUNITY ENGAGEMENT

Council will undertake a community engagement process in accordance with its Community Engagement Policy. This will include advertising the Expression of Interest – Sale of Council owned land via the following mediums:

- a) Council Website
- b) Social Media (Council's Facebook Page)
- c) Local Newspapers
- d) Community Newsletter

e) Office Hardcopy (on request).

GENDER IMPACT ASSESSMENT

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

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The sale of land must be undertaken in accordance with Council's Community Engagement Policy and the <i>Local Government Act 2020</i> . This paper is outlining the process to be undertaken in accordance with the act.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The sale of surplus land to Council's requirements reduces Council's financial obligations.	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.

14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities
<ul style="list-style-type: none"> • Human Resources • Customer Service • Executive Assistant to CEO • Records (Information Management) • Information Communication Technology • Governance • Risk • Audit and Planning • Occupational Health and Safety • Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System) <p>Manager Organisational Performance delegated roles:</p> <ul style="list-style-type: none"> • Return to Work Coordinator • Freedom of Information Officer • Privacy Officer • Welfare Officer 	<ul style="list-style-type: none"> • Payroll • Accounts Payable • Procurement and Contracts • Debtors • Insurance • Rates • Corporate Planning (Performance Reporting) • Media and Communications • Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website) <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> • Principal Accounting Officer

14.1 Draft Revenue and Rating Plan 2022-2026

Prepared by Paul Brumby, Acting Director Business Strategy and Performance

SUMMARY

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

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

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

As the Revenue and Rating Plan is a key element of Council's financial management framework, best practice would dictate that this plan be reviewed and updated annually as part of the Council budget process.

The Revenue and Rating Plan 2021 – 2025 has been reviewed and updated.

RECOMMENDATION:

That Council:

- a) Adopt the Draft Revenue and Rating Plan 2022 – 2026.

ATTACHMENTS

[Attachment: Revenue and Rating Plan 2022-2026](#)

DISCUSSION

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

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

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

A desktop review of the Revenue and Rating Plan 2021 – 2025 was undertaken and only very minor changes were made to improve readability and update tables with 2022-23 budget figures. The output of this process is the Draft Revenue and Rating Plan 2022 – 2026.

RELEVANT LAW

Section 93 of the Local Government Act 2020.

COUNCIL PLANS AND POLICIES

- The Yarriambiack Shire Council Budget 2022-2023
- The Council Plan 2021 - 2025

RELATED COUNCIL DECISIONS

- The Revenue and Rating Plan 2021 – 2025 adopted 23 June 2021
- The draft Budget 2022-23 presented for discussion on 11 May 2022.

OPTIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

The Revenue and Rating Plan 2022-2026 was made available for public consultation via the following:

- Council Website
- Social Media (Council’s Facebook Page)
- Local Newspapers
- Community Newsletter
- Office hardcopy

At the time of writing this report, no public submissions had been received on the Revenue and Rating Plan 2022-2026.

GENDER IMPACT ASSESSMENT

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 type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Revenue and Rating Plan

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	This Plan ensures compliance with the <i>Local Government Act 2020</i> requirements.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Plan identifies Council's revenue streams and methodology for Rates and Charges. It highlights Council's reliance on Grants to meet operational requirements. Therefore, Council can be proactive in applying for and sourcing grants to meet organisational requirements.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

CONFLICTS OF INTEREST

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

14.2 Adoption of the 2022/23 Budget

Prepared by Anita McFarlane, Manager Corporate services

SUMMARY

The 2022/23 Budget has been prepared and after advertising and public community consultation sessions held across the shire the 2022/23 Budget is now tabled and presented for adoption.

RECOMMENDATION:

1. That in accordance with Section 94 of the *Local Government Act 2020* (the Act) the 2022/23 Budget as tabled be adopted.
2. That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget.
3. That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2022.
4. Declare the fees and charges for the 2022/23 financial year as contained in the 2022/23 Budget document on pages 55 to 64 and that the Chief Executive Officer be authorised to approve minor amendments and inclusions to the fees and charges throughout the financial year.

ATTACHMENTS

[Attachment: 2022-23 Draft Budget](#)

DISCUSSION

In accordance with Section 94 of the *Local Government Act 2020* (the Act) Council is required to formally adopt the 2022/23 Annual Budget by 30 June 2023.

Consultation

The proposed Budget was placed on public exhibition on 11 May 2022 and budget submissions closed on 1 June 2022. This was advertised in the local newspapers and on the internet.

Council received several written submissions which were considered at the Council forum on 15 June 2022. After Council considered all submissions, the following additional items were included in the 2022/23 budget:

- Hopetoun Scout Hall air-conditioning and shelving - \$18,000 (building capital works)
- Warracknabeal Lions Park Public Amenities - \$25,000 (building capital works)
- Contribution towards Murtoa Silo Art project (if grant application is successful) - \$15,000 (operations budget)
- Contribution towards Minyip Cabins (if grant application is successful) - \$75,000 (operations budget)

Other adjustments to the budget included:

- Conran Street, Hopetoun – Kerbing - \$63,000 (infrastructure capital works)
- Increase in training cost - \$41,000 (operations budget)

Other comments:

- Council will be addressing the drainage issue in Byrnes Street, Yaapeet in the 2022-23 maintenance program (operations budget).

Having completed all statutory requirements, the 2022/23 Annual Budget can now be considered for adoption.

Rates and Charges

The proposed Budget provides an increase in general rate revenue of 1.72% for the 2022/23 year. The rate cap has been set at 1.75% by the Minister for Local Government.

Council intends to raise \$13,219,000 which includes rates (\$11,542,000), municipal charge (\$398,000) and service charges (\$1,279,000).

