



Yarriambiack
SHIRE COUNCIL

Minutes

Ordinary Meeting of Council

22 NOVEMBER 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

.....

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 25 OCTOBER 2023 – ORDINARY MEETING	6
6.2	MINUTES 25 OCTOBER 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.....	10
11.1	Audit and Risk Committee Meeting Schedule	10
11.2	Yarriambiack Tourism Advisory Committee of Council	10
12	ACTIVITY REPORTS	11
12.1	MAYOR ACTIVITY REPORT – NOVEMBER 2023	11
12.2	COUNCILLOR ACTIVITY REPORTS – NOVEMBER 2023	12
12.3	CHIEF EXECUTIVE OFFICER ACTIVITY REPORT	14
13	PUBLIC QUESTIONS	16
14	16	
14.1	QUESTIONS SUBMITTED.....	16
15	COUNCILLOR REPORTS.....	17
15.1	MAYORS REPORT	17
16	REPORTS FOR DECISION	18
16.1	Warracknabeal Aeroclub Lease	18
16.2	Dunmunkle Lodge Housing Lease	23
16.3	Hopetoun Swimming Pool Community Asset Committee Membership Endorsement	27
16.4	Lascelles Caravan Park Lease	30
16.5	Murtoa Caravan Park Lease	34
16.6	Final Masterplans for Minyip Recreation Reserve and Rabl Park, Murtoa	39

16.7	Leases and Licencing Policy	44
16.8	Service Level Planning Policy and Framework	47
16.9	Performance Reporting Framework.....	50
16.10	Leisure Centre Basketball Ring Upgrade (Eastern Court)	53
16.11	Request to Upgrade Martins Road	57
16.12	Rates Arrears Property – 16 Stewart Street Rupanyup	63
17	COUNCIL REPORTS FOR NOTING	67
18	PERMITS ISSUED OCTOBER 2023	67
19	URGENT BUSINESS	68
20	CLOSED (CONFIDENTIAL) SESSION	69
19.1	Building Demolition and Asbestos Removal Panel of Suppliers	69
19.2	Permit for Additional Dog	69
19.1	Building Demolition and Asbestos Removal Panel of Suppliers	70
21	NEXT MEETING	70
22	CLOSED	70

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.

Confirmation that Councillors in the Chambers can see and hear Councillor Kirk and that Councillor Kirk can see and hear Councillors in the Chambers.

3 ACKNOWLEDGEMENT AND PRAYER

Mayor 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

Councillor	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	Rebecca Botheras	Sport and Recreation Coordinator	In person
Council Officer	Adam Moar	Manager Development and Environmental Services	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 25 OCTOBER 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 25 October 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 25 October 2023, as circulated be taken as read and confirmed.

Resolution:

Moved Cr C Heintze Seconded Cr G Massey

That the recommendation be adopted

Carried

6.2 MINUTES 25 OCTOBER 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 25 October 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Council Meeting of Council held on 25 October 2023, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

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
Corinne Heintze	15.6 Final Masterplans for Minyip Recreation Reserve	Secretary of Minyip Recreation Reserve Committee of Management

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

As per ongoing and pending actions list, item 8.2.

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 out 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. An update will be provided in December 2023, awaiting funding outcome.
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. Discontinuation of Hobson Street Rupanyup has now been lodged and actioned. Council has completed required action, and this item is now closed.
26 July 2023 Item 15.7	Update on status of the Rabi Park Bridges to be provided at the next Council meeting.	Item 15.9 Rabi Park Bridges Update Report included in the Agenda 23 August 2023. Item 16.3 Rabi Park Bridges Update Report included in this Agenda. Verbal update provided during the Council meeting held on 25 October 2023. Confirmed the culvert bridge has now been installed. All works are now completed. This action is now closed.
25 October 2023 Item 15.4	Stage two of the Community Engagement process that identifies specific hierarchy changes to roads and streets based on updated categories from the Stage 1	

Council Meeting	Recommendation Action	Action Taken
	consultation process to be conducted in January 2024.	

9 PETITIONS

Nil

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
13/11/23	Minister Horne	Letter relating to Library Funding for 23-24
06/11/23	Victorian School Building Authority	Warracknabeal Childrens Centre Funding for Carpark and Playground
06/11/23	Department of Energy, Environment and Climate Action	Letter of Support to remove/trim high-risk trees at Warracknabeal Lions Park
26/10/23	Willenabrina Country Women's Association	Letter of response to request for defibrillator machine

Incoming		
Date	Sender	Details
15/11/2023	Warracknabeal Action Group	Thank you to the Yarriambiack Shire Council for assistance given with the recent event 'Run the Beal'

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 Yarriambiack Tourism Advisory Committee of Council

The Yarriambiack Tourism Advisory Committee of Council meeting was held on 06 November 2023.

[Attachment: Draft Yarriambiack Tourism Advisory Committee of Council Minutes 06 November 2023](#)

Recommended Motion:

That the minutes of the Yarriambiack Tourism Advisory Committee of Council Meeting, be taken as read and confirmed.

Resolution:

Moved Cr C Lehmann Seconded Cr T Hamilton

That the recommendation be adopted

Carried

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT – NOVEMBER 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
25/10/23	Presided over Citizenship Ceremony	Warracknabeal
27/10/23	Western Highway Action Group Meeting	Online
27/10/23	Mayor / CEO weekly catch up	Warracknabeal
03/11/23	Mayor / CEO weekly catch up	Warracknabeal
03/11/23	Meeting with CEO of Huxley Corporation regarding Housing / Accommodation Project	Online
06/11/23	Yarriambiack Tourism Advisory Committee Meeting	Online
8/11/23	Council Forum	Warracknabeal
9/11/23	Attended Meeting with CEO, Tammy Smith and Adam Moar at Campbells Bridge re proposed wind farm	Campbells Bridge
10/11/23	Mayor / CEO weekly catch up	Warracknabeal
11/11/23	Laid Remembrance Day wreath at Warracknabeal Cenotaph with CEO, Tammy Smith	Warracknabeal
12/11/23	Met with Warracknabeal Playgroup representative regarding building availability	Warracknabeal
13/11/23	Yarriambiack Chapter West Vic Business Meeting	
16/11/23	Rural Business and Community General Meeting	Online
16/11/23	Rural Business and Community Annual General Meeting	Online
17/11/23	Mayor / CEO weekly catch up	Online
18/11/23	Rural Flying Doctors Community Transport launch and celebration event	Warracknabeal

12.2 COUNCILLOR ACTIVITY REPORTS – NOVEMBER 2023

Cr Andrew McLean – Hopetoun Ward		
Date	Activity	Location
08/11/23	Council Forum	Warracknabeal
21/11/23	Sunraysia Highway Improvement Committee Meeting	St Arnaud

Cr Tom Hamilton – Dunmunkle Ward		
Date	Activity	Location
30/10/23	WSMD Board Meeting	Horsham
06/11/23	Yarriambiack Tourism Meeting	Warracknabeal
08/11/23	Council Forum	Warracknabeal

Cr Graeme Massey – Warracknabeal Ward		
Date	Activity	Location
06/11/23	Yarriambiack Tourism Meeting	Warracknabeal
08/11/23	Council Forum	Warracknabeal
11/11/23	Remembrance Day Ceremony	Warracknabeal
21/11/23	Warracknabeal Action Group (WAG) Meeting	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward		
Date	Activity	Location
06/11/23	Yarriambiack Tourism Meeting	Warracknabeal
08/11/23	Council Forum	Warracknabeal

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
01/11/23	Yarrilinks Meeting	Murtoa
01/11/23	Minyip Progress Association Meeting	Minyip
08/11/23	Council Forum	Warracknabeal
11/11/23	Remembrance Day – laid wreath at Minyip Town Square	Minyip
13/11/23	Met with students at Minyip Wetlands for rice flower planting and site working bee	Minyip
13/11/2023	Rupanyup Progress Association Meeting	ZOOM

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
08/11/23	Council Forum	Warracknabeal

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Tammy Smith		
Date	Activity	Location
25 October	Meeting with Rupanyup Community re: Recreation Reserve operations	Rupanyup
26 October	Strengthening Rural Early Years Education and Care Roundtable	Warracknabeal
26 October	GWMWater, Wimmera CMA and DEECA Whitton Swamp Project discussion	Online
26 October	Economic Development Stakeholder Meeting – Pulse and Grain Business	Online
27 October	Mayor and CEO Meeting	Warracknabeal
28 October	Patchwork Group Hopetoun Meeting	Hopetoun
01 November	Institute of Public Professionals Association Australia Ethical and Integrity Program – Wave 2	Melbourne
02 November	Wimmera Southern Mallee Regional Partnership Meeting	Horsham
02 November	Economic Development Stakeholder Meeting – Pulse and Grain Business	Horsham
03 November	Meeting with Mayor	Warracknabeal
03 November	Meeting Sunrise Foundation	Warracknabeal
03 November	Meeting with Warracknabeal Art Council Members	Warracknabeal
06 November	Meeting with Warracknabeal Action Group Chairperson	Warracknabeal
08 November	Council Forum	Warracknabeal
08 November	Rotary Warracknabeal	Warracknabeal
09 November	RWE Renewables Project Meeting with Landowners	Campbells Bridge
10 November	Meeting regarding Dingo Sanctuary	Warracknabeal
10 November	Mayor and CEO Meeting	Warracknabeal
11 November	Remembrance Day – Wreath Laying	Warracknabeal
13 November	Steering Committee Meeting Sustainable ECEC for Rural Children	Online
13 November	Rupanyup Progress Meeting	Rupanyup

Tammy Smith		
14 November	Leadership Wimmera Graduation for Rebecca Botheras	Horsham
16 November	LGPro Womens Conference	Melbourne
17 November	Mayor and CEO Meeting	Online
21 November	Local Government CEO Forum	Online

13 PUBLIC QUESTIONS

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

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

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

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

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

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

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

The question will not be allowed if:

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

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

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

14

14.1 QUESTIONS SUBMITTED

Name: Nil	Town:
Question:	
Respondent:	
Response:	

15 COUNCILLOR REPORTS

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

15.1 MAYORS REPORT

No report available for this meeting. Report to be provided for the Council meeting to be held on 13 December 2023.

16 REPORTS FOR DECISION

16.1 Warracknabeal Aeroclub Lease

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

The Warracknabeal Aero Club (Aero Club) has been operating at the Warracknabeal Airport, according to the clubs' records, for 60 years. A deed between the Shire of Warracknabeal and the Commonwealth of Australia dated 21 September 1992, identified that Council agreed to accept full responsibility for operating and maintaining the Aerodrome at this time. There was no reference in the deed to any lease in existence between the Commonwealth and the Aero Club. For this reason, Council has a legal responsibility to ensure good governance for its municipal district, and therefore is to enact a lease agreement between the Shire and Aero Club to occupy the ground and undertake activities at the site.

