



**Yarriambiack**  
SHIRE COUNCIL

# Agenda

## Ordinary Meeting of Council

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25 OCTOBER 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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## TABLE OF CONTENTS

1	WELCOME .....	4
2	STREAMING PREAMBLE .....	4
3	ACKNOWLEDGEMENT AND PRAYER .....	4
3.1	ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND .....	4
3.2	PRAYER .....	4
4	PRESENT .....	5
5	APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE .....	5
6	CONFIRMATION OF MINUTES .....	6
6.1	MINUTES 27 SEPTEMBER 2023 – ORDINARY MEETING .....	6
6.2	MINUTES 27 SEPTEMBER 2023 – CLOSED (CONFIDENTIAL) MEETING .....	6
7	DECLARATION OF CONFLICT OF INTEREST .....	7
7.1	CONFLICT OF INTEREST DECLARED .....	7
8	BUSINESS ARISING.....	8
8.1	BUSINESS ARISING FROM PREVIOUS MINUTES .....	8
8.2	ONGOING AND PENDING ACTION LIST .....	8
9	PETITIONS .....	9
10	CORRESPONDENCE .....	9
11	SPECIAL COMMITTEES.....	9
11.1	Audit and Risk Committee Meeting Schedule .....	9
11.2	Audit and Risk Committee Meeting .....	9
12	ACTIVITY REPORTS .....	10
12.1	MAYOR ACTIVITY REPORT – OCTOBER 2023 .....	10
12.2	COUNCILLOR ACTIVITY REPORTS – OCTOBER 2023 .....	11
12.3	CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – OCTOBER 2023 .....	13
13	PUBLIC QUESTIONS .....	14
13.1	QUESTIONS SUBMITTED.....	14
14	COUNCILLOR REPORTS.....	15
14.1	MAYORS REPORT .....	15
15	REPORTS FOR DECISION .....	17
15.1	Annual Report 2022-23.....	17
15.2	Financial and Non-Financial Performance Report 2023-24: Quarter 1.....	20
15.3	Council Plan 2021-2025 – Quarterly Progress Report .....	24
15.4	Road Hierarchy 2023-2025, Stage One Community Engagement .....	27
15.5	Municipal Early Years Plan 2023 - 2028.....	31
15.6	Access and Inclusion Plan 2023 - 2028 .....	34
15.7	Public Transparency Policy Review .....	37
15.8	Council Expense Policy Revision .....	39

15.9	Audit and Risk Committee Charter Revision .....	42
15.10	TP25-23 Planning Permit – Building and works and use of a building as a food and drink premises – 11 Wychunga Street, Lascelles .....	44
16	COUNCIL REPORTS FOR NOTING .....	48
17	PERMITS ISSUED SEPTEMBER 2023 .....	48
18	URGENT BUSINESS .....	49
19	CLOSED (CONFIDENTIAL) SESSION .....	50
19.1	Collection of Kerbside & Bulk Bins, Bulk Transport & Disposal of General Waste and Bulk Transport & Processing of Recyclables.....	50
20	NEXT MEETING .....	50
21	CLOSED .....	50

## **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**

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, past, 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

Mayor	Kylie Zanker	Warracknabeal Ward	In person
Councillor	Andrew McLean	Hopetoun Ward	In person
Councillor	Tom Hamilton	Dunmunkle Ward	In person
Councillor	Graeme Massey	Warracknabeal Ward	In person
Councillor	Chris Lehmann	Hopetoun Ward	In person
Councillor	Corinne Heintze	Dunmunkle Ward	In person
Councillor	Karly Kirk	Warracknabeal Ward	Online

Council Officer	Tammy Smith	Chief Executive Officer	In person
Council Officer	Tony Caccaviello	Chief Operating Officer	In person
Council Officer	Belinda Penny	Governance Officer	In person
Council Officer	Michael Evans	Manager Assets and Emergency Management	In person
Council Officer	Tim Rose	Manager Community Health	In person
Council Officer	Anita McFarlane	Manager Corporate Services	In person
Council Officer	Elysia Preston	Manager Family, Youth and Children	In person
Council Officer	Joel Turner	Manager Infrastructure and Works	In person

## 5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Name / Role	Description of Leave / Absence
Gavin Blinman	Director Special Projects

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES 27 SEPTEMBER 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 27 September 2023 be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Ordinary Meeting of Council held on 27 September 2023, as circulated be taken as read and confirmed.

### 6.2 MINUTES 27 SEPTEMBER 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 27 September 2023 be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Closed (Confidential) Council Meeting of Council held on 27 September 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



## 8 BUSINESS ARISING

### 8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 8.2 ONGOING AND PENDING ACTION LIST

Council Meeting	Recommendation Action	Action Taken
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.  This survey is delayed and will form part of the Master Environment Strategy development and community engagement process. The Strategy is currently being released for tender via the State Government procurement panel.
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.  Council currently has a TAC application submitted for wombat crossing funding. We are awaiting outcome.  Report to be provided at the November 2023 meeting.
26 April 2023 Item 17.2	Commence public notice period to receive community feedback regarding the closure and discontinuation of Hobson Street, Rupanyup.	Commence Public Notice in accordance with legislative requirements.  If no objections received, Hobson Street, Rupanyup is to be removed from Council's Road Register.  Gazettal notice to close, discontinue Hobson Street Rupanyup was published in G23, on 08 June 2023.
26 July 2023 Item 15.7	Update on status of the Rabl Park Bridges to be provided at the next Council meeting.	Item 15.9 Rabl Park Bridges Update Report included in the Agenda 23 August 2023.  Item 16.3 Rabl Park Bridges Update Report included in this Agenda.  Verbal update to be provided this meeting – 25/10/23.

**Action:** Verbal Update to be provided by Manager Infrastructure and Works in relation to the status of Rabl Park Bridge replacement.

## 9 PETITIONS

Nil

## 10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
08/10/23	Stick shed Committee	Letter of Support Grant Application

Incoming		
Date	Sender	Details
03/10/23	Beulah Lions Club	Invitation to attend the 50 Year Anniversary Dinner
10/10/23	Warracknabeal RSL subbranch	Invitation to lay wreath at Warracknabeal Remembrance Service

## 11 SPECIAL COMMITTEES

### 11.1 Audit and Risk Committee Meeting Schedule

The proposed scheduled meeting program is as follows for the next 12 months for the Audit and Risk Committee:

Date	Description
Monday 19 February 2024	Ordinary Meeting
Monday 15 April 2024	Ordinary Meeting
Monday 15 July 2024	Ordinary Meeting
September 2024 TBC	Special Meeting

### 11.2 Audit and Risk Committee Meeting

The Audit and Risk Committee of Council meeting was held on the 16 October 2023 at Warracknabeal.

#### Recommended Motion:

That the minutes of the Audit and Risk Committee Meeting held on 16 October 2023, as circulated, be taken as read and confirmed.