Council believes differential rates contribute to the equitable and efficient distribution of the rate burden to ratepayers. The differential rate ratios are as follows:

- General Land (100% of the general rate in the dollar)
- Farm Land (62% of the general rate in the dollar)

The rates in the dollar to be applied for the 2022/23 year are as follows:

Type	cents/\$CIV
General Land	0.3874
Farm Land	0.2421

The municipal charge will increase from \$77.70 to \$79.06 per rateable assessment for the 2022/23 year. A person may apply to Council for an exemption from the payment of a municipal charge on rateable land in accordance with Section 159 (3) of the *Local Government Act 1989*.

Annual service charges for the collection and disposal of refuse and recycling will increase by 1.75%. A waste service charge and a recycling service charge will be made on all improved properties within Council, excluding commercial and rural properties where such services are provided only upon request.

Council will declare the rates and charges at the July Council meeting, after the Fair Go Rates System annual compliance has been completed as at 30 June 2022.

Capital Works Program

The proposed Budget provides the capital works projects that will be undertaken for the 2022/23 year which is classified by expenditure type and funding source. (Pages 38 to 49)

	Project Cost \$'000	New \$'000	Upgrade \$'000	Renewal \$'000	Grants \$'000	Contributions \$'000	Borrowings \$'000	Council Cash \$'000
Property	3,701	3,378	146	152	1,547	500	500	1,154
Plant & Equip	1,383	63	-	1,320	7	6	-	1,370
Infrastructure	7,645	534	2,972	4,139	5,178	-	-	2,467
Total	12,729	3,975	3,118	5,636	6,732	506	500	4,991

These figures include carried forward works from 2021/22 of \$2,988 million

Schedule of Fees and Charges

The proposed Budget presents the fees and charges of a statutory/non-statutory nature which will be charged in respect of various goods and services during the 2022/23 financial year. The fees and charges are based on information available at the time of publishing and may vary during the financial year subject to changes in Council's policy or legislation. (Pages 55 to 64).

RELEVANT LAW

Local Government Act 2020

- Section 94 – the Budget

Local Government Act 1989

- Section 159 Municipal charge
- Section 172 Council may charge interest on unpaid rates and charges
- Section 167 Payment of rates and charges

COUNCIL PLANS AND POLICIES

- a) Refer to Draft Council Plan 2021-2025 that is being put out for public consultation.
- b) Yarriambiack Shire Council Enterprise Agreement No. 9., Clause 10.9 – Payroll Deductions
- c) Yarriambiack Shire Council Revenue & Rating Plan 2021-25 as presented in this Council Agenda
- d) Yarriambiack Shire Council Debt Management, Relief and Hardship Policy
- e) Yarriambiack Shire Council Budget Framework & Guidelines

RELATED COUNCIL DECISIONS

There are no related council decisions

OPTIONS

Council can elect to not adopt the Draft Budget. This would be a breach of the Act given the legislative requirement to adopt a budget by 30 June 2022.

SUSTAINABILITY IMPLICATIONS

Economic: Economic issues have been considered during the budget process.

Social: Social issues have been considered during the budget process.

Media releases were developed to highlight the main sections of the proposed budget.

Members of the public were invited to make written submissions by 1 June 2022.

Environmental Considerations: Environmental issues have been considered during the budget process.

Climate change: There are no climate change considerations arising from this report.

Financial: The Budget contains financial statements including a budgeted Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Statement of Human Resources.

These statements have been prepared for the year ended 30 June 2023 in accordance with the Act and Regulations. They are consistent with the annual financial statements prepared in accord with the Australian Accounting Standards.

The 2022/23 Budget also included information about the rates and charges to be levied, the capital works program to be undertaken, the human resources required, and other information Council requires in order to make an informed decision about the adoption of the Budget.

COMMUNITY ENGAGEMENT

The proposed Budget was placed on public exhibition from Wednesday 11 May 2022 and budget submissions closed on 1 June 2022. The Budget was advertised in local newspapers and made available for inspection at the Warracknabeal and Hopetoun Office and on

Council's website. Eleven Community consultations were held across the shire and online from 19 April to 5 May.

Council received thirteen budget feedback submissions and a further two relating to the differential rate proposed. Both rates' submissions received endorsed Council's current differential rating system.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation: c) Introduce a new policy, program and/or service; or d) 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 A GIA is not required.	
Link to Gender Impact Assessment	GIA – Adoption of 2022/23 Budget	

RISK

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Policies and Procedures: Monitoring of Policies and Procedures via RelianSys Software. Regular Reporting to Leadership Team and Audit and Risk Committee. External Audit Program - Crowe appointed by VAGO as external auditor	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Financial Systems and Reports -Best of Breed System implemented to provide greater financial compliance and monitoring. Financial Reports developed and dashboards for greater compliance monitoring. Overdraft -maintained at \$3million to monitor cashflow and reduce risk of not having funds available to pay staff and contractors. Grants and Funding Opportunities -Applied for and have been successful in receiving a significant amount of grants and funding opportunities to mitigate asset renewal financing risks.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Community Consultation & Council Plan - Council Plan being built on Community Expectations and Legislative Governance Requirements. Strategic Resource Plan and Long Term Financial Plan to be included in the Budget for 2022-23. Reporting to Council and Audit and Risk Committee -Financial and Non-Financial Performance Reporting, KPI progress on Council Plan.	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.

14.3 Councillor Expense Policy – update

Prepared by Paul Brumby, Acting Director Business Strategy and Performance

SUMMARY

In June 2020, Yarriambiack Shire Council's 2017 Councillor Expense Entitlement Policy was revised to meet the requirements of the (then new) *Local Government Act 2020* (The Act). This new policy, the Council Expense Policy was adopted by Council on 24 June 2020.

The Council Expense Policy has been subject to a desktop review, which made minor changes to the policy, including:

- a) Updating the Councillor remote area travel allowance.
- b) Defining how the motor vehicle travel distance will be calculated.
- c) Including the reimbursement of public transportation charges.

