



# **AGENDA**

## **Ordinary Meeting of Council**

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**9:30am Wednesday 27 April 2022**

**VENUE:**

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

**Next Meeting**

Wednesday 25 May 2022

Copies of the Yarriambiack Shire Council's Agendas and Minutes  
can be obtained online at [www.yarriambiack.vic.gov.au](http://www.yarriambiack.vic.gov.au)

AGENDA	Ordinary Meeting of Council
Issue Date: 27 04 2022	

*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 of 23 March 2022**

### **5.2 Minutes of the ordinary Council Meeting held on Wednesday 23 March 2022 be taken as an accurate record and confirmed.**

**Recommendation:**

That the minutes of the Ordinary Meeting of Council held on Wednesday 23 March 2022, as circulated be taken as read and confirmed.

### **5.3 Minutes of the Closed Council Meeting held on 23 March 2022 be taken as an accurate record and confirmed.**

Minutes of the Closed Council Meeting held on Wednesday 23 March 2022 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Closed Council Meeting of Council held on Wednesday 23 March 2022, as circulated, be taken as read and confirmed.

### **5.4 Minutes of the Closed Special Council Meeting held on 13 April 2022 be taken as an accurate record and confirmed.**

Minutes of the Closed Special Council Meeting held on Wednesday 13 April 2022 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Closed Special Council Meeting of Council held on Wednesday 13 April 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

<b>Council Meeting</b>	<b>Recommendation Action</b>	<b>Action Taken</b>
23 March 2021	Item 16.1 Questions from Councillors. Investigation of Hotmix, Hopetoun West Road and Hopetoun Yaapeet Road Intersection.	Investigation identified that the hot mix works had encroached into a larger section of the Regional Roads asset than had originally been planned. Due to the condition of the road, the Department of Transport is reimbursing Council for the cost of the maintenance works undertaken on their section.

## 8 PETITIONS

## 9 CORRESPONDENCE

### 9.1 Anne Webster to Hon. James Merlino MP

Letter received from Anne Webster to Hon. James Merlino MP regarding her meeting with Dunmunkle childcare advocacy group in Murtoa

[Attachment: Anne Webster Letter](#)

## 10 SPECIAL COMMITTEES

### 10.1 Audit and Risk Committee Meeting Minutes

[Attachment 1: Audit and Risk Committee Meeting Minutes 17 January 2022](#)

[Attachment 2: Audit and Risk Committee Meeting Minutes \(draft\) 21 April 2022](#)

## 11 ACTIVITY REPORTS

### 11.1 Mayor's Report

Prepared by Kylie Zanker

23 March	Meet with Nick Kelly re: Short listing for CEO position Accepted Invitation to attend Citizenship Ceremony in Horsham
25 March	Attended Mayors Lunch
28 March	Attended and opened the Seniors Concert in Warracknabeal
30 March	Attended the CEO interviews at the Warracknabeal Neighborhood House
31 March	Discussion with Nick Kelly, McArthur's re: CEO appointment Meeting with Ali Cupper MP in Hopetoun to discuss various items related to Yarriambiack Shire
1 April	Attended Department of Transport meeting Attended Longerenong College awards night at the Horsham Town Hall
2 April	Attended the Beulah Market and Show and Shine as part of the Wide-Open Spaces event
4 April	Meet with Anne Webster MP and the Murtoa community members regarding Childcare
6 April	Attended the Yarriambiack Youth Action Council Meeting
8 April	Acting CEO/Mayor catch up Attended Roundtable with Chris Bowen MP via ZOOM
08 April	Mayor and CEO meeting with potential independent Chair of Audit and Risk Committee
9 April	Attended the Mannari Metals Wimmera 1/8 <sup>th</sup> Mile Drags championship at Warracknabeal
12 April	Attended with Acting CEO Tammy Smith and Haven Home Safe representative 'Social and Affordable House' update across the Shire
13 April	Special Council Meeting to appoint new CEO Attended Council Forum Attended roads discussion with Cr Kirk and concerned rate payer
14 April	Attended Donald Mineral Sands discussion meeting
16 April	Attended the 'Easter in the Beal' Saturday Street Parade and Show and Shine Attended the Tractor Pull at the Wheatlands Museum
17 April	Attended the Wheatlands Vintage Machinery Rally and the Sunday Music at the Museum
19 April	Attended Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Woomelang
20 April	Attended the online Community Consultation Session with CEO and Councillors re: Budget 22-23

- 21 April      Attended Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Hopetoun  
Attended pop up session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy - Brim  
Attended internal Audit and Risk Committee Meeting
- 22 April      Attended Community Consultation session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy - Warracknabeal  
Attended Pop up Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy – Beulah
- 23 April      Accepted invitation and attended the Steampunk event in Dimboola
- 25 April      Attended ANZAC day services at Sheep Hills, Brim and Warracknabeal

## 11.2 Councillor's Reports

### Cr A McLean

- 30 March      Attended the CEO interviews at the Warracknabeal Neighborhood House
- 31 March      Meeting with Ali Cupper in Hopetoun to discuss various items related to Yarriambiack Shire
- 4 April        Attended open house at Hopetoun Scout Hall
- 6 April        Attended Hopetoun Swimming Pool Committee Meeting
- 13 April       Special Council Meeting to appoint new CEO  
                     Attended Council Forum
- 19 April       Attended Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Woomelang
- 20 April       Attended the online Community Consultation Session with CEO and Councillors re:Budget 22-23  
                     Attended Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Hopetoun
- 22 April       Attended Pop up Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy – Beulah

### Cr T Hamilton

- 29 March      Chaired Jung Recreation Reserve Committee Tri Annual Meeting
- 30 March      Attended the CEO interviews at the Warracknabeal Neighborhood House
- 7 April        Met with John Croft, President Seymour Heritage Rail re Murtoa – Beulah train Proposition
- 12 April       Attended Rupanyup Progress Meeting
- 13 April       Attended Special Meeting to appoint new CEO  
                     Attended Council Forum  
                     Attended Murtoa Big Weekend Meeting
- 14 April       Attended Stick Shed Committee Meeting

**Cr G Massey**

- 28 March Attended Seniors Concert at Warracknabeal
- 30 March Attended the CEO interviews at the Warracknabeal Neighborhood House
- 1 April Attended Information Centre Upgrade Briefing at Warracknabeal
- 4 April Visit from Anne Webster MP to discuss Childcare concerns in Murtoa
- 7 April Met with John Croft, President Seymour Heritage Rail re Murtoa – Beulah train Proposition
- 12 April Attended Warracknabeal Action Group Meeting in Warracknabeal  
 Attended Haven Homes Community updates at Warracknabeal
- 13 April Attended Special Meeting to appoint new CEO  
 Attended Council Forum
- 21 April Attended pop up session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy - Brim  
 Attended Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy - Warracknabeal
- 25 April Attended ANZAC day ceremonies at Sheep Hills, Brim and Warracknabeal
- 26 April Attended Wimmera Mallee Tourism Meeting in Rainbow

