



Yarriambiack
SHIRE COUNCIL

Minutes

Ordinary Meeting of Council

23 April 2025

COUNCIL CHAMBERS

34 Lyle Street, Warracknabeal

MEETING OF COUNCIL TO COMMENCE AT 9.30AM

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

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

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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

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

CONTINUOUS IMPROVEMENT

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

LIVE STREAMING

Council meetings are now 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

The Chief Executive Officer reads this section as part of the Meeting Governance process.

This Open Council Meeting is to be streamed live, recorded and published online.

I give notice to anyone who is in the gallery, that they may be recorded, and their image may be published online.

Anyone who submits a question as part of item 13 – Public Questions (of this Agenda) will have their name stated and recorded as part of the livestreaming and recording, which is published online.

The Mayor 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, and that will conclude the Meeting of Council, open to the public.

The public can view this livestream or recording 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 livestream, the meeting may continue provided the gallery remains open to the public in accordance with Council's meeting procedures and Governance Rules, clause 2.42.3 (g).

3 ACKNOWLEDGEMENT AND PRAYER

Mayor to open the meeting at **9.30am** by acknowledging the Traditional Owners 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 and present'.

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

Deputy Mayor	Andrew McLean	Hopetoun Ward
Councillor	Corinne Heintze	Dunmunkle Ward
Councillor	Melinda Keel	Dunmunkle Ward
Councillor	Chris Lehmann	Hopetoun Ward
Councillor	Karly Kirk	Warracknabeal Ward

Council Officer	Brett Luxford	Acting Chief Executive Officer
Council Officer	Tim Rose	Chief Operating Officer
Council Officer	Monique Metlika	Governance Support Officer
Council Officer	Daniel Brandon	Manager Business Systems

5 APOLOGIES

Name / Role	Description of Leave / Absence
Tammy Smith, Chief Executive Officer	On leave.
Cr Kylie Zanker, Mayor	Absent due to illness.

6 CONFIRMATION OF MINUTES

6.1 MINUTES 26 MARCH 2025 – ORDINARY MEETING

Minutes of the Ordinary meeting of Council held on 26 March 2025 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 26 March 2025, as circulated be taken as read and confirmed.

Resolution:**Moved Cr Heintze****Seconded Cr Keel****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 (Chapter 5- Disclosure of Conflict of Interest at Council Meetings).
- b) Exclude themselves from the decision-making process in relation to that matter, including any discussion or votes on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

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

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

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

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

OR

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

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

7.1 CONFLICT OF INTEREST DECLARED

Conflict Declared by	Agenda Item	Reason - Explanation

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

As per ongoing and pending actions list, Item 8.2.

8.2 ONGOING AND PENDING ACTIONS

Council Meeting	Recommendation Action	Action Taken
26 June 2024 Item 15.3	Reallocation of SHARE Grant 2023-24 funding to the installation of Automated External Defibrillator (AED) machines at Council owned Senior Citizen buildings.	The AED's have been ordered and will be installed by the building maintenance teams by the end of May 2025.
28 August 2024 Item 15.13	Resheet a section of Mellis Road, from Stawell Warracknabeal Road to a property 4.3km to the East.	Planning to begin in early May 2025.
27 November 2024 Item 15.6	Apply for Living Libraries Infrastructure Program (LLIP) for: <ul style="list-style-type: none"> Minor Works funding at the Hopetoun Neighbourhood House (former Gateway BEET) building. Major Works at the Coopers Crossing, Emma's Café Library building in Minyip. 	An application has been submitted to the Major Works stream of the Living Libraries Grant, requesting \$1 million for the proposed works at Emma's Cafe Library building in Minyip. Following a meeting with the department prior to the application deadline, it was decided not to apply for the works in Hopetoun during this round. Instead, we plan to apply for the minor stream in the next round, which is anticipated to be around August or September.
29 January 2025 Item 15.4	The transfer of Maternal Child Health Services to West Wimmera Health Service is scheduled to be completed by 01 April 2025.	CLOSED Transfer of business completed and service commenced with WWHS on 01 April 2025.
26 February 2025 Item 15.1	Name the unnamed laneway 04 in Council's Road Register, as "Isbel Lane".	Community consultation has commenced and will close at 5pm on Thursday 24 April 2025.
26 February 2025 Item 15.3	Enact Licence Agreement between Yarriambiack Shire Council and Mallee Track Health and Community Service.	CLOSED Licence Agreement has been fully executed 26 February 2025.
26 February 2025 Item 15.4	Enact Licence Agreement between Yarriambiack Shire Council and Melbourne West Flight Training Propriety Limited.	CLOSED Licence Agreement has been fully executed 26 February 2025.
26 February 2025 Item 15.5	Make a financial contribution to the University of Melbourne to fund a Scholarship for a Masters research student for the primary purpose of conducting a social benefit cost analysis on mining within our Shire, to determine if mining will benefit or harm societal welfare.	Engagement with University of Melbourne has commenced.
26 February 2025 Item 15.6	Advocate to the State Government to amend the Rabl Park project scope of the election promise funding.	Advocacy and consultation with Minister Ermacora's office and Sport and Recreation Victoria has occurred. Currently awaiting a decision on if the project can be rescoped.