RECOMMENDATION

That Council:

- a) Rescinds the current Yarriambiack Shire Council Expense Policy as adopted on 24 June 2022; and
- b) Adopt the updated Yarriambiack Shire Council Expense Policy as attached to this report.

ATTACHMENTS

[Attachment: Revised Council Expense Policy](#)

DISCUSSION

On 7 March 2022, in accordance with Section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils.

The Determination takes effect from 18 December 2021.

The Determination sets a base allowance for each Council member. The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination.

The Determination also sets a remote area travel allowance for Council members and provides eligibility criteria for claiming it.

Remote area travel allowance - The Tribunal has set a remote area travel allowance equal to \$44 per day, up to a maximum of \$5,500 per annum for each Council member. Eligibility criteria are outlined in the Determination. The previous level set for the remote area travel allowance was \$40 per day, up to a maximum of \$2,000 per annum for each Council member.

As the above legislative amendment triggered the updating of the relevant section of our Council Expense Policy, the decision was made to undertake a desktop review of the entire policy. This has resulted in two further minor additions to the policy:

- Defining how the motor vehicle travel distance will be calculated.
- Including the reimbursement of public transportation charges.

RELEVANT LAW

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

COUNCIL PLANS AND POLICIES

Council Expense Policy

RELATED COUNCIL DECISIONS

24 June 2020 – Adoption of Council Expense Policy

OPTIONS

No other option exists to updating the remote area travel allowance, as it is a legislative requirement under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

The option exists not to include the two new sections dealing with defining how the motor vehicle travel distance will be calculated and including the reimbursement of public transportation charges.

SUSTAINABILITY IMPLICATIONS

Financial: The additional costs arising from the increase in the remote area travel allowance are able to be absorbed within the Councillor travelling budget in 2021/2022 and have been factored into the 2022/2023 budget.

COMMUNITY ENGAGEMENT

Nil

GENDER IMPACT ASSESSMENT

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

RISK

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Implementing the amendment as per the Act	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The remote area travel allowance set in the Council Expense Policy meet the requirements of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

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.

14.4 Child Safety Standards

Prepared by: **Bernardine Schilling, Manager Organisational Performance**

SUMMARY

While mandatory Child Safe Standards (the Standards) have been in effect in Victoria since 2016, the Victorian Government has announced new Standards will commence on 1 July 2022.

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

RECOMMENDATION

That Council:

Rescinds the current:

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

Adopt the updated:

- a) Child Safe Policy as attached.
- b) Child Safe Code of Conduct that will be incorporated into the Employee code of Conduct as attached; and
- c) Website Declaration that outlines Yarriambiack Shire Council's declaration of commitment for the Child Safe Standards as attached.

ATTACHMENTS

[Attachment 1: Child Safe Policy](#)

[Attachment 2: Child Safe Code of Conduct](#)

[Attachment 3: Website Declaration](#)

DISCUSSION

Key changes include new requirements which aim:

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

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

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

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

Council's adoption of the new Standards demonstrates Council's commitment that we do not tolerate child abuse of any kind. Council's actions provide our community with reassurance that we are committed to keeping our children and younger people safe, promoting the cultural safety of Aboriginal children, those from culturally and linguistically diverse backgrounds and children with disabilities.

RELEVANT LAW

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

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

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategy Objective 2 – A healthy and inclusive community, reducing family violence and violence against children.

RELATED COUNCIL DECISIONS

Yarriambiack Shire Council adopted the following documents on the 24 July 2019.

Child Safety Policy and Statement of Commitment

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

OPTIONS

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

SUSTAINABILITY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Once adopted, the new Child Safe Policy and Website Declaration will be made available to our community via our website.

Once adopted, the new Child Safe Code of Conduct will be communicated to all staff.

GENDER IMPACT ASSESSMENT

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

RISK

<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	Update policy and Employee Code of Conduct to ensure communication of changes.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Update of standards and training to ensure compliance by the staff of Yarriambiack Shire Council	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

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

The New Standards include new obligations for organisations to:

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

CONFLICTS OF INTEREST

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

15 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

Operations Responsibilities	Assets Responsibilities	Development Services Responsibilities
<ul style="list-style-type: none"> Town Maintenance Capital Works & Maintenance Programs- Roads, footpaths, kerb & Channel, Bridges & Culverts Parks & Gardens Gravel Pits Plant & Equipment 	<ul style="list-style-type: none"> Aerodromes Technical Services Asset Engineer Asset Inspectors Waste Services GIS Caravan Parks 	<ul style="list-style-type: none"> Planning Building Projects Sustainability & Environment

15.1 Permits issued by Assets and Operations Department – May 2022

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 May 2022 and 31 May 2022

Reference No	Description	Address	Date of Issue
Building Permits			
BP28-21	Extension to Dwelling	Bangerang	15/5/2022
BP21-22	Extension to Shed at Transfer station	Warracknabeal	16/5/2022
BP42-22	Storage Shed	Tempy	17/5/2022
BP43-22	Demolition of Dwelling	Warracknabeal	25/5/2022
Planning Permits			
TP04-22	Farm Shed	Kellalac	2/5/2022
TP05-22	Dwelling	Warracknabeal	3/5/2022
TP10-22	Subdivision	Wallup	2/5/2022
TP12-22	Dwelling	Hopetoun	3/5/2022
TP16-22	Farm Shed	Warracknabeal	23/3/2022
Road Reserve Works & Asset Protection Permits			
2022-13	Asphalting of Railway Crossing	Coromby	6/5/2022

15.2 Road Management Plan

Prepared by Mick Evans, Director Assets and Operations

SUMMARY

Council in accordance with the *Local Government Act 1989*, the *Road Management Act 2004*, and the *Road Management Regulation (General) 2016*, is required to review the Road Management Plan within a period of six months after each general election, or by the next 30 June, which ever is later.

