



AGENDA

Ordinary Meeting of Council

9:30am Wednesday 23 March 2022

VENUE:

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

Next Meeting

Wednesday 23 March 2022

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

AGENDA	Ordinary Meeting of Council
Issue Date: 23 March 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 February 2022

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

Recommendation:

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

5.2 Minutes of the Closed Council Meeting of 23 February 2022

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

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 23 February 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****9.1 Status of Statue Project – Nick Cave Statue Committee**

[Attachment – Letter received from Nick Cave Statue Committee](#)

10 SPECIAL COMMITTEES

11 ACTIVITY REPORTS

11.1 Mayor's Report

Cr Kylie Zanker

23 February	Attended Road Management Plan and Road Hierarch Community Consultation at Minyip
24 February	Met with Alistair Shaw regarding the Art is Project
25 February	Attended Road Management Plan and Road Hierarch Community Consultation at Murtoa Attended Road Management Plan and Road Hierarch Community Consultation at Rupanyup Attended Audit and Risk Committee Training (online)
28 February	Attended Road Management Plan and Road Hierarch Community Consultation at Lubeck Attended Road Management Plan and Road Hierarch Community Consultation at Boolite
2 March	Attended Road Management Plan and Road Hierarch Community Consultation at Wallup
7 March	Attended Mayor / Acting CEO catch up Attended Women's International Day Event in Horsham Attended the Warracknabeal and District Band AGM
8 March	Guest speaker for Warracknabeal Neighbourhood Watch Meeting
10 March	Attended audit and risk committee training workshop Attended Meeting regarding the tourist information centre with the committee and interested parties
11 March	Attended Minyip 150-year celebration civic reception opening
12 March	Meet with Sam Pertzel from working Heritage Victoria re Artist in residence and the courthouse project Attended Minyip Show and Shine and street market
13 March	Attended the official opening of the unveiling of the Minyip children's memorial at the Minyip cemetery with the Minyip Primary school captains
16 March	Attended Deaf awareness (Auslan) Training Meet with Danielle Green MP at Rupanyup 'Home is where the Hall is project completion project event.

18 March Attended Department of Transport Meeting
Attended the Warracknabeal 'new comers' night at the Community
Centre, Warracknabeal

11.2 Councillor's Reports

Cr A McLean

- 8 March Chaired Patchewollock Air Strip Committee Annual General Meeting
- 9 March Attended Council Forum

Cr T Hamilton

Cr G Massey

- 8 March Attended Warracknabeal Action Group (WAG) Meeting
- 9 March Attended Council Forum
- 10 March Attended Meeting regarding the tourist information centre with the committee and interested parties
- 11 March Attended Minyip 150-year celebration civic reception opening
- 16 March Attended Deaf awareness (Auslan) Training

Meet with Danielle Green MP at Rupanyup 'Home is where the Hall is project completion project event.
- 18 March Attended the Warracknabeal 'new comers' night at the Community Centre, Warracknabeal
- 22 March Wimmera Mallee Tourism Meeting (online)

Cr C Lehmann

- 9 March Attended Council Forum

Attended catch up with Russell Hilton at the Hopetoun Primary School Site
- 16 March Attended Beulah Progress Association Meeting

Cr C Heintze

- 23 February Attended Council Meeting

Attended Road Management Plan and Road Hierarch Community Consultation at Minyip
- 25 February Attended Road Management Plan and Road Hierarch Community Consultation at Rupanyup

- 28 February Attended Road Management Plan and Road Hierarch Community Consultation at Boolite
- 2 March Attended Minyip Progress Association Meeting
- 9 March Attended Council Forum
- 11 March Attended Opening of Minyip 150th Celebrations
- 12 March Attended Minyip Show and Shine
- 16 March Attended Deaf Awareness Training
Attended Councillor Discussion via ZOOM
- 17 March Attended Grampians Central West Waste and Resource Recovery Group (GCWRRG) Board re transition to Recycling Victoria

Cr K Kirk

- 25 February Attended Audit and Risk Meeting Training
- 2 March Attended Road Management Plan and Road Hierarch Community Consultation at Wallup
- 9 March Attended Council Forum
- 10 March Attended Audit and Risk Training
- 16 March Attended Deaf Awareness (Auslan) Training
Attended Councillor catch up regarding CEO appointment

11.3 Acting Chief Executive Officer Report

Prepared by Tammy Smith

23 February	Meeting with representatives of the community regarding Nick Cave Statue
24 February	Wimmera Southern Mallee By Five Steering Committee Meeting
24 February	Meeting regarding Murtoa Stickshed Procurement
25 February	Road Management Plan and Hierarchy Consultation Murtoa
25 February	Meeting with community members regarding Rupanyup Shire Building
25 February	Road Management Plan and Hierarchy Consultation Rupanyup
25 February	Audit and Risk Committee Training
28 February	Road Management Plan and Hierarchy Consultation Lubeck
28 February	Road Management Plan and Hierarchy Consultation Boolite
01 March	Probus Warracknabeal presentation
02 March	Road Management Plan and Hierarchy Consultation Wallup
03 March	Meeting with GWMWater representatives
07 March	Meeting regarding Old School Site Hopetoun
08 March	Local Government Forum – Circular Economy
09 March	Council Forum
10 March	Audit and Risk Committee Workshop
10 March	Tourist Information Centre Committee Meeting
11 March	Meeting with Executive Officer By 5 Project
11 March	Minyip 150 th – Civic Reception
16 March	Danielle Green MP visit to Rupanyup Memorial Hall – Home Is Where the Hall Is project completion
16 March	Beulah Historic, Learning & Progress Association Annual General Meeting
18 March	Department of Transport Meeting
22 March	Supporting Regional Tourism in the Wimmera Mallee Meeting
22 March	Woomelang District Development Association Meeting

12 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

12.1 Project Management Policy and Procedure

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

Continuous improvement reflection on Project Management practices has occurred since first adopting the Project Management Policy and supporting Procedure on 26 February 2020.