Council Meeting	Recommendation Action	Action Taken
26 February 2025 Item 15.8	Enact Lease and Service Agreement for Hopetoun Early Years Centre.	CLOSED Lease and Service Agreement has been fully executed 26 February 2025.
26 February 2025 Item 15.9	Enact Deed of Renewal and Variation between Yarriambiack Shire Council and VicTrack (Assets) Pty Ltd.	CLOSED Deed of Renewal and Variation has been fully executed 21 March 2025.
26 February 2025 Item 15.10	Enact Licence Agreement between Yarriambiack Shire Council and Warracknabeal Playgroup Inc.	CLOSED Licence Agreement has been fully executed 26 February 2025.
26 March 2025 Item 15.1	Commence community consultation process to reduce speed limit in Scott Street Warracknabeal, from 50km/h to 40km/h between Phillip Street and Lyle Street Warracknabeal.	Community consultation process commenced on Thursday 27 March 2025 and will conclude on Monday 28 April 2025.
26 March 2025 Item 15.3	Enact Leases for West Wimmera Health Service for the buildings and land known as; a) Infant Welfare Building – 71 Phillips Street, Beulah b) Infant Welfare Building – 8 Boschert Street, Tempy	CLOSED Both leases have been fully executed 26 March 2025.
26 March 2025 Item 15.4	Enact Licence Agreement for Lil Bears Family Day Care for the childcare areas of the building and land known as the Dunmunkle Community Library Precinct at 59 Cromie Street, Rupanyup.	CLOSED Licence Agreement has been fully executed 26 March 2025.
26 March 2025 Item 15.5	Enact Licence Agreement for the Rupanyup Historical Society Incorporated for the office and adjoining vault within the building and land known as the Dunmunkle Community Library Precinct at 59 Cromie Street, Rupanyup.	CLOSED Licence Agreement has been fully executed 26 March 2025.

9 PETITIONS

No petitions received.

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
24/03/2025	Kevin Sheridan	Letter – Response to Public Question Answered at Council Meeting 26 March 2025.
24/03/2025	Rural Northwest Health Board	Letter - Invitation to RNWH Board to Meet with Yarriambiack Shire Councillors

Incoming		
Date	Sender	Details
19/03/2025	Cubico Sustainable Investments	Letter – Update on Proposed Curyo Wind Farm
20/03/2025	Jaclyn Symes MP	Email - OFFICIAL Correspondence from the Treasurer of Victoria - Victoria State Government – Emergency Services and Volunteers Fund
20/03/2025	Municipal Association of Victoria (MAV)	Letter – Emergency Services Volunteer Fund - From MAV FinPro RMA to Treasurer of Victoria
28/03/2025	The Hon Melissa Horne MP	Email - Ministerial Correspondence Regarding Position Statement Letter
02/04/2025	Dr Anne Webster MP	Invitation – Dr Anne Webster MP – 2025 Campaign Launch with David Littleproud
10/04/2025	Department of Jobs, Skills, Industry and Regions	Email - Fair Access Policy Roadmap – 2024-25 Progress Survey
16/04/2025	Dr Anne Webster MP	Email - Local Roads and Community Infrastructure Program
17/04/2025	Beverley McArthur MP	Letter – Introduction to Mayor and CEO of Yarriambiack Shire Council

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
05 May 2025	Ordinary Meeting (note change of date)
14 July 2025	Ordinary Meeting