RECOMMENDATION

That Council:

- a) Revoke the existing Road Management Plan 2017; and
- b) Adopt the 2022-2025 draft Road Management Plan as presented to Council as an attachment, to come into effect from 29 June 2022.

ATTACHMENTS

[Attachment: 2022-2025 Road Management Plan](#)

DISCUSSION

1. Legislative Requirement

In accordance with the legislative requirements, Council was required to undertake a review of the Road Management Plan, no later than the 30 June 2021.

Council was also required to adopt and implement practices that aligned with *Local Government Act 2020* requirements to adopt a Community Engagement Policy, embedding the community engagement principles by 31 March 2021. The principles require that the engagement practices must enable meaningful and informed engagement.

2. Delay in Adoption of Plan

Council management experienced a delay in consulting with the community to develop the Draft Road Management Plan and Road Hierarchy due to the COVID-19 pandemic and state lockdown restrictions.

To enable effective, meaningful, and informed engagement, in person sessions were required to complete a deliberative engagement process.

As soon as state enforced restrictions were eased, Council conducted community consultations at sixteen locations throughout the municipality during February to March 2022.

The sessions provided for meaningful discussion and feedback was received to inform the Road Hierarchy review process, which aligns with Council's Road Management Plan.

3. Amendments to the RMP

The draft Road Management Plan is a modern looking document with changes embedded to provide more clarity to enhance decision-making processes.

The plan has been updated taking into consideration, other Council Road Management Plan details and information, thus aligning Councils draft plan with common industry standards.

4. A Summary of Major Changes

The Revision to the Introduction includes:

- a) Expanded clarification on the role of a road authority, and the definition and obligations of road users.
- b) Removal of section 4 Road Asset Register, with references made in Section 3 of the document.
- c) Inclusion of the Road Hierarchy.
- d) Removal of the Capital Works Program section as it was not deemed relevant to the Road Management Plan and has been included in the Draft Strategic Asset Management Plan.
- e) Updates to related policy references.

Changes to Standards and Guidelines section includes:

- f) More detail added to the audit clause and the operational standards clauses.
Removal of traffic management clause that was deemed not relevant to the plan.
- g) Updates to clarify driveway cross over, culvert and rural properties clauses.

Update of the Statutory Review of the Plan includes:

- h) Updates made to Arterial Road section.
- i) Updates to Appendix B - Over Hanging Vegetation factsheet, which includes more clarity with photos included.
- j) Changes made to Appendix C - Road Standards and Response Times, that better aligns with the grouped classifications of the roads and the response timeframes to suit Council capability and capacity.

RELEVANT LAW

Section 125 (1) of the *Local Government Act 1989* requires each incoming municipal council to review its road management plan during the same period as it is preparing its Council Plan under the *Local Government Act 1989*.

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*.

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 2016
- c) Road Hierarchy 2014

RELATED COUNCIL DECISIONS

Council reviewed and adopted the last Road Management Plan on 28th June 2017

OPTIONS

- a) Council adopts the 2022-2025 draft Road Management Plan
- b) Council does not adopt the Road Management Plan and request further investigation and development of the document

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 the 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 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 in place and a robust safety inspection regime could benefit Council in future funding opportunities for capital road work programs.
- As it is not viable from a financial perspective for Council to seal all roads, along with Council only have limited revenue, and being identified as an unsustainable Council in the KPMG report, 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 conducted community consultations at 16 locations throughout the municipality during February to March 2022. The consultation was 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.

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

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

The Draft Road Management Plan was uploaded to the Council website on the 29 April 2022 and was advertised extensively in accordance with Council's Community Engagement Policy. Public feedback submissions were invited until the close of business 31 May 2022.

Council did not receive any formal submissions regarding the draft Road Management Plan 2022-2025.

GENDER IMPACT ASSESSMENT

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 type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – 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	Once the RMP is 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 being adopted. Community consultation been considered during the process.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The draft Road Management Plan 2022- 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.

15.3 Strategic Asset Management Plan

Prepared by Pradip Bhujel, Asset Coordinator

SUMMARY

The report seeks approval from the Council to adopt the Strategic Asset Management Plan (SAMP) By June 30 2022, in accordance with section 92 of the *Local Government Act 2020*. The Strategic Asset Management Plan Highlights the improvements the Yarriambiack Shire Council will need to undertake to meet the service delivery requirements set out in the Council Plan (2021 – 2025) and its Asset Management Policy.

RECOMMENDATION

That Council:

Adopts the Strategic Asset Management Plan as attached.

ATTACHMENTS

[Attachment: Draft Strategic Asset Management Plan](#)

DISCUSSION

This Strategic Asset Management Plan (SAMP) has been prepared to inform Yarriambiack Shire Council's long term financial planning and support the delivery of Council services to the community through infrastructure including roads, footpaths, bridges and culverts, kerbs, buildings, open space, plant and equipment, stormwater pits and pipes, etc.

The Strategic Asset Management Plan:

- a) Enables Council's asset management to integrate with its long-term strategic plan.
- b) Prioritises Council's asset management investment.
- c) Outlines Council asset management practices, processes, and improvements, and
- d) Optimises lifecycle costs in a financially sustainable manner for the assets.

The Strategic Asset Management Plan will assist Council to meet State legislative requirements and is prepared following a review of Council's suite of strategic planning documents. The Plan identifies the strategic and operational practices to enable Council to manage its assets throughout their lifecycle, for the benefit of the community.

The focus of the SAMP is the adoption of a 10-year renewal strategy to address current and forecast asset renewal demand by 2032/33. The draft SAMP shows the investment required to address renewal demand and service delivery through prioritisation of renewal work, alignment with strategic projects, and maintaining the condition and function of assets

Council has made significant improvements over the past few years in current asset management practices, procedures, and processes but still requires development to meet industry best practices. Limitations of asset systems (prediction module), frameworks, resources, and inventory impact asset management. Addressing these limitations increases confidence in asset related decisions and long-term forecasting. Yarriambiack Shire Council's asset management maturity has been assessed as 80% 'core' competency' against the National Asset Management Assessment Framework (NAMAFA),.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

From the Council Plan 2021-25, strategic objective 1 applies to this decision.