The Policy and Procedure have been revised to reflect contemporary practice.

RECOMMENDATION:

That Council:

- a) Adopted the revised version of the Project Management Policy and Project Management Procedure as attached to this report.

ATTACHMENTS

[Attachment: Revision Project Management Policy](#)

[Attachment: Revision Project Management Procedure](#)

DISCUSSION

The Project Management Policy and Procedure were recently reviewed and revised to reflect current contemporary practices, adopted by Management.

The revised documents align with the definitions and processes in the Procurement Policy and Procurement Management Manual, along with the Budget Framework and Guidelines Manual.

The Project Management Procedure incorporates an additional section relating to community contributions and the requirement for a formal agreement to be entered into with Committees prior to a project commencing. Where the contribution is \$20,000 or less the amount is to be paid up front. Where it is greater than \$20,000, it can be separated into milestone payments over the project implementation phase. A one third payment amount will be required to be paid up front prior to a project commencing.

Council may agree to enter a formal payment plan over a longer period, greater than project implementation phase. An agreement of this nature must be adopted by a formal resolution of Council.

Community contributions are an important part of project planning and seeking funding opportunities, therefore the terms and conditions regarding contributions were required to be clearly defined to ensure a consistent methodology is applied across the Shire.

RELEVANT LAW

The Local Government Act 2020 – Part 2

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 1: A Vibrant and Diversified Economy.
 To deliver projects to meet this objective, a framework for successful delivery is required.

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.
 Embedding good governance into all decisions.

RELATED COUNCIL DECISIONS

Council Meeting Minutes 26 February 2020 – Project Management Policy and Project Management Procedure adopted.

OPTIONS

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

Councillors could choose to request amendments to the Policy and/or Procedure prior to adoption.

SUSTAINABILITY IMPLICATIONS

The Project Management Procedure addresses the risk associated with not receiving community contributions at the completion of a project. The requirement to pay up front, or during project implementation phases ensures Council secures funds that support the funding guidelines.

COMMUNITY ENGAGEMENT

Not applicable.

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	Not applicable

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Program and Project Risk - Residual Risk Level Medium	A revised Project Management Policy and Procedure ensures the documentation reflects contemporary practices.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The documents include the requirement for the community contribution to be paid up front or during project implementation phase, mitigating the risk of financial loss.	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.

12.2 Information Management Policy

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

In August 2020 an internal audit was undertaken of Council's Record Management Systems. As part of a governance improvement recommendation, it was identified that Council develop and adopt a Records Management Policy and Procedure.

RECOMMENDATION:

That Council:

Adopted the Information Management Policy as attached to this report and Agenda.

ATTACHMENTS

[Attachment: Information Management Policy](#)

DISCUSSION

In 2020 Council commenced its transition from a paper-based records management system to an Electronic Document Records Management System (EDRMS).

This transition included a holistic review of how Council stored and managed its information.

The Information Management Policy has been developed to adopt a consistent approach to the management of information across Council, that includes the creation, access, management, storage and disposal of information (including records) of all agency functions, respective of format within the Yarriambiack Shire Council operations.

The Information Management Policy is supported by a Chief Executive Officer adopted Information Management Procedure that outlines the systems utilised for recording information, along with the documents uploaded to each system and the backup process implemented.

RELEVANT LAW

The Local Government Act 2020 – Part 2

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

Public Records Act 1973

Privacy and Data Protection Act 2014

Information Privacy Act 2000

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community. Embedding good governance into all decisions.

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

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

Councillors could choose to request amendments to the Policy prior to adoption.

SUSTAINABILITY IMPLICATIONS

Not applicable

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	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 adoption of the Information Management Policy and the development of an Information Management Procedure ensures Council has a compliance framework for managing information.	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.

12.3 S.6 Instrument of Delegation to Members of Staff

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

As per the new *Local Government Act 2020*, the S.6 Instrument of Delegation from the Council to the Council Staff was reviewed and adopted by 1 September 2020.

As a best practice the S.6 Instrument of Delegation is reviewed annually to ensure consistency with legislative requirements.

RECOMMENDATION:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Yarriambiack Shire Council (**Council**) **RESOLVES THAT –**

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. As from 01 April 2022 the reference to Manager Operations will change to Manager Infrastructure and Works and Manager Development Services will change to Manager Development and Environmental Services and that Council endorses this change to the Instrument of Delegation, Delegation to Members of Council staff under certain legislation.

ATTACHMENTS

[Attachment: S.6 Instrument of Delegation, Delegation to Members of Council staff under certain legislation](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions directly to Council Staff.

This enables for the effective day-to-day operations and administration of the Council and places conditions and limitations to ensure Council continues to make key strategic decisions.