Recommended Motion:

That Council:

- a) Adopt the draft Warracknabeal Aero Club Inc. (Aero Club) ground lease as attached to this report, that also includes permission for the Aero Club to crop the airport land as identified and outlined in the draft lease agreement.
- b) Endorse the Chief Executive Officer to make any administrative changes required for the lease to be executed, providing the intent of the lease agreement is not altered.
- c) Endorse the affixing of the Common Seal to the Ground Lease between Yarriambiack Shire Council and the Warracknabeal Aero Club in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Additional Motion for Consideration:

- d) Endorse the waiver of the annual lease rental charge of \$1615 per annum plus GST, to be indexed by CPI annually, for the life of the Lease Agreement, based on the overarching economic, social health and wellbeing outcomes provided by the Warracknabeal Aero Club Inc. Acknowledging the basis of this recommendation is formulated from the presentation provided to Councillors on the 08 November 2023 during a Councillor Forum, and is summarised in the body of this report.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That recommended motions A, B and C, along with additional motion D be adopted

Carried

ATTACHMENTS

[Attachment: Draft Warracknabeal Aero Club Inc. Ground Lease](#)

DISCUSSION

To ensure compliance with the *Local Government Act 2020*, and to provide good governance for the municipal district, Council is proposing to enter into a lease agreement with the Warracknabeal Aero Club, to occupy land, via a Ground Lease at the Warracknabeal Aerodrome (airport).

The Aero Club owns the buildings known as the club rooms, hangar 1, hangar 2 and storage shed (adjacent to hangar 1) located at the airport.

The Aero Club was of the belief that they were granted a 99-year lease by the Commonwealth Government, and that they still had 38 years of the term left to run. Council carried out a search of its archives (including correspondence, deeds and minutes of meetings) and has found no documentation to support the Club's belief. During this search, Council located a Deed between Council (the then Shire of Warracknabeal) and the Commonwealth of Australia dated 21 September 1992. This Deed was a key document pursuant to which Council agreed to accept full responsibility for operating and maintaining the airport. Under the Deed, it was also acknowledged that Council may lease or license the whole or any part of the airport. There is no reference in this Deed to any lease in existence between the Commonwealth and the Aero Club.

Due to a lease agreement not being located, Council has an obligation to enter into a lease agreement with any parties that occupy their land and/or buildings.

During the negotiations period, the Aero Club requested a lease term of 15 years "with the option to renew as often as both parties agree." Council agreed during the negotiations that we were willing to consider a 15-year term, subject to Councillor approval (via Council resolution) and statutory requirements. Section 115 of the *Local Government Act 2020* requires Council to undertake a community engagement process given the lease is proposed to be for a term of ten years or more. Council is unable to enter into a lease agreement greater than 50 years, therefore the request regarding options to renew as often as both parties agree could not be supported.

Local Government Act Transparency and Governance Principles

To ensure Council is transparent and provides good governance across its municipal district; Council has sourced a valuation for the land which the Aero Club occupies. The valuation identified that the Ground Lease per year is to be \$1615.00 per annum plus GST, with a CPI review on the anniversary of the commencement date of the agreement.

The Aero Club also crops the land around the airstrip at the airport. Council requested that a declaration on the income and expenditure received from any cropping of the land, and how it has been and/or will be used to benefit the municipality of the Yarriambiack Shire Council be incorporated into the lease agreement.

Warracknabeal Aero Club Presentation

On Wednesday 08 November 2023, the Warracknabeal Aero Club, President and Secretary presented to Councillors. Their presentations aim was to outline why they believed the annual rental fee proposed in the draft agreement should be waived, and why Council should support cropping at the site.

During their presentation the Aero Club representatives outlined in summary the following:

- The club has been operating for over 60 years and in close cooperation with the Shire and its predecessors.
- Membership stands at 65 and they currently have six new pilots in training.
- They have proudly worked with the Shire to improve the facilities and provide input into safety and effective operations of the site.
- They have contributed financially to the Ambulance Transfer Station, which provides a vital service to the community.
- The Warracknabeal Airport is a welcoming and clean stop over point, due to the Aero Clubs facilities being located on Council grounds.
- The Shire partnered with the Bureau of Meteorology in establishing a weather station at the Airport. The Aero Club contributed to the project by providing power from one of the hangars, opposed to running underground electricity cables from

the nearest terminal. The Aero Club estimates this was a significant cost saving for Council and the wider community.

- Some years ago, a verbal agreement was struck between Council and the Aero Club to crop the land at the airport. The Club has identified that this is beneficial to both parties, as it ensures the grounds are maintained, reducing rodents and weeds, at no cost to Council. The funds derived from the crops are invested back into the club's plane and facilities, and they aim to provide cheaper flying programs to students and potentially flying scholarships to the youth of Warracknabeal (and broader Shire community). This is only possible through having a club owned aircraft.
- The Aero Club provides free of charge to Council storage facilities for machinery and equipment kept at the airport, and also makes the club rooms available to Council staff when working in the vicinity.
- The Aero Club has supported a new flying school to operate from the airport, reporting 20 new members participating in the program. New student pilots come from across Yarriambiack and beyond to learn to fly in Warracknabeal.

Leases and Licences Policy and Governance

Due to the lease being a Ground Lease, Council has undertaken a valuation to ascertain the rental value for the site.

The Warracknabeal Aero Club is a not-for-profit community group, and Councillors do have the option to waive the annual rental fee if they believe there is a greater overarching benefit to the community to support this decision.

Council currently operates numerous peppercorn leases across our Shire where community groups manage and operate activities from Council owned buildings.

The Warracknabeal Aero Club lease agreement was not suitable under a Community Lease format, as Council does not own the buildings in which occupy Council land. Therefore, a ground lease was proposed by our legal representatives.

RELEVANT LAW

- *Local Government Act 2020*
- *Airports Act 1996*
- Civil Aviation Safety Regulations 1988
- *Airspace Act 2007*
- Airspace Regulations 2007

COUNCIL PLANS AND POLICIES

- a) Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy.
 - Strategic Priority: Advocate and support economic development and investment in our region.
- b) Council Plan 2021-2025: Strategic Objective 4: A Council Who Serves Its Community.
 - Strategic Priority: Embed good governance practices into all decision making.
- c) Leases and Licences Policy

RELATED COUNCIL DECISIONS

- Item 18.2, 25 January 2023, Rupanyup Recreation Reserve Lease Renewal
- Item 16.3, 27 July 2022, Hopetoun Scout Hall lease, Hopetoun Historical Society Inc.

OPTIONS

- a) Council can choose to charge the annual rental fee as outlined in the draft lease agreement.
- b) Council may also choose not to enter into a 15-year lease, with option to renew for a further five years. Council generally only enters into five-year lease terms with community groups. However, based on the merit of each groups situation, Council can enter into a lease agreement to a maximum of 50 years in accordance with the *Local Government Act 2020* requirements.

SUSTAINABILITY IMPLICATIONS

Economic: The airport provides an overarching economic benefit to the community, by providing a flight school and supporting aerial crop spraying and pilot visitors to the region.

Social: The Royal Flying Doctors Service (RFDS) patient transfers operate from the airport, as does the CFA firefighting, and is also available as a landing site for infrastructure inspections undertaken by helicopters. The Aero Club also supports and enhances social health and wellbeing outcomes by providing an opportunity for likeminded people to gather and share their passion for flying.

Environmental: The cropping of the airport reduces weeds and rodents that occupy the site.

Financial: Whilst Council could charge an annual rental fee for the occupation of the land, the overarching financial benefit provided by the Aero Club in maintaining the site, supporting economic and social health and wellbeing outcomes for the Shire would be argued, outweighs the rental fee payment.

COMMUNITY ENGAGEMENT

Council Officers have been in continuous negotiations with the Aero Club to finalise the draft lease. The Mayor and CEO attended a meeting with the Club members on Sunday 27 August 2023 to ascertain their concerns with the draft lease, and to address any questions they may have.

Council undertook a community engagement process commencing on Tuesday 17 October 2023, and concluded on 14 November 2023, seeking feedback from the community on the following:

Yarriambiack Shire Councillors are currently considering the process of entering into a Ground Lease with the Warracknabeal Aero Club Inc, for a period of 15 years, with the option to renew for a further 5 years. This will be considered at the Council Meeting scheduled for the 22 November 2023. The ground lease under consideration will be in relation to the land known as the Warracknabeal Aerodrome (area of land being 646m²), located at 4936 Henty Highway Kellalac Vic 3393.

The land which forms part of the Ground Leases comprises of the following areas:

- land under aero-clubroom and skillion.
- land under hangar shed no. 1.
- land under hangar shed no. 2
- land under the structure known as the "Storage Shed"

In accordance with Section 115 – Lease of Land, of the *Local Government Act 2020*, a Council's power to lease any land to any person is limited to leases for a term of 50 years or less. In accordance with Council's Community Engagement Policy, Council is seeking feedback from the community in relation to entering a lease greater than five years, and less than the term of 50 years.

Council received one enquiry in relation to the advertisement, which was from a Warracknabeal CFA member. The enquiry was in relation to understanding if it would impact the CFA requirements. It was also discussed and supported that a reference group be established for stakeholders of the airport. This would enhance communication between all parties.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Ensuring a robust lease agreement is in place for a high-risk work site is a risk mitigation measure to meet governance and compliance obligations, and to reduce liability risk.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Ensuring a lease agreement is developed in consultation with the Aero Club, that acknowledges their important role in partnering with Council to manage and maintain the site reduces any negative reputational impacts on Council.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	The partnership with the Warracknabeal Aero Club to assist with maintenance of the airport reduces the financial burden on Council.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.2 Dunmunkle Lodge Housing Lease

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

On the 09 July 2023, Council received formal notification from the Murtoa Housing Units Asset Committee of Council that they wished to hand back management of the units to Council. In the lead up to the formal email being received, meetings had been held and the Asset Committee's intentions had been conveyed.

In light of their verbal notification, Council released an Expression of Interest calling for a community-based organisation to take over the long-term management of the two existing units in Murtoa, along with the new units being built in Murtoa, Rupanyup, Hopetoun and Warracknabeal.

Councillors endorsed during the Closed Council Meeting of Council on 23 August 2023 to commence the negotiations with Dunmunkle Lodge to manage Council's housing units in Murtoa, Warracknabeal, Rupanyup and Hopetoun.

Recommend Motion:

That Council:

- a) Endorse that the Chief Executive Officer can commence the finalisation of the Dunmunkle Lodge Lease Agreement (as circulated to Councillors in draft form) to manage Council's housing units in Murtoa, Warracknabeal, Rupanyup and Hopetoun.
- b) Endorse that the Lease Agreement be for a 50-year lease period, which is the maximum lease period in accordance with the *Local Government Act 2020*.
- c) Endorse the affixing of the Common Seal to the Lease Agreement between Yarriambiack Shire Council and Dunmunkle Lodge in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

Attachment: Draft Dunmunkle Lodge Lease Agreement - Withheld from public viewing

The Draft Dunmunkle Lodge Lease Agreement 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

This ground applies because the draft agreement concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

DISCUSSION

Council recognises that it is not a registered housing authority, or aged care housing provider, and therefore does not have the skills or expertise within to manage tenants and housing stock across the Shire. It would also require additional resourcing to ensure effective and efficient management of the units, which would place financial constraints on Council, and would divert resources from Council's core business.

With this in mind, on the 07 July 2023 Council commenced the advertising of a public expression of interest process. Council currently owns and operates housing units in Murtoa and Woomelang and is also in the process of building an additional 7 housing units to be located across the Shire. Currently, the Woomelang and Murtoa Units are operated by a Community Asset Committee of Council.

The Murtoa Housing Units Committee expressed their desire to return control of the units back to the Shire. With Council in the process of building new units in Rupanyup, Murtoa, Warracknabeal and Hopetoun, the Council advertised via public notice for a community based, not-for-profit organisation to take over the long-term management of the two existing and two new units in Murtoa, along with the new units being built in Rupanyup (1 unit), Warracknabeal (1 unit) and Hopetoun (1 unit) once constructed.

