



Yarriambiack
SHIRE COUNCIL

Agenda

Ordinary Meeting of Council

29 MARCH, 2023
COUNCIL CHAMBERS
34 Lyle Street, Warracknabeal

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE LIVESTREAM

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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT

We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

LIVE STREAMING

Council meetings will now be live streamed to allow those interested in viewing proceedings greater access to Council decisions and debate without attending the meeting in person.

1 WELCOME

2 STREAMING PREAMBLE

As the meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online.

Anyone who is invited to read out a question as part of item 13 – Public Questions will be recorded and their voice, image and comments will form part of the livestream and recording.

Anyone who submits a question as part of item 13 – Public Questions will have their name stated and recorded as part of the livestreaming and recording.

The Chair and/or the Chief Executive Officer have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances, where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.

The stream will stop prior to the closed section of the meeting.

The public can view this livestream via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the stream, the meeting will be adjourned until the issue is resolved or the meeting will be postponed to another time and date in accordance with Council's meeting procedures and Governance Rules.

3 ACKNOWLEDGEMENT AND PRAYER

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

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

'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'.

3.2 PRAYER

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

4 PRESENT

5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Name / Role	Description of Leave / Absence
Cr Karly Kirk, Councillor	Leave of Absence granted

6 CONFIRMATION OF MINUTES

6.1 MINUTES 22 FEBRUARY 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 22 February 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on Wednesday 22 February 2023, as circulated be taken as read and confirmed.

6.2 MINUTES 08 MARCH 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 08 March 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Council Meeting of Council held on Wednesday 08 March 2023, as circulated, be taken as read and confirmed.

7 DECLARATION OF CONFLICT OF INTEREST

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

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

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

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

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

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

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

OR

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

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

7.1 Conflict of Interest Declared

Conflict Declared by	Agenda Item	Reason - Explanation
Nil		

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

8.2 ONGOING AND PENDING ACTION LIST

Council Meeting	Recommendation Action	Action Taken
23 March 2022	Request to upgrade sections of Nullan Road and Hemphills Road, Nullan	To be completed in the 2022/2023 budget year.
28 September 2022	Council to undertake a recycling collection service survey in October 2023	Task added to the Council Meeting and Forum Agenda Planner 2023.
26 October 2022	Request to upgrade access to 158 Wathe Reserve Road, Lascelles to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
26 October 2022	Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
23 November 2022 Item 15.2	Request to install wombat crossing in Scott Street, Warracknabeal.	Council to commence applying for funding opportunities to pay for the installation of the crossing. Revisit proposal in 12 months' time (November 2023) if Council has been unsuccessful in securing funding.

9 PETITIONS

Nil

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
24/02/23	Beulah Historic Learning and Progress Association Inc	Response to a formal request. Letter of Support – Grant application, Hoof and Harvest Festival.
27/02/23	Beulah Memorial Park Trustees Recreation Reserve	Response to a formal request. Letter of Support – Confirming Council's support of a donation of crushed concrete to repair and fill potholes in access road around the recreation reserve.
27/02/23	Woomelang Bush Nursing Centre	Response to a formal request. Letter of Support – Grant application, Woomelang Recreation Reserve Changerooms.
27/02/23	Southern Mallee Kart Club	Response to a formal request Letter of Support – Grant application for track upgrade.
24/02/23	Murtoa's Big Weekend	Response to a formal request Letter of Support – Grant application for Lake Marma Laser Show Experience for Murtoa's Big Weekend.
02/03/23	Rupanyup Recreation Reserve Inc	Response to a formal request. Letter of Support – Grant application, grandstand seating for netball and tennis court complex at Rupanyup Recreation Reserve.
02/03/23	Southern Mallee Giants	Response to a formal request. Letter of Support – Grant application Beulah Recreation Reserve Netball Scoreboards Project.
08/03/23	Letters to all CHSP Clients	Notifying of Council's decision to transition out of CHSP services.
21/03/23	Lubeck-Murtoa Cricket Club	Response to a formal request. Letter of Support – Grant application Lubeck-Murtoa Cricket Club synthetic wicket and training net upgrade project.

Incoming		
Date	Recipient	Details
06/03/23	Warracknabeal A&P Society	Letter requesting public holiday for show day

11 SPECIAL COMMITTEES

11.1 Yarriambiack Tourism Advisory Committee of Council

Yarriambiack Advisory Committee of Council – Tourism held a meeting on 27 February 2023

[Attachment: Yarriambiack Tourism Draft Minutes – 27 February 2023](#)

Recommended Motion:

That Council note the Draft Minutes from the Yarriambiack Tourism Advisory Committee of Council held on 27 February 2023.

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT – MARCH 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
23 February 2023	Attended Mayoral Matters briefing with CEO, Tammy Smith and Media Consultant, Katherine	ZOOM
24 February 2023	Attended Western Highway Meeting	ZOOM
24 February 2023	Participated in Media interview with the Warracknabeal Herald journalist	Warracknabeal
1 March 2023	Attended Regional health Workforce Summit	Mildura
2 March 2023	Attended Future of Leadership with Cynthia Mahoney at Federation University	Horsham
3 March 2023	Attended Mayor / CEO weekly catch up	Warracknabeal
6 March 2023	Attended Warracknabeal Girl Guide's Annual General Meeting	Warracknabeal
8 March 2023	Attended Warracknabeal District Band Annual General Meeting	Warracknabeal
8 March 2023	Attended Confidential Council Meeting and Council Forum	Warracknabeal
8 March 2023	Attended NBN Co Meeting with CEO, Tammy Smith, Cr Chris Lehmann, Cr Andrew McLean and Director, Tony Caccaviello	Warracknabeal
8 March 2023	Attended Beulah Sport and Recreation Community Consultation	Beulah
9 March 2023	Attended Hopetoun P-12 College welcome dinner with CEO, Tammy Smith	Hopetoun
10 March 2023	Attended Mayor / CEO weekly catch up	Warracknabeal
	Attended Mayor / CEO catch up with Rural Northwest Health CEO, Jenni Masters	Warracknabeal
14 March 2023	Attended Warracknabeal Action Group (WAG) Meeting	Warracknabeal
17 March 2023	Attended Mayor / CEO weekly catch up	Warracknabeal
19 March 2023	Attended Patchewollock Railway station precinct opening with Cr Corinne Heintze, Cr Chris Lehmann and Cr Andrew Mclean	Patchewollock
20 March 2023	Attended Victoria – New South Wales Interconnector (VNI) West briefing	Online
20 March 2023	Attended dinner with Rural Northwest Health CEO, Jenni Masters and CEO, Tammy Smith	Warracknabeal
21 March 2023	Attended Brim Lions Club Meeting with CEO, Tammy Smith	Brim
22 March 2023	Attended catch up with Cr Karly Kirk	Warracknabeal
23 March 2023	Attended Wimmera Development Association (WDA) Mineral Sands Networking Meeting	Horsham
24 March 2023	Attended Mayor / CEO weekly catch up	Warracknabeal
24 March 2023	Walk through of the new Warracknabeal Cabins at the Caravan Park	Warracknabeal
28 March 2023	Attended Department of Transport and Planning Meeting	Online