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT

Mayor Kylie Zanker – Warracknabeal Ward (April)		
Date	Activity	Location
28/03/25	Wimmera Highway Action Committee Meeting	Online
28/03/25	Meeting with CEO and Deputy Mayor	Warracknabeal
04/04/25	Meeting with Acting CEO and Deputy Mayor	Online
05/04/25	Steampunk Official Opening	Warracknabeal
06/05/24	DiRT Music Festival	Rupanyup
08/04/25	Wimmera Pride Committee Meeting	Online
09/04/25	Council Forum	Warracknabeal
10/04/25	VNI Renewable Alliance Meeting	Online
10/04/25	Meeting with CEO and Deputy Mayor	Online
11/04/25	Department of Transport and Planning meeting with Jeroen Weimar Secretary of the Department of Transport and Planning	Horsham
13/04/25	Hopetoun Historical Society - Launch of the Historic Council Map	Hopetoun
15/04/25	BY5 - Change, Join the Movement and Finish What We Started Meeting	Online
16/04/25	RNH Filming for Prospective New Residents	Hopetoun
17/04/25	Meeting with CEO and Deputy Mayor	Warracknabeal
18/04/25	Warracknabeal Cemetery Tour	Warracknabeal
19/04/25	Warracknabeal Easter Festival Market	Warracknabeal
19/04/25	Easter Egg Hunt at the Community Garden	Warracknabeal
19/04/25	MC Grand Parade in Scott Street	Warracknabeal
19/04/25	Warracknabeal Races in the Sponsor and Guests Tent	Warracknabeal
19/04/25	Warracknabeal Wheatlands Machinery Museum Twilight Tractor Pull	Warracknabeal
20/04/25	Music at the Museum	Warracknabeal

12.2 COUNCILLOR ACTIVITY REPORTS

Deputy Mayor Andrew McLean – Hopetoun Ward (April)		
Date	Activity	Location
28/03/25	Meeting with CEO and Mayor	Hybrid
04/04/25	Meeting with Acting CEO and Mayor	Hybrid
09/04/25	Council Forum	Warracknabeal
10/04/25	Meeting with Acting CEO and Mayor	Hybrid
16/04/25	Beulah Progress Annual General Meeting	Beulah
17/04/25	Meeting with Acting CEO and Mayor	Hybrid

Cr Corinne Heintze – Dunmunkle Ward (April)		
Date	Activity	Location
02/04/25	Yarrilinks meeting	Minyip
02/04/24	Minyip Progress	Minyip
08/04/25	Chair Jung Rec Reserve Meeting	Jung
09/04/25	Council Forum	Warracknabeal
15/04/25	WSMD Nominations, Governance & Remuneration Meeting	Online
19/04/25	Community Garden – Easter Festivities	Warracknabeal

Cr Melinda Keel – Dunmunkle Ward (April)		
Date	Activity	Location
02/04/25	Budget Information Session	Warracknabeal
09/04/25	Council Forum	Warracknabeal
15/04/25	Murtoa Progress Association Meeting	Murtoa

Cr Chris Lehmann – Hopetoun Ward (April)		
Date	Activity	Location
09/04/25	Council Forum	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward (April)		
Date	Activity	Location
16/04/25	Beulah Progress Annual General Meeting	Beulah

Cr Karly Kirk – Warracknabeal Ward (April)		
Date	Activity	Location
Nil.		

12.3 ACTING CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Brett Luxford (April)		
Date	Activity	Location
02/04/2025	Joint State/Local Government CEO forum	Online
04/04/2025	Mayor, Deputy Mayor CEO catch up	Online
04/04/2025	MBS Project Meeting	Online
09/04/2025	Council Forum	Warracknabeal
11/04/2025	Wimmera Meeting with Secretary of DTP	Horsham
11/04/2025	Wimmera Regional CEO Meeting	Horsham
11/04/2025	Early Years discussion	Horsham
15/04/2025	GWM Tourism Update	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 Mayor (Chairperson), or if delegated by the Chairperson, the Chief Executive Officer, a Councillor 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 Councillor / Officer is to respond.

The party submitting the question need not physically attend the Council Meeting, however if they are not physically present at the part of the meeting allocated for public question time, the Mayor (Chairperson) may determine that a verbal answer will not be provided at the meeting and a written answer will instead be communicated after the meeting.