The expression of interest closed on Friday 04 August 2023, with Council receiving one submission.

Dunmunkle Lodge is based in the Yarriambiack Shire and is a not-for-profit residential aged care service. Dunmunkle Lodge has a 38 bed private not-for-profit residential aged care facility located in Minyip, along with 15 independent living units with 11 being in Minyip and 4 in Murtoa. They have been operating for 44 years and are governed by a voluntary board of directors and employ 68 staff.

Dunmunkle Lodge has expressed interest in expanding their independent living units stock and have maintenance and gardening expertise on staff. This would be highly beneficial for maintaining the units and aiding clients with the upkeep of their homes.

The funding Council received to construct its seven affordable units was largely based on providing housing for women over 55, who were residing in large homes, renting currently within our community. The units would enable them to downsize, freeing up housing stock for families to move to our region. Priority would need to be given to this cohort in the first instance but could be opened all over 55 years thereafter. This age bracket and target audience would fit with Dunmunkle Lodge's vision and mission.

On 23 August 2023, during the closed Council Meeting of Council, Councillors endorsed that Council commence negotiations with Dunmunkle Lodge to enter a long-term leasing arrangement to manage Council's housing units.

On the 29 September 2023, Council formally advertised via public notice that Council wished to enter into a 50-year lease for the management of the units. This is the maximum term a lease can be entered into in accordance with the *Local Government Act 2020*.

Council received one submission via the Have Your Say portal on Council's website, which was from a resident in Minyip who commented "What a Fantastic Initiative".

Summary of Lease Agreement Terms

- 1) The lease will be for 50 years.
- 2) The criteria for tenants to occupy the newly constructed units will be given in order of priority based on Council's funding application to build the units across the Shire:
 - a) Women over 55 years who currently residing in the township of which the new units are being constructed, renting and be on a low income and/or pension. The aim is to free up housing stock within that township to make available for families and/or skilled workers to move to the community and take up vacant positions.
 - b) People over 55 years who are currently residing within the township of the available unit, renting and are on a low income and/or pension.
 - c) People over 55 years who are currently residing within the Yarriambiack community, renting and are on a low income and/or pension.
 - d) People over 55 years who are downsizing and will either sell/or rent their current home within the Yarriambiack community.

- 3) The rental charge will be no more than 80% of the market rental.
- 4) The Tenant agrees that any rental received pursuant to any Residential Agreement must be invested back into capital improvements to the Premises and/or invested into the provision of further housing stock within the municipality of Yarriambiack Shire Council, with a key focus on investing the funds back into the townships of where the income is derived.
- 5) The Tenant is not required to pay rates, but is required to pay rubbish, recycling and glass collection fees, along with the fire service levy.
- 6) The Tenant must, within one calendar month of the conduct of any annual general meeting of the Tenant, provide to the Landlord:
 - a) An annual report in respect of the most recent financial year;
 - b) An audited financial report in relation to the Tenant's operations at and from the Premises, including an audited statement of assets and liabilities and profit and loss statement for the Tenant, in respect of the most recent financial year;
 - c) Details of expenditure and investment by the Tenant pursuant to the obligation set out within the agreement.
 - d) A report setting out details of all works carried out by the Tenant at the Premises.

RELEVANT LAW

- *Local Government Act 2020*
- *Residential Tenancies Act 1997*

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

23 August 2023 – Closed Meeting of Council item 19.1

OPTIONS

- a) Council could choose to manage the houses internally; however, Councillors would have to acknowledge that an additional resource would need to be engaged to manage the sites and agreements. This would redirect Council funds away from core business activities.
- b) Council could choose to reduce the term of the lease; however this could decrease Dunmunkle Lodges risk appetite for a commitment into future investment.

SUSTAINABILITY IMPLICATIONS

Economic: Housing is an important asset to support economic development and growth across the Shire. Supporting a local not-for-profit entity to expand and provide housing opportunities to its clientele, enhances economic prosperity within the Shire.

Social: Affordable housing, that improves on energy efficiency enhances the social health and wellbeing outcomes for its tenants. Housing that has superior energy ratings reduces the operating costs for heating and cooling. Reduced costs can provide an overall benefit to a person's social health and wellbeing outcomes.

Financial: Having a reputable, third party manage the assets, ensures Council can direct its funds towards core business.

COMMUNITY ENGAGEMENT

Council undertook an Expression of Interest, public notification process in accordance with Council's Community Engagement Policy.

Council also undertook a Have Your Say public notification process in regard to Council entering into a 50 Year Lease in accordance with Council's Community Engagement Policy. The advertisement was available on Council's website from 29 September until Friday 20 October.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The building of houses across our Shire, supports the Council's strategic objectives outlined in the Council Plan. However, the management of those units is not Council's core business, and engaging a business that is skilled and experienced in residential unit management would ensure Council's strategic vision is fulfilled, without having to manage the compliance obligations in relation the Residential Tenancies Act.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Outsourcing the management of the units to an organisation that is experienced meeting the Residential Tenancies Act requirements reduces Council's compliance risk.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	Outsourcing the management of the units enables Council to direct Council funds to core business.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.3 Hopetoun Swimming Pool Community Asset Committee Membership Endorsement

Prepared by Belinda Penny, Governance Officer

Presented by Tammy Smith, Chief Executive Officer

SUMMARY

The Hopetoun Swimming Pool Community Asset Committee of Council became effective on 01 September 2020 in accordance with Section 65 of the *Local Government Act 2020*.

In accordance with the requirements of the *Local Government Act 2020*, the Council must endorse the appointment of members to the Community Asset Committee.

This report is aimed at endorsing the membership, the Charter and recently developed Operations Manual.

Recommended Motion:

That Council

- a) Endorse the Draft Community Asset Committee Charter for the Hopetoun Swimming Pool as attached to this report.
- b) Note the recently developed Operations Manual to assist with the overall governance and management of the Hopetoun Swimming Pool.
- c) Endorse that the Chief Executive Officer be delegated responsibility to finalise the Draft Community Asset Committee Charter and Operations Manual, in consultation with the Hopetoun Swimming Pool Committee, and make changes to the Charter as required to achieve effective and efficient governance, in accordance with the *Local Government Act 2020* and Council's Policies, Procedures, Plans and Guidelines.
- d) Endorse the membership of the Hopetoun Swimming Pool Community Asset Committee of Council, as included in the Annual General Meeting Minutes held on the 05 September 2023 as follows:

President: Patricia Thomas

Treasurer / Secretary: Lisa Magee

Assistant Treasurer / Secretary: Melanie Seipolt

General Committee Members: Patti Thomas, Trudi Hallam, Mikala Roberts, Cathy Roberts, Pauline Robins, Rhiannon Smith, Courtney Jones, Rexanne Marshman, Cherie Hallam.

Resolution:

Moved Cr A McLean Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Instrument of Delegation – Hopetoun Swimming Pool](#)

[Attachment: Draft Community Asset Committee Charter – Hopetoun Swimming Pool](#)

[Attachment: Draft Operations Manual - Hopetoun Swimming Pool](#)

DISCUSSION

As a continuous improvement exercise, Council has reviewed and revised the Community Asset Committee processes to ensure compliance with the *Local Government Act 2020*.

As part of this review, it was identified a process was to be implemented to ensure Councillors, via a Council resolution, endorsed changes to the membership of the Community Asset Committee as they occur.

Council Officers also reviewed and revised governance documentation, such as:

- a) The Community Asset Committee Instrument of Delegation, which provides for delegation from the Chief Executive Officer to the Community Asset Committee in accordance with section 47 of the *Local Government Act 2020*.
- b) The Charter, which is also embedded into the Instrument of Delegation, and outlines the Community Asset Committees role and responsibilities, including financial delegation.
- c) The newly developed Operations Manual, which outlines in detail the requirements of the committee to meet governance protocols.

On 5 September 2023, the Hopetoun Swimming Pool Community Asset Committee of Council held its Annual General Meeting. During this meeting the following memberships were endorsed:

President: Patricia Thomas

Vice President: Cherie Hallam

Secretary/Treasurer: Lisa Magee

Assistant Secretary/Treasurer: Melanie Seipolt

General committee members: Trudi Hallam, Mikala Roberts, Cathy Roberts, Pauline Robins, Rhiannon Smith, Courtney Jones, Rexanne Marshman

This committee membership requires formal endorsement from the Council, and this paper aims to outline the changes and endorse the revised membership retrospectively.

Going forward, after each Annual General Meeting (AGM) of a Community Asset Committee, the new membership will be formally endorsed at a Council meeting that is scheduled as soon as practicable after the AGM is held.

RELEVANT LAW

- Section 65 *Local Government Act 2020* and Section 47 *Local Government Act 2020*

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.

RELATED COUNCIL DECISIONS

Council Meeting 26 August 2020 – 12.9 Appointment of Woomelang Retirement Units as a Community Asset Committee

Council Meeting 26 August 2020 – 12.11 Appointment of Hopetoun Swimming Pool Committee as a Community Asset Committee

Council Meeting 26 July 2023 – 15.3 Woomelang Retirement Units Community Asset Committee of Council

OPTIONS

Council could choose to abolish the Community Asset Committee, however Council would be required to ensure adequate resources were allocated to ensuring the effective management of the Swimming Pool.

SUSTAINABILITY IMPLICATIONS

Economic: It is important that Council can ensure the longevity of Council owned assets where possible, and partner with volunteer groups to ensure services and facilities are maintained.

Social: Providing this asset allows for residents to enhance their liveability, social connection, and health and wellbeing.

Financial: Council is heavily reliant on volunteerism across the Shire. Without volunteer groups such as the Hopetoun Swimming Pool Community Asset Committee of Council, Council would be unable to provide the level of services currently on offer. There are significant benefits to not only Council, but the community, supporting Community Asset Committees to function and thrive across our Shire.

COMMUNITY ENGAGEMENT

Community engagement activities have occurred directly with the Hopetoun Swimming Pool Asset Committee of Council.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The establishment and support of the Community Asset Committee of Council, aligns with Council Plan 2021-2025 – Strategic Objective Two: A Healthy and Inclusive Community. Where a key priority is to support infrastructure investment that promotes an inclusive and socially connected community to enhance liveability	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Revising the Asset Committee Instrument of Delegation, Charter and the development of the Operations Manual supports good governance practices.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.4 Lascelles Caravan Park Lease

Prepared and Presented by Tammy Smith, Chief Executive Officer

SUMMARY

The Lascelles Progress Association Inc. has been operating the Lascelles Caravan Park for many years on behalf of the Yarriambiack Shire Council. There is no formal lease agreement in place to formalise this arrangement. Therefore, it is recommended that Council enter a Ground Lease to rectify this matter.

Recommended Motion:

That Council:

- a) Endorse the draft Lease Agreement between Yarriambiack Shire Council and Lascelles Progress Association Inc. for the management of the Lascelles Caravan Park, located at 20-26 Wychunga Street Lascelles.
- b) Endorse the Chief Executive Officer to make any administrative changes required for the lease to be executed, providing the intent of the lease agreement is not altered.
- c) Endorse the affixing of the Common Seal to the Lease Agreement in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.
- d) Endorse that Council supports that the Lascelles Progress Association Inc. is required to pay the annual Caravan Park registration fee.
- e) Endorse that the annual rental fee is waived, as the ground lease is to be considered a "community lease" in accordance with Council's Leases and Licences Policy.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Draft Lascelles Caravan Park Lease Agreement](#)

DISCUSSION

The Caravan Park in Lascelles is located on Council owned land, on 20-26 Wychunga Street Lascelles Victoria.