12.2 COUNCILLOR ACTIVITY REPORTS – MARCH 2023

Cr Andrew McLean – Hopetoun Ward		
Date	Activity	Location
7 March 2023	Attended Yaapect Streetscape Masterplan Community Consultation	Yaapect
8 March 2023	Attended Confidential Council Meeting and Council Forum	Warracknabeal
8 March 2023	Attended NBN Co Meeting with CEO, Tammy Smith, Cr Chris Lehmann, Cr Andrew McLean and Director, Tony Caccaviello	Warracknabeal
14 March 2023	Attended Hopetoun Recreation Reserve Masterplan	Hopetoun
15 March 2023	Attended Beulah Progress Association Meeting	Beulah
16 March 2023	Attended Patchewollock Sport and Recreation Strategy Community Consultation	Patchewollock
16 March 2023	Attended Speed Sport and Recreation Strategy Community Consultation	Speed
16 March 2023	Attended Tempy Sport and Recreation Strategy Community Consultation	Tempy
19 March 2023	Attended Patchewollock Railway station precinct opening	Patchewollock
20 March 2023	Attended Victoria – New South Wales Interconnector (VNI) West briefing	Online
28 March 2023	Attended Sunraysia Highway Improvement Committee Meeting	Donald

Cr Tom Hamilton – Dunmunkle Ward		
Date	Activity	Location

Cr Graeme Massey – Warracknabeal Ward		
Date	Activity	Location
27 February 2023	Attended Yarriambiack Tourism Meeting	Warracknabeal
7 March 2023	Attended Tourism Presentation by Mark Sleeman	Horsham
7 March 2023	Attended Brim Sport and Recreation Community Consultation	Brim
7 March 2023	Attended Warracknabeal sport and Recreation Community Consultation	Warracknabeal
8 March 2023	Attended Confidential Council Meeting and Council Forum	Warracknabeal
14 March 2023	Attended Warracknabeal Action Group (WAG) Meeting	Warracknabeal
15 March 2023	Attended Warracknabeal Recreation Precinct Community Consultation	Warracknabeal

16 March 2023	Met with Sharon McCrory, Superintendent, Vic Police Western Region	Warracknabeal
24 March 2023	Walk through of the new Warracknabeal Cabins at the Caravan Park	Warracknabeal
28 March 2023	Attended Wimmera Mallee Tourism Meeting	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward		
Date	Activity	Location
7 March 2023	Attended Street Scape Meeting	Yaapeet
8 March 2023	Attended Confidential Council Meeting and Council Forum	Warracknabeal
8 March 2023	Attended NBN Co Meeting with CEO, Tammy Smith, Cr Chris Lehmann, Cr Andrew McLean and Director, Tony Caccaviello	Warracknabeal
8 March 2023	Attended Beulah Sport and Recreation Strategy Community Consultation	Beulah
8 March 2023	Attended Hopetoun Sport and Recreation Strategy Community Consultation	Hopetoun
9 March 2023	Attended Woomelang Sport and Recreation Strategy Community Consultation	Woomelang
12 March 2023	Attended Beulah Open Spaces Meeting	Beulah
14 March 2023	Attended Hopetoun Recreation Reserve Master Plan Community Consultation	Hopetoun
15 March 2023	Attended Rural Northwest health Community Meeting	Hopetoun
15 March 2023	Attended Progress Association Meeting	Beulah
19 March 2023	Attended Patchewollock Railway station precinct opening	Patchewollock

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
01 March 2023	Attended Minyip Progress Association Meeting	Minyip
08 March 2023	Attended Confidential Council Meeting and Council Forum	Warracknabeal
14 March 2023	Attended Minyip Sport and Recreation Strategy Community Consultation	Minyip
	Attended GWM Water Stakeholders Meeting	Horsham
15 March 2023	Attended Rupanyup Sport and Recreation Strategy Community Consultation	Rupanyup
19 March 2023	Attended Patchewollock Railway station precinct opening	Patchewollock
20 March 2023	Attended Victoria – New South Wales Interconnector (VNI) West briefing	Online
	Attended Rupanyup Progress Association Meeting	Online
23 March 2023	Attended Drought preparedness discussion	Online

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
	On approved leave	

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – MARCH 2023

Tammy Smith		
Date	Activity	Location
23 February 2023	Wimmera Regional CEO Meeting	Horsham
24 February 2023	Rural Council's Victoria Meeting	Online
27 February 2023	VNI West Briefing GNET	Online
27 February 2023	Yarriambiack Tourism Meeting	Warracknabeal
28 February 2023	Hopetoun P-12 Awards Presentation and Discussion regarding Youth Council	Hopetoun
01 March 2023	Joint State and Local Government Monthly CEO Forum	Online
01 March 2023	Housing Meeting – Stakeholders	Warracknabeal
01 March 2023	Rural Council's Victoria Treasurers Meeting	Online
01 March 2023	International Women's Day Meeting	Horsham
02 March 2023	Royal Flying Doctors Meeting	Online
02 March 2023	Beulah – Community Representatives Meeting regarding Tree Planting and Streetscape works	Beulah
03 March 2023	Weekly meeting with Mayor	Warracknabeal
03 March 2023	Sport and Recreation Strategy Consultants Meeting	Online
06 March 2023	GNET Meeting	Online
07 March 2023	Grampians Tourism Presentation – Wimmera Mallee Tourism Meeting	Horsham
07 March 2023	Meeting with Warracknabeal School representatives regarding Traffic and Carparking	Warracknabeal
07 March 2023	Streetscape Meeting – Yaapect	Yaapect
07 March 2023	Sport and Recreation Strategy Consultation	Warracknabeal
08 March 2023	NBNCo Meeting	Warracknabeal
08 March 2023	Council Forum Meeting	Warracknabeal
08 March 2023	Murtoa Units – Affordable Housing Colour Scheme Meeting	Online
09 March 2023	Murtoa Early Learning Centre Consultation meeting	Murtoa