As from the 01 April 2022, the Manager Operations title will change to the Manager Infrastructure and Works and the Manager Development Services title will change to the Manager Development and Environmental Services. The change to the S.6 Instrument of Delegation, Delegation to Members of Council staff under certain legislation will be updated to reflect this change.

RELEVANT LAW

Section 47 (8) of the *Local Government Act 2020* requires that a Council may Instrument delegate specific powers, duties or functions to the CEO.

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COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.
 Good governance practices adopted in the review of the S6 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Council reviews Instruments of Delegations on a regular basis with the S.6 Instrument most recently updated on 26 August 2020.

OPTIONS

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

- a) That Council does not approve the S.6 Instrument of Delegation bringing in to question the legality of decision making by Council Staff.
- b) That Council approve the S.6 Instrument of Delegation with modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S.6 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

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	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	Review of the S.6 Instrument of Delegation ensure Council in operating within an authorised legislative framework.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

12.4 Delegations S18 Instrument of Sub-Delegation Under the Environment Protection Act 2017

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

The S18 Instrument of Sub-Delegation from Chief Executive Officer to members of Council Staff under the *Environment Protection Act 2017*, allows the CEO to sub-delegate powers (delegated by the EPA) to members of Council staff. These instruments will be updated every 6 – 12 months to ensure that they include the latest changes to legislation.

RECOMMENDATION:

In the exercise of the powers conferred by the legislation referred to in the attached S18 Instrument of Delegation S18 Instrument of Sub-Delegation Under the Environment Protection Act 2017, Yarriambiack Shire Council (**Council**) **RESOLVES THAT –**

- a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S18 Instrument of Sub-Delegation Under the Environment Protection Act 2017*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
- b) comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
- c) remains in force until varied or revoked;
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

ATTACHMENT

[Attachment: S18 Instrument of Sub-Delegation Under the Environment Protection Act 2017](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions directly to Council Staff.

This enables for the effective day-to-day operations and administration of the Council and places conditions and limitations to ensure Council continues to make key strategic decisions.

RELEVANT LAW

Section 47 (8) of the *Local Government Act 2020* requires that a Council may Instrument delegate specific powers, duties or functions to the CEO.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.
Good governance practices adopted in the review of the S18 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

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

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- c) That Council does not approve the S.18 Instrument of Delegation bringing in to question the legality of decision making by Council Staff.
- d) That Council approve the S.18 Instrument of Delegation with modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S.18 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

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 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	Adoption of the S.18 Instrument of Delegation ensure Council in operating within an authorised legislative framework.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

13 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 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

14.1 Permits issued by Assets and Operations Department – February 2022

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 February 2022 and 28 February 2022

Reference No	Description	Address	Date of Issue
Building Permits			
BP86-21	Garage	Hopetoun	01/02/2022
BP90-21	Garage	Warracknabeal	01/02/2022
BP119-21	Garage	Minyip	01/02/2022
BP122-21	Carport	Warracknabeal	15/02/2022
BP11-22	Light Towers	Hopetoun Recreation Reserve	21/02/2022
BP02-22	Storage Shed	Warracknabeal	28/02/2022
BP112-21	Re-cladding of Dwelling	Warracknabeal	18/02/2022
BP130-21	Garage	Brim	28/02/2022
Planning Permits			
TP55-21	Dwelling	Hopetoun	14/02/2022
Road Reserve Works & Asset Protection Permits			
2022-05	Water Main Replacement	Warracknabeal	10/02/2022
2022-06	Road Side Vendor	Sheep Hills	17/02/2022
2022-07	Groundwater Monitoring Bore Installation	Minyip / Rich Avon	22/02/2022
2022-08	Crossover Installation	Warracknabeal	23/02/2022
2022-09	Crossover Installation	Warracknabeal	23/02/2022

14.2 Upgrade Sections of Nullan Road and Hemphills Road Nullan

Prepared by Pradip Bhujel, Asset Engineer

SUMMARY

This report seeks approval from Council to upgrade the section of Nullan Road and Hemphills Road, Nullan, combining a total length of 1 km. The proposal is to upgrade the earth surface to a gravel surface, giving the owner access to their primary farm at 75 Hemphills Road. This would reclassify the road category from Rural Access, Secondary, Earth formation (RA6) to Rural Access, Secondary, Gravel surface (RA5).

RECOMMENDATION:

That Council:

- a) Approve the upgrade of the relevant segments of Nullan Road and Hemphills Road to a gravel surface.
- b) Approve the reclassification of the proposed segments of Nullan Road and Hemphills Road from Rural Access, Secondary, Earth formation (RA6) to Rural Access, Secondary, Gravel surface (RA5).

ATTACHMENTS

Not applicable

DISCUSSION

Council received a customer request to upgrade the road 1 km from 311 Nullan Road to the property entrance at 75 Hemphills Road through the Customer Request Management System (CRM) in December 2021.

The property was transferred from one family member to another, and the block of land is their only primary property located in the municipality.

There is an existing gravel surface up to the property entrance at 311 Nullan Road and the rest of the road, right around to the entrance at 75 Hemphills road is of an earth formation, classified as RA6.

As per the Road Management Plan, a primary farm is entitled to an all-weather access road, hence it is acceptable to upgrade the proposed section of Nullan Road and Hemphills Road, 1 km in total length.