**Cr C Lehmann**

- 28 March Attended Bowling Club Committee Meeting in Hopetoun
- 30 March Attended the CEO interviews at the Warracknabeal Neighborhood House
- 4 April Attended open house at Hopetoun Scout Hall
- 6 April Attended Hopetoun Swimming Pool Committee Meeting
- 11 April Attended Hopetoun Neighbourhood House Meeting
- 12 April Attended Haven Homes Community updates at Woomelang and Hopetoun
- 13 April Attended Special Meeting to appoint new CEO

## Attended Council Forum

- 19 April Attended Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy – Woomelang
- 20 April Attended the online Community Consultation Session with CEO and Councillors re:Budget 22-23
- Attended Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy – Hopetoun
- 22 April Attended Pop up Community session 2022/23 Budget, Kerbside Glass Collection and Waste Strategy – Beulah

**Cr C Heintze**

- 24 March Attended Donald Mineral Sands discussion meeting via ZOOM
- 30 March Attended the CEO interviews at the Warracknabeal Neighborhood House
- 3 April Attended Dirt Music event in Rupanyup
- 4 April Visit from Anne Webster MP to discuss Childcare concerns in Murtoa
- Attended Minyip Memorial Hall Annual General Meeting
- 6 April Attended Minyip Progress Association and Town Planning Meeting
- 11 April Attended Out of Session Grampians Central West Waste and Resource Recovery Group (GCWRRG) board Meeting
- 12 April Attended Haven Homes Community updates at Murtoa and Rupanyup
- 13 April Attended Special Meeting to appoint new CEO
- 13 April Attended Council Forum
- 14 April Attended Donald Mineral Sands discussion meeting
- 20 April Attended the online Community Consultation Session with CEO and Councillors re:Budget 22-23
- 25 April Attended ANZAC day ceremonies in Minyip and laid wreath

**Cr K Kirk**

- 24 March Attended Donald Mineral Sands discussion meeting
- 25 March Attended Wimmera Development Association – Chair Recruitment Meeting
- 30 March Attended the CEO interviews at the Warracknabeal Neighborhood House

- 4 – 7 April      Attended Australian Institute of Company Directors Training Course
- 12 April        Attended Haven Homes Community updates at Warracknabeal, Woomelang and Hopetoun
- 13 April        Attended Special Council Meeting to appoint new CEO  
Attended Council Forum  
Attended roads discussion with Cr Zanker and concerned rate payer
- 14 April        Attended Wimmera Development Association – new chair discussion
- 20 April        Attended the online Community Consultation Session with CEO and Councillors re:Budget 22-23  
  
Attended Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy – Hopetoun
- 21 April        Attended pop up Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy – Brim  
  
Attended internal Audit and Risk Committee Meeting
- 26 April        Attended Wimmera Development Association CLG Meeting
- 27 April        Attended Council Meeting

### 11.3 Chief Executive Officer Report

#### Prepared by Tammy Smith

24 March	Meeting with Donald Mineral Sands
25 March	Rural Councils Victoria Meeting
28 March	Hopetoun Bowling Club, meeting to discuss insurance claim and replacement of green.
30 March	CEO Interview
30 March	Rural Councils Transformation Program Round 2 – Funding Update
31 March	Meeting with Sport and Recreation Victoria
31 March	Meeting with Ali Cupper MP in Hopetoun
01 April	Meeting with landowners, Murtoa Old School Site Block
04 April	Meeting with resident in Rupanyup, regarding drainage and flooding issues
04 April	Visit from Anne Webster MP to discuss Childcare concerns in Murtoa
05 April	Consultant meeting regarding master planning for Old School Site in Hopetoun
06 & 07 April	Regional Partnerships Meeting in Melbourne
06 April	Department of Jobs Precincts and Regions, CEO's and MAV Forum (online)
08 April	Mayor and CEO meeting with potential independent Chair of Audit and Risk Committee.
11 April	Meeting with Haven Home Safe
12 April	Community Consultation in conjunction with Haven Home Safe in Rupanyup, Murtoa, Warracknabeal, Woomelang and Hopetoun
13 April	Council Forum – Budget Presentation and Hopetoun Old School Site Master Plan presentation
14 April	Wimmera Regional CEO meeting
16 April	Attended the 'Easter in the Beal' Saturday Street Parade and Show and Shine
19 April	Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Woomelang
20 April	Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy - Hopetoun
21 April	Community Consultation – 2022-23 Budget, Kerbside Glass Collection and Waste Strategy – Brim and Warracknabeal
21 April	Audit and Risk Committee Meeting
22 April	Rural Councils Victoria Meeting
22 April	Regional Development Victoria Meeting at Yarriambiack Shire Council

## 12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

### 12.1 Deputy Mayor Allowance

**Prepared By: Tammy Smith, Chief Executive Officer**

**Presented By: Deputy Mayor Karly Kirk**

#### SUMMARY

The Victorian Independent Remuneration Tribunal released the Allowance Payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 (Determination) on 10 March 2022. The determination takes effect from the 18 December 2021 and includes the recognition and an allowance specific for a Deputy Mayor.

#### DECISION FOR NOTING

I, Deputy Mayor Karly Kirk wish to decline the ability to receive the Deputy Mayor allowance, and instead continue to receive the lesser amount, being the Councillor allowance in accordance with the Determination Category 1.

#### ATTACHMENTS

[Link: Determination of allowances for Mayors, Deputy Mayors and Councillors | Victorian Government \(www.vic.gov.au\)](https://www.vic.gov.au/determination-of-allowances-for-mayors-deputy-mayors-and-councillors)

#### DISCUSSION

In accordance with the Determination Yarriambiack Shire Council is recognised as Category 1. As from 18 December 2021 Council is required to provide the following allowances to:

Mayor	\$74,706 per annum
Deputy Mayor	\$37,353 per annum
Councillor	\$24,080 per annum

The value of the allowance payable to a Council member is inclusive of any Superannuation Guarantee Contribution.

The Mayor and Deputy Mayor can either accept the full allowance, or either decline and accept the Councillor base allowance, or decline to receive an allowance at all.

A Council resolution is not required for a Councillor to reduce and/or decline an allowance. However, the decision should be formally noted.

#### RELEVANT LAW

- a) *Local Government Act 2020*
- b) Allowance Payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022

#### COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

#### RELATED COUNCIL DECISIONS

Nil

#### OPTIONS

- a) The Deputy Mayor could choose to accept the Deputy Mayor allowance in full.

#### SUSTAINABILITY IMPLICATIONS

*Financial:* Council appointed a Deputy Mayor, and at the time of appointment the position was not provided with an allowance that was greater than the Councillor allowance. The

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additional costs incurred to provide for a Deputy Mayor allowance places a financial burden on the Council, especially when it has not budgeted for such an allowance.

### COMMUNITY ENGAGEMENT

Not applicable

### 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	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	Including a Council Report in the Agenda, for information only formalises the process for reducing the allowance paid to the Deputy Mayor.	Maintains Residual Risk Level

### REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

### CONFLICTS OF INTEREST

All officers and the Deputy Mayor 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.