09 March 2023	Wimmera Regional CEO's Meeting	Horsham
09 March 2023	Hopetoun P-12 Community Dinner	Hopetoun
10 March 2023	Weekly Meeting with Mayor	Warracknabeal
10 March 2023	Warracknabeal Aero Club representatives meeting	Warracknabeal
10 March 2023	Monthly Meeting with RNWH CEO and Mayor	Warracknabeal
14 March 2023	On Leave	
15 March 2023	Meeting with Master Planning Consultants	Warracknabeal
15 March 2023	Hopetoun Progress Association Meeting	Hopetoun
16 March 2023	Meeting with Superintendent Sharon McCrory Victoria Police	Warracknabeal
17 March 2023	Meeting with Townscape Committee Member regarding Garden Beds in Scott Street	Warracknabeal
17 March 2023	Weekly meeting with Mayor	Warracknabeal
20 March 2023	VNI West Briefing	Online
21 March 2023	Beulah PAG Group Meeting	Beulah
21 March 2023	Brim Lions Club Meeting	Brim
22 March 2023	Rural Council's Victoria – Meeting with Minister Spence's Office	Online
23 March 2023	Meeting with Donald Mineral Sands	Warracknabeal
23 March 2023	Northwest Victoria Mineral Sands Projects Event	Horsham
24 March 2023	Rural Council's Victoria Meeting	Online
24 March 2023	Weekly Meeting with Mayor	Warracknabeal
24 March 2023	Walk through of the new Warracknabeal Cabins at the Caravan Park	Warracknabeal
27 March 2023	Rural Council's Victoria – Meeting with Mental Health Advisors	Online
28 March 2023	GNET Meeting	Online

13 PUBLIC QUESTIONS

Division 8 – Public Question Time (Yarriambiack Shire Council Governance Rules)

Community Members (excluding Councillors) may submit a question to Council.

Questions must be submitted in writing, stating the name and address of the person submitting the question, on an approved or permitted form by Council. [Public Questions for Council – Yarriambiack Shire Council](#).

Questions must be submitted 24 hours prior to a Council Meeting.

The questions will be answered at a Council meeting by the Chief Executive Officer or a nominated Officer.

If questions are submitted less than 24 hours before the Council meeting, they will be answered at the meeting where possible, and if no answer can be given, then a written answer will be given to the person as soon as possible after the Council meeting.

No person can submit more than two questions at any Council meeting (unless permitted by the Chair – Mayor).

The question will not be allowed if:

- i. relates to a matter outside the duties, functions and powers of Council;
- ii. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- iii. deals with a subject matter already answered;
- iv. is aimed at embarrassing a Councillor or an Officer;
- v. relates to a personnel matter; or
- vi. contains or refers or relates to Confidential Information.

Questions and answers must be as brief as possible, and no discussion is allowed other than for the purpose of clarification.

The Name of Person and Question will be read out by either the Mayor or Chief Executive Officer, and the nominated Officer is to respond.

13.1 Questions Submitted

No public questions submitted

14 COUNCILLOR REPORTS

14.1 Mayors Update

Electoral Structural Review

An independent electoral structure review panel appointed by the Minister for Local Government has reviewed the structure of Yarriambiack Shire Council. The preliminary report for the electoral structure review of Yarriambiack Shire has been completed and is now open for public submissions.

The review panel looked at:

- whether the council had an appropriate number of councillors
- whether it should be unsubdivided or subdivided.

The preliminary report outlines three models that the panel is presenting for the proposed new electoral structure of Yarriambiack Shire Council in order to meet the requirements of the Local Government Act 2020.

After considering submissions and undertaking research earlier in the year, the panel has presented the following electoral structure models for further public consultation:

- Model 1: an unsubdivided electoral structure with 7 councillors
- Model 2: a subdivided electoral structure with 6 councillors, 3 wards and 2 councillors per ward
- Model 3: a subdivided electoral structure with 7 councillors, 7 wards and one councillor per ward.

Community members are encouraged to provide feedback on the three options that are proposed for consideration.

The period for response submissions is open until 5pm Wednesday 5 April 2023. Submissions can be made via the VEC website.

After submissions are considered, the panel will hold an online public hearing if anyone requests to speak about their response submission. This will be held on Thursday 13 April. The public hearing will not be held if there are no requests to speak.

I encourage residents to review the preliminary report and maps of each proposed model on the Victorian Electoral Commission website at <https://www.vec.vic.gov.au/electoral-boundaries/council-reviews/electoral-structure-reviews/yarriambiack>.

Commonwealth Home Support Program

On 08 March, Councillors made the difficult decision to transition out of the Commonwealth Home Support Program. With the significant changes being introduced into the aged care industry it has made it almost impossible for Council to continue delivering the services.

To support our clients through this process, Council Officers will be holding information sessions across the Shire on Friday 31 March and Monday 03 April 2023. I encourage community members to attend the sessions and speak to Council Officers who will assist with alleviating concerns people may have. The scheduled times are available on our Website and will be published in the local newspapers and our Yarri Yarns newsletter.

Charging Station Warracknabeal

Council is excited to be partnering with Fast Cities Australia who will be installing an Electric Vehicle charging station in Warracknabeal. Numerous locations were explored in Warracknabeal; however, the Woolcock Street location was confirmed due to the available power supply and location to main shopping district. Council is awaiting notification of a construction date for the installation of the charging station. Council Officers will continue to explore and apply for funding opportunities to further expand the network across the Shire. Council acknowledges that there are many townships such as Hopetoun, Rupanyup and Murtoa who wish to see charging stations available in their towns.

**Sport and Recreation Strategy Consultation**

The Sport and Recreation Strategy consultation sessions were well supported across our Shire. We thank all our community members who attended and have provided valuable feedback during the community consultation process. Further consultation will be invited once the draft strategy is complete and available for community feedback.

LGPro Awards

Council is proud to be a finalist in the 2023 LGPro (Local Government Professionals) Awards, in the category of Outstanding Small Rural Council Initiative for the Hopetoun Powerhouse Project and Rebecca Botheras, Council's Projects Coordinator has been recognised as a finalist in the Young Achiever of the Year Award.

The winners will be announced on Thursday 25 May at an awards dinner.

15 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

15.1 Hopetoun Recreation Reserve Amenities Block gifting to Southern Mallee Kart Club

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

A request was received from the Secretary of the Southern Mallee Kart Club (Kart Club) for the redundant amenities block at the Hopetoun Recreation Reserve to be gifted to the Kart Club, that occupy Northern Loch Reserve in Hopetoun.

The reserve is crown land, with the Kart Club identified as the Committee of Management.

RECOMMENDATION

That Council:

- Endorse the Chief Executive Officer to commence a twenty-eight-day public notice period, in accordance with Council's Community Engagement Policy to gift the portable amenities building, located at the Hopetoun Recreation Reserve (as identified in the attachment section of this report) to the Southern Mallee Kart Club.
- Once the community engagement public notice period has concluded, if Council has not received objections to the proposal, endorse the Chief Executive Officer to gift the amenities block to the Southern Mallee Kart Club and process the disposal of the Council asset.
- Endorse that Council will pay for the disconnection of the utilities to the building located at the Hopetoun Recreation Reserve in preparation for the building to be relocated to the Northern Loch Reserve in Hopetoun.