13.1 QUESTIONS SUBMITTED

Name:	Town:
Question:	
Respondent:	
Response:	

14 COUNCILLOR REPORTS

14.1 MAYORS REPORT

The activity in the region over the past few weeks has highlighted the opportunities that exist to increase our economy through tourism and events.

The 13th Annual DiRT Music Festival at Rupanyup was a great success and the music talent was outstanding. Steampunk at Dimboola, reportedly attracted around 3000 attendees, highlighting the opportunity to showcase the region and the benefits of major events.

The Easter period also saw significant visitation to our region and businesses making the most of these opportunities. These events require significant work, and this is mostly undertaken by volunteers. I wanted to take this opportunity to acknowledge the work of each of these organisations and thank them for their ongoing commitment.

This Friday we also recognise ANZAC day. ANZAC Day is a national day of remembrance that commemorates all Australians and New Zealanders "who served and died in all wars, conflicts, and peacekeeping operations" and "the contribution and suffering of all those who have served". This remains an important day for all Australians and once again I acknowledge the work of the Returned and Service League committees across our municipality.

The Hopetoun and District Historical Society have completed the restoration of a 1890s map of the Shire of Karkarooc. The map is a great snapshot into our history and was painstakingly restored with great patience. The launch of the restored map on Sunday 13 April 2025 at the Old Limestone School in Hopetoun was a great celebration.

I have continued to be involved in advocating for Wimmera Southern Mallee By5 funding post 30 June 2025. I recently attended an online event where more than 230 people came together to reinforce the message.

The Wimmera Region Group of Council Mayors and CEOs came together in Dimboola to meet with the Secretary of the Victorian Department of Transport and Planning, Jeroen Weimar. The visit to the region from the Secretary enabled us to highlight the opportunities and challenges that exist across our region including interest in renewable energy and mining, the impacts on housing and the impact on our existing transport infrastructure. It also highlighted the importance of working together as a regional group of Councils and the influence that a coordinated voice can have.

15 REPORTS FOR DECISION

15.1 COUNCIL PLAN QUARTER 3 – REPORT 2024/25

Prepared by Brett Luxford, Acting Chief Executive Officer

SUMMARY

The Yarriambiack Shire Council Plan 2021-2025 was adopted in August 2021 to help drive the strategic direction of Council. The Council Plan incorporates the Community Vision and the Municipal Health and Wellbeing Plan and provides the community with a single document that outlines the strategic direction of the Council.

By incorporating the Community Vision into the Council Plan, it also helps ensure that Council continues to have the vision at forefront when developing and delivering on the Strategic Objectives.

Recommended Motion:

That Council:

Endorse the progress of the Council Plan 2021-2025, Year 4, Quarterly Report as outlined in the body of this report.

Resolution:

Moved Cr Kirk

Seconded Cr Lehmann

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Council Plan 2021-25 - Quarter 3 Progress Report](#)

DISCUSSION

As Council is required to develop and adopt a new Council Plan for the period 2025-2029 this will be the second last report on the current Council Plan. It should be noted that Council continues to make good progress on the delivery of the Council Plan and the annual actions identified.

As we also head towards a Federal Election, the Council Plan has provided the backbone to continue to advocate for our priority projects that align with the strategic objectives. One example of this is the \$1.392m election promise by the current opposition to rebuild the Beulah Supermarket.

The attached document highlights the progress Council has made across the preceding nine months towards the delivery of the Year 4 actions. It also underscores notable achievements in advocacy, project delivery, and community support, which will contribute to the growth and development of the community.

RELEVANT LAW

Under section 90 of the *Local Government Act 2020* – “A Council must prepare and adopt a Council Plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices.”

The *Local Government Act 2020* also states that a “Council must maintain a Community Vision that is developed with its municipal community in accordance with its deliberative engagement practices.”

The scope of the Community Vision is a period of at least the next 10 financial years.

A Community Vision must describe the municipal community's aspirations for the future of the municipality."