[Attachment: Audit and Risk Committee Draft Minutes 16 October 2023](#)

## 12 ACTIVITY REPORTS

### 12.1 MAYOR ACTIVITY REPORT – OCTOBER 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
25/09/23	Internal Audit and Risk Committee Meeting	Online
28/09/23	CEO / Mayor catch up	
06/10/23	CEO / Mayor catch up	Online
12/10/23	Gold Melbourne AM radio interview re: Ladies Rest Rooms Warracknabeal heritage status	Online
13/10/23	CEO / Mayor catch up	Online
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal
18/09/23	ABC radio interview re: Minyip Primary School and attracting teachers	Online
20/09/23	Radio interview Flow FM re Council happenings	Online

**12.2 COUNCILLOR ACTIVITY REPORTS – OCTOBER 2023**

<b>Cr Andrew McLean – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
04/10/23	Hopetoun Community Meeting	Hopetoun
11/10/23	Attended Seniors awards at Government House	Melbourne
12/10/23	Municipal Association Victoria Gala Dinner and awards presentation	Melbourne
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal
20/09/23	Beulah Lions Club 50 <sup>th</sup> Year Anniversary Dinner	Beulah

<b>Cr Tom Hamilton – Dunmunkle Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal

<b>Cr Graeme Massey – Warracknabeal Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal
19/10/23	Opening of Seniors Concert	Warracknabeal

<b>Cr Chris Lehmann – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
04/10/23	Hopetoun Community Meeting	Hopetoun
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
04/10/23	Progress Association Meeting	Minyip
06/10/23	Opened the Murtoa Show	Murtoa
16/10/23	Audit and Risk Committee Meeting	Warracknabeal
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal

**12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – OCTOBER 2023**

<b>Tammy Smith</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
02/10/23	Patche Inc Annual General Meeting	Patchewollock
04/10/23	Hopetoun Community Meeting	Hopetoun
04/10/23	Joint State and Local Government Monthly CEO Forum	Online
05/10/23	Meeting with Hopetoun Kindergarten Families	Hopetoun
06/10/23	Rural Council's Victoria Annual General Meeting	Online
06/10/23	Meeting with Mayor	Online
09/10/23	Rupanyup Progress Association Annual General Meeting	Rupanyup
11/10/23	Victorian Senior of the Year Awards	Melbourne
12/10/23	Municipal Association Victoria Conference and Dinner	Melbourne
13/10/23	Meeting with Mayor	Online
16/10/23	Audit and Risk Committee Meeting	Warracknabeal
17/10/23	Councillor Forum (includes Department of Transport and Planning and Grants Commission visit).	Warracknabeal
18/10/23	Meeting with BGLC	Online
18/10/23	CEO Emergency Management Briefing – Spring Preparedness	Online
19/10/23	Special Wimmera Southern Mallee Regional Partnership Meeting on Energy Transition and Mineral Sands Development	Horsham
19/10/23	Seniors Concert	Warracknabeal
19/10/23	Wimmera Regional CEO meeting	Online
24/10/23	Meeting with Minister Dimopoulos – Rural Councils Victoria	Online
25/10/23	Meeting with Rupanyup Sporting Clubs and Recreation Reserve Committee Members	Rupanyup

## 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

<b>Name:</b> Nil	<b>Town:</b>
<b>Question:</b>	
<b>Respondent:</b>	
<b>Response:</b>	

## 14 COUNCILLOR REPORTS

This section of the Agenda includes the Mayor's Advocacy Report, Funding Updates and Notice of Motions.

### 14.1 MAYORS REPORT

*Prepared by Mayor Kylie Zanker*

**Victorian Senior Achiever Award:** The Victorian Senior of the Year Awards were presented at Government House on Wednesday 11 October 2023. Governor of Victoria, Her Excellency Professor the Honourable Margaret Gardner AC hosted the event.

Congratulations to Woomelang's own Gwenyth Barbary for her 'Council On The Ageing' (COTA) Victoria Senior Achiever Award.

Gwenyth is a dedicated and pioneering volunteer with a remarkable 32-year tenure managing the Council's Community Asset Committee Retirement Units in Woomelang. She has tirelessly advocated for her community, enabling elderly residents to remain in their homes among loved ones.

Gwenyth's involvement with the Country Women's Association and her roles with various committees, including the Medical Centre, Centenary Committee, and Hall Ladies Auxiliary, showcases her commitment to community service. Gwenyth is a valued volunteer for multiple organisations, demonstrating unwavering dedication. Gwenyth's outstanding contributions earned her the Yarriambiack Citizen of the Year Award in 2001, and her passion for community service continues to shine.

Gwenyth was nominated by our Shire for this prestigious award.

#### **Funding Success and Master Environment Strategy, Action Plan and**

**Masterplans:** Council was successful in receiving \$190,400 through the Circular Economy Council's Fund, via the State Government. The funds will assist our attempts to reduce waste to land fill, with the creation of a mobile recycling trailer that will collect a range of items for recycling and aggregate them at the Warracknabeal Transfer Station. This initiative will inform our Master Environment Strategy, Action Plan and Master planning of our three major transfer stations in Murtoa, Warracknabeal and Hopetoun that Council is currently out to Tender for, via the State Government procurement panel.

**Department of Transport and Planning (DoTP) Visit:** We had a welcomed visit from staff at the DoTP on 17 October 2023. We were provided with the opportunity to raise concerns with Officers on the deteriorated condition of some of the DoTP road network. The staff valued the feedback, and we strongly encourage the community to report their concerns via the Vic Roads Customer Request Portal, located on their website.

**Grants Commission:** The Grants Commission Committee members attended a briefing of Council on 17 October 2023. It was an informative presentation regarding the allocation of the Financial Assistance Grants, which comprise of the General Purpose Grant and Local Roads Grant. For 23-24 Financial Year, Council is to receive \$6,683,571. This funding is vitally important, as we are an unsustainable Council, and the rates and charges we generate do not cover the cost of operations. We are heavily reliant on the Financial Assistance Grant to ensure services can be provided to our Community. The Financial Assistance Grants represent approximately 20.5% of Yarriambiack Shire Council's recurrent revenue.



**Childcare and Teachers Shortage:** We are regularly being contacted by frustrated families, regarding the lack of available childcare across our Shire. Whilst we welcome the new childcare opportunities with the new Early Years Centre being constructed in Murtoa to open in 2025, and the in-venue care option for Rupanyup to be available mid-2024, there is still a significant shortage of available places in Warracknabeal. Our CEO is in discussions with Uniting Wimmera to explore how we attract and entice people to take up Early Years Education and Care as a profession. Warracknabeal Childcare places are limited based on the availability of qualified staff to meet the legislative requirements regarding ratios. We strongly encourage anyone who is considering a career in early years to call either Uniting Wimmera or our office, to discuss what support and options may be available. Childcare is an important issue to address, as it impacts on economic development and the prosperity of our Shire.

I have also been contacted by ABC Wimmera regarding Minyip Primary Schools inability to recruit a teacher to their school. Whilst Council was unaware of this issue until ABC Wimmera contacted me, we recognise that skills shortages are a systemic issue not only across our Shire, but across Victoria and Australia. The issue is more prevalent in Rural areas. We are strongly advocating for funding for housing across our Shire to assist our services to recruit and retain staff. It is difficult to attract professionals to the region, without housing and childcare. Please be assured, we are strongly advocating for solutions to address these issues.