ATTACHMENTS

[Attachment: Letter of Support – Hopetoun Recreation Reserve](#)

[Attachment: Letter of Support – Southern Mallee Giants](#)



DISCUSSION

Background

The Kart Club made a formal request in writing to Council requesting that the amenities block located at the Hopetoun Recreation Reserve, be repurposed, and gifted to the Kart Club. The Kart Club is a not for profit, incorporated association, with a registered Australian business number.

The amenities block is portable and has been identified as surplus to the Hopetoun Recreation Reserve requirements.

According to the Kart Club, the amenities block was originally located at Northern Loch Recreation Reserve prior to racing ceasing at the reserve in the mid to late 1990's. The amenities block was acquired at the time by the football club and relocated to the Hopetoun Recreation Reserve.

Both the Hopetoun Recreation Reserve Committee of Management and the Southern Mallee Giants Football and Netball Club have provided letters endorsing their support for the amenities block to be gifted to the Recreation Reserve.

As the amenities block is located on Council owned land, and the asset is deemed to be a Council owned asset, Council is required to:

- a) Comply with the Local Government Act requirements, in particular the Governance Principles and the Public Transparency Principles.
- b) Consult with the community regarding this decision, in accordance with Council's Community Engagement Policy; and
- c) Dispose of the Asset in accordance with Council's Asset Life Cycle Policy.

Community Support for Kart Club

The Hopetoun Progress Association meeting minutes from 15 March 2023 reported that the Kart Club has strong support from the Community, with over \$100,000 (one hundred thousand dollars) being spent, funded or donated to establish the track and club.

This demonstrates the commitment and enthusiasm across the community for this project and the reestablishment of the Kart Club and facilities.

Recommendation Discussion

As the user groups of the recreation reserve have identified that the amenities block is surplus to requirements, it is recommended that Council:

- a) Undertake a public notice period of 28 days requesting feedback on the proposal to gift the amenities block at the Hopetoun Recreation Reserve to the Kart Club.
- b) If there are no objections to the proposal, the Chief Executive Officer be authorised to approve the disposal of the asset to the Kart Club.
- c) If there are objections, the decision is to come back before Council for consideration.
- d) Council pay for the disconnection of services to the amenities block. It is estimated that this will cost approximately \$5,500 (five thousand and five hundred dollars) based off a similar quotation recently received for the disconnection of services to amenities block at the Rupanyup Old Shire building.
- e) That the Kart Club pay for and co-coordinate the removal of the amenities block from the recreation reserve, under the supervision of Council Officers to ensure occupational health and safety and risk management protocols are adhered to.

Additional Information

The Kart Club has been informed verbally on 10 February 2023, when the CEO conducted a site visit of Northern Loch Recreation Reserve that the amenities block will require a building permit, and that it may require a planning permit. It was recommended they should seek advice from Council's Development and Environmental Services Department. It was also advised that the amenities block may not meet the current building code and that Council would not be liable for any costs associated with bringing this asset up to current standards.

RELEVANT LAW

- Local Government Act 2020 – Public Transparency Principles and Governance Principles
- Building Act 1993
- Planning and Environment Act 1987

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Key Objective 2: A Healthy and Inclusive Community.

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

RELATED COUNCIL DECISIONS

1. 27 April 2022 – 13.1 Transfer of Land Beulah Supermarket (gifting of Land to community group)
2. 26 May 2021 – 15.2 Disposal of Assets – Gym Equipment (gifting of assets to community group)

OPTIONS

- a) Council could choose to sell the asset via a public tender process, opposed to gifting it to a community group.
- b) Council could choose to retain the asset; however, it should be recognised that the asset is currently not in use and is considered surplus to requirements.

SUSTAINABILITY IMPLICATIONS

Economic: Supporting the Kart Club will provide an economic benefit to the Hopetoun and district community. It is envisaged that once the Kart Club is operational it will draw participants from far and wide to attend and utilise the track. People may choose to stay in Hopetoun enjoying the caravan park and Lake Lascelles, providing an economic benefit back to the community via Tourism and overnight stays.

Social: Supporting the Kart Club to re-establish provides a facility that promotes social connection and inclusion and enhances wellbeing.

Financial: Gifting the asset to the Kart Club reduces the number of assets Council must maintain. Therefore, reducing the financial burden.

COMMUNITY ENGAGEMENT

A public notice period would occur for twenty-eight days, inviting feedback from the community, in accordance with Council's Community Engagement Policy.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The disposal of a Council asset will undertake a transparent process in accordance with Council's Community Engagement Policy and the Local Government Act 2020 requirements.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The disposal of a Council asset that is surplus to Council requirements reduces Council's financial burden. Also supports Council's asset rationalisation objectives.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Supporting the gifting of an asset to a local not for profit community group, where it will be located on Crown Land, supports Council's strategic objective of a Healthy and Inclusive Community. It encourages social connection and sporting club participation.	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.

Tom Huf, Community and Economic Development Officer has declared a conflict of interest and has not been involved in the decision-making process.

16 REPORTS FOR DECISION – DIRECTORATE OF BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities	Community Strengthening and Engagement Responsibilities
<ul style="list-style-type: none"> Human Resources 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) 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 	<ul style="list-style-type: none"> Libraries Customer Service Events Support and Internal Event coordination Business and Community Support Economic Development Tourism Community Development Housing Stakeholder Engagement

16.1 Media and Communications Policy

Prepared by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

A review of the Media and Communications Policy has been undertaken in accordance with Council's three-year review cycle.

RECOMMENDATION

That Council:

- a) Adopt the revised Media and Communications Policy as of 29 March 2023; and
- b) Rescind the previous version of the Media and Communications Policy adopted on the 26 February 2020.

ATTACHMENTS

[Attachment: Media and Communications Policy](#)

DISCUSSION

Appropriate use of communications tools help build the positive reputation of Council and facilitate Council's effective voice within, and on behalf of, the community.

To deliver services in-line with community needs and expectations, Council is required to communicate with key stakeholders through a variety of channels to engage with their needs, concerns, ideas and objectives.

Effective communication allows Council to be more active in building positive relationships with residents, partners and stakeholders, encouraging them to be more involved in local decision making, enabling better engagement and feedback, and ultimately helping to improve Council services and reputation.

The reviewed Media and Communications Policy seeks to continue to ensure that Council informs the community in a manner that is clear, concise, accurate and consistent with Council decisions and policies.

The reviewed Media and Communications Policy sets out who will speak on behalf of Council as a representative on matters and provides definition as to the forms of verbal, printed or digital communication that this policy applies to. The policy highlights the high expected standards of ethical practice and competencies across all communication channels in line with councillor and employee codes of conduct.

The reviewed policy highlights the application of the policy to include all agencies and individuals who provide services to Council in addition to Councillors, employees and contractors.

A detailed Media, Communications and Social Media Procedure and protocols that supports council staff in the operational application of this policy is currently being developed.