Objective 1: A vibrant and diversified economy

- Adopting well-informed long-term asset management strategies

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- Adopt the Strategic Asset Management Plan
- Request further work on the Plan, acknowledging that Council will be non-compliant with legislative requirements to adopt the Asset Management Plan by 30 June 2022.

SUSTAINABILITY IMPLICATIONS

Social: Council is not sustainable unless it can maintain and replace its assets. There are Council assets that are used by members of the public, community groups and committees. This enables connection of communities and enhances community wellbeing. The SAMP will assist Council, in prioritising Council's asset management investment for renewal requirements and meeting the service levels required for this to continue into the future.

Financial: Council is not sustainable unless it can maintain and replace its assets. The SAMP outlines direction in asset renewal by forecasting what financial costs are required which feeds back into Council's long term financial planning.

COMMUNITY ENGAGEMENT

The Strategic Asset Management Plan (SAMP) undertook a community engagement process consistent with Council's Community Engagement Policy.

Engagement commenced on 12 May 2022 and concluded on 15 June 2022.

GENDER IMPACT ASSESSMENT

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

RISK

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Adopting the Strategic Asset Management Plan (SAMP) to meet the State legislation	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	The SAMP provides long-term planning for Shire assets	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The SAMP provides the Asset Management Plan for each asset class.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- a) Australian Accounting Standards
- b) Road Management Act (2004)
- c) National Asset Management Assessment Framework (NAMAF)
- d) ISO 55000 Asset management – overview, principles and terminology
- e) ISO 55001 Asset management – management systems – requirements, and
- f) ISO 55002 Asset management – management systems – guidelines for the application of ISO 55001

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 Assets and Operations Guidelines Manual

Prepared by Mick Evans, Director Asset and Operations

SUMMARY

Council Officers have completed a review of the overdue and outstanding policies due for review and adoption by Council. As part of the review an Assets and Operations Guideline Manual was developed, consolidating policies that underpin Council adopted plans, strategies and policies.

RECOMMENDATION

That Council:

- a) Adopt the draft Assets and Operations Guideline Manual as attached to this report, and to come into effect from 29 June 2022.
- b) Rescind the following policies that are either obsolete or have been incorporated into the Assets and Operations Guidelines Manual:
 - i. Access to rural properties- including Quarries
 - ii. Evaluation of sealed roads
 - iii. School bus routes
 - iv. Roadside slashing/spraying
 - v. Playgrounds
 - vi. Fire Plugs
 - vii. Sewerage of Towns

ATTACHMENTS

[Attachment: Assets and Operations Guidelines Manual](#)

DISCUSSION

The review of the overdue policies has led to a consolidation of documents, forming the Assets and Operation Guidelines Manual. The aim is to have one document that is easily accessible to reference when assisting with decision making.

The aim of the manual is to underpin relevant Council plans, strategies, and policies, and is to be reviewed every three years.

The documents wording that aligns with the Road Management Plan and Road Hierarchy documents.

Due to the guideline manual being developed, there is now a requirement that the seven superseded policies be rescinded as outlined below;

- a) Access to rural properties was last adopted on the 10 December 2014
- b) Evaluation of sealed roads was last adopted on the 10 December 2014
- c) School bus routes was last adopted on 25 March 2020
- d) Roadside slashing/spraying was last adopted on the 10 December 2014
- e) Playgrounds was last adopted on the 22 January 2020
- f) Fire Plugs policy was last adopted in November 2017
- g) Sewerage of Towns was last adopted on the 23 September 2015

RELEVANT LAW

Local Government Act 2020

Local Government Act 1989

Road Management Act 2004

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025

Key Objective 4 – A Council Who Serves Its Community

- Embedding good governance in all decision making made by Council.
- a) Road Management Plan
- b) Roads Asset Management Plan 2019-2023
- c) Asset Management Implementation Strategy
- d) Asset Management Plan 2022-2032
- e) Asset Management Policy
- f) Road Hierarchy
- g) Road Register

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Council may accept the recommendations.
- b) Council may wish to reject the recommendations and/or seek further clarification.

SUSTAINABILITY IMPLICATIONS

Economic:

- The guidance manual will provide a clear framework for decision making, will assist in improving the road network, which will lead to better long-range capital works and maintenance planning and future cost savings.
- Assists in the maintenance and sustainability of the heavy vehicle / bus 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 framework 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.
- Promotes wellbeing for families and children through effective management of the existing and future playground and park facilities
- Assists in community reassurance in emergency management, due to effective managed and maintained urban fire hydrants within the municipality.

Financial:

- The guidelines manual will benefit Council in future funding opportunities for capital road work programs.

- Council has limited revenue and being identified as an unsustainable Council in the KPMG report, we must utilise the limited funds we have to the greatest benefit of the entire municipality. The guideline framework underpins Councils policies and assists in the decision making, as to where Council spends its limited revenue.

COMMUNITY ENGAGEMENT

Community Engagement is not required in relation to adopting the Assets and Operations Guideline Manual or the rescinding of the above-mentioned policies.

Community Engagement has been undertaken for the revision of the Draft Road Management Plan.

GENDER IMPACT ASSESSMENT

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
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 type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to 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	Reviewing and rescinding policies ensures policies are reflective of current legislative and best practice guidance.	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 Beulah, Brim, Rupanyup Recreation Reserves Masterplans Project Funding application

Prepared by Rebecca Botheras, Project Co-ordinator

SUMMARY

A funding opportunity has arisen through the 2022 Local Sports Infrastructure Fund (LSIF) which would enable Council to lodge an application to seek funding to undertake Masterplans for the Beulah, Brim, and Rupanyup Recreation Reserves.