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

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

- 26 October 2022 – Council Meeting Minutes – Council Plan Actions Year 2, Quarter 1 Report
- 25 January 2023 – Council Meeting Minutes – Council Plan Actions Year 2, Quarter 2 Report
- 26 April 2023 – Council Meeting Minutes – Council Plan 2021-25 Action Plan Quarterly Report
- 26 July 2023 – Council Meeting Minutes – Council Plan 2021-25 Action Plan Quarterly Report
- 23 August 2023 – Council Meeting Minutes – Revision of Council Plan 2021-2025 Year 3 and 4
- 25 October 2023 – Council Meeting Minutes – Council Plan 2021 – 2025 Quarterly Progress Report
- 28 February 2024 – Council Meeting Minutes – Council Plan 2021 – 2025 Quarterly Progress Report
- 24 April 2024 – Council Meeting Minutes – Council Plan 2021 – 2025 Quarterly Progress Report
- 25 October 2024 – Council Meeting Minutes – Annual Report adoption, includes progress on Council Plan objectives.
- 27 November 2024 – Council Meeting Minutes – Council Plan 2021 – 2025 Quarterly Progress Report
- 29 January 2025 – Council Meeting Minutes – Council Plan 2021 – 2025 Quarterly Progress Report

OPTIONS

1. Councillors could choose to revise the Council Plan actions and strategic priorities in June 2025. However, it should be noted that a new, four-year, Council Plan is required to be adopted by October 2025 and Council has begun work to develop that plan.

SUSTAINABILITY IMPLICATIONS

At its core the Council Plan 2021-2025 addresses the pillars of sustainability. With the four strategic objectives being:

- A Vibrant and Diversified Economy
- A Healthy and Inclusive Community
- A Robust and Thriving Environment
- A Council Who Serves its Community

COMMUNITY ENGAGEMENT

The Council Plan 2021-2025 was developed in line with Council's deliberative engagement principals and included extensive community consultation with over thirty community sessions held across fourteen townships through day and evening meetings with approximately 200 residents attending.

In addition, hard copy surveys were sent to all households and made available online with 356 responses received and collated and targeted. Online stakeholder meetings were held with youth, seniors, state health, education and government representatives.

Draft Council Plan pop-up sessions were scheduled across the Shire, providing municipal residents the opportunity to provide feedback on the draft Plan in person and the draft Council Plan 2021-2025 was placed on public exhibition from 24 June 2021 to 20 August 2021 which was subsequently adopted by Council on 25 August 2021.

A revised Council Plan for Years 3 and 4 was developed in consultation with the Councillors and placed on public exhibition in accordance with Council's Community Engagement Policy. The revised plan was adopted on 23 August 2023. The revised plan is the one we have been reporting on since its adoption.

GENDER IMPACT ASSESSMENT

A Gender Impact Assessment is not required for this report.

RISK

Assess the risk for the decision.

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	Council Plan Actions progress reported quarterly in accordance with Council's Performance Management Framework and reported on by the Mayor on an annual basis as required by the <i>Local Government Act 2020</i> .	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The plan identifies the Strategic Objectives and helps ensure project and programs identified and delivered are in line with the strategic intent of the Council.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council Plan reporting provides transparency for the community and stakeholders to see how Council is performing against its stated objectives.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Council Plan links to and complements on a number of regional and state plans and policies including:

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

It also helps to deliver on the State Government's Housing Statement by ensuring infrastructure and services are in place and available for new development.

CONFLICTS OF INTEREST

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

15.2 HOPETOUN TENNIS CLUB INC LEASE AGREEMENT

Prepared by: Rebecca Botheras, Sport and Recreation Coordinator

SUMMARY

Yarriambiack Shire Council are the landowner of the Hopetoun Tennis Courts and Clubrooms, located at Austin Street, Hopetoun, and a formal Lease Agreement is required to be implemented in line with the Council's governance obligations. The proposed lease will ensure the continued operation of the Hopetoun Tennis Club within Council-owned facilities, outlining the rights and responsibilities of both parties.

This report seeks Council's endorsement for the implementation of the Lease Agreement.

Recommended Motion:

That Council:

- a) Endorse the Lease (as attached) between Yarriambiack Shire Council and Hopetoun Tennis Club Inc for the buildings and land known as Hopetoun Tennis Club, Austin Street, Hopetoun.
- b) Endorse the Lease for a period of 7 years.
- c) Endorse the Lease to be a peppercorn lease in accordance with the Leases and Licensing Policy, Schedule 1 – Category A, with a rental fee of \$1.00 (one dollar) + GST per year, deemed paid.
- d) Endorse the Chief Executive Officer to make any administrative changes required for the Lease to be executed, providing the intent of the Lease is not altered.
- e) Endorse the affixing of the Common Seal to the Lease in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Resolution:

Moved Cr Lehmann

Seconded Cr Kirk

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Draft Lease - Hopetoun Tennis Club Inc](#)

DISCUSSION

The Hopetoun Tennis Club has been operating from the Council-owned Tennis Courts and Clubrooms for several years, providing valuable recreational and social opportunities to the Hopetoun community. In accordance with the Council's governance obligations, it is necessary to formalise the arrangement through a Lease Agreement.