RELEVANT LAW

Not applicable

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

Ordinary Meeting of Council – 26 February 2020 – item 13.5 – Draft Media and Communications Policy

OPTIONS

1. Council could choose not to adopt the Policy in its current format and request changes be made to reflect strategic decision making.
2. Council could choose not to adopt the Policy and revert to the existing policy adopted in 2020.

SUSTAINABILITY IMPLICATIONS

Social: Digital communications channels have revolutionised the way that people communicate, connect, share and source information about what's happening in their community and across the globe. Utilising these channels has proven to be highly effective, however consideration must be given to all forms of communication channels to suit community and stakeholder preferences and needs to ensure information dissemination.

COMMUNITY ENGAGEMENT

Community Engagement has not been undertaken to review this policy.

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 checked="" type="checkbox"/> A GIA has been completed. NO <input type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment		Media and Communications Policy GIA

RISK

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Reputational Risk - Residual Risk Level Low	The Media and Communication policy ensure that Council's informs the community in a manner that is clear, concise, accurate and consistent with Council decisions and policies. It also provides a framework to building positive relationships with residents, partners and stakeholders, encouraging them to be more involved in local decision making, enabling better engagement and feedback, and ultimately helping to improve Council services and reputation.	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.

16.2 Closed Circuit Television (CCTV) Policy

Prepared by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

A review of the Closed Circuitry Television (CCTV) Policy has been undertaken in accordance with Council's three-year review cycle.

RECOMMENDATION

That Council:

- c) Adopt the revised Closed Circuit Television (CCTV) Policy as of 29 March 2023; and
- d) Rescind the previous version of the Closed Circuit Television (CCTV) Policy adopted on the 24 November 2021.

ATTACHMENTS

[Attachment: Closed Circuit Television \(CCTV\) Policy](#)

DISCUSSION

Following its adoption in November 2021, The CCTV Policy has been reviewed in accordance with Council's policy review cycle and revised to reflect current practices, best practice guidance and Council Officers roles and responsibilities.

CCTV footage assists Victoria Police in their efforts to identify those who have committed an offence and deliver justice to victims and the broader community. At the same time, CCTV raises challenges which must be addressed to protect the rights of those whose activity is being monitored. The reviewed CCTV policy seeks to continue to achieve an appropriate balance between these competing issues by providing appropriate safeguards to ensure that CCTV footage is used lawfully and proper purpose in compliance with legislation.

The review includes expanding the scope of the policy to include body worn cameras for staff for their safety and wellbeing to address the identified escalating risk for staff who work in remote or isolated environments.

The review also considered updates to best practice guidance and took account of the Department of Justice and Community Safety's Guide to Developing CCTV for Public Safety in Victoria.

A review and update of the detailed CCTV Standard Operating Procedure and Operations and Maintenance Manual that supports council staff in the operational application of this policy is in progress.

RELEVANT LAW

- Privacy Act 1988
- Privacy and Data Protection Act 2014
- Surveillance Devices Act 1999
- Charter of Human Rights and Responsibilities Act 2006
- Public Records Act 1973
- Freedom of Information Act 1982

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

Ordinary Meeting of Council – 24 November 2021 – item 13.2 – Adoption of CCTV Policy Update.

OPTIONS

1. Council could choose not to adopt the Policy in its current format and request changes be made to reflect strategic decision making.
2. Council could choose not to adopt the Policy and revert to the existing policy adopted in 2021, requesting further changes be made to the draft version.

SUSTAINABILITY IMPLICATIONS

No direct sustainability implications from the adoption of this policy.

COMMUNITY ENGAGEMENT

Community Engagement has not been undertaken to review this policy.

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

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>
Security and Technology Risk - Residual Risk Level Low	The review of the CCTV Policy was undertaken to ensure compliance with privacy legislation and to ensure practices are inline with best practice guidance.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The review of the CCTV Policy increased the scope of the policy to address the escalating risk to staff's safety and wellbeing and increase the safety of staff's working environment.	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.

16.3 Community Share Grant Program and Spark Tank Program Round 2 - 2022/23

Prepared by Tom Huf, Community and Economic Development Officer

Presented by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

Council allocates two funding rounds each financial year of \$30,000 (thirty-thousand) to the Community Share grants. Round two has been evaluated and a decision by council is required to allocate the funding.

RECOMMENDATION

That Council:

- a) Approves funding of \$37,408 for eleven (11) submissions to the Share Grant program in round two (2) 2023.
- b) Approves funding of \$5,000 for one (1) submission to the Spark Tank program in round two (2) 2023.

ATTACHMENTS

[Attachment: Round 2 2022-23 Share Grant Evaluation Report Extract](#)

[Attachment: Round 2 2022-23 Spark Tank Grant Evaluation Report Extract](#)

DISCUSSION

Share Grant Program

The purpose of the Council's Share Grant program is to develop and actively support community organisations and businesses who positively contribute to community wellbeing and the cultural life of the region.

In accordance with Council's Share Grants Policy, the evaluation team were selected from within Council's employees. All participants declared no conflict of interest. Applications were evaluated in accordance with the qualitative criteria and weightings relevant to each funding stream.

The program has four funding streams, each with the funding stream guidelines that were adopted by Council.

There were twenty-seven (27) submissions requesting a total of \$92,487.91 for round 2 of the Share Grant program. Applications were of a high quality with 18 applications scoring above the minimum score and 3 applicants deemed ineligible as per the guidelines of the stream.

One (1) application was deemed ineligible as application was made to round two of the Spark Tank funding program. Two (2) applications were deemed ineligible as the project was not in line with the guidelines of the business and streetscape funding stream as the projects were not related to a retail or commercial building in a main street.

The available budget of \$37,408.40 allows for the highest scoring 10 applications to be fully funded, with the eleventh scoring application partially funded.

Spark Tank Program

The purpose of the program is to provide opportunities for concepts to be developed and communication channels to be opened that has the potential to stimulate the local economy through new ventures and potential production.

The evaluation team were selected from within Council's employees and included representation from Regional Development Victoria's Visitor Economy unit. All participants declared no conflict of interest. Applications were evaluated in accordance with the qualitative criteria and weightings per the program guidelines that were adopted by Council.

The second and final round of the Spark Tank Business Innovation Pilot Program received four (4) submissions requesting a total of \$20,000. Three (3) of the applications were deemed ineligible due to not meeting the eligibility criteria and program aims of delivering a new business or business idea directly or indirectly benefitting the tourism economy.

RELEVANT LAW

Nil

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Key Objective 1: A Vibrant and Diversified Economy

Council Plan 2021-2025: Key Objective 2: A Healthy and Inclusive Community

Community Share Grants Program Policy

RELATED COUNCIL DECISIONS

Special Meeting of Council – 14 September 2022 – Item 6 – Community Share Grant Evaluation – Round 1 2022/2023

Ordinary Meeting of Council – 25 January 2023 – Item 16.3 – Community Share Grant and Spark Tank Program

OPTIONS

- a) Council could elect to fund 11 projects fully, however this would require an increase in the budget of the share grant program by \$5,921, bringing the total spend over the financial year on the program to \$65,921.