## 15 REPORTS FOR DECISION

### 15.1 Annual Report 2022-23

**Presented by: Mayor, Councillor Kylie Zanker**

#### SUMMARY

In accordance with the *Local Government Act 2020*, Council is required to prepare an annual report in respect of each financial year and the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.

The Annual Report includes the audited annual financial and performance statements that have been prepared in accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020 and have been certified by the Victorian Auditor Generals Office (VAGO).

#### Recommended Motion:

That Council adopt the Annual Report for the 2022-23 financial year that contains the following sections as detailed in section 98 of the *Local Government Act 2020*:

- a) A report of Operations of Council.
- b) An audited Performance Statement.
- c) Audited Financial Statements.
- d) A Copy of the Auditors Report on the Performance Statement.
- e) A Copy of the Auditors Report of the Financial Statements under Part 3 of the *Audit Act 1994*, and
- f) Any other matters prescribed in the regulations.

#### ATTACHMENTS

[Attachment: Annual Report 2022-23](#)

#### DISCUSSION

The Annual Report has been prepared in accordance with sections 98, 99 and 100 of the *Local Government Act 2020*.

The Report outlines Council's financial and non-financial performance in the last 12 months and celebrates several key achievements.

The highlights from the 2022-2023 financial year include:

- a) Refurbishment of the Tourist Information Centre Warracknabeal.
- b) Completion of the Home is Where the Halls is Project, with 14 community halls receiving some type of refurbishment.
- c) Construction of the Hopetoun Amphitheatre.
- d) Financial support towards the Murtoa Silo Art activation.
- e) Feasibility Study and Business Case completed for the Hopetoun Former School site development.
- f) Construction of 3 x Warracknabeal and 2 x Hopetoun cabins located in Shire Caravan Parks.
- g) Camp kitchen refurbishments in Warracknabeal and Hopetoun Caravan Parks.

- h) Warracknabeal Town Hall refurbishment.
- i) \$8.931 million road and associated infrastructure projects delivered across the Shire.
- j) Investment in the development of an Economic Development Strategy, along with a separate Tourism Strategy.
- k) Commencement of construction of four of the seven affordable housing units being built across the shire.
- l) Planning for the Dunmunkle Library Precinct project commenced.
- m) Woomelang Bowling Green upgrade.
- n) Murtoa Rumble at Rabl Park Project completed, with a new pump track and playground.
- o) Significant amount of works completed on the redevelopment of the Early Years precinct in Warracknabeal.
- p) Masterplans for ANZAC Park Warracknabeal and Murtoa Recreation Reserve finalised.
- q) Purchase of the Little Green Wagon trailer for community education purposes.
- r) Purchase of the Beulah streetscape trees.
- s) Yaapeet, Byrne Street Masterplan undertaken.
- t) Upgrade of the fire design at the Warracknabeal Livestock Exchange.
- u) Glass crusher delivered at the Warracknabeal Transfer Station.
- v) Strong Advocacy, specifically for early years and housing.

In October 2022 the municipality experienced an extreme rain event where a significant number of Council roads were impacted. Council was proactive in applying for the Disaster Recovery Funding Agreement with \$2.048 million in works being completed in 2022-23 financial year, and further works planned for 2023-24.

A successful joint advocacy campaign with the community to combat the lack of childcare options available in the Southern end of the Shire resulted in the State Government election commitment to fully fund an integrated early years centre, including childcare, kindergarten and maternal child health services in Murtoa was received during the year. Additionally, an election commitment for skatepark funding at Rabl Park Murtoa was also received.

The Annual Report endorses the sound framework of the 2021-2025 Council Plan and paints a picture of a Council that understands its purpose to serve its community.

### **RELEVANT LAW**

- *Local Government Act 2020* – Division 3 Reporting - Section 98, 99 and 100. Applicable Australian Accounting Standards.

### **COUNCIL PLANS AND POLICIES**

- Council Plan 2021 - 2025
- Annual Budget 2022-2023

### **RELATED COUNCIL DECISIONS**

Minutes: 29 June 2022 – Adoption of Budget 2022-23

### **OPTIONS**

Not applicable

## SUSTAINABILITY IMPLICATIONS

One of the overarching governance principles in section 9 of *the Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

## COMMUNITY ENGAGEMENT

Community Engagement has occurred in the development of the Council Plan 2021-2025 and the Annual Budget. Both documents inform the key performance metrics included in the Annual Report.

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Financial Risk - Residual Risk Level Medium	The Annual Report includes the Annual Financial and Performance Reports that are audited and certified by VAGO.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The presentation of the Annual Report within the required timeframes outlined in the Act demonstrates Council has met the requirements of section 98, 99 and 100 of the <i>Local Government Act 2020</i> .	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Council Plan is Council's overarching strategic document that outlines Council's key actions for a four-year period. The annual report identifies and reports on how Council has met the actions outlined in the Council Plan.	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

## CONFLICTS OF INTEREST

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

## 15.2 Financial and Non-Financial Performance Report 2023-24: Quarter 1

***Prepared by Tony Caccaviello, Chief Operating Officer***

### **SUMMARY**

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

#### **Recommended Motion:**

That Council:

- a) Adopt the quarterly Financial and Non-Financial Performance Report as of 30 September 2023 as attached to this report.

### **ATTACHMENTS**

[Attachment: Financial and Non-financial Reporting Report 2023-24: Quarter 1](#)

### **DISCUSSION**

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

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

The Management Team has adopted a holistic approach to meet the requirements of the *Local Government Act 2020* and Regulations, by compiling a Quarterly Financial and Non-Financial Performance Report.

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

For this quarter, the report has been presented at Council Forum on 17 October 2023 and to the Audit and Risk Committee on 16 October 2023.

### ***Infrastructure and Works - Operations Update***

During the quarter, the concentration of activity has been focused on delivering the roads capital works program. This focus has seen the physical completion of the entire gravel resheet program, which included works on 26 segments of roads across the Shire. It is expected that most of the roads related capital works program will be delivered by the end of the second quarter. Significant maintenance activities are planned to be undertaken in the second half of the financial year and are expected to utilise the available budget. Operational activities undertaken during the quarter included the roadside slashing and spraying programs and maintenance grading activities in locations nearby to re-sheeting jobs.

## **Key Projects Update**

Warracknabeal Early Years Centre: Building works are expected to achieve practical completion in late October 2023. The project requires landscaping in the playground area of the facility and a car park to be completed before the site can be functionally utilised as a licensed kindergarten space. Significant drainage issues at the site have caused further delays in landscaping and car park design work which is planned to be released to market in late October 2023. The site is now expected to be operational for the 3 year old kindergarten service for Term 2 in the 2024 school year.

Rupanyup Community Library: Council has appointed Onley's Holdings Pty Ltd from Donald to undertake the upgrade of the old Shire Building in Cromie Street Rupanyup.

The initial plans and tender documentation included an external pergola and extension of amenities at the rear of the building. Due to the rising cost of materials and contractor costs, the tender had to be re-scoped to bring the project back to budget. The Councillors have committed further funds to the project to ensure the building is revitalised to accommodate a new library, community meeting and makers' space. The building will also accommodate in-venue childcare. The works have commenced and are due for completion by 30 June 2024.