The proposed Lease Agreement has been carefully drafted to align with relevant policies and legislative requirements, including those related to public land use, community access, and facility management. Key provisions in the lease cover aspects such as the duration of the lease, maintenance responsibilities, rental terms, and compliance with the Council's broader objectives for community services. Additionally, the lease ensures that the Hopetoun Tennis Club will continue to operate within the scope of its community-focused mission, contributing positively to the local community.

By endorsing the Lease Agreement, the Council will be fulfilling its responsibility as a landowner while providing the Hopetoun Tennis Club with the security and clarity necessary for its ongoing operation. This arrangement also ensures that the facilities

remain accessible to the wider community and continue to meet Council's strategic goals for public recreation and sport.

RELEVANT LAW

Local Government Act 2020.

COUNCIL PLANS AND POLICIES

Leases and Licensing Policy.

RELATED COUNCIL DECISIONS

Nil.

OPTIONS

- a) Council could choose to undertake a public advertisement of the Hopetoun Tennis Club Inc Lease.

SUSTAINABILITY IMPLICATIONS

- *Economic* - The lease supports the Hopetoun Tennis Club's operation, contributing to the local economy by providing recreational services and attracting visitors.
- *Social* - The Hopetoun Tennis Club promotes community engagement by offering recreational opportunities and social interaction. The lease provides stability for continued programs, attracting new members and enhancing the well-being of residents.
- *Financial* - The lease clarifies rental and maintenance terms, supporting the Hopetoun Tennis Club's financial sustainability. It also facilitates investments in upgrades, ensuring long-term viability and maintaining the facilities as a valuable community asset.

COMMUNITY ENGAGEMENT

Council officers have worked closely with the Hopetoun Tennis Club Committee to review the draft lease, addressing questions and clarifying concerns raised during discussions. As a result of this consultation, Council has received in-principle written support from the Hopetoun Tennis Club Committee for the draft lease agreement.

Given that the Hopetoun Tennis Club Committee are the land manager and the primary user of the facilities, and the consultation has resulted in their support, further community consultation beyond the Hopetoun Tennis Club was not deemed necessary and, as such, has not been undertaken.

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 Lease enables Council to meet its corporate governance and compliance obligations and reduces its liability risk.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	The Lease Agreement enables the Hopetoun Tennis Club Committee to manage the facilities and have day-to-day control over the operation and upkeep of the facilities.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

CONFLICTS OF INTEREST

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

15.3 PERMIT APPLICATION – EXCESS ANIMALS FOR RESIDENTIAL PROPERTY IN MURTOA

Prepared by: Craig Byron, Local Laws Officer (Ranger)

SUMMARY

On 24 February 2025, the Council was notified that a Murtoa resident was keeping an excessive number of farm animals in a township zone. Upon inspection on 07 March 2025, it was found that the property owner had breached Clause 22 of the Yarriambiack Shire Council General Local Law 2024. Consequently, the property owner was issued a Notice to Comply, requiring them to apply for a Local Law permit to keep the additional animals.

Recommended Motion:

That Council:

- a) Endorse the Local Laws permit application, submitted by the owners of 24 Comyn Street Murtoa noting that the property owners must adhere to the set conditions, and any breach of these conditions may result in the revocation of the permit.

Resolution:

Moved Cr Kirk

Seconded Cr Keel

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Images of Property and Animals - 24 Comyn Street Murtoa](#)

DISCUSSION

The property was inspected on 01 April 2025. The owner buys weaner calves from 2-3 months old and keeps them until they are 10 months old and have hit a designated weight range. Rotating to a new group of four poddy calves and begins the process again.

During the inspection, the owner demonstrated that the calves were kept in a suitable environment, fed twice a day, and provided with adequate shelter and access to reticulated water. The calves also had access to a 2-3-acre paddock. The general condition of the shedding and paddock was tidy, with manure being raked up and disposed of twice a week.

The owner of the calves mentioned that they would sow the paddock with vetch once there had been substantial rain. The vetch would be grazed as a fodder crop.