SUSTAINABILITY IMPLICATIONS

Social: Provides funding of many community projects.

Environmental: all projects comply with community grant sustainability requirements.

COMMUNITY ENGAGEMENT

Community Share Grant and Spark Tank applications were advertised throughout the Shire Council in accordance with Council's Community Engagement Policy. Applications were open for the month of February for both programs.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Reputational Risk - Residual Risk Level Low	Evaluation of the program in line with program guidelines provides transparency and accountability to the community on the of distribution of grant funding.	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.

16.4 Municipal Association of Victoria (MAV) Small Sites Electricity Contract

Prepared by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

Municipal Association of Victoria (MAV) Procurement invited Council to participate in a collaborative procurement opportunity to tender for the supply of electricity to small tariff sites. To participate in the opportunity, MAV sought from participating Council's a binding commitment through the execution of an Agency Deed by 24 March 2023.

RECOMMENDATION

That Council:

- a) Formally endorse verbal approval provided to the Chief Executive Officer on 08 March 2023, to enter into the Agency Deed for Electricity – Small Tariff for a term of 36 months as attached to this report.
- b) Formally endorse verbal approval provided to the Chief Executive Officer on 08 March 2023 for the affixing of the Common Seal to the Agency Deed for Electricity – Small Tariff document in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

ATTACHMENTS

[Attachment: Deed – 2023 Electricity Small Tariff Sites - MAV](#)

DISCUSSION

Council's current MAV Small Tariff Sites Electricity Contract is due to expire on 30 June 2023. Council's annual energy expenditure across Council operated sites is approximately \$150,000 to \$170,000 per annum. Market analysis indicates that prices within the electric market continue to face upward pressure currently and into the longer-term future.

Council was invited by MAV Procurement to consider participating in a collaborative procurement tender and was seeking binding commitment from Council to participate in the initiative through the completion and execution of an Agency Deed. The deed contractually commits Council to the outcome of the tender.

This report seeks to formalise Council support for entering into Agency Deed that was provided at Council Forum held on 8 March 2023.

RELEVANT LAW

Local Government Act 2020 – S108 and S109

COUNCIL PLANS AND POLICIES

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

Procurement Policy 2021-2025

RELATED COUNCIL DECISIONS

Ordinary Meeting of Council – 27 May 2020 – Item 15.4 – MAV EC8310-2020 Small Tariff Sites and Public Lighting Tender

OPTIONS

Not applicable for this report.

SUSTAINABILITY IMPLICATIONS

Financial: Council's Procurement Policy 2021-2025 notes that where practical, Council will collaborate with other Councils or Public Bodies in order to take advantage of economies of scale, reduce risk and deliver community benefits that result in increased financial sustainability for Council through access of competitive energy rates.

COMMUNITY ENGAGEMENT

Community Engagement has not been undertaken to review this policy.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Financial Risk - Residual Risk Level Medium	Participation in collaborative procurement opportunities gives Council access to economies of scale, leverages experts and increased purchasing power that would not be able to be achieved through individual procurement activities.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

17 REPORTS FOR DECISION – DIRECTORATE OF ASSETS AND OPERATIONS

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

17.1 PERMITS ISSUED BY ASSETS AND OPERATIONS DIRECTORATE

Recommended Motion:

That Council:

Note the permits issued by Council between 1 February and 28 February 2023

Reference No	Description	Address	Date of Issue
Building Permits			
BLD20220266	Construction of a Dwelling	Brim	07/02/2023
BLD20230326	Demolition of a dwelling	Warracknabeal	06/02/2023
Planning Permits			
TP02-23	Garage	Rupanyup	03/02/2023
Road Reserve Works & Asset Protection Permits			
2023-01	Roadside Drilling Exploration	Various council roads	22/02/2023
2023-02	Granny Flat Construction	Warracknabeal	28/02/2023

17.2 Gravel Pits Policy

Prepared by Michael Evans, Director of Assets and Operations

SUMMARY

A review of Council's Gravel Pit Management Policy and Procedure has been undertaken in accordance with Council's three-year review cycle.

RECOMMENDATION

That Council:

- e) Adopt the revised Gravel Pit Management Policy and Procedure as of 29 March 2023; and
- f) Rescind the previous version of the Gravel Pit Management Policy and Procedure adopted on the 26 February 2020.

ATTACHMENTS

[Attachment: Gravel Pit Management Policy and Procedure](#)

DISCUSSION

The Gravel Pit Management Policy and Procedure has been reviewed and revised to reflect current practices, legislation, Council Officers roles and responsibilities.

Whilst the headings, structure and intent of the Policy has remained unchanged, the reference to the Local Government Act legislation has been revised to reflect the 2020 Act. Administrative changes such as roles, responsibilities and titles were also updated to reflect the current organisational structure.

Section 7.3 Stock Reconciliations was also revised to reference quarterly reconciliations, opposed to monthly. Quarterly reconciliations align with Council's Financial Reporting processes and is reflective of current practices.

RELEVANT LAW

- Local Government Act 2020
- Mineral Resources (Sustainable Development) Act 1990

COUNCIL PLANS AND POLICIES

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

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

RELATED COUNCIL DECISIONS

Ordinary Meeting of Council – 26 February 2020 – item 13.6 – adoption of Gravel Pit Management Policy and Procedure, version 1.

OPTIONS

Council could choose not to adopt the Policy and Procedure in its current format and request changes be made to reflect strategic decision making.

SUSTAINABILITY IMPLICATIONS

Financial: The Gravel Pit Policy and Procedure outlines the process for ensuring adequate stocktake of materials occur and the provisions for rectification works are reviewed and accounted for. This ensures Council has processes to manage risks, but also ensures provisions are held to ensure Council does not incur costs that have not been budgeted or accounted for.

Environmental: The provision for rectification works ensures Council has the funds available to rehabilitate sites and meet environmental obligations.

COMMUNITY ENGAGEMENT

Community Engagement is not required for this policy and supporting procedure.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The review of the Gravel Pit Management Policy and Procedure was undertaken to ensure compliance with current legislation and to revise to reflect current administrative practices.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Gravel Pit Management Policy and Procedure addresses the procedure required for financial stocktakes of inventory and accounting for the provisions for	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.

17.3 C31yari – Corrections Amendment

Prepared by Adam Moar, Manager Development and Environmental Services

SUMMARY

At its meeting on 24 November 2021 Council provided authorisation for three planning scheme amendments to be prepared, being the Showgrounds Amendment, the Warracknabeal Agriculture Museum and a corrections amendment to address some inappropriately zoned land across the Shire.