Amenities block at Warracknabeal Caravan Park: Offsite fabrication of building materials has been completed by the contractor and is expected to be delivered to the site in October 2023. An initial delay of two weeks in the delivery of the materials is not expected to impact the timeline for the handover of the completed building, which is expected in December 2023. The existing amenities block at the site is to be demolished once the new building is operational and is included in the budget for the project.

## **Grants Update**

Council has applied for Regional Precincts and Partnership Program Funding via the Commonwealth Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Two applications have been submitted in early October under Stream One: Precinct Development and Planning. ANZAC Park Sporting and Recreation Precinct and the Hopetoun Community Activation and Visitor Precinct, located at the Hopetoun former school site have been the target projects for the funding. Council recognises that being "shovel ready" is vital to ensuring successful delivery of infrastructure projects.

Council has also applied for funding via the Free from Violence Local Government Grants Program 2023-2026. This funding is aimed at supporting Councils to embed gender equality and family violence prevention practices into their work and programs and services they deliver.

Council was successful in receiving a further \$190,000 of Sustainability Circular Economy State Government Funding towards the Mobile Recycling Trailer Project.

## **RELEVANT LAW**

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

Local Government (Planning and Reporting) Regulations 2020

## **COUNCIL PLANS AND POLICIES**

- Annual Budget 2023-2024
- Performance Reporting Framework
- Risk Management Manual

## RELATED COUNCIL DECISIONS

Minutes 28 June 2023 – Adoption of the Annual Budget 2023-2024

### OPTIONS

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

Options to be considered:

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

### SUSTAINABILITY IMPLICATIONS

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

*Financial:* Yarriambiack Shire Council is heavily reliant on operational and capital grants as a source of revenue funding. This poses a significant financial risk to Council. Councils' ability to raise source revenue is restricted by the annual rate cap and is at risk to decreases or increases that are lower than cost inflation.

### COMMUNITY ENGAGEMENT

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

In accordance with section 9 of the *Local Government Act 2020*, Council must in the performance of its role give effect to the Overarching Governance Principles.

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

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

### GENDER IMPACT ASSESSMENT

Not required for this report.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The quarterly report incorporates the reporting requirements as outlined in the Local Government (Planning and Reporting) Regulations 2020 Schedule 1.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The quarterly report includes Budget v Actual reporting, which enables management, Audit and Risk Committee and Councillors to monitor the financial performance of Council and assess and address risks as they arise.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The quarterly report incorporates detailed project reporting, providing enhanced oversight on the performance of projects.	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

## CONFLICTS OF INTEREST

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



### 15.3 Council Plan 2021-2025 – Quarterly Progress Report

***Prepared by Tammy Smith, Chief Executive Officer***

#### **SUMMARY**

Council must adopt and prepare a Council Plan for the period of at least the next four financial years after a general election. Council must also prepare a Community Vision with an outlook of at least the next 10 years. The Council Plan 2021 – 2025 was adopted on the 25 August 2021 and incorporates the Municipal Health and Wellbeing Plan for the second time.

This report presents the Council Plan Actions, that aligns with the strategic objectives of the plan and the progress of each action.

#### **Recommended Motion:**

That Council:

Endorse the progress of the Council Plan 2021-2025, Year 3 Quarterly Report as outlined in the body of this report.

#### **ATTACHMENTS**

[Attachment: Website Link to the Council Plan 2021-2025](#)

[Attachment: Council Plan Quarterly Report Update, Quarter 1, 2023-24](#)

#### **DISCUSSION**

The Council Plan 2021-25 incorporating the Community Vision, Public Health and Wellbeing Plan, Long Term Financial Plan and Community Engagement Policy was adopted by Council in August 2021 after undertaking a community consultation process, in accordance with Council's Community Engagement Policy.

The Council Plan presents four overarching strategic objectives to guide Council's direction over the next four years.

The Council Plan actions have been developed based on the strategic objectives and have undertaken a community consultation process, in accordance with Council's Community Engagement Policy.

In July 2022, the Long-Term Financial Plan was removed from the Council Plan to be a standalone document.

Council has recently reviewed the Council Plan strategic priorities and has revised the Council Plan for years three and four.

#### **RELEVANT LAW**

The requirement for a Council Plan, 10-year Community Vision, 10-year Long Term Financial Plan are set out at Part 4, Division 1 Planning and Financial Management of the *Local Government Act 2020*. The requirement for Council to have a Public Health and Wellbeing Plan is set out in the *Public Health and Wellbeing Act 2008*.

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

The Council Plan is the overarching Plan that sets the strategic objectives for Council over the four-year term. The objectives are used to drive the development of other plans, policies, services and activities undertaken by Council.

#### **RELATED COUNCIL DECISIONS**

On 25 August 2021, Council adopted the Council Plan 2021-2025.

26 October 2022 – Minutes – Council Plan Actions Year 2, Quarter 1 Report.

- 25 January 2023 – Minutes – Council Plan Actions Year 2, Quarter 2 Report.
- 26 April 2023 – Minutes – Council Plan 2021-25 Action Plan Quarterly Report
- 26 July 2023 – Minutes – Council Plan 2021-25 Action Plan Quarterly Report
- 23 August 2023 – Minutes – Revision of Council Plan 2021-2025 Year 3 and 4

## OPTIONS

- a) Councillors chose to revise the Council Plan actions and strategic priorities in June 2023.

## SUSTAINABILITY IMPLICATIONS

The Council Plan is the overarching document that sets the strategic direction for Council operations. It determines the priorities, how they will be resourced through finance and staff and has clear measures for success in meeting the objectives.

The Council Plan has objectives for growing the economy through diversification, strengthening the environment through a range of measures that combat emissions and waste recovery, concentrating on delivering community wellbeing services that are critical to our townships health and ensuring that Council serves the community in all aspects of governance.

## COMMUNITY ENGAGEMENT

In the development of the Council Plan, extensive community consultation was undertaken with over thirty community sessions held across fourteen townships through day and evening meetings with approximately 200 residents attending.

Hard copy surveys were sent to all households and made available online with 356 responses received and collated.

Targeted online stakeholder meetings with youth, seniors, state health, education and government representatives.

Draft Council Plan pop-up sessions were scheduled across the Shire, providing municipal residents the opportunity to provide feedback on the draft Plan in person.

The draft Council Plan 2021-2025 was placed on public exhibition from 24 June to 20 August 2021 and adopted by Council on 25 August 2021.

The Year two actions were developed based on the strategic objectives of the adopted Council Plan, and were reviewed by Councillors, prior to being placed on public exhibition and adopted on 27 July 2022.

The Revised Council Plan for Years 3 and 4 were developed in consultation with the Councillors and placed on public exhibition in accordance with Council's Community Engagement Policy. Council received no public comments or submissions in relation to the revision. The revised plan was adopted on 23 August 2023.

## GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Council Plan Actions progress reported quarterly in accordance with Council's Performance Management Framework and reported on by the Mayor on an annual basis as required by the new <i>Local Government Act 2020</i> .	Maintains Residual Risk Level

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Operational resources including staff and finance attributed to the Council Plan objectives so they can be achieved.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Measures that are independently verified to ensure ongoing targets are being met.	Maintains Residual Risk Level

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

The Council Plan relies on a number of regional and state plans and policies including:

- Wimmera Mallee Destination Management Plan
- WDA Housing Strategy 2020
- Victorian Government Active Recreation Strategy
- Victorian Government Recycling Victoria
- Wimmera Mallee Tourism Strategy
- Wimmera Southern Mallee Development Strategic Plan

## **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 Road Hierarchy 2023-2025, Stage One Community Engagement

***Prepared by: Michael Evans, Manager Assets and Emergency Management  
(Chief Emergency Management Officer)***

### SUMMARY

The report seeks endorsement from Council to adopt the Road Hierarchy 2023 for the period of at least the next four financial years. This document has been revised and updated to reflect the Road Management Plan that was adopted by Council on 29 June 2022.

Council must prepare a Road Hierarchy to establish design and construction standards and service levels that Council will endeavour to provide for the various classes of urban and rural roads. In addition, the Road Hierarchy will determine which road category should undertake periodic inspection and collect condition data to maintain the road to a higher standard based on the road surface material.

### Recommended Motion:

That Council:

- a) Adopt the revised Road Hierarchy 2023 - 2025 for a maximum period of the next four financial years.
- b) Endorse that the Road Hierarchy 2023 - 2025 be reviewed again in the 2025-26 Financial Year period, to align with the next revision of the Road Management Plan, that is due for review 12 months after a Council election.
- c) Endorse the commencement of Stage two of the Community Engagement process that identifies specific hierarchy changes to roads and streets based on updated categories from the Stage 1 consultation process.

### ATTACHMENTS

[Attachment: Road Hierarchy 2023 - 2025](#)

### DISCUSSION

*What is the Road Hierarchy Plan?*

Council must direct its limited road funding to where it will achieve best value. This road hierarchy is an essential tool in the management of the local roads for which the Council has responsibility. This hierarchy provides direction in the following aspects of road management:

- Target specification for the physical characteristics of the road.
- Frequency of routine maintenance inspections to be carried out on a regular basis by Council staff.

The hierarchal classifications reflect the relative community importance of roads and enable Council to effectively define an appropriate level of service to all roads in the Council Road network.

The classifications included in the draft road hierarchy are considered to be the most appropriate for Yarriambiack Shire. The classifications have been developed after consideration of the following points:

- the function of the road/street
- the volume and type of traffic
- the availability of funds to maintain the road/street.

Council has developed a two-stage community consultation process that allowed community members to provide feedback on the Draft Road Hierarchy Plan itself, and the proposed specific road hierarchy changes on roads and streets based on the category review and previous community consultations held in 2021/2022.

*Stage 2 - Specific hierarchy changes to roads and streets based on updated categories from Stage 1.*

The second part of the consultation process aims to obtain feedback from the community regarding the proposed changes to the hierarchy on specific roads and streets based on the category review.

The community will have 28 days to provide feedback and object to the proposed changes. If no objections received, the proposed list will be present to Council for adoption and a new road register developed for Council's further approval.

### **RELEVANT LAW**

Section 90(3) of the *Local Government Act 2020* requires a Council to develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.

Part 3 – Road Management Plans of the Road Management Regulations (General) 2016 requires a municipal council to conduct and complete a review of its road management plan within the period referred to in section 125(1) of the *Local Government Act 1989*. This section of the Local Government Act has been repealed and replaced with Section 90 (3) of the Local Government Act.

A review of a Road Management Plan must be conducted in accordance with Section 54 of the *Road Management Act 2004*.

### **COUNCIL PLANS AND POLICIES**

#### **a) Council Plan 2021-2025**

Objective 1: A Vibrant and Diversified Economy.

- Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery,
- Ensuring land use does not compromise the right to farm,

Objective 4: A Council Who Serves its Community.

- Providing a range of communications aligned to our residents and stakeholder needs,
- Embedding good governance in all decision making made by Council,

#### **b) Road Management Plan 2022**

**RELATED COUNCIL DECISIONS**

Council Meeting Minutes 29 June 2023: 15.2 Road Management Plan 2022 adoption.

The previous Road Hierarchy was adopted in the year 2014.

**OPTIONS**

- a) Councillors could choose not to adopt the Road Hierarchy and make changes to categories and/or request further consultation with the community.

**SUSTAINABILITY IMPLICATIONS***Economic:*

- Improved road network and high safety compliance leads to better long-range capital works planning and future cost savings, along with providing a clear framework for decision making.
- Assists in the maintenance and sustainability of the heavy vehicle routes and good access to primary producing properties within the farm to market road network.
- Assists with future and current working relationships and long-term planning with businesses.

*Social:*

- Improves reputational outlook by having an implemented Road Management Plan and supporting Road Hierarchy that addresses road safety compliance within the council's road network.
- Provides equitable access for all.
- The framework assists in Councils compliance aspects to allow for people to access their properties and enhance their wellbeing.

*Financial:*

- Having the Road Management Plan framework and Road Hierarchy in place and a robust safety inspection regime could benefit Council in future funding opportunities for capital road work programs.
- Council is identified as an unviable Council, where rates and charges do not cover the cost of operations. Our Council is heavily reliant on grant funding, therefore we must utilise the limited funds we have to the greatest benefit of the entire municipality. The Road Management Plan sets standards, assists in the decision-making process and identifies where Council spends its limited revenue.

**COMMUNITY ENGAGEMENT**

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

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

As soon as state enforced restrictions were eased, Council conducted community consultations at sixteen locations throughout the municipality during February to March 2022. The consultation was aimed at engaging the community to discuss the current version of the road management plan along with the road hierarchy, and to identify matters and information that could improve the development of the draft documents.

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

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

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

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

The Road Hierarchy was uploaded to the Council website on Tuesday 18 September 2023, and was also extensively advertised in accordance with Council's Community Engagement Policy. Public feedback submissions were invited until the close of business 17 October 2023. No formal submissions regarding the Road Hierarchy were received.

## GENDER IMPACT ASSESSMENT

Not applicable for this report.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Once the Road Management Plan (RMP) and Road Hierarchy are adopted, Council complies with the relevant associated Act's and regulations, assists in reduction of legal liability and any reputational damage.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Policies and procedures to remain in place due to the RMP and Hierarchy being adopted. Community consultation been considered during the process.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Road Management Plan 2022- 2025 and Road Hierarchy 2023-2025 assists with the development of maintenance and capital programs managing the risk for raising sufficient revenue to meet Council requirements.	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Victorian State Government – Transport Strategies and Plans

## CONFLICTS OF INTEREST

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

## 15.5 Municipal Early Years Plan 2023 - 2028

***Presented by Elysia Preston, Manager Family, Youth and Children***

### **SUMMARY**

As a Council we are committed to providing Early Years Services to our Community, that enhances the overall social health and wellbeing outcomes for our youngest residents. The Municipal Early Years Plan provides Council with a clear strategic direction over the next five years, to achieve quality outcomes for our early year's community.

#### **Recommended Motion:**

That Council:

- a) Adopt the Yarriambiack Shire Council Municipal Early Years Plan 2023 – 2028 as attached to this report; and
- b) Revoke all earlier versions of the Early Years Plan as of 25 October 2023.