The Guinea Fowls are kept in a separate area of the paddock, typically within a fenced enclosure where they are fed and watered. They are generally free-range and have access to other areas of the paddock and property.

The Guinea Fowl generally stay with the chickens kept at the property and are locked in an enclosure every night. The owner mentioned that they have owned the Guinea Fowl since November 2024. During the property inspection, the Guinea Fowl squawks could be heard, but they were not unbearable and lasted a short time.

Notice of the Local Laws Permit application to keep seven Guinea Fowl and four Cattle (Calves) was sent to the five surrounding properties. Two objections were received.

These objections primarily focussed on the Guinea Fowl wandering from the owner's property and entering neighbouring properties as well as the noise the Guinea Fowl make. The objections also highlighted that the calves are kept in a very small paddock without grazing grass.

Officers are of the opinion that the applicant satisfactorily addressed the issues in the objections, and should the permit be granted a condition to keeping the Guinea Fowl would be that a netting roof be built over the poultry housing area that prevents the birds from escaping the property.

It should also be noted that this property is located at the northern most edge of the Murtoa Township and the land to the rear of this property is open farmland.



**Title boundary of applicant's property highlighted in red.*

RELEVANT LAW

- *Clause 22. Keeping Animals – Yarriambiack Shire Council General Local Law 2024.*
 - (1) *An owner or occupier of private property must not, without a permit, keep or allow to be kept any more in number of each type of animal than is set out in the following table.*

Type Of Animal	In Designated Areas	In Rural Areas
Dogs	2	5
Cats	3	5
Hen fowls	12	no maximum limit
Roosters	0	no maximum limit
Pigeons	20	no maximum limit
Poultry	0	no maximum limit
Caged birds	20	no maximum limit
Rodents and Rabbits	4	no maximum limit
Horses or Donkeys	0	no maximum limit
Cattle	0	no maximum limit
Sheep	0	no maximum limit
Goats	0	no maximum limit
Pigs	0	3
Snakes	0	no maximum limit
Bees	0	no maximum limit
Other animals and birds	0	no maximum limit

- *Clause 23. Animal Accommodation*

The owner or occupier of any private property on which animals are kept must ensure that:

(c) the animals are adequately secure

(d) any shelter for the animals is adequate, having regards to the type and number of animals kept; and

(e) the animals do not cause a noise nuisance

COUNCIL PLANS AND POLICIES

- General Local Law 2024.
- Council Plan 2021-205 – Strategic Objective 4: A Council Who Serves its Community.

RELATED COUNCIL DECISIONS

27 November 2024 – Council Meeting Minutes – Permit application for keeping more than the allowed number of animals – Rooster – 37 Munro Street Murtoa

OPTIONS

- Council could choose to reject the permit application to keep four calves and seven Guinea Fowl at 24 Comyn Street Murtoa which would result in enforcement action.

SUSTAINABILITY IMPLICATIONS

- *Social* – Risk of noise complaints from residents, resulting in dissatisfaction among the neighbours.
- *Environmental* – Noise complaints.

COMMUNITY ENGAGEMENT

Notice of the application was sent to five surrounding properties.

Two objections were received.

GENDER IMPACT ASSESSMENT

Not applicable.

RISK

Assess the risk for the decision.

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Reputational Risk - Residual Risk Level Low	By implementing set conditions placed on the Local Laws permit that must be adhered to.	Reduces Residual Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	By implementing set conditions placed on the Local Laws permit that must be adhered to.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	By implementing set conditions placed on the Local Laws permit that must be adhered to.	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 COUNCIL REPORTS FOR NOTING

16.1 AMENDMENTS TO THE YARRIAMBIACK PLANNING SCHEME UPDATE

Prepared by Adam Moar, Manager Development and Environmental Services

SUMMARY

The Yarriambiack Shire has several planning scheme amendments in progress with them all at different stages of development. The current amendments are:

- C24 Flooding Amendment - A review has been undertaken on the suitability of the prepared documents through a consultant and the Department of Transport and Planning (DTP).
- C30 Showgrounds and C32 Agricultural Museums - A review has been undertaken on the suitability of the prepared documents through a consultant with a number of items to be addressed before it can be submitted to the DTP as a draft amendment.
- C31 Corrections - This amendment requires an update to the explanatory report before it is ready to submit to the DTP as a draft amendment.
- C34 Planning Scheme Review Amendment - The DTP under delegation from the Minister for Planning has issued Authorisation for this amendment to be placed on public exhibition. This must occur within 40 business days of receiving the Authorisation (12 May 2025).