Construction of a 4m wide gravel surface will require an initial capital investment of about \$40,000. If approved the works would need to be programmed in the 2022-23 capital works program.

The customer has informed Council that they will be building a house and his son will be living at the property in the near future but is only there occasionally at the moment. The property is utilised for sheep and cereal crops which are transported to Horsham.

During the wet weather due to the formed/dirt road there is no access to the property making it inaccessible to cart spray machines, agricultural machinery, and any other farm machinery.

The map below shows the location of the proposed road section of Nullan Road and Hemphills Road in red.



RELEVANT LAW

- a) *Local Government Act 2020*
- b) *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

This is the first proposed report for this request.

Robinsons Lane November 2016, Council agreed to reinstate a road to gravel surface due to the property owner, who didn't reside at the property but was planning to build a house there in the future and was adding grain silos as well as increasing infrastructure in the following year to store farming plant and equipment.

OPTIONS

- a) Commit to an initial investment of \$40,000 for the upgrade of the section of Nullan Road and Hemphills Road, 1 km total length through the Capital Works Program
- b) Approve the reclassification of Nullan Road and Hemphills Road from RA6 to RA5.
- c) Refuse the request and reclassification of the proposed segments.

SUSTAINABILITY IMPLICATIONS

Economic: The proposal provides for the agricultural land being accessed all year round to provide an economical benefit to the landowner, with the potential for the owner to continue to invest in the land for business purposes.

Financial: A financial investment of this amount would require other identified capital works to be moved out into future years.

COMMUNITY ENGAGEMENT

Not applicable

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 impact 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	Upgrading the roads to all-weather access will ensure a consistent approach to applying the Road Management Plan and Road Hierarchy.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The project will meet the objectives outline in the Road Management Plan and Road Hierarchy.	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 Planning Permit TP56-21 – Subdivision of Land (2 lots), Cromie Street, Murtoa

Prepared By: Adam Moar, Manager Development Services and Jodie Senior (Consulting Planner)

SUMMARY

A planning permit application has been lodged for the Subdivision of Land (2 lots) at 20 Cromie Street, Murtoa, also described as Crown Allotment 2002 Township of Murtoa, Parish of Ashens. The application seeks permission so that all existing buildings on the land, being the former Murtoa Primary School, are retained on one lot (proposed Lot 1) whilst the remaining vacant land is contained on the second lot (proposed Lot 2).

Adjoining property owners were notified of the application during the planning permit application process, and one submission was received raising concerns about the maintenance and heritage value of the buildings on the proposed Lot 1.

RECOMMENDATION

That Council:

Issues a Notice to Grant a Permit under the provisions of the Yarriambiack Planning Scheme in respect of the land known and described as 20 Cromie Street, Murtoa (Crown Allotment 2002 Township of Murtoa), for the Subdivision of Land (2 lots) in accordance with the endorsed plans, with the application dated 21 December 2021, subject to the following conditions:

Conditions:

The Plan of Subdivision PS905866P prepared by Ferguson & Perry Surveying (Ref: 21H0230) and as shown on the endorsed plan must not be altered without the further written consent of the responsible authority.

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Permit Expiry:

This permit will expire if:

- (a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- (b) the registration of the subdivision is not completed within 5 years of the date of this permit

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

General Note:

It is your responsibility to ensure all other authorisations are obtained prior to any works commencing. This may include Building, Engineering and Local Laws Permits. You are also required to abide by any State and Federal Legislation in relation to your approved proposal.

ATTACHMENTS

[Attachment 1: Planning Assessment Report](#)

Attachment 2: Application documents

[A Planning Report](#)

[B Plan for Endorsement](#)

[Attachment 3: Submissions](#)

DISCUSSION

A planning permit application has been submitted for the Subdivision of Land (2 lots) at 20 Cromie Street, Murtoa.

The proposed subdivision is to permit all existing buildings to be retained on one parcel (proposed Lot 1) whilst the remaining vacant land is to be contained on the second parcel (proposed Lot 2).

It is considered that the subdivision has been designed in a manner that it protects the heritage of the existing buildings, and also provides the opportunity for the vacant land to be further developed.

A full planning assessment of this application is provided in the attached Planning Assessment Report.

RELEVANT LAW

Planning and Environment Act 1987

Planning and Environment Regulations 2015

COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

Option 1: Notice of Decision to Grant a Permit in with the conditions attached to the recommendation. The Planning and Environment Regulations 2015 require a notice to be issued where there are objections to a planning permit application. This allows the objectors to have a right of appeal of the decision to the Victorian Civil and Administrative Tribunal (VCAT).

Option 2: Refuse the planning permit application. This is not recommended as it is considered that there are no planning grounds to refuse this application if it was to be challenged by the applicant at VCAT.

SUSTAINABILITY IMPLICATIONS

Social: Additional lot to be created to allow for the potential for additional residential development.

COMMUNITY ENGAGEMENT

The planning permit application was notified to the adjoining property owners for a period commencing from 20 January 2022.

At the time of this Report, one submission was received, and a response has been forwarded for their consideration.