The funding application is required to be submitted by Council, as well as have financial support from Council to ensure matching funding ratios are met in line with the funding guidelines.

RECOMMENDATION

That Council:

- a) Support the lodgement of a funding application for the Beulah, Brim, Rupanyup Recreation Reserves Masterplan Project through the 2022 Local Sports Infrastructure Fund with a grant request amount of \$40,000 and commit \$91,406 as a matching contribution.
- b) Also commit to underwrite any cost escalation for the project budget to deliver the full scope of the project outlined in the application.

ATTACHMENTS

[Attachment: 2022 Local Sports Infrastructure Fund Guidelines](#)

DISCUSSION

Council is currently developing Masterplans for the Murtoa Recreation Reserve and ANZAC Park and have recently been successful in obtaining funding to undertake Masterplans for the Minyip and Hopetoun Recreation Reserves and Warracknabeal Recreation Precinct during the 22/23 Financial Year.

A further funding opportunity has now opened through the 2022 Local Sports Infrastructure Fund for Council to consider and lodge a funding application to develop Masterplans for the Beulah, Brim, and Rupanyup Recreation Reserves. Moving forward, Masterplans will be crucial strategic planning documents that will be required before infrastructure investment applications are submitted for each of the Recreation Reserves.

Should Council decide to lodge a funding application for the above-mentioned Masterplan projects, Council would be required to support the project by contributing \$91,406 to ensure matching funding ratios are met in line with the funding guidelines. Based on consultant quotations, the three Masterplans would cost \$131,406 (including 10% contingency).

Yarriambiack Shire Council's application through the LSIF for the Beulah, Brim, Rupanyup Recreation Reserves Masterplans Project will be submitted through the Planning Stream, which permits applications from LGA's to a total grant request amount of up to \$40,000.

The application is due for submission by 5pm, 12 July 2022. If successful with the application, Yarriambiack is in the position to commence the project within six months of executing a funding agreement and have the projects fully completed within 18 months.

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 & Recreation Strategy 2016-2025 - planning principles addressing benefits to the community, community need, accessibility, sustainable, multi-purpose, and diversity of opportunities.

Beulah Community Action Plan

Brim Community Action Plan

Rupanyup Community Action Plan

RELATED COUNCIL DECISIONS

23 June 2021 – During adoption of 21/22 Budget Council committed funding to develop Masterplans for the Murtoa Recreation Reserve and ANZAC Park

OPTIONS

- a) Council supports the lodgement of a funding application for the Beulah, Brim, Rupanyup Recreation Reserves Masterplan Project through the 2022 Local Sports Infrastructure Fund with a grant request amount of \$40,000 and commit \$91,406 as a matching contribution.

Also commit to underwrite any cost escalation for the project budget to deliver the full scope of the project outlined in the application.

- b) Council may wish to reject this recommendation and/or seek further clarification on the application.

SUSTAINABILITY IMPLICATIONS

Economic: Development of Masterplans for the Beulah, Brim and Rupanyup Recreation Reserves will provide Council and the Committees of Management with strategic direction for the management and development of the Recreation reserves into the future, which could lead to infrastructure investment and economic benefits for the three communities

Environmental: The Masterplans will identify environmental considerations in any future developments, with specific focus on water management and renewal energy initiatives

Financial: The Masterplans will outline cost estimates / QS Reports for prioritised capital works programs at each of the Recreation Reserves which will provide a costed strategy to assist the Committees of Management and Council in funding maintenance and Infrastructure investment into the future.

COMMUNITY ENGAGEMENT

Community Engagement has not been undertaken on the Masterplan Projects to date. Council have notified the Beulah, Brim, and Rupanyup Recreation Reserve Committees of Management of Council's intention to seek funding to develop Masterplans and have subsequently requested Letters of Support towards Council's application.

Community and Stakeholder Engagement will be undertaken and form a key part of the Masterplans developments if funding is successful. As part of this process, Steering Committees would also be formed for each Recreation Reserve to lead the development of the Masterplans alongside Council and appointed consultant.

GENDER IMPACT ASSESSMENT

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 type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Not Applicable	

RISK

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The development of Masterplans for the Beulah, Brim and Rupanyup Recreation Reserves will identify the communities future prioritised projects backed by strategic planning to guide Council's project priorities listing and required funding applications for infrastructure investment.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Masterplans will outline investment required to undertake prioritized infrastructure developments, which will provide guidance to Committees of Management as to what will be expected to fund these works.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Lodging a funding application for the Beulah, Brim, Rupanyup Recreation Reserves Masterplans Project will show Council support for the above-mentioned Recreation Reserves considering Council has financially supported other Recreation Reserve Masterplans.	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.

16 REPORTS FOR DECISION – DIRECTORATE COMMUNITY DEVELOPMENT AND WELLBEING

Community Health Responsibilities	Community and Economic Development Responsibilities
<ul style="list-style-type: none"> Local Laws (including infringement and animal management) Sale Yards Environmental Health Sports and Recreation Positive Ageing (Commonwealth Home Support Program, Brokered & Packaged care) Leisure Centre Kindergartens Playgroup Maternal Child Health (including enhanced services) Immunisation Program 	<ul style="list-style-type: none"> Libraries Economic Development Community Development Tourism Housing Youth Stakeholder Engagement

16.1 Permits Issued by Community Development and Wellbeing Department - May 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 May 2022 and 31 May 2022.

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
07/22	Street Trade Permit	Warracknabeal	23/5/2022
8/22	Street Trade Permit	Rupanyup	24/5/2022
9/22	Street Trade Permit	Rupanyup	24/5/2022
10/22	Street Trader Permit	Warracknabeal	24/5/2022
Firewood collection Permits			
	Roadside wood collection	Brim	9/5/2022
	Roadside wood collection	Warracknabeal	17/5/2022
	Roadside wood collection	Brim	19/5/2022
	Roadside wood collection	Murtoa	23/5/2022
	Roadside wood collection	Warracknabeal	24/5/2022
Septic Tank Permits			

16.2 Warracknabeal Skatepark Response to Petition Update

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

On the 26 October 2021 Council received a petition for improvements at the Warracknabeal Skate Park. One hundred and fifty-nine (159) people had put their names to the petition.