The location of the Caravan Park is outlined below:



The YSC identified blue areas is the location of the Caravan Park

Currently the practices for the operation of the Lascelles Caravan Park are:

- Fees collected are held by the Association.
- Council maintains and cleans the amenities block.
- Council mows and maintains the site.

This has been a long-term practice, that has not had a governance framework implemented to manage the arrangement.

Council's support of maintenance is replicated at Woomelang, Rupanyup and is recommended to be supported at Murtoa. Council also provides maintenance support to Lake Lascelles, Minyip Caravan Park, and Turkey Bottom Lake management.

Council supports community-initiated Caravan Park operations, as the income generated by the Caravan Parks and Weir Pools/Lakes across our Shire is reinvested back into community assets and activities, to provide for positive health and wellbeing outcomes, that benefit Shire residents. It also assists to build resilient communities.

It is recommended that the Progress Association pay the annual caravan park registration fee for the park. The utilities will continue to be paid by Council, as the amenities at the caravan park, is also a public amenity block available to the general public.

Included in the Lease Agreement is a comprehensive guide on Maintenance and Servicing to guide the Progress Association on the activities that can be undertaken at the site and when Council permission is required.

The Progress Association must, within one calendar month of the conduct of any annual general meeting provide to Council:

- i. an annual report on caravan park activities in respect of the most recent financial year;
- ii. a Financial report, including Balance Sheet, Income Statement and break down of caravan park income and expenditure for the Tenant, in respect of the most recent financial year;
- iii. a report indicating where funds collected have been distributed throughout the Community
- iv. a copy of the minutes of the annual general meeting;
- v. a current list of office bearers of the Tenant, their duties and length of term of office.

The reporting requirements assist with ensuring good governance practices are adhered to and income is invested back into the community.

RELEVANT LAW

- *Local Government Act 2020*

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy
- Council Plan 2021-2025: Strategic Objective 2: A Healthy and Inclusive Community
- Council Plan 2021-2025: Strategic Objective 4: A Council Who Serves Its Community
- Leases and Licences Policy

RELATED COUNCIL DECISIONS

- Item 18.2, 25 January 2023, Rupanyup Recreation Reserve Lease Renewal
- Item 16.3, 27 July 2022, Hopetoun Scout Hall lease, Hopetoun Historical Society Inc.

OPTIONS

- a) Council could choose to undertake a public advertisement of the Caravan Park lease agreement; however it should be noted it is only formalising a long standing arrangement.
- b) Council could choose to seek an annual rental fee, or not support the maintenance and mowing of the park, however this would be in contradiction to the support provided in other townships.

SUSTAINABILITY IMPLICATIONS

Economic: A well maintained and operated caravan park supports economic prosperity, as it provides for accommodation for seasonal workers and tourists.

Financial: Council supports the caravan park maintenance program and does not offset this support from income generated from the park. All park fees collected are held by the Progress Association, which in turn reinvests it back into the community, which reduces reliance on Council to support community initiatives.

COMMUNITY ENGAGEMENT

This lease agreement has undertaken negotiation with the Lascelles Progress Association Inc. It has not been advertised to the broader community, as it is an active “non’ formalised” agreement. It is also consistent with arrangements across other townships.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Ensuring a robust lease is enacted enables Council to meet its corporate governance and compliance obligations and reduces its liability risk.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The effective operations of a caravan park supports Council's overarching objectives within the Council Plan and Tourism Strategy.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to have a robust lease in place could lead to reputational risk on Council, where it could be perceived that one town or group was receiving a greater benefit than an other. It Could also expose Council to legal, compliance and liability risks which could impact on Council's reputation.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable for this report.

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.

16.5 Murtoa Caravan Park Lease

Prepared and Presented by Tammy Smith, Chief Executive Officer

SUMMARY

Yarriambiack Shire Council is the Committee of Management of the Murtoa Caravan Park. Council engages a contractor to manage the park, and Council mows and maintains the site.

The Murtoa Progress Association (MPA) has expressed interest in managing the site, as they have cabins that are located next door to the park.

Council requires permission from the Department of Energy, Environment and Climate Action (DEECA), as delegate of the Minister for Energy, Environment and Climate Change to endorse this request, and to enable Council to sub-lease via a 17D Lease template.

Recommended Motion:

That Council:

- a) Endorse that Council enter a sub-lease with the Murtoa Progress Association to manage the Murtoa Caravan Park, subject to Department of Energy, Environment and Climate Action approval.
- b) Endorse that Council continue to support the Murtoa Progress Association, providing mowing and amenities cleaning services.

Resolution:

Moved Cr G Massey Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

The Murtoa Caravan Park is a DEECA asset, and Council is the appointed land administrator. DEECA has confirmed they would be hesitant to support a Council request to relinquish their control over the Murtoa Caravan Park. Instead, DEECA recommends Council sub-lease the caravan park to the MPA. Council requires permission from DEECA, as delegate of the Minister for Energy, Environment and Climate Change to endorse this request, and to enable Council to sub-lease via a 17D Lease template.

Currently Council has a caretaker at the site, who collects the fees and cleans the amenities.

It is proposed that Council:

- a) Transfer the Caravan Park management to Murtoa Progress Association.
- b) Continue to mow and maintain the park and clean the amenities.
- c) The management of the park, including bookings, promotion, grant applications etc be managed by the Murtoa Progress Association.

- d) Require all revenue generated be reinvested into improvements at the park or building on their cabin numbers to increase tourism and worker accommodation within the township.

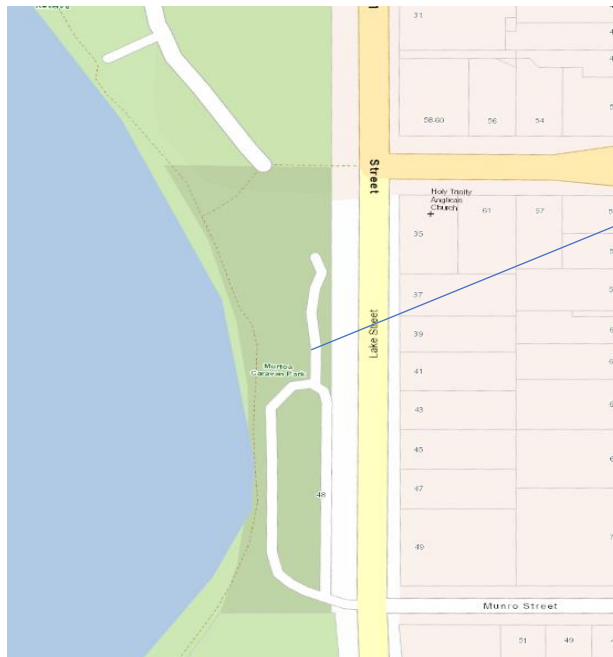
Currently Council does not have the internal resources to effectively manage the park operations and is required to rely on a contractor to undertake the bookings and site management process.

If the MPA was to manage the site, it would have community buy in, that would support its growth and expansion, as all proceeds would be directly invested back into the community.

It should also be noted that Council currently undertakes the following works at Caravan Parks:

Minyip Caravan Park	DEECA asset, not managed by Council. We clean the amenities twice per week.
Rupanyup Caravan Park	Council owned; proceeds returned to the Community. Council cleans the amenities seven days per week.
Woomelang Caravan Park	Council owned, proceeds returned to the Lions Club and Council cleans the amenities seven days per week.
Lake Lascelles	DEECA asset, not managed by Council. We clean the toilets at the Lake.
Yappeet – Turkey Bottom	Council cleans the toilets at Turkey Bottom Lake at Yaapect.
Lascelles Caravan Park	Included in this Agenda, to transfer management to Lascelles Progress Association and to continue to provide support with mowing and cleaning amenities.

The MPA employs a staff member who currently looks after the MPA cabins and bookings. The MPA believe they have the resources and systems in place to effectively operate and manage the caravan park.



Location of the Murtoa Carvan Park



Cabins are located approximately in this area of the caravan park. The cabins are currently owned and managed by the Murtoa Progress Association.

RELEVANT LAW

- *Local Government Act 2020*
- *Crown Land (Reserves) Act 1978*

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy
- Council Plan 2021-2025: Strategic Objective 2: A Healthy and Inclusive Community
- Council Plan 2021-2025: Strategic Objective 4: A Council Who Serves Its Community
- Leases and Licences Policy

RELATED COUNCIL DECISIONS

- Item 18.2, 25 January 2023, Rupanyup Recreation Reserve Lease Renewal
- Item 16.3, 27 July 2022, Hopetoun Scout Hall lease, Hopetoun Historical Society Inc.

OPTIONS

- a) Council could choose to seek an annual rental fee, or not support the maintenance and mowing of the park, however this would be in contradiction to the support provided in other townships.

SUSTAINABILITY IMPLICATIONS

Economic: A well maintained and operated caravan park supports economic prosperity, as it provides for accommodation for seasonal workers and tourists.

Financial: Council supports the caravan park maintenance program and does not offset this support from income generated from the park. All park fees collected are held by the Progress Association, which in turn reinvests it back into the community, which reduces reliance on Council to support community initiatives.

COMMUNITY ENGAGEMENT

Council commenced advertising on the 23 October 2023 its intent to transfer the management of Council the Murtoa Caravan Park to the Murtoa Progress Association. The public advertisement process concludes on 19 November 2023.

Council received two submissions relating to the public advertisement. Both were supportive, making the following comments:

- "great idea" and
- "I think it would be a great idea for progress to take over the Management of the caravan park. As long as the facility and buildings are up to a standard, that they will not need to do any major work in the near future. The park is a great asset to our town thanks to the stick shed the silo art trail and plenty of other attractions in our shire. As been involved in the Lake COM It would be great to work with the Progress association in the future".

GENDER IMPACT ASSESSMENT

Not applicable

RISK

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The effective operations of a caravan park supports Council's overarching objectives within the Council Plan and Tourism Strategy.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to allocate the required resources to a caravan park can have a negative reputational impact on Council.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable for this report.

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.

Cr C Heintze declared a conflict of interest in this report and left Council Chambers at 10:32am

16.6 Final Masterplans for Minyip Recreation Reserve and Rabl Park, Murtoa

Prepared by: Rebecca Botheras, Sport and Recreation Coordinator

SUMMARY

The Yarriambiack Shire Council sought funding and allocated own funds to develop Masterplans for the Minyip Recreation Reserve and Rabl Park, Murtoa. The Department of Energy, Environment and Climate Action (DECCA) own both precincts, with Council managing Rabl Park Murtoa, and a Committee of Management managing the Minyip Recreation Reserve.

Within both precincts, several facilities are nearing the end of their lifecycle, are non-compliant to current facility standards, and/or no longer meeting the need and demands of the respective communities. As such, both precincts require strategic decision making and investment over the coming years.

This report intends to present the final Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans to Council for consideration and endorsement.

Recommended Motion:

That Council

- a) Adopt the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans; and
- b) Authorises the Chief Executive Officer to seek funding opportunities for the implementation of the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans.

Resolution:

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Minyip Recreation Reserve Masterplan](#)

[Attachment: Rabl Park, Murtoa Masterplan](#)

DISCUSSION

In June 2022, Yarriambiack Shire Council received funding through the Victorian Government's 2021-22 Local Sports Infrastructure Fund – Planning Stream to develop a Masterplan for the Minyip Recreation Reserve, while allocating additional funds in the Council Budget to develop the Rabl Park, Murtoa Masterplan.