## 12.2 Murray Basin Rail Project

**Prepared By: Tammy Smith, Chief Executive Officer**

**Presented By: Councillor Tom Hamilton**

### SUMMARY

Reid Mather, Chief Executive Officer of the Rail Freight Alliance presented to Council Forum on 09 February 2022, regarding the state of Victoria's rail network, particularly the Murray Basin Rail Project.

### RECOMMENDATION:

The Council:

Write to Premier Daniel Andrews, Opposition Leader Matthew Guy and Local Members of Parliament Emma Kealy and Ali Cupper, expressing concern over the Murray Basin Rail Project and request that the Premier honour his government's commitment to complete the Murray Basin Rail Project to its original scope.

### ATTACHMENTS

[Attachment: Murray Basin Rail Project Position Paper](#)

### DISCUSSION

The Murray Basin Rail Project (MBRP) is a \$440 Million (funded equally by the Victorian and Federal Governments). The project is a five (5) part project that was scheduled to be completed by 2018.

Currently an additional \$244 Million of funding has been allocated, \$195.2 of these funds are from the Federal Government. These funds are assigned to completing stage 2 and some maintenance works within the catchment.

Due to the status of the MBRP:

- a) The Freight capacity has decreased from the region.
- b) The region is increasingly reliant on High Productivity Freight Vehicles.
- c) The region has a mix of broad and stand rail guagess.
- d) Transit times by rail have increased.
- e) Rail Freight has been lost to road.
- f) The Road Network is degrading.

The outcomes of this project affect residents within our Shire. This project will reduce emissions and road congestion, increase community amenity, and provide rail as an alternative option to road transport.

It will also support road safety, reducing the number of heavy vehicles utilising the road network. Which will in turn reduce the wear and tear and the level of maintenance required.

**CURRENT VICTORIA RAIL NETWORK**



**RECOMMENDED COMPLETED MURRAY BASIN RAIL PROJECT**



**RELEVANT LAW**

Road Management Act 2004

Road Safety Regulations 2021

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

**RELATED COUNCIL DECISIONS**

NIL

**OPTIONS**

- a) Councillors could choose not to write to all parties advocating for funding to support the Murray Basin Rail Project.

**SUSTAINABILITY IMPLICATIONS**

*Financial:* The increased number of heavy vehicles on our road network, increases costs associated with our maintenance program.

**COMMUNITY ENGAGEMENT**

During recent Road Management Plan and Hierarchy consultations it was noted the increased number of road trains utilising our road networks throughout the Shire.

**GENDER IMPACT ASSESSMENT**

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
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 is not required.
Link to Gender Impact Assessment	GIA – Not applicable

**RISK**

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Financial Risk - Residual Risk Level Medium	Advocating for funding for a well-connected Rail network reduce maintenance costs on our road network.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	A well-developed rail network reduces heavy vehicles on arterial roads, which are often associated with Council opposed to Regional Roads. Therefore, impacting negatively on community satisfaction results relating to road maintenance.	Maintains Residual Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

In March 2020 the Victorian Auditor General tabled their report into the project.

Link: <https://www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades>

**CONFLICTS OF INTEREST**

All officers and Councillors 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.

## 13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Transfer of Land – Beulah Supermarket

*Prepared By: Tammy Smith, Chief Executive Officer*

#### SUMMARY

A request was made from Beulah Cooperative for consideration of transferring the land known as 69 Phillips Street, Beulah (Lot 1 of Lodged Plan 66769). Council resolved on 25 March 2020 to publicly advertise the intention to transfer the land.

#### RECOMMENDATION:

That Council:

- a) Transfer Lot 1 of Lodged Plan 66769, land know as 69 Phillips Street Beulah to the Beulah Co-operative.
- b) That the transfer of the land be for \$1.00 (one dollar); and
- c) That the transfer of land be for the sole purpose of providing the Beulah community with the opportunity to build a community co-operative supermarket.

#### ATTACHMENTS

[Attachment: Valuation of 69 Phillip Street Beulah \(Lot 1 of Lodged Plan 66769\)](#)

#### DISCUSSION

The request was made for the site to be considered for a new community owned and operated supermarket, following the previous establishment being destroyed by fire.

The land is centrally located and is 990 square metres, being 47m by 21m. The land is zoned Township Zone.

Public notice of the intention to transfer the land for \$1 (one dollar) from Council to the Beulah Co-operative commenced on the 01 March 2022 for 28 days, concluding at midnight on the 28 March 2022.

Council received no objections to the proposed transfer.

As at the 16 March 2022, the market value of 69 Phillips Street Beulah Victoria 3395 was \$27,500 (twenty-seven thousand and five hundred dollars) excluding GST and subject to vacant possession.

#### RELEVANT LAW

Council's legal obligations under section 114 of the *Local Government Act 2020* for transferring land require public notification of a minimum of four weeks of an intention to transfer, obtaining a valuation and allowing interested persons to make a submission under Section 114 on the proposed transfer of land.

Following public exhibition of their intention, Council can determine to progress forward or not with the land transfer including seeking a valuation of the land as required under the *Local Government Act 2020*.

#### COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

#### RELATED COUNCIL DECISIONS

25 March 2020 – 13.11 Proposed Transfer of Land: Beulah Supermarket

## OPTIONS

The Council could choose to retain the block of land, and not transfer the supermarket to the Beulah Co-operative.

## SUSTAINABILITY IMPLICATIONS

*Financial:* The transfer of land would not pose a financial imposition on Council. Council would reduce its maintenance costs associated with maintaining the block of land.

*Social:* The transfer of land would provide an overarching benefit to the community of Beulah, enabling them access to groceries locally. A new and enhanced supermarket will provide for greater shelf space to broaden the array of supplies sourced.

*Economic:* A supermarket within a township provides an economic benefit to the community, creating employment opportunities.

## COMMUNITY ENGAGEMENT

Council has consulted with the community, advertising its intention to transfer the land in accordance with Council's Community Engagement Policy.

Advertising included on the website, in the local newspapers, social media, Yarri Yarns newsletter and the local Beulah newsletter.

## GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
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 applicable

## RISK

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The transfer of land has been undertaken in accordance with the <i>Local Government Act 2020</i> and Council's Community Engagement Policy. Council also ensured a current valuation within six months has been provided as part of this Council paper, and to support the resolution.	Maintains 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.

## 13.2 Rates Arrears Transfer Land – 98 Anderson Street Warracknabeal

*Prepared By: Tammy Smith, Chief Executive Officer*

### SUMMARY

Under section 181 of the *Local Government Act 1989 (VIC)*, Yarriambiack Shire Council has the power to recover outstanding rates and charges in respect of any rateable land where the debt is more than three years overdue. Council may sell the land or cause the land to be transferred to itself. This paper outlines that the Chief Executive Officer is seeking a resolution by Council to transfer the land know as 98 Anderson Street Warracknabeal to itself (Yarriambiack Shire Council).