The petition outlined safety and amenity issues. A report was presented to Council on 19 January 2022 outlining Council's response and actions to the petition. A follow up report was to be provided to Council at the June 2022 meeting.

RECOMMENDATION

That Council note the following actions have been undertaken and that further actions will be commenced as follows:

- a) The Youth Impact Officer has continued to monitor behaviour at the skate park since January 2022 and will continue to monitor the behaviour.
- b) Council has been successful in receiving grant funding to contribute towards the master planning of the Warracknabeal Recreation Precinct, which will incorporate the Skatepark area.
- c) Council will explore as part of the master planning of the precinct upgrading the CCTV system and signage to enhance community safety.

ATTACHMENTS

Nil

DISCUSSION

Following the report presented to Council on 19 January 2022, subsequent actions have been undertaken:

- a) The Youth Impact Officer has continued to monitor the behaviour at the Warracknabeal Skate Park and will work with the Youth to seek feedback on issues that emerge.
- b) Council applied for and has been successful in receiving grant funding to contribute towards the master planning of the Warracknabeal Recreation Precinct, that incorporates the current skate park area.
- c) Community engagement will commence in the second half of the year, once a consultant is appointed. This engagement process will include matters raised from the petition such as the skatepark design, signage, shade, recharge stations, tables and chairs (including shelter).

Initial observations have identified that basketball season is predominately the time when issues have emerged, which resulted from many children being dropped off at the basketball stadium, utilising the skatepark and there being limited parental supervision. Conflict has arisen between younger and older children. This behaviour will continuously be monitored; however, Council is limited in their powers and ability to act. We can however be proactive in promoting the benefits of parental/guardian supervision, increase signage and CCTV surveillance where possible.

RELEVANT LAW

Nil

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Sport and Recreation Strategy

RELATED COUNCIL DECISIONS

15.2 Report for Council Warracknabeal Skate Park response to Petition – 19 January 2022.

OPTIONS

- a) Council could identify additional actions they would like pursued to address the matters raised.

SUSTAINABILITY IMPLICATIONS

Economic: A well-functioning skate park and recreation area provides facilities for young people, which in turn has a positive impact on our community and economic viability, enticing families to reside in our townships.

Social: Parental/guardian supervision, CCTV systems, signage and a proactive Youth Impact Officer provide for greater social cohesion and enhanced community safety. This provides an overarching positive benefit on young people's social health and wellbeing.

Financial: Master planning of the recreation precinct will include an upgrade to Council's assets, providing for an asset renewal and upgrade plan. Master planning will assist to secure grant funding reducing the burden on own source revenue to fund such projects.

COMMUNITY ENGAGEMENT

The Youth Impact Officer has continued to engage with young people and monitor the issues that have arisen from the Skate Park.

Community consultation will commence once a consultant is appointed to commence the Master Planning of the Warracknabeal Recreation Precinct.

GENDER IMPACT ASSESSMENT

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
Does this Council report recommendation c) Introduce a new policy, program and/or service; or d) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA has not been completed.
Link to Gender Impact Assessment	Not applicable. This will be undertaken as part of the Project Mandate once the Master Planning is complete.

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	Upgrading the skate park could reduce the risk of injury to members of the public.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council has taken on board the feedback from the petition and applied for funding to undertake master planning of the Warracknabeal Recreation Precinct. The master planning will incorporate a holistic view of the area and the needs of young people in our community.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- VicHealth Physical Activity Strategy

CONFLICTS OF INTEREST

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

16.3 Sale of Surplus Land at Crown Allotment 7 Section 24, known as Duncan Street Warracknabeal

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

Council owns an allotment of land with access from Duncan Street, Warracknabeal to Henty Highway. The allotment is currently vacant and had previously been leased to the owners of a neighbouring motor inn until this arrangement ceased in 2005. The land is surplus to Council requirements and on 24 November 2021, Council endorsed that community consultation commence to list the land for sale.

RECOMMENDATION

That Council endorse the Chief Executive Officer to:

- a) Appoint a real estate agent for the sale of the land known as Crown Allotment 7, Section 24 – Duncan Street Warracknabeal, and
- b) Negotiate and sell the property know as Crown Allotment 7, Section 24 – Duncan Street Warracknabeal on behalf of Council.
- c) Sign all documentation relating to the engagement of an estate agent, legal representatives, and the sale, acting on Council’s behalf.

ATTACHMENTS

[Attachment: Valuation of Allotment 7, Section 24. Duncan Street, Warracknabeal](#)

DISCUSSION

The land is a vacant allotment of 940m² and is zoned General Residential Zone with no overlays. Yarriambiack Shire Council considered selling the allotment in 2000, however objections were received by the neighbouring property who was using it for access. As a result of this Council entered into a lease with the neighbouring business; however, this lease lapsed in 2004 and the site has remained vacant since then.

The site is currently maintained by Council’s town maintenance team and has no Council or community purpose and as such is recognised as surplus to Council requirements. On 24 November 2021 Council endorsed that a community consultation commence to proceed forward with the sale of the land.

Council received no objections to the proposed sale of the land.

RELEVANT LAW

- *Local Government Act 2020 Division 4 Powers in relation to Land*
- *Local Government Act 2020 Division 1 Community Accountability*

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Asset Disposal Policy 2021

RELATED COUNCIL DECISIONS

Council meeting 24 November 2021 - 15.4 Sale of Surplus land at Crown Allotment 7 Section 24 known as Duncan Street Warracknabeal.

OPTIONS

Council could choose not to continue with the advertising and sale of the land.