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 Residual Risk Level</i>	<i>Action maintain or reduce Risk</i>
Reputational Risk - Residual Risk Level Low	Appropriate consideration of the application through the applicable sections of the Planning and Environment Act 1987.	Maintains Residual Risk Level	Residual Risk

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

CONFLICTS OF INTEREST

This application relates to land which Council has commenced the process of purchasing lot 2. On behalf of Council Mr. Adam Moar, Manager Development Services, has acted as applicant for the application and engaged Ferguson Perry surveying to prepare the planning permit application and Northwest Planning (Jodie Senior) to undertake the assessment of the application.

14.4 Planning Permit TP01-22 – Proposed restricted recreation facility – 62 Lascelles Street, Hopetoun

Prepared by Adam Moar, Manger Development Services

SUMMARY

A planning permit application has been lodged for the reuse of the CFA station in Hopetoun to a restricted recreation facility (gym). The site is described as 62 Lascelles Street, Hopetoun (Lot 20 LP 3170). The Hopetoun and District Neighbourhood House will be operating the gym and will be required to meet any conditions of any approved planning permit.

Adjoining property owners were notified of the application during the planning permit application process, and one submission was received raising amenity concerns relating to noise generation, hours of operating, and overlooking/privacy issues.

RECOMMENDATION

That Council:

- a) Issues a Notice to Grant a Permit under the provisions of the Yarriambiack Planning Scheme in respect of the land known and described as **62 Lascelles Street, Hopetoun (Lot 20 LP3170)**, for the use of the existing building as a restricted recreation facility in accordance with the endorsed plans, with the application dated 4 January 2022, subject to the following conditions:

Conditions:

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.
2. The development as shown on the endorsed plans must not be substantially altered without the written consent of the responsible authority.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - transport of materials, goods or commodities to or from the land.
 - appearance of any building, works or materials.
 - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - presence of vermin.
 - car parking.
4. All areas to be used for car parking must be maintained for this purpose. Areas for car parking should not be used for the storage of materials or rubbish collection.
5. The use of the site is permitted during the following hours:
 - 6.00am to 9.00pm daily.
 - Outdoor classes are permitted during the following hours:
 - 9.00am to 5.00pm Monday to Friday
 - 9.00am to 1.00pm Saturdays
 - No classes Sundays or public holidays
6. No amplified music/instructing is permitted to be used before 9.00 am or after 5.00 pm.

7. Prior to the commencement of the use permitted by this permit:

- Screening trees are to be planted along the southern boundary to provide for a full vegetated screen.
- A method of screening is to be installed over the kitchen window to reduce vision into adjoining properties.

8. Following the removal of the portable building from the site and prior to classes commencing in this area a screen to a height of 1.8 metres be constructed to restrict viewing of the rear yard of the adjoining property to the south of the site.

9. The applicant must comply with the Environment Protection Authority Guideline Publication 1411, Noise from Industry in Regional Victoria.

10. This permit approves the use of the site only. Building works, other than required by a condition on this permit, outside of the existing building are subject to further approval from the Responsible Authority.

Permit Expiry

11. This permit will expire if one of the following circumstances applies:

- The development is not started within two years,
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

NOTE:

- It is your responsibility to ensure all other authorisations are obtained prior to any works commencing. This may include Building, Engineering and Local Laws Permits. You are also required to abide by any State and Federal Legislation in relation to your approved proposal.

ATTACHMENTS

[Attachment 1: Planning Assessment Report](#)

Attachment 2: Application documents

[A Gym Floor Plans](#)

[B Planning Permit Cover Letter](#)

[Attachment 3: Applicants response to submission](#)

DISCUSSION

The Hopetoun and District Neighbourhood House has submitted a planning permit application for a restricted recreation facility (gym) at the former CFA station in Hopetoun. The gym is proposed to be open between 6 am and 9 pm. Members would be required to comply with a set of rules when they sign up.

The permit is for the use of the site only. No external building works, other than what has been conditioned as part of the recommendation, would be approved as part of the permit as no building plans have been submitted.

A submission was made that raised concerns about amenity and privacy issues. The applicant was provided with a summary of the submission and provided a response which outlined some measures they propose to undertake to address the concerns raised. These have been formalised through conditions in the recommendation.

It has been recommended that the application be approved subject to conditions. The majority of the conditions recommended are to address the amenity and privacy concerns raised and to formalise the proposed operation of the facility.

A full planning assessment of this application is provided in the attached Planning Assessment Report.

RELEVANT LAW

Planning and Environment Act 1987

Planning and Environment Regulations 2015

COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

Option 1: Notice of Decision to Grant a Permit in with the conditions attached to the recommendation. The Planning and Environment Regulations 2015 require a notice to be issued where there are objections to a planning permit application. This allows the objectors to have a right of appeal of the decision to the Victorian Civil and Administrative Tribunal (VCAT).

Option 2: Refuse the planning permit application. This is not recommended as it is considered that there are no planning grounds to refuse this application if it was to be challenged by the applicant at VCAT.

SUSTAINABILITY IMPLICATIONS

Economic: Makes use of a building that would otherwise remain empty.

Social: Providing an option to create a healthier community.

COMMUNITY ENGAGEMENT

The planning permit application was notified to the adjoining property owners for a period commencing from 27 January 2022.

At the time of this Report, one submission was received, and a response has been forwarded for their consideration.

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 Residual Risk Level	Action to maintain or reduce Risk
Reputational Risk - Residual Risk Level Low	Appropriate consideration of the application through the applicable sections of the Planning and Environment Act 1987.	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 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

15.1 Permits Issued by Community Development and Wellbeing Department February 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 February 2022 and 28 February 2022.