### RECOMMENDATION:

That Council:

- a) In accordance with Section 181 of the *Local Government Act 1989*, approve the transfer 98 Anderson Street Warracknabeal (Lot 1 on Title Plan 375757G, volume 04999, folio number 780) to itself.
- b) Endorse that the remaining outstanding balance of \$2,2266.37 plus further legal and associated costs incurred, that meet the definition of section 181(7) & (8) of the *Local Government Act 1989* be written off as a bad debt as at 30 June 2022.
- c) Endorse the demolition of the derelict fire damaged building on 98 Anderson Street Warracknabeal at a quoted cost of \$21,950 (excluding GST).
- d) Endorse that the block known as 98 Anderson Street Warracknabeal be utilised for the social and affordable housing project, if deemed additional land is required for the project by the Chief Executive Officer.

### ATTACHMENTS

[Attachment: Valuation of 98 Anderson Street Warracknabeal](#)

### DISCUSSION

On 31 March 2022 Council commenced the process of advertising via Public Notice of its Intention to Transfer under Section 181 of the *Local Government Act 1989 (VIC)*, land known as 98 Anderson Street (Lot 1 on Title Plan 375757G, volume 04999, folio number 780) to itself.

To commence this process Council must have a written valuation of the land by a valuer that was made not more than six months before the date of sale or transfer.

Council is required to ensure a public notice process is undertaken of its intention to conduct the sale or carry out the transfer (s181 (5)(b)). Council must ensure that the public notice occurs at least four weeks before the date of the sale or transfer (s181 (6)(a)).

The public notice must meet the requirements of Council's Community Engagement Policy, in accordance with the *Local Government Act 2020*. This includes ensuring that the notice is printed in relevant newspaper publications, on Council's website, in the Yarri Yarns newsletter and on social media.

Council may recover the following amounts from the proceeds of a sale of land, or if the land is transferred, may offset from the transfer the following amounts:

- a) All expenses incurred in connection with the sale or transfer.
- b) The amount of outstanding rates and charges, including interest associated with the amount.

- c) Any other amounts due to it for, or in respect of, rates or charges, including enforcement costs and interest in respect of the land.

The Market Value "as is" for 98 Anderson Street, that occupies a derelict, unoccupied, substantially fire damaged building, is valued at \$20,000 (twenty thousand dollars).

If Council was to demolish the building on 98 Anderson Street, the market value of the property would increase to \$35,000 (thirty-five thousand dollars).

As of 31 March 2022, rates and charges arrears, legal costs and fire hazard removal costs applied to 98 Anderson Street Warracknabeal was \$22,266.37. Further legal costs will be incurred from the section 181 transfer of land process.

In accordance with the *Local Government Act 1989*, if an amount remains after the Council has offset or recovered everything that is permitted to be recovered, it must then use the remaining amount to discharge, in the order of priority, any mortgages and other charges in respect of the land, whether registered or not, that it has notice of, and pay any amount remaining to each person who appears to have an estate or interest in the land.

If any person who is entitled to an amount under section 181 cannot be found after reasonable efforts have been made to find the person, the Council may use the funds for general purposes.

In the case of 98 Anderson Street, the valuation of the property is:

Valuation market value "as is"	\$ 20,000.00
Amount owing to Council	(\$22,266.37)
Amount outstanding to Council	(\$ 2,266.37) + further legal costs to be incurred

Council will also need to demolish the derelict fire damaged building on 98 Anderson Street at the estimated cost of \$21,950 (excluding GST). This is planned to be undertaken as soon as the property is transferred into Council's name.

### **Why Transfer Land?**

Council may require additional land for the construction of the Affordable and Social Housing projects if all funding streams are successful. The 98 Anderson Street Warracknabeal parcel of land would be beneficial to retain for the community housing project. If the parcel of land was deemed surplus to requirements, Council could on sell the parcel of land for current market value, in accordance with Council's Asset Lifecycle Policy and the *Local Government Act 2020* requirements.

### **Discharge (remove) Mortgage or Caveats**

There is a mortgage and caveat to GWMWater registered to the property. As the debt owed to Council is greater than the market value of the property, both parties will be notified that there will be no remaining funds to discharge the mortgage or caveat. Council will not be liable for the outstanding debts.

### **RELEVANT LAW**

- a) Section 181 of the *Local Government Act 1989*  
 b) *Local Government Act 2020*

### **COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

### **RELATED COUNCIL DECISIONS**

NIL

## OPTIONS

- a) The Council could choose not to transfer the land into Council's name and sell the property in accordance with the Section 181 process. The derelict building would still be a contentious issue within the Warracknabeal community. Council Officers cannot instruct the new owner to demolish the building within a specified timeframe, unless it was deemed to meet the Emergency Order provisions under the *Building Act 1993*. Council would also have to find additional land for the housing project if both funding streams were successful.
- b) Council could choose to transfer the land, but not demolish the building, awaiting the outcome of the Social and Affordable Housing project funding submissions. As noted above the derelict, fire damaged building would still be a contentious issue amongst the community.

## SUSTAINABILITY IMPLICATIONS

*Financial:* The transfer of land would not pose a significant financial imposition on Council. It would be required to allocate costs to the building demolition, but if the property was deemed surplus to Council requirements, the costs could be recovered via the sale of the land.

*Social:* The transfer of land to support the affordable and social housing project would provide an overarching benefit to the community. It would enhance social well-being, creating a diverse and socially connected community. The plan to demolish the derelict, fire damaged building would also increase the social well-being of residents. Where beautification works occur to maintain townships and streetscapes, it has an overall positive benefit on how people feel about their town and their Council.

*Economic:* To thrive, townships require a mix of people from diverse socio-economic backgrounds. A diverse social fabric ensures that job vacancies across the shire can be filled. The building of social and affordable housing provides a viable option for people to live, work and reside in our community.

## COMMUNITY ENGAGEMENT

Council has consulted with the community, advertising its intention to transfer the land in accordance with Council's Community Engagement Policy, the *Local Government Act 1989* and *Local Government Act 2020*.

Advertising included the website, in the applicable local newspapers, social media and Yarri Yarns newsletter.

## GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
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 is not required.
Link to Gender Impact Assessment	GIA – Not applicable

**RISK**

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The transfer of land will be undertaken in accordance with the <i>Local Government Act 1989 and Local Government Act 2020</i> , along with the Council's Community Engagement Policy. Council also ensured a current valuation within six months has been provided as part of this Council paper, and to support the resolution.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to demolish the house on 98 Anderson Street Warracknabeal, could impact negatively on Council's reputation.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The transfer of the land is a strategic decision, to ensure that enough land is available if both affordable and social housing projects are successfully funded.	Reduces Residual Risk Level
Political Risk - Residual Risk Level Low	Ensuring that enough land is available for the housing projects, mitigates the risk of funding conditions / milestones not being met.	Reduces Residual Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Link: [Victorian State Government – Social Housing and Growth Initiatives](#)

Link: [Victorian State Government – Big Housing Build \(More Homes for More Victorians\)](#)

**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.

### 13.3 Rates Arrears Transfer Land – 26 Gloucester Avenue Woomelang

*Prepared By: Tammy Smith, Chief Executive Officer*

#### SUMMARY

Under section 181 of the *Local Government Act 1989 (VIC)*, Yarriambiack Shire Council has the power to recover outstanding rates and charges in respect of any rateable land where the debt is more than three years overdue. Council may sell the land or cause the land to be transferred to itself. This paper outlines that the Chief Executive Officer is seeking a resolution by Council to transfer the land know as 26 Gloucester Avenue Woomelang to itself (Yarriambiack Shire Council).