ROSS Planning was awarded Contract C319-2023 following a Public Request for Tender Process that took place between 30 September and 10 November 2022, to develop the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans.

Minyip Recreation Reserve Masterplan:

Minyip Recreation Reserve is a well-used sport and recreation precinct owned by the Department of Energy, Environment and Climate Action (DECCA) and managed by an appointed Committee of Management. It is the home of three sporting clubs providing

opportunities in AFL, netball, cricket, and tennis. Between them, these clubs are home to more than 350 players with activity undertaken across the year.

In addition to the formal sporting opportunities, the Reserve also includes the town's public swimming pool and a BMX dirt jump track. A war memorial creates an 'entry' to the Reserve, with a Men's Shed located to the north-east of the Oval.

However, many of the existing assets are beyond their useful lives and there is scope to re-think the existing layout and arrangements within the Reserve. As such, a 10-year strategic Masterplan has been developed following an extensive community engagement process including user groups, the broader Minyip Community, Council staff, key stakeholders including Government agencies and State Sporting Associations.

This strategic masterplan identifies several priorities that the Minyip Community believes are of critical importance in ensuring sustainability and the continuation of quality sport and active recreation opportunities, and general community events. The Minyip Community will use this strategic Masterplan to guide their decision making in relation to infrastructure developments over the next 10 years to ensure the Minyip Recreation Reserve can cater for the existing needs of the community, and the future demands placed upon it.

The indicative costings highlight that a \$5,101,000 investment is required to implement the Masterplan. The table below summarises the indicative costings and key priorities:

Description	Total
Short Term Priorities <ul style="list-style-type: none"> • New Amenities and Changerooms Facility • New Swimming Pool Amenities and Changerooms • Goal Netting & Electronic Scoreboard on oval • Construct two new Netball & Tennis Courts / Lighting 	\$4,002,000
Medium Term Priorities <ul style="list-style-type: none"> • New Play and Picnic Node • Upgrade the War Memorial and surrounds • Construct a helipad 	\$544,000
Long Term Priorities <ul style="list-style-type: none"> • Upgrade the oval lighting • Sealed carparking and pathways 	\$555,000
TOTAL PROJECT COST	\$5,101,000

Rabl Park, Murtoa Masterplan:

Rabl Park is a recreation park that forms part of the wider sport and recreation network that spans the length of the Murtoa township along Lake Street. Rabl Park is owned by the Department of Energy, Environment and Climate Action (DECCA) and managed by Council.

The Park currently includes a range of recreation elements (playground & pump track), barbecue and picnic node, a lake and unsealed walking loop. The most heavily used asset is the amenities building that is very popular with passing travellers. The Park is set in an attractive heavily vegetated setting and is an important community asset but requires development to reach its full potential.

As such, a 10-year strategic Masterplan has been developed following an extensive community engagement process. This strategic Masterplan provides clear directions for future upgrades and change at Rabi Park. Importantly, the Master Plan recognizes that Council has limited resources and requires a responsible approach to future development at the park. Key directions to reflect demand include:

- Avoiding duplication of facilities and experiences between Rabi Park and Lake Marma
- Developing facilities and recreation opportunities that are attractive across the ages (and encourage intergenerational play)
- Establishing an attractive walk/cycle network throughout the park that links with the wider network (and the existing Lake Marma pedestrian opportunities).

The indicative costings indicate that a \$770,000 investment is required to implement the Masterplan. The table below summarizes the indicative costings and key priorities:

Description	Total
Short Term Priorities <ul style="list-style-type: none"> • Upgrade the Skatepark • Construct shade over the play nodes • Replace the picnic settings • Install CCTV • Continue to maintain and upgrade the former Railway Bridge 	\$487,000
Medium Term Priorities <ul style="list-style-type: none"> • Fenced off lead dog area • Develop a network of sealed pathways • Seal the internal roadway and car park on the eastern side of the Park 	\$275,000
Long Term Priorities <ul style="list-style-type: none"> • Provide a pedestrian link from Degenhardt Street into the western side of the Park 	\$15,000
TOTAL PROJECT COST	\$770,000

Finally, the overall intention of the Masterplans is to have a 10-year implementation period, while seeking external funding in partnership the Australian and Victorian Governments and the communities to achieve the outcomes.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Council Plan 2021 – 2025: Strategic Objective 2 – A healthy and inclusive community

Yarriambiack Shire Council Sport and Recreation Strategy 2016-2025: Planning principles addressing benefits to the community, community need, accessibility, sustainability, multipurpose, and diversity of opportunities.

RELATED COUNCIL DECISIONS

29 June 2022 – adoption of 2022/2023 budget which included Council's Contribution for the Minyip Recreation Reserve & Rabl Park, Murtoa Masterplans

28 June 2023 – adoption of 2022/2024 budget which included a carryover of the Minyip Recreation Reserve & Rabl Park, Murtoa Masterplan funding allocation.

OPTIONS

- a) Council could choose to reject the recommendation and request further community consultation be undertaken on the Minyip Recreation Reserve & Rabl Park, Murtoa Masterplans.
- b) Council could choose to reject the recommendation and request further amendments be made to the Minyip Recreation Reserve & Rabl Park, Murtoa Masterplans.

It is important to note that the Minyip Recreation Reserve Masterplan is jointly funded by the State Government. In line with the Funding Agreement Council has in place with the Department of Jobs, Skills, Industry and Regions, Council is required to adopt and submit the final Masterplan to the Department by 15 December 2023.

SUSTAINABILITY IMPLICATIONS

- *Economic* – development of the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans will provide Council and the Minyip Recreation Reserve Committee of Management with strategic direction for the management and development of the facilities into the future. This in turn will assist with infrastructure investment and subsequent economic benefits to the Minyip and Murtoa Communities.
- *Social* – Infrastructure investment to provide modern sport and recreation facilities encourages and supports participation, social interaction and improved health and wellbeing outcomes.
- *Environmental* - environmental sustainability has been considered when establishing key design principles in the preparation of the Masterplans, with specific focus on water management and renewal energy initiatives.
- *Financial* - fully implementing the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans is going to require an indicative financial investment of \$5,101,000 & \$770,000 respectively. This would require funding from the State and Federal Government, along with requiring an investment from the Community.

COMMUNITY ENGAGEMENT

The Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans were developed in close consultation with the Minyip and Murtoa Communities. Initially, onsite Community Consultation sessions were held on the 14th & 15th March 2023 with ROSS Planning, followed by an online community survey that was opened for a period of 28 days. ROSS Planning also undertook one-on-one phone calls with key stakeholders and made visits to the local schools. In addition, the draft Masterplans were released out onto Public Exhibition from the 11th August – 14th September 2023 for review and comment. As well as this, ROSS Planning returned on the 15th & 16th August to present the draft Masterplans to the Murtoa Community at the Rabl Park Community Meeting and met with the Minyip Recreation Reserve Committee and User groups at an onsite meeting. The Masterplan has subsequently taken on board the feedback from the community engagement, has been revised and presented as final.

GENDER IMPACT ASSESSMENT

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

RISK

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Reputational Risk - Residual Risk Level Low	Developing a Masterplan for the Minyip Recreation Reserve & Rabl Park, Murtoa indicates Council's commitment to working with the Minyip & Murtoa Communities to identify priority projects, backed by strategic planning to guide future infrastructure investment.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans has identified that an indicative financial investment of \$5,101,000 & \$770,000 respectively, is required to implement and deliver the infrastructure investments outlined in the Masterplans.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The development of the Masterplans identifying different projects as part of one overarching document allows for strategic and coordinated project planning. The structure of the plan into clear deliverable phases provides direction for required funding applications for future infrastructure investment.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Active Victoria 2022-2026

AFL Preferred Community Facility Guidelines 2024

Netball Australia National Facilities Policy

Tennis Australia National Facilities Planning and Development Guide

Victorian Cricket Infrastructure Strategy

CONFLICTS OF INTEREST

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

Cr Corinne Heintze returned to Council Chambers at 10:35am

16.7 Leases and Licencing Policy

Prepared by Tony Caccaviello, Chief Operating Officer; and

Belinda Penny, Governance Officer

Presented by Tony Caccaviello, Chief Operating Officer

SUMMARY

The policy first adopted in June 2020 has been updated in line with current practices that provide a consistent and transparent approach to the process of Council entering into formal agreements with community groups and other organisations, to occupy Council managed assets.

Recommended Motion:

That Council:

- a) Endorses the revised Leases and Licensing Policy, as attached to this report as from 22 November 2023; and
- b) Rescinds the Leases and Licences Policy adopted on 24 June 2020.

Resolution:

Moved Cr A McLean Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Leases and Licensing policy](#)

DISCUSSION

The Yarriambiack Shire Council manages assets on behalf of the community and is required to meet legislative requirements and expectations of the community to optimise and appropriately manage its assets.

In June 2020, Council adopted its Leases and Licences Policy in consideration of changes to the Local Government Act 2020. This update is in line with its three year review cycle and seeks to build on the position of the initial policy to provide a framework for entering into tenancy agreements to occupy Council buildings and facilities. The updates to the policy are in alignment with current administrative practices aimed at providing a consistent and transparent approach to the process.

The policy provides guidance to Council officers and tenants on the types of agreements that can be offered and used, the applicability of the different types of agreements and the principles upon which terms and conditions of agreements will be developed. This includes the definition of occupant categories and eligibility criteria to assess rental costs charged to tenants and the process for rent appraisals, rent subsidies and rent reviews.

The policy applies in the following agreements:

- Council managed assets, including Council owned buildings and land.
- Crown Land (where Council is the appointed Committee of Management).
- Any other land Council has control over (for example VicTrack owned land), where an occupancy agreement is to be offered to a community group or other organisation.

The review of the policy has resulted in the following changes:

- Inclusion of clause that clarifies that Senior Citizens Buildings are not available for lease or license.
- Updating the types of agreements that may be utilised to include standard documents for occupancy agreements which includes a standard set of terms and conditions. This includes commercial/retail leases, crown land committee of management 17B leases and 17D leases.
- Inclusion of a clause relating to reporting requirements of commercial/retail leases to be assessed on a case-by-case basis that requires final endorsement from Council via a Council resolution.
- Inclusion of a clause noting Council may consider discounting the market rent for community groups and not for profit organisations where the group provides an overarching economic, social, environmental and health and wellbeing benefit to the community and municipal district.
- Providing clarity over the correct mechanism (either license or lease) where Committee of Management arrangements exist
- Clarifying that a risk assessment inline with the Risk Management Framework will be included as part of Council reports when leases are presented as part of a Council meeting.

Furthermore, to support this policy, a Maintenance and Servicing Guidelines for Council Owned Buildings document has been developed to identify the responsibilities for the Committee of Management and Yarriambiack Shire Council. This document will accompany all applicable leases and licences.

RELEVANT LAW

Local Government Act 2020 – Section 115 and 116

Australian Accounting Standards Board – 16 Leases

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

Council Meeting – 24 June 2020, Item 12.12 Leases and Licences Policy

OPTIONS

- a) Council could choose to release the updated version of the Leases and Licences Policy for public consultation. However, as the review has not altered the intent of the policy and brings the policy in line with practiced application of leases and licensing agreements, it would be deemed unnecessary.