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
Firewood collection Permits			
	Roadside Collection Permit	Warracknabeal	07/02/2022
Septic Tank Permits			

15.2 Review of Warracknabeal Gym Rent Free Period

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

The Warracknabeal Leisure Centre Gym has been leased since May 2021 to Elite Contender. Council agreed to a rent-free period until the end of January 2022 to allow the business to develop and provide the community with a modern health and wellbeing exercise facility. The rent-free period is now due for review.

RECOMMENDATION

That Council:

- a) Extends the rent-free period for a further six (6) months due to the impact of COVID-19 restrictions which delayed and impacted the membership recruitment. This will enable the business to establish successfully, and the decision endorses Council Plan Objective 2, a Health and Inclusive Community.
- b) The rent-free period will not be extended beyond the six month extension.

ATTACHMENTS

Not applicable

DISCUSSION

The gym owner Damien Smith met with the Acting Chief Executive Officer Tammy Smith (no relation) and the Director Community Development and Wellbeing to review the business and discuss the ending of the rent-free period on 01 March 2022. While the last two months has seen the membership increase to 150 members this is the first time since opening that the business has had consecutive months of being open and allowed growth.

The impact of COVID lockdowns has seen a restart three times of the gym and disruption to the hours and use. Despite this Rural Northwest Health and junior classes have commenced with adult members attending the gym between 6am and 11pm.

The owner stated that Warracknabeal has now the largest gym membership of the three gyms he offers.

Giving the extra time rent free will allow a clear picture of the sustainability of the gym moving forward providing we have no further restrictions.

Rent was set at \$355.53 per month when the license was agreed to in Council.

RELEVANT LAW

Part 2, Division 1 number 8 of the *Local Government act 2020* looks at the role of Council to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

Local Government Act 1989, s190 did not apply to the Gym Licence agreement therefore a s223 submissions process was not required. s190 of the *Local Government Act 1989* was replaced on 01 July 2021 by s115 of the *Local Government Act 2020*. To enter into a lease or licence after this time, it will first have to undertake a community engagement process in accordance with Council's Community Engagement Policy.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025, including Council's Health and Wellbeing Plan.

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RELATED COUNCIL DECISIONS

Licence entered under Chief Executive Officer delegation – April 2021.

OPTIONS

Council can decide not to continue the rent-free period and commence charging rent as per the licence agreement conditions.

SUSTAINABILITY IMPLICATIONS

Economic: Potential loss of the tenant if the business is deemed unviable.

Social: Community feedback and membership growth has been positive, demonstrating strong support for a gym facility.

Financial: Loss of rent to Council, however the health and wellbeing benefit would far outweigh the minimal financial loss.

COMMUNITY ENGAGEMENT

The tendering for a Gym provider was enacted due to feedback from the Community where there was a demonstrated need for this service.

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 Residual Risk Level	Action to maintain or reduce Risk
Reputational Risk - Residual Risk Level Low	Supporting a Gym being available to the community has been positive for council and contributes to Key objective 2: A Health and Inclusive Community in the 2021-2025 Council Plan.	Reduces Residual Risk Level	Residual Risk

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

15.3 Lake Coorong Homestead Lease, Hopetoun and District Historical Society Inc

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

The Lease for Lake Coorong Homestead is due for renewal. After meetings and communication with the committee a lease has been prepared that meets all parties approval.

RECOMMENDATION

That Council:

Approves a 5 (five) -year Community Lease with an option for a further 5 (five) years for the Lake Coorong Homestead to the Hopetoun and District Historical Society Inc. Rental as per Yarriambiack Shire Council Lease and Licence Policy to be set at \$1 (one dollar) per year.

ATTACHMENTS

[Attachment: Lake Coorong Homestead lease](#)

DISCUSSION

The Hopetoun and District Historical Society Inc have been looking after Lake Coorong Homestead for many years, they have worked closely with Council to maintain links to Hopetoun's History and showcase it for visitors to the town.

The Lease is now due for renewal and Council staff have met with the committee and communicated to ensure a Lease has been drafted that reflects the role of the society and councils' requirements for a community Lease.

RELEVANT LAW

Local Government Act 2020, Part 5 Council operations, Division 4 Powers in Relation to land, Section 115 Lease of land.

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Leases and Licences Policy.

RELATED COUNCIL DECISIONS

Council Meeting 28 April 2021 - Lease of 81 Scott Street Warracknabeal , Warracknabeal Historical Society.

OPTIONS

- a) Council could manage the homestead itself with staff or look at offering a Commercial Lease option to the open market. The costs to Council and a business case would need to be explored prior to this option being considered.

SUSTAINABILITY IMPLICATIONS

Economic: Minor costs to Council in assisting with grounds maintenance.

Social: Assist local community to maintain links to its heritage.

Financial: Volunteers assist council by looking after council asset.

COMMUNITY ENGAGEMENT

Engagement with Historical society directly.

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 Residual Risk Level</i>	<i>Action to maintain or reduce Risk</i>
Reputational Risk - Residual Risk Level Low	Council supporting local community with lease and officer support	Maintains Residual Risk Level	Residual Risk
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Council has entered community lease arrangements across shire	Maintains Residual Risk Level	Residual Risk

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

CONFLICTS OF INTEREST

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

15.4 Revoke current Lease - 18 Cromie Street Rupanyup

Prepared by Gavin Blinman, Director Community Development and Wellbeing

SUMMARY

At Council's meeting on the 29 September 2021 Council approved Tyler's hardware taking up a Lease on 18 Cromie Street Rupanyup. The business has now been sold and the new owners are requiring a new Lease.