#### RECOMMENDATION:

That Council:

- a) In accordance with Section 181 of the *Local Government Act 1989*, approve the transfer 26 Gloucester Avenue Woomelang (Crown Allotment 12, Section 7, Township of Woomelang Parish of Cronomby, volume 04988, folio number 493) to itself.
- b) Endorse that the remaining outstanding balance of \$11,611.87 plus further legal and associated costs incurred, that meet the definition of section 181(7) & (8) of the *Local Government Act 1989* be written off as a bad debt as at 30 June 2022.
- c) Endorse the demolition of the derelict building and clean-up of the block, known as 26 Gloucester Avenue Woomelang, for the estimated cost of \$35,000 (excluding GST).
- d) Endorse that the block known as 26 Gloucester Avenue Woomelang be utilised for the social and affordable housing project, if deemed additional land is required for the project by the Chief Executive Officer.

#### ATTACHMENTS

[Attachment: Valuation of 26 Gloucester Avenue Woomelang](#)

#### DISCUSSION

On 08 April 2022 Council commenced the process of advertising via Public Notice of its Intention to Transfer under Section 181 of the *Local Government Act 1989 (VIC)*, land known as 26 Gloucester Avenue Woomelang (Crown Allotment 12, Section 7, Township of Woomelang Parish of Cronomby, volume 04988, folio number 493) to itself.

To commence this process Council must have a written valuation of the land by a valuer that was made not more than six months before the date of sale or transfer.

Council is required to ensure a public notice process is undertaken of its intention to conduct the sale or carry out the transfer (s181 (5)(b)). Council must ensure that the public notice occurs at least four weeks before the date of the sale or transfer (s181 (6)(a)).

The public notice must meet the requirements of Council's Community Engagement Policy, in accordance with the *Local Government Act 2020*. This includes ensuring that the notice is printed in relevant newspaper publications, on Council's website, in the Yarri Yarns newsletter and on social media.

Council may recover the following amounts from the proceeds of a sale of land, or if the land is transferred, may offset from the transfer the following amounts:

- d) All expenses incurred in connection with the sale or transfer.
- e) The amount of outstanding rates and charges, including interest associated with the amount.

- f) Any other amounts due to it for, or in respect of, rates or charges, including enforcement costs and interest in respect of the land.

The Market Value "as is" for 26 Gloucester Street Woomelang, that occupies a derelict, unoccupied building, is valued at \$15,000 (fifteen thousand dollars).

As of 31 March 2022, rates and charges arrears, legal costs and fire hazard removal costs applied to 26 Gloucester Avenue Woomelang was \$26,611.87. Further legal costs will be incurred from the section 181 transfer of land process.

In accordance with the *Local Government Act 1989*, if an amount remains after the Council has offset or recovered everything that is permitted to be recovered, it must then use the remaining amount to discharge, in the order of priority, any mortgages and other charges in respect of the land, whether registered or not, that it has notice of, and pay any amount remaining to each person who appears to have an estate or interest in the land.

If any person who is entitled to an amount under section 181 cannot be found after reasonable efforts have been made to find the person, the Council may use the funds for general purposes.

In the case of 26 Gloucester Avenue Woomelang, the valuation of the property is:

Valuation market value "as is"	\$ 15,000.00
Amount owing to Council	(\$26,611.87)
Amount outstanding to Council	(\$ 11,611.87) + further legal costs to be incurred

Council will also need to demolish the derelict building on 26 Gloucester Avenue Woomelang at the estimated cost of \$35,000 (excluding GST). Formal quotations will need to be sought prior to engaging the contractor. This is planned to be undertaken as soon as the property is transferred into Council's name.

Council has been addressing emergency works on the property, under section 66 of the *Public Health and Wellbeing Act 2008*, to remove a beehive that was significantly impacting on the neighbouring resident's health and wellbeing. The bees were hovering around water, plants, taps and the backdoors of neighbouring properties.

A contractor was engaged to create a path to the beehive that was nesting in an old armchair in the rafters of an outhouse building. The beekeeper was visiting the property the week of 10 April 2022 to remove the hive and relocate the bees.

### **Why Transfer Land?**

Council may require additional land for the construction of the affordable and social housing projects if all funding streams are successful. The 26 Gloucester Avenue Woomelang parcel of land would be beneficial to retain for the community housing project, as it is located next door to Council's current community housing units. If the parcel of land was deemed surplus to requirements, Council could on sell the parcel of land for current market value, in accordance with Council's Asset Lifecycle Policy and the *Local Government Act 2020* requirements.

### **RELEVANT LAW**

- c) Section 181 of the *Local Government Act 1989*  
 d) *Local Government Act 2020*

### **COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

### **RELATED COUNCIL DECISIONS**

NIL

## OPTIONS

- a) The Council could choose not to transfer the land into Council's name and sell the property in accordance with the Section 181 process. The derelict building would still be a contentious issue within the Woomelang community. Council Officers cannot instruct the new owner to demolish the building within a specified timeframe, unless it was deemed to meet the Emergency Order provisions under the *Building Act 1993*. Council may also have to find additional land for the housing project if both funding streams were successful.
- b) Council could choose to transfer the land, but not demolish the building, awaiting the outcome of the Social and Affordable Housing project funding submissions. As noted above the derelict building would still be a contentious issue amongst the community and would be a health and safety issue to the residents who reside in the units next door to the property.

## SUSTAINABILITY IMPLICATIONS

*Financial:* The transfer of land would not pose a significant financial imposition on Council. It would be required to allocate costs to the building demolition, but if the property was deemed surplus to Council requirements, part of the costs could be recovered via the sale of the land.

*Social:* The transfer of land to support the affordable and social housing project would provide an overarching benefit to the community. It would enhance social well-being, creating a diverse and socially connected community. The plan to demolish the derelict building would also increase the social well-being of residents. Where beautification works occur to maintain townships and streetscapes, it has an overall positive benefit on how people feel about their town and their Council.

*Economic:* To thrive, townships require a mix of people from diverse socio-economic backgrounds. A diverse social fabric ensures that job vacancies across the shire can be filled. The building of Social and Affordable housing provides a viable option for people to live, work and reside in our community.

## COMMUNITY ENGAGEMENT

Council has consulted with the community, advertising its intention to transfer the land in accordance with Council's Community Engagement Policy, the *Local Government Act 1989* and *Local Government Act 2020*.

Advertising included on the website, in the applicable local newspapers, social media and Yarri Yarns newsletter.

## GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
Does this Council report recommendation i) Introduce a new policy, program and/or service; or j) 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.
<a href="#">Link to Gender Impact Assessment</a>	GIA – Not applicable

**RISK**

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The transfer of land will be undertaken in accordance with the <i>Local Government Act 1989</i> and <i>Local Government Act 2020</i> , along with the Council's Community Engagement Policy. Council also ensured a current valuation within six months has been provided as part of this Council paper, and to support the resolution.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to demolish the house at 26 Gloucester Avenue Woomelang, could impact negatively on Council's reputation.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The transfer of the land is a strategic decision, to ensure that enough land is available if both affordable and social housing projects are successfully funded.	Reduces Residual Risk Level
Political Risk - Residual Risk Level Low	Ensuring that enough land is available for the housing projects, mitigates the risk of funding conditions / milestones not being met.	Reduces Residual Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Link: [Victorian State Government – Social Housing and Growth Initiatives](#)

Link: [Victorian State Government – Big Housing Build \(More Homes for More Victorians\)](#)

**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.

### 13.4 Community Share Grants Program Policy and Guidelines

*Prepared By: Tammy Smith, Chief Executive Officer*

#### SUMMARY

The Community Share Grants Policy and supporting Guidelines have been revised to ensure consistency and transparency of decision making.

#### RECOMMENDATION

##### RECOMMENDATION:

That Council:

- a) Adopt the Community Share Grants Program Policy revision as attached to this report to take effect from 27 April 2022.
- b) Adopt the Community Share Grant Guidelines – Community Buildings that supports the Community Share Grants Program Policy implementation, as attached to this report, to take effect from 27 April 2022.
- c) Adopt the Community Share Grant Guidelines – Events and Sponsorship that supports the Community Share Grants Program Policy implementation, as attached to this report, to take effect from 27 April 2022.
- d) Adopt the Community Share Grant Guidelines – Business and Streetscapes that supports the Community Share Grants Program Policy implementation, as attached to this report, to take effect from 27 April 2022.
- e) Rescind the Community Share Grants Program Policy adopted on 28 August 2019.
- f) Rescind the Community Share Grant Guidelines that was revised and adopted on 04 March 2021 by the Chief Executive Officer.

#### ATTACHMENTS

[Attachment 1: Revision Community Share Grants Program Policy](#)

[Attachment 2: Community Share Grant Guidelines: Community Buildings](#)

[Attachment 3: Community Share Grant Guidelines: Events and Sponsorship](#)

[Attachment 4: Community Share Grant Guidelines: Business and Streetscapes](#)

#### DISCUSSION

The Community Share Grant Program Policy and associated Guidelines was revised as feedback received identified it was not clear how the scoring was applied. It was also deemed subjective, based on how appointed Council Officers interpreted questions and applicable answers.

To address the feedback, the Policy and supporting Guidelines was revised.

The revision now includes:

- a) An overarching Policy, with three separate guidelines applicable to each Grant category.
- b) A matrix that is transparent on how each question is scored. The matrix can be utilised by applicants to address each question, and it is also utilised when Council Officers are appointed to score each application.
- c) A revision of the submission form questions is included in the associated Guidelines and the option to complete an online form will be provided.
- d) Clarification regarding the eligibility and ineligibility criteria has been further defined.

- e) The application and assessment of Conflict-of-Interest provisions has been incorporated into the Guidelines. Precluding Councillors and Council staff from applying for Grants or applying on behalf of an entity. This also extends to immediate family members in the Community Share Grant Guidelines: Business and Streetscapes.

### RELEVANT LAW

*Local Government Act 2020*

### COUNCIL PLANS AND POLICIES

- a) Council Plan: 2021-2025  
 Key Objective 1: A Vibrant and Diversified Economy  
 Key Objective 2: A Healthy and Inclusive Community  
 Key Objective 3: A Robust and Thriving Environment  
 Key Objective 4: A Council Who Serves its Community
- b) Employee Code of Conduct
- c) Councillor Code of Conduct

### RELATED COUNCIL DECISIONS

Minutes 23 March 2022 – Share Grant Evaluation – Round 2 2022

### OPTIONS

- a) Councillors could choose to make additional changes to the Policy and supporting Guidelines.

### SUSTAINABILITY IMPLICATIONS

*Social:* The revision of the Policy and associated Guidelines now has a clear evaluation and scoring link to diversity, inclusion, social wellbeing, and enhancement.

*Economic:* The Share Grant program provides an opportunity for eligible businesses and entities to undertaken and coordinate events, streetscape works, building works that provide an overarching economic benefit to the municipality.

### COMMUNITY ENGAGEMENT

The Policy has been revised based on feedback received from the Community.

### GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
Does this Council report recommendation k) Introduce a new policy, program and/or service; or l) 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:

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The review of the Community Share Grants Program Policy and associated Guidelines has enhanced transparency, created an accountability framework, and incorporated robust conflict of interest provisions into the documentation.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	The revision mitigates reputational risk in relation to transparency and accountability to the community.	Maintains 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.

### 13.5 Audit and Risk Committee Charter Revision

**Prepared By: Tammy Smith, Chief Executive Officer**

#### SUMMARY

The *Local Government Act 2020* received royal assent on 24 March 2020. The new Act required Council to establish an Audit and Risk Committee and adopt a Charter that complies with the requirements of the Act by 01 September 2020.

Council was on the forefront and had previously revised the committee's scope and charter in 2019 to include Risk.

A revised Charter was developed and adopted on 26 August 2020 to comply with the requirements of the new *Local Government Act 2020*.

A further revision has been undertaken by the Audit and Risk Committee and had been attached to this Report for Council consideration.

#### RECOMMENDATION:

That Council:

- a) Adopt the revised Audit and Risk Committee Charter as attached to this report, to take effect from 27 April 2022.
- b) Rescind the Audit and Risk Committee Charter that was adopted on 26 August 2020.

#### ATTACHMENTS

[Attachment: Audit and Risk Committee Charter Revision](#)

#### DISCUSSION

As part of a recent Audit and Risk Committee review and training program, the Charter was revised.

The Charter revisions were endorsed at the Audit and Risk Committee meeting held on 21 April 2022.

The revision includes:

- a) A revision of the Membership, Tenure and Role, with only three independent members to be appointed to the Committee. After consideration, it is not deemed to add greater value increasing membership. The emphasis should be placed on recruiting a diverse skillset amongst the three independent members to meet the specified outcomes within the Charter. Current membership numbers are to be maintained until such time as memberships expire.
- b) The chairperson's role was summarised to be clear and concise.
- c) The Councillors are to appoint the independent Chairperson, opposed to the independent members selecting the Chairperson. The ability for Councillors to appoint the Chairperson provides greater value to Council, where they can provide clear direction to the Chairperson on key performance indicators and outcomes they wish to achieve.
- d) The meetings' structure was revised to remove the prescriptive text regarding the requirement to meet with the internal and external auditors prior to the meeting. This decision should be at the discretion of the independent Chairperson.

#### RELEVANT LAW

In accordance with Section 8(1) of the *Local Government Act 2020 (Vic)*, the role of a Council is to provide good governance in its municipal district for the benefits and wellbeing of the municipal community.

AGENDA	Ordinary Meeting of Council
Issue Date: 27 April 2022	

An Audit and Risk Committee is established under Division 8, Section 53 of the Act. The Committee provides governance oversight on risk management and fraud prevention controls, adopts the annual work plan and oversees internal and external audit functions.