SUSTAINABILITY IMPLICATIONS

Social - Council continues to seek to maximise the community benefits arising from the use of its land and facilities. The policy outlines that Council may consider discounting the market rent for community groups and not for profit organisations where the group provides an overarching economic, social, environmental and health and wellbeing benefit to the community and municipal district.

Financial – By providing a consistent and transparent approach to subsidies available to community and not for profit groups the policy provides a responsible approach to management of community assets, and accountability to ratepayers and the community for the direct and indirect expenditure on lease and licence arrangements.

COMMUNITY ENGAGEMENT

Council officers have identified 63 existing leases and licenses due for review over the next three years. As each lease approaches review, officers will actively with the affected parties to communicate these policy changes which are administrative of nature and reflect current practice.

GENDER IMPACT ASSESSMENT

Not applicable for this report

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The inclusion of standardised agreements and terms of agreements ensures Council meets its compliance requirements and has a clear, consistent and transparent approach to entering into formal agreements with both community groups and other for profit organisations.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The policy provides transparency and consistency on the subsidies available to community groups/not for profit groups that enables accurate budgeting and forecasting of net financial expenditure of Council owned and managed buildings and facilities.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Leasing Policy for Victorian Crown Land

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.

16.8 Service Level Planning Policy and Framework

Prepared and Presented by Tony Caccaviello, Chief Operating Officer

SUMMARY

Section 106 (1) of the *Local Government Act 2020* requires Council to plan and deliver services to the municipal community in accordance with service performance principles detailed in the Act. These principles have been utilised to form Council's inaugural Service Level Planning Policy which sets out Council's commitment to ongoing Service Level Planning and strategic review.

The Service Level Planning Framework documents how the principles and the policy apply to the services offered by Council to ensure that community expectations and standards are met in a cost-effective manner, and that outcomes of services are aligned to Council's long-term strategic objectives.

Recommended Motion:

That Council;

- a) Adopt the Service Level Planning Policy and associated Service Level Planning Framework

Resolution:

Moved Cr C Heintze Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Service Level Planning Policy](#)

[Attachment: Service Level Planning Framework](#)

DISCUSSION

Local Government entities provide a wide range of services to the community. Council has a legal obligation to provide some services such as animal management, local roads, food safety and statutory planning, however many Council services are not legally mandated. Achieving the optimal service delivery mix is a challenge all Councils face, there are many factors both internal and external that must be considered.

Yarriambiack Shire Council defines its services into 42 groups of programs and projects primarily focused on external recipients, which collectively provide support or guidance to the community in order to achieve the objectives of Yarriambiack Shire's Vision and the Council Plan.

Service Level Planning is the process to assess, review and set the strategic direction for a Service. It takes the longer-term strategic direction and converts it into a plan for the short to medium-term.

A recent internal audit undertaken on Council's service planning process identified the need to establish a service planning framework, embed a procedure for reviewing the developed plans and the need to ensure there was a linkage between the annual budget process and the service planning process. All of the recommendations of the internal audit have been adopted and embedded into the development of this policy and framework.

Section 106 of the Local Government Act requires Council to plan and deliver services to the municipal community in accordance with the service performance principles. The principles are:

- Services are provided in an equitable manner and that Council is responsive to the diverse needs of our community.
- Services are accessible to the members of the community for whom the Services are intended.
- Quality and costs standards for Services set by the Council provide good value to the community.
- Council seeks to continuously improve Service delivery to the community in response to performance monitoring.
- Service delivery includes a fair and effective process for considering and responding to complaints about Service provision.

The Service Planning Policy attached to this report sets Council's commitment to ongoing Service Level planning and strategic review. The intent is that each service delivered by Council will meet community expectations and standards in a cost-effective manner, and that outcomes of the services are aligned to Council's long-term strategic objectives and that services comply with relevant legislation and policy.

The policy is to be reviewed every three years and to support its application by officers of Council a detailed service planning framework has been developed.

The framework establishes key processes and tasks to be followed by staff as well as establishing overall principles and methodologies in performing service planning functions. Section 3.4 of the framework details the three major engagement processes that will be held with Councillors during the development of each the service level plans.

The framework establishes that service level plans will be reviewed on annual basis and utilise an approach focused on continuous improvement in order to meet the service performance principles defined in the Local Government Act.

RELEVANT LAW

- Local Government Act – Section 106 (1)

COUNCIL PLANS AND POLICIES

- Yarriambiack Shire Council Plan 2021-25
- Yarriambiack Shire's Community Vision

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

- a) Council could opt not to adopt the policy and associated framework or change components of the framework such as how Council is engaged during the process of service level plans development.

SUSTAINABILITY IMPLICATIONS

Financial – The policy and framework provides direction to ensure services across Council are being delivered in a responsible, prudent and cost-effective manner, providing value for ratepayer money. Service level planning plays a key role in informing sustainable financial planning of Council's budget and capital works program relative to supporting Council's Service provision

COMMUNITY ENGAGEMENT

Fundamental to Service planning and development, Council will ensure the community is engaged effectively, decision making is transparent and that outcomes are based on sound financial management practices. Any Service Level Plan developed in line with this policy and framework will undergo appropriate community and/or stakeholder

engagement before implementation, in accordance with Council's Community Engagement Framework.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment is not required for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Financial Risk - Residual Risk Level Medium	The policy and framework provides direction to ensure services across Council are being delivered in a responsible, prudent and cost-effective manner, providing value for ratepayer money. The framework links the annual budget process to the service planning process and assists council to develop an accurate forecast of the likely future costs associated with the delivery of individual Services (including resources), to support long-term financial planning,	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Service Level Planning Framework documents how Council ensures the short-medium term delivery of the services it offers meets community expectations and standards and that the outcomes of services are aligned to the long-term strategic objectives of Council.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Implementing a formal framework to consider the review of service delivery will allow Council to ensure it is meeting the community needs and expectations.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.9 Performance Reporting Framework

Prepared and presented by Tony Caccaviello, Chief Operating Officer

SUMMARY

The Local Government Planning and Reporting Regulations 2020, Governance and Management Checklist in Report of Operations requires Council to have a Performance Reporting Framework. Council adopted its Performance Reporting Framework on 28 September 2022 and has completed a review of the document to reflect additional reporting presented to Council in meetings, forums and to the Audit and Risk Committee.

RECOMMENDATION

That Council:

- a) Adopted the revised Yarriambiack Shire Council Performance Reporting Framework as attached.
- b) Rescind the Yarriambiack Shire Council Performance Reporting Framework that was adopted in September 2022.

Resolution:

Moved Cr G Massey Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Yarriambiack Shire Council Performance Reporting Framework](#)

DISCUSSION

The Performance Reporting Framework outlines the legislative framework in which Council must operate and includes the reporting timeline and the documents to be presented to Council, to meet the statutory requirements.

A review of Council's Performance Reporting Framework has been undertaken and has been revised to reflect changes in reporting presented to Council in meetings, forums and to the Audit and Risk Committee. The following changes have been made to the previous version:

- Added in details relating to the quarterly detailed capital works and project status being presented at Council Forum and a summary version at the Council Meeting.
- Added quarterly Management Reporting details for both Council and the Audit and Risk Committee.
- Added bi-annual Report to Council from the Audit and Risk Committee Chairperson
- Updated timeline for above changes.

RELEVANT LAW

Local Government Act 2020

Local Government Planning and Reporting Regulation 2020

COUNCIL PLANS AND POLICIES

- a) Council Plan 2021/2025 – Key Objective 4: A Council Who Serves Its Community
- b) Council Budget 2023-2024
- c) Annual Report

RELATED COUNCIL DECISIONS

Council Meeting – 28 September 2022, Item 14.1 Performance Reporting Framework

OPTIONS

The option presented in this report to provide the Council with a revised and updated Performance Reporting Framework, that guides when performance reports are to be presented to Council and the Audit and Risk Committee, enhances governance and oversight, and promotes transparency in decision making.

SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

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

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

Council adopted a Community Engagement Policy which is applied when developing and consulting with the community in relation to the Annual Budget development and adoption.

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:

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The management Reporting provided quarterly to Council Forum and the Audit and Risk Committee incorporates details on legislative and compliance activities, along with the status of operational plan objectives for each department, that have the potential to impact on Council's strategic risk levels. This provides enhanced oversight that compliance activities are being undertaken and addressed across the organization.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The quarterly Financial and Non-Financial Performance Report included in the Performance Reporting Framework includes budget compared to actuals 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 Financial and Non-Financial Performance Report incorporates detailed project reporting to Council Forum, providing enhanced oversight on the performance of projects.	Maintains Residual Risk Level

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The quarterly Council Plan actions update enables Council to monitor its strategy execution and assess its performance against its Council Plan actions.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

CONFLICTS OF INTEREST

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

16.10 Leisure Centre Basketball Ring Upgrade (Eastern Court)***Prepared and presented by: Tim Rose, Manager Community Health*****SUMMARY**

The Warracknabeal Leisure Centre was built in 1975 and remains an important community asset for residents throughout the Yarriambiack municipality. The facility is used for several sports and most notably, the exceptional indoor dual basketball courts, that were refurbished in 2021. The courts have undergone significant investment to replace the original timber court surface, however the retractable basketball ring system requires updating.

In recent years, failures have been occurring on the eastern court basketball ring retraction system. These failures have presented several Occupational Health and Safety risks, along with strategic and operational risk challenges.

This report identifies the challenges and recommends the replacement of the basketball ring retraction systems at the stadium to maximise usage and to enhance the social health and wellbeing outcomes of our residents.

Recommended Motion:

That Council:

- a) Approves the total replacement of the existing basketball rings and associated retraction infrastructure for the eastern court in the Warracknabeal Leisure Centre in the 2023-24 financial year for the cost of \$55,000 excluding GST; and
- b) Budget for the replacement of the western court existing basketball rings and associated retraction infrastructure in the 2024-25 financial year.

Resolution:

Moved Cr G Massey Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS



DISCUSSION

The Warracknabeal Leisure Centre is an important piece of Council's community infrastructure. Utilisation of this facility has been increasing in recent years, particularly due to increased levels of participation observed in local and regional basketball competition. Furthermore, the stadium is being used regularly for netball, squash, table tennis and most recently, badminton.

The council is currently experiencing several failures with the dated basketball ring systems. The failures of the winch system have created a number of Occupational Health and Safety risks for Council staff as rings are required to be retracted manually. These risks have also resulted in Council being left with no option but to cease the use of the facility for sports that require the basketball rings to be retracted, such as netball.

The basketball rings present several competition compliance breaches, as well as the design and retraction system not being compliant with current Australian Standards.

Detailed assessments have been completed on the options available to Council, particularly in terms of best value for money. The most feasible option is to replace the existing basketball system on the eastern court, with the potential to replace the western court in 24-25, if deemed acceptable by Council.

Investigations into the replacement of this equipment and subsequent quotations have been sought from reputable industry leading suppliers. Quotations received confirm that total replacement of the basketball rings on the eastern court (including floor protection) will cost \$55,000 excluding GST.

It is anticipated that the associated costs of these upgrades will be funded from both unallocated revenue and savings identified in the Council's masterplan project budget. A breakdown of the expected expenditure is provided below.

a) Unallocated Revenue for Projects	\$ 25,000
b) Masterplan Project Savings	\$ 30,000
TOTAL	\$55,000

The reduction in sporting opportunities currently being experienced at the stadium, due to the antiquated ring system has potential to impact social connection, along with health and wellbeing outcomes for our residents. It is also likely to impact sporting participation rates and could deter competitions or regional training sessions for both basketball and netball being held in our Shire, which provides an economic stimulus for our businesses.