### **ATTACHMENTS**

[Attachment: Early Years Plan 2023 - 2028](#)

### **DISCUSSION**

The Yarriambiack Shire Municipal Early Years Plan (2023-2028) is a holistic roadmap for how Council will plan, deliver, partner and advocate to ensure the greatest possible outcomes for our Early Years communities through a whole of Council approach.

Yarriambiack Shire approaches planning for the best possible Early Years development and experiences through:

- Leadership and advocacy which upholds the importance of the Early Years and supports families in the role of parenting and care.
- Facilitating responsive and inclusive services and programs for children and families.
- Delivering quality accessible infrastructure and public spaces which support community connection, wellbeing, and liveability.
- Pursuing strong partnerships and collaborating with other service providers and community groups to achieve outcomes not achievable when acting in isolation, and;
- Reducing barriers to participation in community life and access to services through multiple means (communication, awareness raising, inclusion, events and promotions etc).

The Early Years Plan has adopted the Australian Research Alliance of Children and Youth's (ARACY) six Nest domains, as our goals for our children aged 0-8 years and to frame our priority areas. Adopting the Nest evidence base ensures we are applying a high integrity, Australian lens to our vision for our Early Years community.

The Plan aligns with the Municipal Association of Victoria's articulated role of Local Government in the Early Years in regard to;

1. Planning and coordination
2. Service provision
3. Infrastructure planning
4. Advocacy (partnership)
5. Strengthening community capacity.



As a Council we are completely committed to the health, wellbeing and safety of all children and young people. The extensive, well researched and developed Municipal Early Years Plan 2023 – 2028 outlines our commitment to improving the health and wellbeing of the Yarriambiack Early Years community.

**RELEVANT LAW**

Page 42 of the Municipal Early Years Plan outlines the Legislative Context that guides the development and implementation of the plan.

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025; A Healthy and Inclusive Community

**RELATED COUNCIL DECISIONS**

Minutes of Council Meeting, 28 February 2018, Draft Yarriambiack Shire Council Municipal Early Years Plan 2018-2022, Item 11.3

**OPTIONS**

- a) Councillors could choose to make changes, and or seek further consultation with the community to inform the Early Years Plan.
- b) Councillors could choose to reduce the size and detail within the Early Years Plan.

**SUSTAINABILITY IMPLICATIONS**

*Social:* Early Years services are important to the social health, wellbeing and development of our young people. Equitable services are the priority for our Council, to ensure positive outcomes for our young people.

*Financial:* The assessment of the buildings for Early Years services is important to ensuring the continuation of quality service is provided. Council will need to ensure grant funding is secured to upgrade buildings to meet legislative requirements.

*Economic:* The lack of Early Years services has a financial impact on the economic growth and prosperity of the region. Lack of qualified educators and carers is impacting on families returning to the workforce. There is a significant skills and labour shortage across our Shire and region, and childcare is a barrier to people taking on positions, and/or increasing their hours of work.

**COMMUNITY ENGAGEMENT**

In total 415 voices informed the Yarriambiack Shire Municipal Early Years Plan. These voices included:

- 251 children through a drawing exercise circulated to all preschools and schools and children's discussion groups held at selected preschools and schools.
- 137 parents/carers and extended family members through an online survey, community drop-in sessions and attending drop-offs and pick-ups at preschool and school.
- 27 service providers through an online survey, a dedicated Service Providers focus group and targeted interviews with key stakeholders, and
- A desk-based review of previous community and children's consultations (including the recent Childcare survey) and current Yarriambiack Shire plans and strategies also informed and guided theme development.

Once the draft Municipal Early Years Plan was developed, Council commenced Community Engagement, in accordance with Council's Community Engagement Policy, seeking feedback on the draft plan. Council commenced advertising on 30 August 2023, and it closed on 29 September 2023. Council received no submissions relating to the draft plan.

## GENDER IMPACT ASSESSMENT

The Gender Impact Assessment will be completed as part of the Service Level Planning process in 2024-25 for Early Years.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The lack of childcare services across our Shire is a barrier to delivering on our Economic Development Strategy. Council Officers are analysing the potential roll out of the 30 hours of kindergarten to ensure it provides the greatest possible benefit to our community and young people.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	Council is working with ByFive and other leading agencies to address the skills shortage for Childcare providers and Early Years Educators and Teachers. The lack of qualified professionals is a barrier to delivering on key projects and programs.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council is strongly advocating and working with key stakeholders on solutions to address the Skills shortage of early years professionals across our Region.	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Page 43 of the Municipal Early Years Plan outlines the Policy Context that guides the development and implementation of the plan.

## 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 Access and Inclusion Plan 2023 - 2028

**Presented by: Tim Rose, Manager Community Health**

### SUMMARY

In consultation with the Community, Council Officers have undertaken a review of the Access and Inclusion Plan. The revised plan provides for a five-year vision on how we ensure our community is inclusive and accessible for all, with the limited funds and resources available.

#### Recommended Motion:

That Council:

- a) Endorse the adoption of the Access and Inclusion Plan 2023-2028; and
- b) Rescind prior versions of the Access and Inclusion Plan as at 25 October 2023.

### ATTACHMENTS

[Attachment: Access and Inclusion Plan 2023-2028](#)

### DISCUSSION

Council Officers commenced the process of reviewing and revising Council's Access and Inclusion Plan and as part of this review, a working group was established. Council Officers also considered feedback that was received as part of the Sport and Recreation Strategy consultation, Masterplan development across sport and recreation sites consultation and the Footpath Hierarchy consultation. There were common themes presenting across all reviews which included;

- Access to pathways, footpaths and tracks and the type of construction materials utilised.
- Access to pathways within recreation reserves and parklands.
- Access to public and community buildings.
- Access to appropriate parking across the Shire.
- Accessing to alternative formats of information.
- Lack of indoor sporting venues across the Shire; and
- Access to public amenities that are either access all abilities or changing places standards.

The Access and Inclusion Plan revision has been developed, considering the key areas that were raised through extensive consultation.

The priority areas for Council over the next five years are as follows:

1. Moving Around - with the goal of maximising the ability of community members and visitors to move around our Shire easily and safely.
2. Being Informed - with the goal of ensuring that everyone within the Shire can access the information they need to live healthy, safe and active lives.
3. Accessing Services - with the goal of providing ways of accessing services that meet the requirements of people of all abilities.
4. Connecting with Others - with the goal of creating opportunities for everyone to participate actively in the community.
5. Maintaining Compliance - with the goal of ensuring relevant standards, and policies in relation to access and inclusion are met.

The plan includes an action plan to be implemented over the next five years, that Council officers believe is achievable with funding and resources currently available.

**RELEVANT LAW**

The Access and Inclusion Plan has been developed in line with the *Disability Discrimination Act 1992* (the Act), a landmark legislation enshrining the rights of equal and dignified access for everyone. Part 3 of the Act sets out the development of policies, programs, goals and targets to identify and remedy discriminatory practices.

The National Disability Strategy 2021-2031 sets out ways to work towards equal rights for people with disability to participate and be included in the broader community. Legislation and Codes supporting and guiding the strategy include:

- *Disability Act 2006*;
- *Victorian Charter of Human Rights and Responsibilities Act 2006*;
- Australian Human Rights Commission.