RECOMMENDATION

That Council:

Revoke the current Lease for Tyler's Hardware and negotiate a new Lease with Nutrient Ag for 18 Cromie Street, Rupanyup.

ATTACHMENTS

Nil

DISCUSSION

The block is currently awaiting a demolition contractor to remove asbestos and derelict sheds, this should be resolved in 4 (four) weeks.

Nutrient Ag has communicated they would like to discuss a lease for the block.

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Leases and Licences Policy.

RELATED COUNCIL DECISIONS

Council meeting date 29 September 2021, 18 Cromie Street Rupanyup Lease Tyler's Hardware.

OPTIONS

Councillors could decide to:

- a) Not pursue a lease option and keep the parcel of land for Council purposes. However, at this point in time, it should be noted no Council purpose has been identified.
- b) Sell the parcel of land, however significant financial costs could be incurred to rehabilitate the land.

SUSTAINABILITY IMPLICATIONS

Social: Provides an opportunity for a local business to expand.

Environmental: block is maintained by business at no costs to Council.

Financial: income derived from land not utilised by Council.

COMMUNITY ENGAGEMENT

Not required for revoking lease.

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 Residual Risk Level</i>	<i>Action maintain or reduce Risk</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Revoking of lease is good governance practice. This practice enables the lease to be renegotiated with another party.	Maintains Residual Risk Level	Residual Risk

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 Keeping of Bees Permit Application for 28 Church Street Woomelang

Prepared by Craig Byron, Range / Local Laws Officer

SUMMARY

On the 04 February 2022 the owner of 26 and 28 Church Street Woomelang applied for a permit to keep bees at the property, after a Notice to Comply was issued.

RECOMMENDATION

That Council:

Only approve the permit application if the property owner complies with the hive density limit under the Yarriambiack Planning Scheme and the Apiary Code of Conduct. He must reduce the number of beehives to ten hives within 14 days of being notified of Council's decision.

If the property owner wishes to keep more than ten (10) beehives on his property, he will require a Planning Permit.

That Council:

- a) Approve the permit application under Council's Local Law for ten (10) hives on the combined area of 26 and 28 Church Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- b) Advise the property owner that keeping any additional hives, including temporary hives, will require a planning permit application to be submitted to Council for further consideration.
- c) That Council require the property owner to provide his Beekeeping Registration documentation within fourteen (14) days of being notified of Council's decision.

ATTACHMENTS

[Attachment: Objection to Permit issued](#)

[Attachment: Reference May 2011 Apiary-Code-of-Practice.pdf \(vicbeekeepers.com.au\)](#)

DISCUSSION

A complaint had been received from a resident who resides on Church St Woomelang. The complaint related to hundreds of bees swarming in the complainant's backyard.

On further investigation it was identified that the property owner was keeping fourteen beehives at his 28 Church Street Woomelang property.

In the property owners permit application he states that with his two properties at 28 and 26 Church Street Woomelang he has nearly an acre of land. The owner has provided no reference to his beekeeping registration.

On inspection of his property at 28 Church Street Woomelang, there were twenty-nine active Beehives. This is above the dwelling density limit under the Yarriambiack Planning Scheme and the Apiary Code of Conduct 2011.

Permit Objection forms were sent out to surrounding neighbours, and one objection was received. The objector stated that she is allergic to bees and has had to obtain an EpiPen. Concerns were also raised regarding the amount of water being provided and the exorbitant number of bees.

The Yarriambiack Planning Scheme provides a list of uses, buildings and works that do not require planning permits. Included in this list is *the use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met*. In this case the relevant

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section of the Apiary Code of Practice relates to hive density. In the Residential, Industrial, Commercial and Special Purpose zones the following density limits apply:

Tenement size	No. of hives
500 m ² or less	1
501 m ² to 1000 m ²	2
1001 m ² to 2000 m ²	5
2001 m ² to less than 4000 m ²	10
4000 m ² to less than 1 ha	60
1 ha to 2 ha	100
Larger than 2 ha	No limit

The area of land associated with 26 and 28 Church Street is approximately 3200 m² therefore is only permitted to have ten (10) hives without planning permission. The property owner has indicated that he intends to reduce the amount of hives to ten (10), however has also indicated that he would be using the site as a transition site as he moves hives from one farm to another for the purpose of pollination. Advice from Agriculture Victoria indicates that he would need approval for the temporary use of the land for the additional hives if the total number were to exceed ten (10). Further discussions will be needed with the property owner in relation to compliance with the Yarriambiack Planning Scheme.

RELEVANT LAW

General Local Law No.5 Clause 416 Keeping of Bees or Roosters

- (1) A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme.
- (2) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.

COUNCIL PLANS AND POLICIES

Not applicable

RELATED COUNCIL DECISIONS

April 2017 – Murtoa Beehive Permit

Recommendation That Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

Cr K Zanker seconded Cr C Heintze that Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

Cr T Hamilton & Cr H Ballentine objected to the above motion.