This report is to seek support to remove several properties from the corrections amendment (C31yari) due to some concerns raised by the Environment Protection Authority (EPA) and to add the Murtoa Bowling Club land to the list of land to be rezoned.

Recommended Motion:

That Council:

Provides approval to amend the list of properties subject to C31yari – Corrections Amendment by:

1) Removing

- a) 3-7, 21, 23, 29 Gloucester Avenue, Woomelang (Houses under private ownership)
- b) 62 Lascelles Street, Hopetoun (Former CFA building)

Due to concerns raised by the EPA and listing them for a future amendment once soil contamination assessments have been undertaken.

2) Adding

- a) 13-15 Llyod Street, Murtoa to be rezoned from Public Park and Recreation Zone to Township as the land is not in public ownership.

Subject to further advice from the Department of Transport and Planning and the EPA.

3) Changing

- a) 38 Mill Street from proposed Industrial 1 Zone or Township to Industrial 3 Zone.

ATTACHMENTS

[Attachment: EPA Response to Amendment](#)

DISCUSSION

Following Councils meeting on 24 November 2021 the list of properties identified for C31yari was forwarded to the EPA for comment as required as part of Ministerial Direction 19, where planning authorities must seek advice from EPA when commencing strategic planning activity that may result in impacts on:

- the environment
- amenity
- human health

due to pollution and waste. By involving the EPA at the beginning of an amendment process avoids significant delays later in the process.

The list of properties sent included:

1. 15 Lake Street, Murtoa from Public Use Zone 2 (Education) to Township
2. Area of land around Anders Lane, including road reserves, Water tower site, 2 Hamilton Street, 4-6 Hamilton Street, Murtoa from Public Park and Recreation Zone to Township
3. 35 Duncan Street, Murtoa from Public Conservation and Resource Zone to Township
4. 114 Murtoa Cemetery Road, Murtoa from Public Conservation and Resource Zone to Public Use Zone 5 (Cemetery/Crematorium)
5. 1281 Wimmera Highway, Murtoa from Public Conservation and Resource Zone to Public Use Zone 1 (Service and Utility)
6. 55 Cromie Street, Rupanyup from part Township Zone, part Public Use Zone 2 (Education), and part Public Use Zone 2 (Health & Community) to Public Use Zone 6 (Local Government)
7. 38 Mill Street, Minyip from Farming Zone to Industrial 1 Zone or Township Zone
8. 3054 Donald-Murtoa Road, Minyip from Farming Zone to Public Use Zone 5 (Cemetery/Crematorium)
9. 534 Cemetery Road, Sheep Hills from Public Conservation and Resource Zone to Public Use Zone 5 (Cemetery/Crematorium)
10. 79 Lyle Street, Warracknabeal from General Residential Zone to Public Use Zone 1 (Service and Utility)
11. 87 Lyle Street, Warracknabeal from General Residential Zone to Public Use Zone 1 (Service and Utility)
12. 18-18A Woolcock Street, Warracknabeal from Commercial 1 Zone to Public Use Zone 1 (Service and Utility)
13. 3461 Birchip – Rainbow Road, Beulah from Public Conservation and Resource Zone to Public Use Zone 5 (Cemetery/Crematorium)
14. 152 Rosebery Cemetery Road, Beulah from Farming Zone to Public Use Zone 5 (Cemetery/Crematorium)
15. 11 Bruce Street, Hopetoun from Public Use Zone 2 (Education) to Township
16. 62 Lascelles Street, Hopetoun from Public Use Zone 1 – Service and Utility to Township Zone
17. 8 Tip Road, Hopetoun from Farming Zone to Public Use Zone 1 (Service and Utility)
18. 3-7, 21, 23, 29 Gloucester Avenue, Woomelang Transport Zone 1 – State Transport Infrastructure formerly Public Use Zone 4 (Transport) to Township Zone
19. 4804 Sunraysia Highway, Woomelang from Farming Zone to Public Use Zone 5 (Cemetery/Crematorium)
20. Patchewollock – Sea Lake Road, Speed (CA 1C Parish of Denning) from Public Conservation and Resource Zone to Zone Public Use Zone 5 (Cemetery/Crematorium)
21. 66 Old Waleup Road, Patchewollock (CA 30D, Parish of Patchewollock) from Public Use Zone 5 (Cemetery/Crematorium) to Farming Zone

The summary of the EPA response was:

Based on the information provided, EPA recommends that:

- *Council carries out further work to understand whether the sites at: 11 Bruce Street, Hopetoun; 62 Lascelles Street, Hopetoun; 3-7, 21, 23, 29 Gloucester Avenue, Woomelang and 38 Mill Street, Minyip are potentially contaminated.*
- *Regarding 38 Mill Street, Minyip and its' proposed rezoning:*
 - *should the site be rezoned to Township Zone, the planning authority must comply with either sub-clause (1), (2) or (3) of Ministerial Direction Number 1; or,*
 - *should the site be rezoned to Industrial Zone 1, Council should consider the compatibility of the two land zonings including the potential for noise, odour and dust which impact on the residential area.*

Based on the advice above it is considered that the Woomelang properties (3-7, 21, 23, 29 Gloucester Avenue, Woomelang) and the former CFA building at Hopetoun (62 Lascelles Street, Hopetoun) be removed from the list with soil testing to be undertaken. Once testing is complete these properties will then be subject of a further amendment.

Further investigation of the former school site in Hopetoun (11 Bruce Street, Hopetoun) will be undertaken through the Hopetoun Historical Society and other locals with knowledge of the site. The concerns of the EPA relate to underground storage tanks for kerosene if used for heating and waste storage and onsite disposal of wastewater before the connection to sewer.

In relation to 38 Mill Street, Minyip (fuel station) a discussion was held with officers from the former DELWP for a possible solution. It was discussed that the Industrial 3 Zone could be more appropriate. The Industrial 3 Zone is usually a buffer zone between Industrial 1 and residential zones. The uses permitted include the current uses of land (fuel station and self-storage units) and uses that have minimal amenity impacts.

Murtoa Bowling Club

Council officers have had discussions with the Murtoa Bowling Club about their current facilities and future direction their facilities. The land is located in the Public Park and Recreation Zone; therefore, some uses and buildings and works require planning permits and may limit future development.

Unlike many other recreation facilities across the Shire this land is not owned by a public authority and the club own the land and buildings. Given this, the use of a public land use zone is considered not appropriate. The most appropriate zone for this land will be the Township Zone, just like all the neighbouring land.

Any redevelopment of the site would require a planning permit regardless of which zone the land is in. The rezoning to Township also provides the option of selling a portion of the land to assist in redevelopment or to fund repairs to the existing site.

Preliminary advice has been sought from the EPA on the suitability of including this land in the C31yari Amendment.