### COUNCIL PLANS AND POLICIES

Council Plan: 2021-2025

Key Objective 4: A Council Who Serves its Community

This Charter has been developed based on best practice guidance and to manage Council's strategic and operational risks.

### RELATED COUNCIL DECISIONS

Minutes Council Meeting – 26 August 2020 – Audit and Risk Committee Charter adopted.

### OPTIONS

Councillors could choose not to accept part, or all of the changes as identified in Red in the attached revised Charter.

### SUSTAINABILITY IMPLICATIONS

The subject matter of this report does not raise any sustainability implications.

### COMMUNITY ENGAGEMENT

Not applicable

### GENDER IMPACT ASSESSMENT

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
Does this Council report recommendation m) Introduce a new policy, program and/or service; or n) 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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The review of the Audit and Risk Committee Charter ensure the Council remains contemporary and the Committee is meeting Council's compliance requirements.	Maintains 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.

## 14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

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

## 14.1 Quarterly Financial and Non-Financial Reporting

**Prepared by: Paul Brumby, Acting Director Business Strategy and Performance**

### SUMMARY

In accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020, Council is required to have an integrated approach to strategic planning with the requirement that monitoring, and performance reporting is to be adopted.

### RECOMMENDATION

That Council:

- a) adopt the Quarterly Financial and Non-Financial Performance Report as of 31 March 2022 as attached to this report.

### ATTACHMENTS

[Attachment: Financial and Non-Financial Performance Reporting Quarter 3](#)

### DISCUSSION

Schedule 1 of the Local Government (Planning and Reporting Regulations) 2020, identifies that Council must produce the following reports within identified time frames as below:

- a) Quarterly Budget Reports, comparing actual and budgeted results and an explanation of any material variations must be completed.
- b) Risk Reports, 6-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies.
- c) Performance Reports, 6-monthly reports of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 98 of the Act.

The Management Team has adopted a holistic approach to meet the requirements of the Local Government Act and Regulations, by compiling a Quarterly Financial and Non-Financial Performance Report.

The report incorporates budget, risk and performance reporting. The Council's risk appetite has been utilised to develop non-financial performance indicators for reporting purposes.

The report is presented to the Management Team and the Audit and Risk Committee, prior to the scheduled Council meeting each quarter.

### RELEVANT LAW

*Local Government Act 2020* – Section 97 Quarterly Budget Report

Local Government (Planning and Reporting) Regulations 2020

### COUNCIL PLANS AND POLICIES

- Annual Budget 2021-2022
- Performance Reporting Framework
- Risk Management Manual

### RELATED COUNCIL DECISIONS

Minutes 26 May 2021 – Adoption of the Annual Budget 2021-2022

Minutes 19 January 2022 – Financial and Non-Financial Performance Reporting (Quarter 2)

Minutes 23 February 2022 – Local Government Performance Reporting (half Year Report)

## OPTIONS

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

The option presented in this report to provide Council with a quarterly report encompassing both financial and non-financial performance reporting, provides enhanced governance and oversight, and promotes transparency in decision making.

Options to be considered:

- a) The Reports could be separated into three distinct reports, opposed to a combined overarching report.
- b) The Risk Report and Performance Reports could be moved to 6 monthly in line with the Local Government Act requirements, with the Budget Reports being quarterly only.

## SUSTAINABILITY IMPLICATIONS

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

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

## COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop the Performance Reporting Framework.

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

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

Council adopted a Community Engagement Policy which is applied when developing and consulting with the community in relation to the Annual Budget development and adoption. The quarterly report outlines Council's financial position against the adopted budget.

## GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
Does this Council report recommendation o) Introduce a new policy, program and/or service; or p) 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:

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The quarterly report incorporates the reporting requirements as outlined in the Local Government Planning and Reporting Regulations 2020 Schedule 1.	Maintains Residual Risk Level

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Financial Risk - Residual Risk Level Medium	The quarterly report includes Budget v Actual reporting, which enables management, Audit and Risk Committee and Councillors to monitor the financial performance of Council and assess and address risks as they arise.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The quarterly report incorporates detailed project reporting, providing enhanced oversight on the performance of projects.	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 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

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

### 15.1 Permits issued by Assets and Operations Department – March 2022

#### RECOMMENDATION:

That Council:

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

Reference No	Description	Address	Date of Issue
<b>Building Permits</b>			
BP12-22	Carport	Warracknabeal	24/03/2022
BP03-22	Farm Shed	Warracknabeal	8/03/2022
BP14-22	Shade Shelter	Minyip Kinder, Minyip	9/03/2022
BP15-22	Signage	Warracknabeal	16/03/2022
BP16-22	Shed	Beulah	9/03/2022
BP22-22	Temp Mast	Kellalac	11/03/2022
BP13-22	Temp Mast	Kewell	11/03/2022
BP20-22	Demolition of Dwelling	Hopetoun	11/03/2022
<b>Planning Permits</b>			
TP21-21	Dwelling	Beulah	28/03/2022
TP56-21	Subdivision Old School Site	Murtoa	25/03/2022
TP01-22		Hopetoun	25/03/2022
TP03-22	Farm Shed	Warracknabeal	28/03/2022
TP08-22	Erection of Marquees for Sunset Banquet Event	Rupanyup	24/03/2022
<b>Road Reserve Works &amp; Asset Protection Permits</b>			
2022 – 10	Rabbit warren ripping	Lascelles	24/03/2022

## 16 REPORTS FOR DECISION – DIRECTORATE COMMUNITY DEVELOPMENT AND WELLBEING

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

### 16.1 Permits Issued by Community Development and Wellbeing Department - March 2022

#### RECOMMENDATION

That Council:

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

Reference No	Description	Name / Location	Date of Issue
<b>Local Laws Permits</b>			
03/22	Street Activity Permit - Share Your Care	Scott St, Warracknabeal	16/03/2022
03/22	Local Laws Permit keeping beehives	Woomelang	29/03/2022
04/22	Local Laws Permit Keeping beehives	Woomelang	29/03/2022
<b>Firewood collection Permits</b>			
	Roadside Wood Collection	Lah	30/03/2022
<b>Septic Tank Permits</b>			

## 16.2 Carry Forward Roadworks 2021/22 to 2022/23

*Prepared by: Joel Turner, Manager Infrastructure and Works*

### SUMMARY

This report identifies an additional funding opportunity for Council and discusses the requirement to carry forward projects into the 2022-23 financial year.