Replacing the ring systems over the next two years, demonstrates to our community that we are committed to providing compliant and safe facilities for our residents and visitors alike.

RELEVANT LAW

Local Government Act 2020

Occupational Health and Safety Act 2004

COUNCIL PLANS AND POLICIES

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

What Community said was important: Having modern recreational facilities.

Our Strategic Priority: Support infrastructure investment that promotes an inclusive and socially connected community to enhance livability.

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

Council does have alternatives in relation to the basketball ring upgrades, however, such options will only remove OHS risks and basketball competition breaches.

- a) Undertake repairs of broken winch systems on the eastern court for an estimated \$20,000.
- b) Refurbish eastern court basketball ring infrastructure, requiring full structural engineering assessment, for an estimated \$35,000.

It is important to note that 'option a' will not rectify basketball competition rule breaches and will remain non-compliant with Australian Standards due to overhead load/pivot points. Similarly, 'option b' will address basketball competition rules, but will remain non-compliant with Australian Standards due to overhead load/pivot points.

SUSTAINABILITY IMPLICATIONS

Economic – Failure to maintain our sporting infrastructure may impact on Council's ability to attract local, regional and statewide competitions which have significant economic benefit to local businesses.

Social – A commitment to maintaining modern facilities encourages participation, social interaction and improved health and wellbeing outcomes for the future.

COMMUNITY ENGAGEMENT

During the Council Plan development of 2021-2025, the community identified that having modern recreational facilities was of high importance and value to the community.

GENDER IMPACT ASSESSMENT

Not applicable for this report

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Council may be exposed to liability associated with injury, where an injury occurs due to a breach of basketball competition rules ie padded lower backboard.	Reduces Residual Risk Level
Innovation Risk - Residual Risk Level Low	Facility infrastructure becomes outdated to a point where it may no longer be safely used by the public.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	A failure to maintain the facility to an acceptable standard or a standard that increases the overall safety of users.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Victorian Public Health & Wellbeing Plan 2023-2027 – Priority 3: Improving Wellbeing, Priority 5: Increasing Active Living.

Active Victoria 2022-2026 – Strategic Framework Objectives: Connecting Communities & Building Value.

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.

16.11 Request to Upgrade Martins Road

Prepared and prepared by Michael Evans, Chief Emergency Management Officer & Manager Assets and Emergency Management

SUMMARY

This report considers a request for Council to upgrade a section of Martins Road, from Lah East Road to one kilometre to the south, a classification of Special Purpose (SP) gravel surface. The proposed road section is currently classified as a Rural Access, RA6 – unformed road on natural surface.

Recommended Motion:

That Council:

- a) Council denies the request due to; the cost to upgrade this section of road is too high when Council has already met the requirements of the RMP, Road Hierarchy and the Access to Rural Properties guideline by providing all weather access to the properties.
- b) Offer the farmers the option to contribute to pay all costs for the gravel surface and Council would program the works to be carried out in the 2024-25 year. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at the time. The road would stay as a Rural Access (Minor) RA6-earthen road on the road Hierarchy, but the surface would be gravel.

Resolution:

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Letter from Bernard Lindsay 3rd May 2023 and signed by the group the farmers.](#)

DISCUSSION

Council received a letter dated the 03 May 2023 requesting that one kilometre of gravel be laid on Martins Road from the Lah East Road to the southern side and contains signatures of support from the local farmers.

The issues presented in the letter were as follows:

- The proposed section of Martins Road is impassable because of the buildup of water and soil type that holds water after rain.
- Martins Road is a major throughfare for a number of farm businesses in the Lah East area. At harvest, many trucks use this road to access Wilken storage and during the winter months, is an important route for moving large cropping equipment and accessing paddocks for checking livestock.
- If the section of Martins Road was a gravel surface, it would be beneficial to all the businesses in the area for the safe movement of large trucks and farming equipment.
- Requires grading of Martins Road (north of Lah East Road and McFarlane's Rd), end of gravel segment to the Brim East Road.
- The letter has been prepared in consultation with farmers who use this road frequently and support to upgrade the section of roads for everyone's benefit and safety.

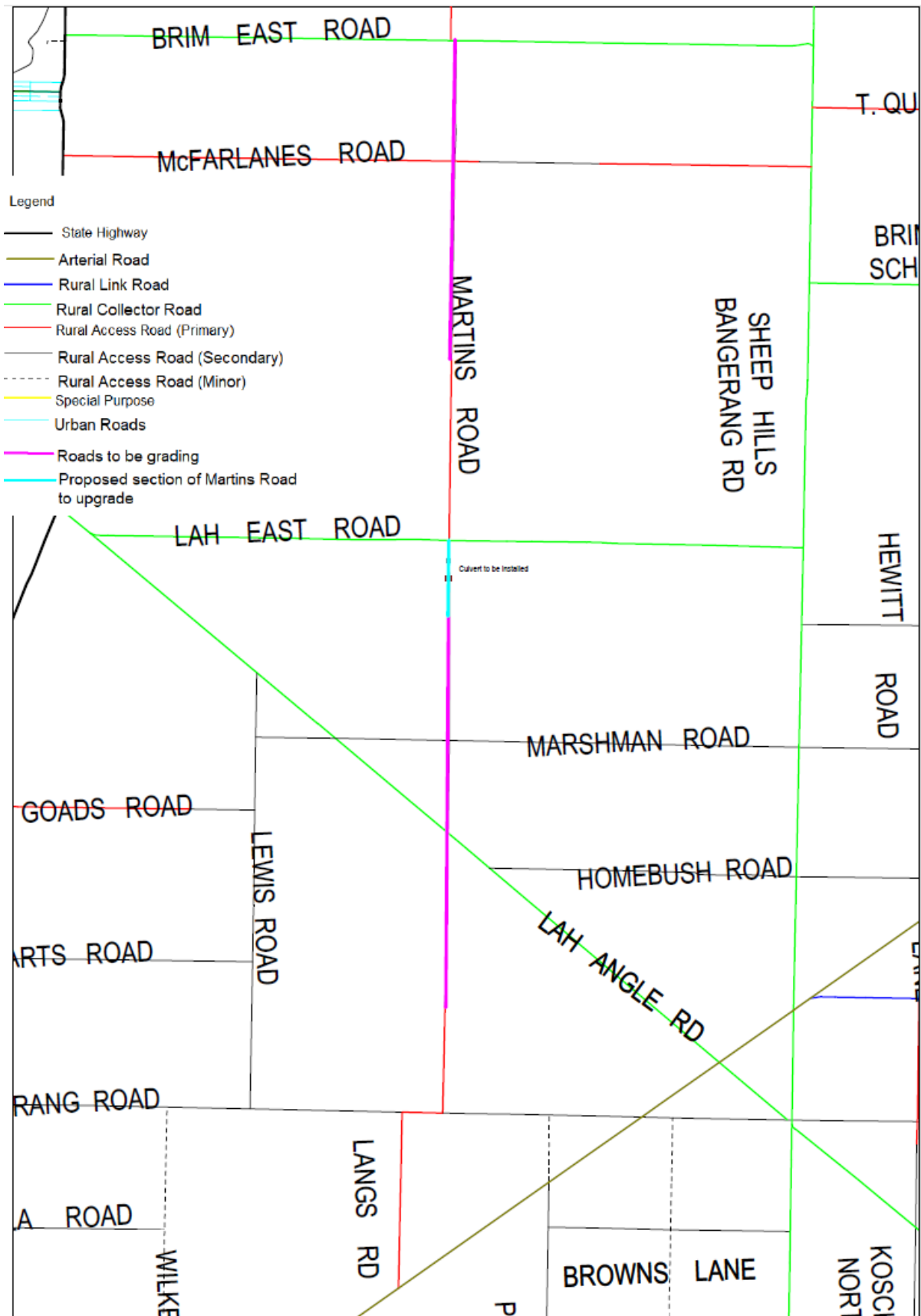
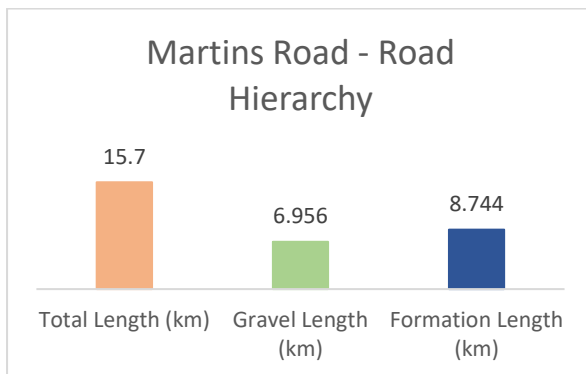


Photo 1 Martins Road

Officer Findings

Martins Road is 15.7 km in total length starting from Bangerang Road to Wardles Road.



At the time of visiting, sections of Martins Road were graded and has basic drainage. The proposed section of Martins Road passes through the swamp area south of Lah East Road. It can be notable that during a rainy season, the road becomes slippery, filled with water (lack of water draining system) and has wheel rutting.

There is a natural channel which was filled with earth and requires a culvert pipe across the road. The photo below shows such a drain passing through the road. Once installed this will illuminate water clogging on the road.



Photo 2 Photo showing existing drain blocked at road.



Photo 4 Proposed section of Martins Road

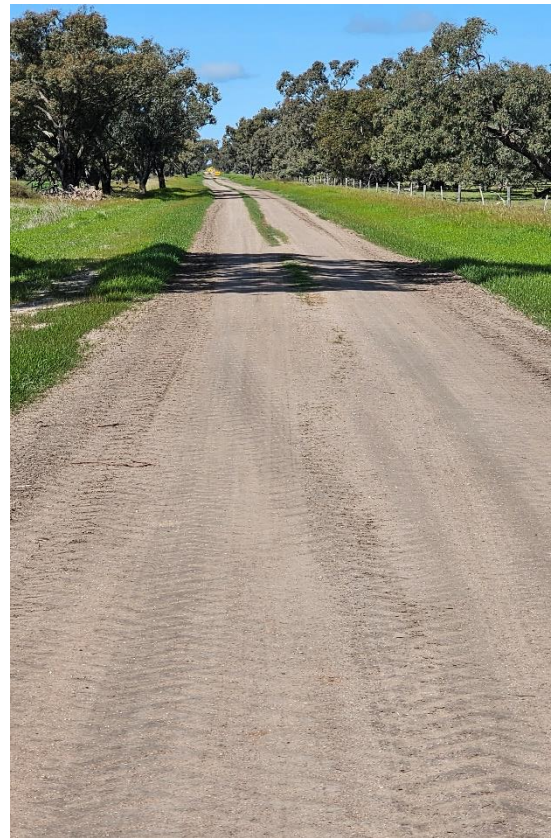


Photo 3 Proposed section of Martins Road



Photo 6 Section of Martins Road where grading required.



Photo 5 Section of Martins Road where grading required.

The capital maintenance option of selecting the appropriate surface material (gravel), at the proposed section of the Martins Road (south of Lah East Road for one kilometre), would improve the road pavement conditions, safety and allow farmers to use the road in all-weather conditions.

Referring to the letter, the farmers have concerns regarding the grading program on Martins Road (north side end of gravel to Brim West Road). The inspection frequencies for this formed road are upon request (for more details refer to council Road Hierarchy). To address this issue, the operations team would need to plan a periodic grading program to reshape the formed surface. This program will bring back more operational life and meet the desired serviceability of the road network.