RELEVANT LAW

Planning and Environment Act 1987

Planning and Environment Regulations 2015

COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

24 November 2021 - 14.2 Planning Scheme amendment C25yari - Correction

OPTIONS

Option 1:

That Council allows the changes as recommended to keep the amendment progressing, and to include the Murtoa Bowling Club.

Option 2:

That Council allows the changes as recommended to keep the amendment progressing without the Murtoa Bowling Club to list it for a future amendment.

Option 3:

That Council makes no changes to the original list of properties and undertakes soil contamination testing which will delay the processing of the amendment.

SUSTAINABILITY IMPLICATIONS

Economic: The changes proposed in the amendment could reduce the number of planning permits required for some developments and will allow property owners/managers to undertake building works with minimal additional approvals.

Financial: The number of planning permits is likely to reduce given the changes to the proposed maps.

COMMUNITY ENGAGEMENT

Once authorisation is granted by the Minister for Planning the amendment will be required to be advertised for a minimum of a month. Any submissions that are received will then be considered by Council, and potentially by an independent Planning Panel.

An application to limit the notification of the amendment will be made under Section 20(4) of the Planning and Environment Act as it is a correction amendment, and the impacts of the changes are considered minimal.

GENDER IMPACT ASSESSMENT

No Gender Impact Assessment was required for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Risk of inappropriate land uses being undertaken on land in the incorrect zone.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

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

17.4 TP49-22 Planning Permit - Replacement of Concrete Batching Plant, 28 Dimboola Road, Warracknabeal

Prepared by Adam Moar, Manager Development & Environmental Services

SUMMARY

Council has received a planning permit application for the replacement of the concrete batching plant at 28 Dimboola Road, Warracknabeal. This application was advertised to adjoining and surrounding property owners for comment. During the advertising period several submissions objecting or raising concerns over the proposed were received.

As this application has received more than one submission objecting to the proposal, it will be presented to Council for a determination to be made. This assessment will also consider which elements of the proposal can be considered through the planning permit process and which elements will need to be considered by the EPA.

ATTACHMENTS

[Attachment: TP49-22 Consolidated Application](#)

[Attachment: Delegate Report](#)

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Permit under the provisions of the Yarriambiack Planning Scheme in respect of the land known and described as 28 Dimboola Road, Warracknabeal being Lot 1 LP111219, for the upgrade of an existing concrete batching plant in accordance with the endorsed plans, with the application dated 7 November 2022, subject to the following 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 layout of the site and size of the proposed building and works must be in accordance with the endorsed plans and must not be altered or modified, (whether or not to comply with any statute, statutory rule or by-law or for any other reason) without the consent of the responsible authority.
3. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
4. The use, including deliveries, may operate only between the hours of:
 - Monday to Friday 7 am to 5 pm
 - Saturdays 8 am to 12 noon
 - Sundays and public holidays no operation.
5. Before the use begins and/or the building is occupied all stormwater and surface water discharging from the site, buildings and works must be retained on site or conveyed to the legal point of discharge drains to the satisfaction of the responsible authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.
6. The existing concrete batching plant equipment is to be removed within 28 days of the new plant becoming operational. Concrete is not permitted to be produced from both plants simultaneously.

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

Permit Expiry

8. 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.

DISCUSSION

Planning Permit application TP49-22 proposes the replacement of the existing concrete batching plant at 28 Dimboola Road with a new batching plant. The application is being considered under the provisions of Clause 63 – Existing Uses of the Yarriambiack Planning Scheme. This clause is being used as the original planning permit application or approval could not be located, and as the use has been continuous for a period of greater than 15 years, it meets the definition of an existing use.

As a concrete batching facility is a Section 2 Use in the Farming Zone the following provisions will apply:

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

The applicant has provided plans and documents relating to the proposed works and how it complies with the provisions of the planning scheme. Overall, the new plant equipment proposed to be used complies with the current standards to reduce noise, reduce dust and the reuse of generated dust to minimise waste being produced from the plant. The new plant will be located north of the existing plant which will be removed once the new plant is completed.

The submissions received for this application have raised concerns over the generation of dust, noise, changes in operating hours, wastewater disposal, and to some extent changes in the operation at the site over the past 6 months.

The attached delegate report provides a full assessment of the application against the provisions of the Yarriambiack Planning Scheme. It also provides a summary of the objections and addresses the concerns raised within them.

RELEVANT LAW

Planning and Environment Act 1987

Planning and Environment Regulations 2015

COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

Nil

OPTIONS

Option 1:

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

Option 2:

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

SUSTAINABILITY IMPLICATIONS

Economic: The application proposes to upgrade the existing concrete batching plant onsite with new equipment which will minimise noise, dust, water usage and the production of waste.

Social: Adjoining property owners have raised concern over the operations at the site.

Environmental: The application proposes to upgrade the existing concrete batching plant onsite with new equipment which will minimise noise, dust, water usage and the production of waste.

Climate change: Not applicable.

Financial: Not applicable.

COMMUNITY ENGAGEMENT

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

The attached delegate report addresses the concerns raised by the submissions received for this application.

GENDER IMPACT ASSESSMENT

No Impact Assessment required for this report.

RISK

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

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

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

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

18 REPORTS FOR DECISION – DIRECTORATE OF COMMUNITY 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 and Packaged Care) Leisure Centre Immunisation Program 	<ul style="list-style-type: none"> Early Years Supported Playgroup Maternal Child Health (including enhanced services) Youth School Readiness

18.1 PERMITS ISSUED BY COMMUNITY AND WELLBEING DIRECTORATE

Recommended Motion:

That Council:

Note the permits issued by Council between 1 February and 28 February 2023

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
002/23	Street Activity	DJPR – Small Business Bus Warracknabeal & Hopetoun	07/02/2023 08/02/2023
003/23	Street Activity	Royal Flying Doctors Service Minyip IGA	08/02/2023
Firewood collection Permits			
	Roadside Wood Collection	Warracknabeal	10/03/2023
Septic Tank Permits			

19 URGENT BUSINESS

Business cannot be admitted as urgent business, other than by resolution of Council. Council must only admit business as urgent if the business:

- a) Cannot safely be deferred until the next Council meeting; or
- b) Involves a matter of urgency, as determined by the CEO.

Councillors may ensure that an issue is listed on an Agenda by submitting a Notice of Motion in accordance with Governance rules, item 2.13.

If the CEO rejects the Notice of Motion, she must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

20 CLOSED (CONFIDENTIAL) SESSION

20.1	Audit and Risk Committee Members
<p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> 1. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); 2. This ground applies because the Agenda Item concerns personal information about potential committee members that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i>. 	
20.2	C264-2020 Supply of Plant and Equipment (Panel Contract) Contract Extension
<p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> 1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and 2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. 	
20.3	Variation in Contract, Affordable Housing - Woomelang
<p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> 1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and 2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. 	

21 NEXT MEETING

26 April 2023

22 CLOSED

Meeting closed at _____