### RECOMMENDATION

That Council:

- a) Accept the recommendation to carry forward Banyena-Pimpinio Road rehabilitation, Horsham-Lubeck Road rehabilitation, Fred Frankles Road resheet, Cambacanya Road resheet, and Duncan Street footpath works to the 2022/23 financial year.
- b) Endorse management to accept the Agri-links funding opportunity available for the Sea Lake Lascelles Road rehabilitation project.
- c) Endorse Management to reassign the money allocated in the 2021-22 financial year to the Fred Frankles Road resheet and Cambacanya Road resheet, to match the Agri Links funding required to conduct the Sea Lake-Lascelles Road rehabilitation project.
- d) Endorse Management to utilise the contractor engaged for the Banyena- Pimpinio Road and Horsham Lubeck Road projects, under contract C299-2022 approved on 23 February 2022.
- e) Endorse Management to relocate the unused matching funding from the Dimboola Minyip Road and Banyena Pimpinio Road to offset the additional cost of engaging contractors to cart in material for the Southern and Central area capital works program.

### ATTACHMENT

Nil

### DISCUSSION

#### ***Agri-Links Funding***

Council previously applied for Agri Links funding through the State Government Department of Jobs, Precincts and Regions (DJPR). Council was successful in securing funding for two priority projects, which have been completed. As part of the grant funding application, Management listed the Sea Lake – Lascelles Road as a sub-project, that did not receive funding as part of the initial application.

DJPR has notified Management that they have additional funds available to allocate to our Council so we can complete the Sea Lake-Lascelles Road rehabilitation works. The funding available to undertake the works is \$264,000. To qualify for the funding, Council would be required to provide \$132,000 in matching funding. With the total project being \$396,000.

To fund this project, Management is recommending that two resheets be carried forward into 22-23 financial year. The recommended resheets to be carried forward would be Fred Frankles Road and Cambacanya Road.

The project is a widening and rehabilitation of a section on Sea Lake - Lascelles Road which is one of Council's heavy vehicle routes. This work can be completed by a contractor recently appointed to undertake works on the Banyena- Pimpinio Road and Horsham-Lubeck Road.

Management would be recommending rolling both the Banyena-Pimpinio Road and Horsham Lubeck Road projects into next Financial Year, to enable the Sea Lake – Lascelles Road project to be undertaken. To be eligible for the funding, Council is to undertake the works in this financial year.

### ***Fred Frankles Road***

Council is experiencing supply delays from Moles Pit, and therefore will not have ample time to complete the resheet on Fred Frankles Road in this financial year. It is requested to carry forward the 4km resheet to the 2022/23 financial year. This makes financial sense as the cartage to this job from the next neighbouring pit is 40km one way compared to 15kms from Moles Pit. Undertaking the project in this financial year would incur additional costs to Council. This further supports the uptake of the Agri-links funding proposal.

### ***Matching Funding Allocated in the Budget***

Council has not expended matching funding allocated in this financial year's budget that was allocated to the Dimboola-Minyip Road and the Banyena-Pimpinio Road. The works were to be joint projects with neighbouring Shires. The Shires were unable to secure funds to proceed with the project. Council allocated \$277,600 of funds across both roads.

Management is recommending that:

- a) As Council is experiencing issues sourcing gravel locally, due to the closing down of several southern gravel pits within the Shire; and
- b) Now being required to cart road building materials greater distances.

the unspent capital funding be utilised to source contractors to cart materials to stack sites in the Southern and Central areas of our Shire.

This approach benefits Council as:

- c) Materials will be available as required, in close proximity, to deliver the capital works program.
- d) Delays experienced currently awaiting the delivery of materials will no longer be an issue.
- e) It is anticipated that productivity will increase.

### ***Duncan Street Footpath***

The Duncan Street Footpath is out the front of the old funeral parlour in Murtoa which has recently been demolished. On inspection, it shows a house set occurring, and this will lead to possibly a new cross over being installed. Management believes it would be best to carry forward this project, and reassess the scope and the path required, once the house is built.

<b>SUMMARY</b>		
<b>CARRY FORWARD</b>		
1905m Banyena Pimpinio Road	Rehabilitation	\$381,000
1800 Horsham Lubeck Road	Rehabilitation	\$288,000
3000m Fred Frankles Road	Resheet	\$72,000
3890m Cambacanya Road	Resheet	\$93,396
20m Duncan Street Murtoa	Footpath	\$10,000
<b>EXTRA WORK</b>		
Sea Lake Lascelles Road (\$132,000.00 matching funding required)	Rehabilitation & Widening	\$396,000
<b>UNUSED MATCHING FUNDING</b>		
Dimboola Minyip Road (50% Horsham Rural City Council)	Rehabilitation	\$100,000
Banyena Pimpinio Road (Northern Grampians Council)	Rehabilitation	\$177,000
<b>Funds required for contractor carting to Central &amp; Southern areas</b>	Resheets	\$300,000

Total required for extra carting and Agri Links matching funding:

**\$300,000.00 + \$132,000.00 = \$432,000.00**

Funds available to be used from 2021/22 unused matching funding + funds from resheets to be carried forward:

**\$100,000.00 + \$177,000.00 + \$72,000.00 + \$93,396.00 = \$442,396.00**

#### **RELEVANT LAW**

*Local Government Act 2020*

*Road Management Act*

#### **COUNCIL PLANS AND POLICIES**

Council Plan: 2021-2025

Key Objective 4: A Council Who Serves its Community

## RELATED COUNCIL DECISIONS

Council Meeting Minutes – 23 February 2022. C299-2022 Design and Construct Rural Sealed Roads.

## OPTIONS

- a) Council does not accept the recommendations and decides not to accept the Agri-links funding of \$264,000.

## SUSTAINABILITY IMPLICATIONS

*Financial* – Government funding is being provided to upgrade the Sea Lake – Lascelles Road. Council would need to utilise its own source revenue or apply for other funding streams to undertake the works. This could delay the works occurring.

## COMMUNITY ENGAGEMENT

Community Engagement has only been conducted in the form of council's customer request system. This is where road defects and maintenance requirements can be identified by the public.

## GENDER IMPACT ASSESSMENT

<b>Gender Impact Assessment (GIA)</b>	<b>Status</b>
Does this Council report recommendation q) Introduce a new policy, program and/or service; or r) 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:

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
26 – Program and Project Risk	The works will need to be done promptly as they appear high on Councils' priority list. If the works are not carried out the priority list of jobs will fall behind and not satisfy Councils planned objectives.	Reduces Risk Level
28 – Financial Risk	Not matching the funding will be considered a missed opportunity and have no benefit to the community. The remaining works on the proposed list not being carried out could result in financial loss to the Council. The projects will not be funded if not carried out in the required timeframe.	Reduces Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable

**CONFLICTS OF INTEREST**

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

## 17 OTHER BUSINESS

### 17.1 Questions from Councillors

### 17.2 Presentations

***Presentations to be made by the Mayor at 11.00am to the following:***

James Gregson, retirement from Audit and Risk Committee after nine Years of Service as Audit and Risk Committee Chairperson and Member.

***Council Staff, recognition of Years of Service 20 years (plus) on Retirement:***

Eugene Germano	34 Years of Service
Peter Watts	38 Years of Service
Phillip Gunn	32 Years of Service

## 18 CLOSED SESSION – Reports for Decision

### 18.1 Audit and Risk Committee Independent Chairperson

### 18.2 C310-2022 Municipal Building Surveyor Services

## 19 Next Meeting

25 May 2022

**CLOSE**

\_\_\_\_\_ **Mayor**