SUSTAINABILITY IMPLICATIONS

Social, Environmental and Financial: The allotment is currently maintained by Council town maintenance staff to ensure the site is orderly and does not present a fire risk. The site is zoned Township Zone and has access to services including water, electricity, sewer and could be used for residential or commercial purposes.

Yarriambiack Shire Council is experiencing a housing shortage, freeing up land that is surplus to Council's requirements may entice further development to address the housing shortage in our Shire.

Selling land assets that are surplus to requirements, reduces Council's financial burden of maintaining the assets.

COMMUNITY ENGAGEMENT

Under the *Local Government Act 2020* Yarriambiack Council has adopted a Community Engagement Policy which requires deliberative engagement. Council invited submissions from the community in relation to the potential sale of the allotment.

The consultation period commenced in May and concluded in June 2022, running for five weeks.

GENDER IMPACT ASSESSMENT

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

RISK

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The sale of land must be conducted in accordance with the Local Government Act 2020 and Council's Asset Lifecycle Policy requirements. This paper outlines the steps undertaken to meet the requirements of the act.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	Council is being proactive, identifying land that is surplus to requirements to reduce its financial burden, whilst also providing a positive benefit to Council.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

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.

16.4 Lease 18 Cromie Street, Rupanyup

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

At a Council Meeting held on the 23 March 2022 Council revoked the lease at 18 Cromie Street Rupanyup and requested it be advertised by public notice.

RECOMMENDATION

That Council:

- a) Endorse that the lease for 18 Cromie Street Rupanyup be granted to Nutrien Ag Solutions Limited at (five thousand dollars) \$5,000 per year for a period of three years with an option to renew for a further two plus two years.
- b) That the Chief Executive Officer be endorsed to negotiate with Nutrien Ag Solutions Limited on the conditions of the lease prior to documentation being signed and endorsed.
- c) Approve the affixing of the Common Seal to the Lease Agreement between Yarriambiack Shire Council and Nutrien Ag Solutions Limited, in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

ATTACHMENTS

[Attachment 1: Correspondence re: Lease at 18 Cromie Street, Rupanyup](#)

[Attachment 2: Expression of Interest – 18 Cromie Street, Rupanyup – Nutrien Ag Solutions Limited](#)

DISCUSSION

After the Council Meeting held on the 23 March 2022, the block at 18 Cromie Street Rupanyup was advertised for lease via public notice in accordance with Council's Community Engagement Policy.

Two expressions of interest were received to lease the block. Nutrien Ag Solutions Limited (Nutrien Ag) a business that has recently acquired Tylers Hardware and Matt Hurley who operates a local soil and landscaping business.

Nutrien Ag

Nutrien Ag has requested a three (3) year lease with options for a further two plus two years (2 x 2 years). Nutrien Ag had offered rent of five thousand dollars (\$5,000) per year with itemised conditions forming part of the offer. The conditions include Council fencing off the historic shed, levelling the site and top dressing it. Nutrien Ag will fence the remaining section at its own cost.

Soil and Landscaping Business

Matt Hurley requested to lease the property offering rent of one thousand (\$1,000) per year with no conditions listed.

Valuation

Council had the block valued and the market rental was identified to be two thousand six hundred (\$2,600) per year.

Consideration

Both businesses support local employment and the community.

The fencing around the historic shed would need to be constructed regardless of who leased the site. There is an old, recessed mechanic pit inside the shed that Council is looking to fill

in to reduce the risk of potential injury. The shed also poses a risk due to its age and therefore should have restricted access, supporting the need for the fence to be constructed. The levelling and top dressing could be undertaken by Council's own staff. Cost estimates are currently being obtained and a verbal update will be provided during the Council Meeting.

Council has recently incurred costs to demolish the unsafe sheds on the property. It would be beneficial to offer the lease to Nutrien Ag and have an income that would create a return on our investment in the site. The costs incurred to demolish the sheds would be recouped after five years if Council entered into a lease agreement with Nutrien Ag.

RELEVANT LAW

Local Government Act 2020 Part 5, Division 4, Section 115.

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Leases and Licences Policy - 2020

RELATED COUNCIL DECISIONS

- a) Council meeting date 29 September 2021, 18 Cromie Street Rupanyup Lease Tyler's Hardware.
- b) Council meeting 23 March 2022, 18 Cromie Street Rupanyup revoke lease and advertise land by public notice.

OPTIONS

- a) Council could consider alternative uses for the block of land.
- b) Council could opt to sell the block of land, opposed to leasing it.

SUSTAINABILITY IMPLICATIONS

Economic: The leasing of the land provides an economic benefit to the Shire, enabling a local business to expand its offerings.

Social: Leasing the land ensures that Council can support a local business that provides a service to the local community, enhancing community connectedness, wellbeing and pride within their towns.

Financial: The lease reduces the financial burden on Council. It also provides for an opportunity to recover the monies invested in maintaining the site.

COMMUNITY ENGAGEMENT

Under the *Local Government Act 2020* Yarriambiack Council has adopted a Community Engagement Policy which requires deliberative engagement. Council invited submissions from the community regarding the potential lease of the site, known as 18 Cromie Street Rupanyup.

GENDER IMPACT ASSESSMENT

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
Does this Council report recommendation	YES <input type="checkbox"/>
g) Introduce a new policy, program and/or service; or	A GIA has been completed.
h) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – 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	Council has undertaken the process to lease Council owned land in accordance with the Local Government Act 2020, Council's Community Engagement Policy and the Leases and Licences Policy.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Publicly advertising the lease increases transparency in decision making, reducing the risk of reputational damage.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

CONFLICTS OF INTEREST

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

17 OTHER BUSINESS

17.1 Questions from Councillors

18 CLOSED SESSION – Reports for Decision

18.1 Procurement

19 Next Meeting

27 July 2022

CLOSE

_____ **Mayor**