The cost to construct the proposed section 1000m in length by 4m's wide, to a gravel surface, would be estimated at \$35,000.

Under Council's Road Hierarchy, the requested section of Martins Road is classified as a Rural Access Road (Minor) RA6, earth formation. This type of road can only be maintained to a higher standard in accordance with Council's Road Management Plan, Road Hierarchy and Assets and Operations Guideline.

RMP-5.15 Access to Rural properties

The access to the farm properties and lands with unoccupied houses will be provided via earth formation which will, at a minimum, provide dry-weather access to those properties.

Any request for upgrade of road to a higher standard will be treated on a case-by-case basis. In principle, it is expected that the cost of such an upgrade will be borne by the party requesting the upgrade. Such upgrades shall be approved by the Council at an Ordinary Council Meeting.

RELEVANT LAW

- *Local Government Act 2020*
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

From the council plan 2021-25 strategic objective 1 applies to this decision.

Objective 1: A vibrant and diversified economy

- Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery.
- Road Management Plan
- Road Hierarchy
- Assets & Operations Guideline

RELATED COUNCIL DECISIONS

This type of decision has occurred in the past regarding Millers Road. The council denied the request to upgrade the section of Millers road due to the road already meeting its obligations in relation to the requirements of Council's adopted Road Management Plan, and Road Hierarchy. Council asks the group of farmers to contribute to pay all cost for gravel.

OPTIONS

Recommended options:

- a) Council could agree to upgrade the section of Martins Road to an all-weather access road and re-categorise the road as Special Purpose SP.

- b) Council could ask for the group of farmers to contribute to pay all costs for the gravel surface and Council would program the works to be carried out in the 2024-25. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at the time. The road would stay as a Rural Access (Minor) RA6-earthen road on the road Hierarchy, but the surface would be gravel.
- c) Council could ask for the group of farmers to contribute to a percentage all costs for the gravel surface and Council would program the works to be carried out in the 2024-25. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at the time. The road would stay as a Rural Access (Minor) RA6-earthen road on the road Hierarchy, but the surface would be gravel.
- d) Council could refuse the request to upgrade and reclassify Martins Road but categorise the road as a Rural Access Road (Primary) RA2.

SUSTAINABILITY IMPLICATIONS

Economic: Support economic development via business farming enterprises.

Social: Safety for road users and improved transport route to and from the primary farm.

Financial: Would need to be funded through Council's Capital Works Program or maintenance expenditure which would require additional budget.

COMMUNITY ENGAGEMENT

Opportunities during road hierarchy consultation in 2022.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Conformity with Road Management Plan, Road hierarchy and Assets & Operations Guidelines	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	The road upgrade request to be presented to Council	Maintains Residual Risk Level
Political Risk - Residual Risk Level Low	The report presented to Council through a neutral lens with no biases	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.12 Rates Arrears Property – 16 Stewart Street Rupanyup

Prepared and presented by: Tammy Smith, Chief Executive Officer

SUMMARY

Under section 181 of the *Local Government Act 1989 (VIC)*, Yarriambiack Shire Council has the power to recover outstanding rates and charges in respect of any rateable land where the debt is more than three years overdue. Council may sell the land or cause the land to be transferred to itself. This paper outlines that the Chief Executive Officer is seeking a resolution by Council to transfer the land known as 16 Stewart Street Rupanyup to itself (Yarriambiack Shire Council).

RECOMMENDATION:

That Council:

- a) In accordance with Section 181 of the *Local Government Act 1989*, approve the transfer 16 Stewart Street Rupanyup (Lot 2 on Title Plan LP218912F, volume 09930, folio number 290) to itself.
- b) Endorse that Council pay the outstanding GWMWater account and the final balance to the property owner of 16 Stewart Street Rupanyup, at a total maximum approximate value of \$10,275.00.
- c) Endorse the demolition of the derelict fire damaged building on 16 Stewart Street Rupanyup as estimated for \$35,000 (excluding GST).
- d) Endorse that the block known as 16 Stewart Street Rupanyup be utilised for the Council's affordable housing project.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Valuation Report 16 Stewart Street Rupanyup](#)

DISCUSSION

On 14 November 2023 Council commenced the process of advertising via Public Notice of its Intention to Transfer under Section 181 of the *Local Government Act 1989 (VIC)*, land known as 16 Stewart Street Rupanyup (Lot 2 on Title Plan LP218912F, volume 09930, folio number 290) to itself.

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

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

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

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

- a) All expenses incurred in connection with the sale or transfer.
- b) The amount of outstanding rates and charges, including interest associated with the amount.
- c) Any other amounts due to it for, or in respect of, rates or charges, including enforcement costs and interest in respect of the land.

The Market Value "as is" for 16 Stewart Street, that occupies a derelict, unoccupied, substantially fire damaged building, is valued at \$25,000 (twenty thousand dollars).

As of 16 November 2023, rates and charges arrears and legal costs applied to 16 Stewart Street was \$14,725.54. Further legal costs and associated costs will be incurred from the section 181 sell and/or transfer of land process. The property also has \$8,013.37 outstanding on the property owing to GWMWater as of 3 October 2023.

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

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

In the case of 16 Stewart Street Rupanyup, the valuation of the property is:

Valuation market value "as is"	\$ 25,000.00
Amount owing to Council	(\$ 14,725.54) plus further legal costs to be incurred
Amount YSC will need to pay to GWMWater	(\$ 8,013.37) plus further charges to be incurred
Amount YSC will need to pay to the property owner (approximate)	(\$ 2,261.09)

Council will also need to demolish the derelict fire damaged building on 16 Stewart Street at the estimated cost of \$35,000 (excluding GST). This is planned to be undertaken as soon as the property is transferred into Council's name.

Why Transfer Land?

Council is considering an alternative site for the affordable housing project in Rupanyup. The 16 Stewart Street parcel of land would be beneficial to retain for the affordable housing project and is deemed more suitable than the Gibson Street Rupanyup parcel of land that was initially identified as the site for the affordable housing unit.

The Gibson Street site is currently going through a process of meeting the planning permit requirements for the proposed subdivision. This work will not be complete within the next few months. Initially, the Gibson Street parcel of land was transferred to the Rupanyup Future Fund to subdivide and to gift back one parcel to Council. This has become problematic as Council has experienced some challenges associated with wishing to build a unit on land that is not currently owned by Council. There is also some

challenges associated with connecting infrastructure, that will take time and will require significant additional funding to establish. Council is required to deliver the affordable housing project by May 2024, therefore an alternative site has been identified to continue to meet the timelines of the project.

Council transferring the 16 Stewart Street property to itself will also provide an overarching positive community benefit, as the unsightly and hazardous property will be demolished and cleared. This will enhance the liveability for residents who reside around the property.

If the parcel of land was deemed surplus to requirements, and Council for some reason, decided not to build on the site, Council could on sell the parcel of land for current market value, in accordance with Council's Asset Lifecycle Policy and the *Local Government Act 2020* requirements.

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

NIL

OPTIONS

- a) The Council could choose not to transfer the land into Council's name and sell the property in accordance with the Section 181 process. The site does have building orders on the property, and via the section 181 process, Council has attempted to sell the property with no success. This is due to the requirement to demolish the building on the site.
- b) Council could choose to transfer the land, and continue to pursue the Gibson Street site however, we will be unable to meet the project timelines and we will have to find additional funds for the connecting infrastructure.

SUSTAINABILITY IMPLICATIONS

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

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

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

COMMUNITY ENGAGEMENT

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

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

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The transfer of land will be undertaken in accordance with the <i>Local Government Act 1989</i> and <i>Local Government Act 2020</i> , along with the Council's Community Engagement Policy. Council also ensured a current valuation within six months has been provided as part of this Council paper, and to support the resolution.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to demolish the house on 16 Stewart Street Rupanyup, could impact negatively on Council's reputation.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The transfer of the land is a strategic decision, to ensure that enough land is available if both affordable and social housing projects are successfully funded.	Reduces Residual Risk Level
Political Risk - Residual Risk Level Low	Ensuring that enough land is available for the housing projects, mitigates the risk of funding conditions / milestones not being met.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

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

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

CONFLICTS OF INTEREST

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

17 COUNCIL REPORTS FOR NOTING

Nil

18 PERMITS ISSUED OCTOBER 2023

Recommended Motion:

That Council:

Note the permits issued by Council between 1 October 2023 and 31 October 2023

Resolution:

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits			
BLD20230360	Construction of Stratco verandah	Hopetoun	09/10/2023
Planning Permits			
TP23-23	Use of an existing building as a retail store, and the reduction of car parking spaces.	Rupanyup	02/10/2023
TP29-23	Use of the premises as a place of assembly (Barley Banquet)	Rupanyup	10/10/2023
TP27-23	Use of the land as a place of assembly	Beulah	04/10/2023
TP28-23	Construct a building or construct or carry out works for a washbay for a rural industry	Murtoa	19/10/2023
TP31-23	Development of a telecommunications facility	Woomelang	31/10/2023
TP35-23	Development of a telecommunications facility (NBN transmission site)	Hopetoun	31/10/2023
VS2023001	The installation and use of a TOMRA Reverse Vending Machine (RVM) and ancillary elements	Murtoa	02/10/2023
VS2023004	Construction of a shed within an ESO	Hopetoun	11/10/2023

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
08-23	Local Laws – Camping in a public place	Ag Tech Machinery Patchewollock Music Festival	19/10/2023

19 URGENT BUSINESS

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

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

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

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

Moved Cr C Lehmann Seconded Cr G Massey that Council move into Closed Session at 11:04am

Carried

20 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 Building Demolition and Asbestos Removal Panel of Suppliers
<p>This Agenda item is confidential information for the purpose of section 3(1) of the <i>Local Government Act 2020</i>:</p> <ol style="list-style-type: none"> 2. 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 3. 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.
19.2 Permit for Additional Dog
<p>This Agenda item is confidential information for the purpose of section 3(1) of the <i>Local Government Act 2020</i>:</p> <ol style="list-style-type: none"> 1. Because it is law enforcement information, being information that if released would be reasonably likely to prejudice the investigation into an alleged breach of the local law, or the fair trial or hearing of any person (section 3(1)(d)); and 2. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); <p>This ground applies because the Agenda Item concerns personal information about a rate payer that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i> and enforcement activities.</p>

Moved Cr T Hamilton Seconded Cr C Heintze that Council move back into Open Session at 11:10am

19.1 Building Demolition and Asbestos Removal Panel of Suppliers

Recommended Motion:

That Council:

- a) Endorse that contract C337-2024 for the provision of building demolition and asbestos removal services for an initial five (5) year period with an option, at Council's sole discretion, to offer a further two by one years (up to a maximum contract term of seven (7) years), be awarded to the supplier panel made up of:
 - a. HED Industries Pty Ltd;
 - b. SJR Demolition and Earthmoving Pty Ltd;
 - c. Diamond Demolitions Pty Ltd;
 - d. Swan Hill Demolition & Asbestos Removal Pty Ltd;
 - e. Perry Demolition Pty Ltd
- b) Endorse the affixing of the Common Seal to Contract C337-2024 in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

PART 2

That Council:

- a) Determines, pursuant to section 125(2) of the *Local Government Act 2020*, that the Resolution(s) made in relation to Agenda Item 19.1 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting.

Resolution:

Moved Cr G Massey Seconded Cr C Lehmann

That the recommendation be adopted

Carried

21 NEXT MEETING

13 December 2023

22 CLOSED