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025; A Healthy and Inclusive Community

**RELATED COUNCIL DECISIONS**

Minutes of Council Meeting, 22 March 2017, Access and Inclusion Plan 2017-2023, item 11.3.

**OPTIONS**

- a) Councillors could choose to undertake further consultation with the community to inform the Access and Inclusion Plan.
- b) Councillors could choose to embed the Access and Inclusion Plan into the Council Plan when it is revised in 2025.

**SUSTAINABILITY IMPLICATIONS**

*Economic:* Failure to address access and inclusion issues can result in economic impacts being felt across the Shire. People may choose not to continue living or residing in a community that does not provide inclusive infrastructure and services, which can result in a reduction in the available workforce, including volunteers.

*Social:* Failure to provide an inclusive and accessible community can result in negative social impacts in relation to people's health, wellbeing, and connection to community.

**COMMUNITY ENGAGEMENT**

Council established a Yarriambiack Shire Council Access and Inclusion Working Group to review and develop this plan. The group comprised of representatives of the Yarriambiack Shire Council, community agencies and individuals. Surveys were distributed and community consultation pop up sessions were held seeking feedback to inform the revision of our plan.

The revised plan was made available for community consultation and feedback in accordance with Council's Community Engagement Strategy. Council commenced advertising on Thursday 21 September seeking feedback until close of business Friday 20 October 2023. No submissions were received on the final draft of the plan.

**GENDER IMPACT ASSESSMENT**

A Gender Impact Assessment is not required for this report but is required as projects are undertaken as part of this plan implementation.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Reputational Risk - Residual Risk Level Low	The adoption of the Access and Inclusion Plan demonstrates to the community and stakeholders that Council is committed to addressing barriers to social inclusion and connection within our community.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Access and Inclusion Plan includes a focus on ensuring Council owned buildings are compliant with legislative frameworks.	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- The National Disability Strategy 2021-2023
- Universal Design and Best Practice.

## 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.

## 15.7 Public Transparency Policy Review

***Prepared by Belinda Penny, Governance Officer***

***Presented by Tammy Smith, Chief Executive Officer***

### SUMMARY

Council must adopt and maintain a Public Transparency Policy under section 57 of the *Local Government Act 2020*. This policy gives effect to the Public Transparency Principles outlined in section 58 of the *Local Government Act 2020*.

#### Recommended Motion:

That Council:

- a) Rescind version one (1) of the Public Transparency Policy; and
- b) Adopt the updated version two (2) of the Public Transparency Policy, coming into effect from 25 October 2023.

### ATTACHMENTS

[Attachment: Public Transparency Policy](#)

### DISCUSSION

Council is committed to the principles of public transparency, good governance, open and accountable conduct and making Council information publicly available, except where that information is confidential under the provisions of the Act or contrary to the public's interest. This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information.

The policy is supported by the Freedom of Information Part II Statement, which outlines further the types of information available to the public.

Council first adopted the Public Transparency Policy on 26 August 2020 and has completed a revision of the Policy in accordance with Council's policy review cycles.

Only administrative changes were made to the revised policy, and the overall content and intent remains unchanged.

### RELEVANT LAW

- Section 57 *Local Government Act 2020*: adopt Public Transparency Policy
- Section 58 *Local Government Act 2020*: Public Transparency Principles
- Freedom of Information Act 1982
- Local Government Privacy Principles

### COUNCIL PLANS AND POLICIES

Council Plan: Strategic Objective 4 - A Council who serves its community.

### RELATED COUNCIL DECISIONS

- Council Meeting 22 July 2020, 12.7 release Public Transparency Policy for public submission.
- Council Meeting 26 August 2020, 12.6 adopt Public Transparency Policy

### OPTIONS

Release the updated version of the Public Transparency Policy for public consultation. However, as there are no major changes it would be deemed unnecessary.

## SUSTAINABILITY IMPLICATIONS

Not applicable

## COMMUNITY ENGAGEMENT

Community Engagement occurred with the adoption of Council's first Public Transparency Policy to comply with the *Local Government Act 2020*. No material changes have been made to the policy, and therefore it would be deemed that this is an administrative review of the policy and community engagement is not required.

## GENDER IMPACT ASSESSMENT

Not required for this report.

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	This policy ensures compliance with the requirement under section 57 and 58 of the <i>Local Government Act 2020</i> .	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Ensuring that Council's commitment to make available documents to the public, in accordance with legislative frameworks, are obtainable and accessible.	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.

## 15.8 Council Expense Policy Revision

*Prepared by Tammy Smith, Chief Executive Officer*

### SUMMARY

In June 2020, Yarriambiack Shire Council's 2017 Councillor Expense Entitlement Policy was revised to meet the requirements of the *Local Government Act 2020* (The Act). This new policy, the Council Expense Policy was adopted by Council on 24 June 2020. Since initial adoption it has been revised in June 2022, and has recently undertaken an administrative update.

### Recommended Motion:

That Council:

- a) Rescind the Council Expense Policy adopted on 29 June 2022; and
- b) Adopt the updated version two (2) of the Council Expense Policy, coming into effect from 25 October 2023.

### ATTACHMENTS

[Attachment: Revised Council Expense Policy](#)

### DISCUSSION

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

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

The Determination took effect from 18 December 2021.

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

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

The Tribunal is required to make an annual adjustment to the values of allowances. On 30 June 2023, the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination 2023. This Determination adjusts the values of allowances with effect from 1 July 2023.

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

- Updating the Responsibility section to include the Chief Operating Officer and removing reference to Directors.
- Updating Section 4.5 Allowances to reference that the fee set for the Audit and Risk Committee is to be in accordance with the Audit and Risk Committee Charter and via a resolution of Council with the appointment of Committee Member(s).



- Section 6.2 Councillor Remoteness Factor is updated to remove reference to a financial value and is linked to the Allowance Payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination.
- Section 6.3.3 Accommodation includes that Council's preferred method of procuring accommodation, breakfast, lunch and dinner is via a purchase order system, opposed to reimbursement.
- The value of meal reimbursements has been revised due to the rising cost of procuring services.
- Section 12 has been included to align with the *Local Government Act 2020* requirements to ensure policies align with Governance Principles.
- Section 13 and 14 have been included to outline the Policy review timeline and the Legislative Context in which the policy and procedure operate.

### RELEVANT LAW

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

### COUNCIL PLANS AND POLICIES

Council Plan 2021-2025, Strategic Objective 4: A Councillor Who Services its Community.

### RELATED COUNCIL DECISIONS

Minutes of Council Meeting, 24 June 2020 – Adoption of Council Expense Policy

Minutes of Council Meeting, 29 June 2022 – Adoption of revised Council Expense Policy.

### OPTIONS

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

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

### SUSTAINABILITY IMPLICATIONS

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

### COMMUNITY ENGAGEMENT

Nil

### GENDER IMPACT ASSESSMENT

Not required for this report.

## RISK

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

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

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

## CONFLICTS OF INTEREST

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

## 15.9 Audit and Risk Committee Charter Revision

**Prepared By: Tony Caccaviello, Chief Operating Officer**

### SUMMARY

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

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

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

A revision was undertaken by the Audit and Risk Committee in April 2022, and a further review has been undertaken with administrative changes recommended for adoption.