OPTIONS

- a) That Council reject the permit application to keep bees at 28 Church Street Woomelang, due to the risk posed by bee swarms to nearby residents is too high.

SUSTAINABILITY IMPLICATIONS

Social: Possible impact on the local community, in restricting outdoor activities in close proximity to the beehives.

COMMUNITY ENGAGEMENT

Eleven Objection to Permit forms were sent to nearby residents of 28 Church Street Woomelang; with only one objection being received by Council.

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 maintain or reduce Residual Risk Level	Action Residual Risk
Environmental Sustainability Risk - Residual Risk Level Medium	By putting in place hive density limits in compliance with the Apiary Code of Conduct and the Yarriambiack Planning Scheme supports the pollination process.	Maintains	Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Utilising the Apiary-Code-of-Practice provides a sound framework to support the decision-making process.	Maintains	Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

15.6 Keeping of bees permit application 31 Brock Street Woomelang

Prepared by Craig Byron, Ranger / Local Laws Officer

SUMMARY

On 08 February 2022 a resident of 2 Proctor Street Woomelang applied for a permit to keep bees at a friend's property at 31 Brock Street Woomelang. The resident applied for the permit, after he was sent a Notice to Comply.

The notice to comply was issued after a complaint was received regarding swarming bees.

RECOMMENDATION

That Council:

Approve the permit application if the resident continues to comply with the hive density limit under the Yarriambiack Planning Scheme and the Apiary Code of Conduct.

If the resident wishes to keep more than four beehives on the property at 31 Brock Street Woomelang, he will require a Planning Permit.

That Council:

- d) Approve the permit application under Council's Local Law for four beehives at 31 Brock Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- e) That Council require the resident to provide his Beekeeping Registration documentation within 14 days of being notified of Council's decision.

ATTACHMENTS

[Attachment: Objection to Permit Issue](#)

[Attachment: Reference May 2011 Apiary-Code-of-Practice.pdf \(vicbeekeepers.com.au\)](#)

DISCUSSION

The investigation into the complaint revealed that the resident was keeping four beehives at the rear of the property at 31 Brock Street Woomelang.

In the residents permit application and attached letter, he states that he has permission from the property owner; and that he has consulted with the immediate neighbours, who had no issues with the location of the beehives. The resident has stated he is a registered Victorian Beekeeper and has provided his registration number. The resident states that his hives are kept in accordance with the Code of Practice for bee keeping.

The last inspection of the beehives at 31 Brock Street Woomelang, it was recorded that there were four active beehives. The beehives were individually numbered and were kept well away from the fence line to the adjacent laneway (Bailey Lane). There were no bees swarming outside of the hives.

Permit Objection forms were sent out to surrounding neighbours, and only one objection was received. The objector stated that the rear of his property joins onto Bailey Lane, and that he is afraid to walk along the laneway. He also states that there are six hives being kept at the address of 31 Brock Street.

The Yarriambiack Planning Scheme provides a list of uses and buildings and works that do not require planning permits. Included in this list is *the use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met*. In this case the relevant section of the Apiary Code of Practice relates to hive density. In the Residential, Industrial, Commercial and Special Purpose zones the following density limits apply:

Tenement size	No. of hives
500 m ² or less	1
501 m ² to 1000 m ²	2
1001 m ² to 2000 m ²	5
2001 m ² to less than 4000 m ²	10
4000 m ² to less than 1 ha	60
1 ha to 2 ha	100
Larger than 2 ha	No limit

The area of land associated with 31 Proctor Street is approximately 1940.94 m² therefore is only permitted to have a maximum of five hives without planning permission.

Therefore, the applicant is complying with the density limit requirements under the Apiary Code of Practice.

RELEVANT LAW

- c) State the specific legislative power which Council is exercising
 General Local Law No.5 Clause 416 Keeping of Bees or Roosters
- (3) A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme.
- (4) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.
- d) State whether there are any limitations or restrictions to the exercise of that power.

COUNCIL PLANS AND POLICIES

Not applicable

RELATED COUNCIL DECISIONS

April 2017 – Murtoa Beehive Permit

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Cr K Zanker seconded Cr C Heintze that Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

Carried

Cr T Hamilton & Cr H Ballentine objected to the above motion.

OPTIONS

- a) That Council reject the permit application to keep bees at 31 Brock Street Woomelang, due to the risk posed by bee swarms to nearby residents being considered too high.

SUSTAINABILITY IMPLICATIONS

Social: Possible impact on the local community, in restricting outdoor activities in close proximity to the beehives.

COMMUNITY ENGAGEMENT

Nine Objection to Permit forms were sent to nearby residents of 31 Brock Street Woomelang; with only one objection being received by Council.

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 Residual Risk Level	Action to maintain or reduce Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	By putting in place hive density limits in compliance with the Apiary Code of Conduct and the Yarriambiack Planning Scheme supports the pollination process.	Maintains Residual Risk Level	Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Utilising the Apiary-Code-of-Practice provides a sound framework to support the decision-making process.	Maintains Residual Risk Level	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 OTHER BUSINESS

16.1 Questions from Councillors

17 CLOSED SESSION – Reports for Decision

17.1 Audit and Risk Committee Independent Members and Chairperson

17.2 C277-2021 Supply of Meals on Wheels and Centre Based Meals

17.3 Share Grant Evaluation – Round 2 2022

18 Next Meeting

23 March 2022

CLOSE

_____ **Mayor**