### Recommended Motion:

That Council:

- a) Adopt the revised Audit and Risk Committee Charter as attached to this report, to take effect from 25 October 2023; and
- b) Rescind the prior version of the Audit and Risk Committee Charter that was adopted on 27 April 2022.

### ATTACHMENTS

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

### DISCUSSION

At the Audit and Risk Committee Meeting of Council held on 17 July 2023, it was recommended the following changes be made to the charter;

- *Section 1 (f) be updated to:*  
Council's performance with regard to compliance with its policies and procedures with the overarching governance principles and the Local Government Act and the regulations and any ministerial directions.
- *Section 2(b) be updated to:*  
Approve internal and external audit plans for adoption by Council at the next meeting of Council as contained in the minutes of the meeting of the Audit and Risk Committee. This includes audit plans with an outlook of greater than one year.
- Section 5, Remuneration was updated to reflect current practice where Councillors determine the sitting fee based on skills, experience and market rate to attract qualified and skilled independent members.
- The removal of a cap on travel is recommended, to align with Council's Expense Policy.

### RELEVANT LAW

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

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

### **COUNCIL PLANS AND POLICIES**

Council Plan: 2021-2025, Key Objective 4: A Council Who Serves its Community

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

### **RELATED COUNCIL DECISIONS**

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

Minutes Council Meeting – 27 April 2022 – Audit and Risk Committee Charter revision.

### **OPTIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **COMMUNITY ENGAGEMENT**

Not applicable

### **GENDER IMPACT ASSESSMENT**

A Gender Impact Assessment is not required for this report.

### **RISK**

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

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

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

Nil

### **CONFLICTS OF INTEREST**

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

### **15.10 TP25-23 Planning Permit – Building and works and use of a building as a food and drink premises – 11 Wychunga Street, Lascelles**

***Prepared by Adam Moar, Manager Development and Environmental Services  
Presented by Tammy Smith, Chief Executive Officer***

#### **SUMMARY**

Council has received a planning permit application for the reuse of an existing building for the use of a food and drink premises (café) at 11 Wychunga Street, Lascelles. This application was advertised to adjoining and surrounding property owners for comment. During the advertising period several submissions objecting to the proposal were received. A letter of support was received along with a response from the applicant, which included other support for the application.

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.

#### **Recommended Motion:**

That Council issues a Notice of Decision to Grant a Permit under the provisions of the Yarriambiack Planning Scheme in respect of the land known and described as 11 Wychunga Street, Lascelles, being Lot 193 PS006219, for building and works and use of a building as a food and drink premises in accordance with the endorsed plans, with the application dated 23 August 2023, subject to the following conditions:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Approved and endorsed plans – no changes required

2. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:
  - be prepared to the satisfaction of the responsible authority
  - be drawn to scale with dimensions
  - submitted in electronic form
  - be generally in accordance with the plans that form part of the application.

#### General amenity provision

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
  - parking of vehicles

to the satisfaction of the responsible authority.

#### Hours of operation

4. The use must only operate between the following times:
  - 9.30 am and 9 pm Monday to Friday
  - 10 am and 10 pm Saturday

- 10 am and 9 pm Sunday or public holiday.

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

#### Regulation of delivery times

5. Deliveries to and from the site must only take place between the following times:

- 9.30 am and 9 pm Monday to Friday
- 10 am and 10 pm Saturday
- 10 am and 9 pm Sunday or public holiday.

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

#### Noise control

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

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

#### Waste storage

7. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

#### Regular waste removal

8. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.

#### Control of light spill

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

#### Signs not to be altered

10. The location and details of existing signs, and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

#### No illumination

11. The sign(s) must not be illuminated by external or internal light. The responsible authority may consent in writing to vary this requirement.

#### Sign maintenance

12. The sign(s), including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

#### Commencement of permit

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

#### Expiry – Development and use

14. This permit will expire if one of the following circumstances applies:
- The development is not started within 2 years of the issued date of this permit.

- The development is not completed within 4 years of the issued date of this permit.
- The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Useful information

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

- A. The permitted development may need to comply with, or obtain the following further approvals:
- A building permit under the Building Act 1993.
  - Approval to install and operate an onsite wastewater system.
  - Registration under the Food Act 1984.

## ATTACHMENTS

[Attachment: TP25-23 Application documents](#)

Attachment: TP25-23 Delegate Report - withheld from public viewing in line with section 3(1) of the *Local Government Act 2020*

## DISCUSSION

Planning Permit Application TP25-23 proposes with use of an existing building for the purposes of a food and drink premises to be called the Mallee Hen Café.

The use of land within the Township Zone for a food and drink premises is a Section 2 Use that requires a planning permit. Along with the use, there are some buildings and works proposed on the site, and the proposal also includes the reduction in the provision of car parking spaces and bicycle facilities.

The application received numerous submissions during the notification period to adjoining property owners. Three submissions were received objecting to the proposal, one submission was received supporting the application and the applicant was provided with the opportunity to respond to the objections received. Their submission also included comments received on their Facebook page. These submissions provided within the delegate report with names and addresses removed.

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

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

## RELEVANT LAW

*Planning and Environment Act 1987*

*Planning and Environment Regulations 2015*

## COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme

## RELATED COUNCIL DECISIONS

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 a second food and drink premises within Lascelles, which is considered to complement the existing facility by providing for a different clientele with different food options.

*Social:* Submissions received raised concern over running of the business and its potential impact on existing businesses.

*Environmental:* Not applicable.

*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:

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
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.



## 16 COUNCIL REPORTS FOR NOTING

Not applicable for this Agenda.

## 17 PERMITS ISSUED SEPTEMBER 2023

### Recommended Motion:

That Council:

Note the permits issued by Council between 1 September and 30 September 2023

Reference No	Description	Address	Date of Issue
<b>Building Permits</b>			
BLD20230353	Construction of a farm shed	Brim	08/09/23
<b>Planning Permits</b>			
TP16-23	Construction of a warehouse	Lascelles	21/09/23
TP18-23	Construction of two dwellings	Rupanyup	21/09/23
TP19-23	Construction of a carport	Warracknabeal	21/09/23
TP20-23	Construction of a second dwelling	Lah	21/09/23
TP21-23	Construction of an industrial shed	Warracknabeal	21/09/23
TP26-23	Construction of a racecourse tower	Murtoa	21/09/23
TP22-23	Extension to accommodation and mixed-use facility	Warracknabeal	26/09/23

Reference No	Description	Name / Location	Date of Issue
<b>Local Laws Permits</b>			
Nil			
<b>Firewood collection Permits</b>			
Nil			
<b>Septic Tank Permits</b>			
Nil			
<b>Road Reserve Works Permits &amp; Asset Protection Permits</b>			
RRWP 2023-11	Crossover installation	Warracknabeal	04/09/2023

## 18 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.

## 19 CLOSED (CONFIDENTIAL) SESSION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for consideration of the following confidential items:

### 19.1 Collection of Kerbside & Bulk Bins, Bulk Transport & Disposal of General Waste and Bulk Transport & Processing of Recyclables

This Agenda item is confidential information for the purpose of section 3(1) of the *Local Government Act 2020*:

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 NEXT MEETING

22 November 2023

## 21 CLOSED