Recommended Motion:

That Council:

Note the current status of the planning scheme amendments.

Resolution:

Moved Cr Heintze

Seconded Cr Lehmann

That the recommendation be adopted.

Carried

ATTACHMENTS

Nil.

DISCUSSION

Council has commenced several planning scheme amendments which are currently at different stages of development.

C24 Flooding

This amendment is to implement the recommendation from the Warracknabeal and Brim Flood Investigation 2016 (Water Technology Pty Ltd) and the Dunmunkle Creek Flood Investigation 2018 Final Report (Water Technology Pty Ltd).

The amendment was first commenced in 2016, with a few pauses in preparation since.

In late 2024, the amendment was reviewed by a planning consultant and the Department of Transport and Planning with some recommendations for review. These items have been reviewed, and the planning consultant will be engaged again to prepare the amendment to gain Authorisation from the Minister for advertising.

Once the documents have been prepared a further resolution of Council will be required to adopt the drafted documents before they are submitted to the DTP.

C30 Showgrounds and C32 Agricultural Museums

The Showgrounds amendment is proposing to allow for camping at the showgrounds as an overflow area when the Warracknabeal Caravan Park is fully occupied.

The Agricultural Museums amendment is to rezone additional land to the south of the existing Wheatlands Museum in Warracknabeal and Woods Museum in Rupanyup. Both sites would be rezoned to Special Use Zone – Schedule 3 (Agricultural Museums).

Both amendments have undergone review through the assistance of a planning consultant to identify any gaps in the amendment documents. The review raised the following issues:

1. Strategic planning support should be provided to support the expansion of the Wheatlands Museum in the FZ and IN1Z.
2. Strategic planning support should be provided to support the need for camping and caravanning at these properties. We understand that the WDA have prepared a 'Note on Visitor Accommodation Needs in Warracknabeal'. As noted above, this report should be updated to reflect the other townships where there has been a need identified for additional accommodation options.
3. The revised report should be formally adopted by the Council, as recommended by DTP.
4. Justification should be provided to rezone the existing dwelling from the SUZ3 to the Rural Living Zone.
5. Adjust Amendment documentation so that it is broad and can apply to other sites across the municipality and it not specific only to the Wheatlands and Woods Museums.
6. We understand that Council owns the Wheatlands Museum in Warracknabeal. Clarification should be provided on the status on the transfer of land to a Committee of Management. In addition, clarification needs to be provided on the status of the land swap and a planning permit for subdivision.
7. Further justification should be provided as to why the removal of industrial land in the municipality is appropriate and if there is sufficient existing industrial land available. We understand that industry is mainly focused on western and northern sides of Warracknabeal. In addition, we were advised that there is a previous study from 2004 that was undertaken which shows the IN1Z land as being surplus and should be returned to farming. A copy of this report should be provided.
8. Documentation should be provided by Council to support the removal of industrial land. This document could also note that rural industry can be facilitated in the FZ as well.
9. Preliminary consultation should be undertaken with the CFA to ensure the requirements of Clause 13.02-1S have been appropriately met.
10. Clarification needs to be provided on the potential contamination issues affecting the site and if consideration has been given to Ministerial Direction No. 1 - Potentially Contaminated Land. Council have advised that the history of the site is farming which is listed as a medium potential for contamination in Planning Practice Note 30. It is considered that the proposed future land use (camping and caravanning) may not be defined as a 'sensitive use' given that the accommodation is short term and temporary in nature, however this issue may be raised by the Department as an issue to be addressed. If DTP consider camping and caravanning a 'sensitive use' then further contamination assessments may be required. Refer to Planning Practice Note 30 for further information.
11. The Woods Museum site is located within an area of Aboriginal cultural heritage sensitivity. Consideration should be given to any likely effect on sites with significant cultural values. We understand that the Woods Museum site has likely been significantly disturbed and has been developed with hardstand and sheds.

Notwithstanding, DTP may request that a cultural heritage assessment be undertaken as part of the Amendment process.

12. Confirmation from Council that existing access arrangements and traffic can be safely managed at each site.
13. Confirmation that there will be no ecological impacts as a result of the Amendments.
14. An overview of the infrastructure and servicing requirements to accommodate camping and caravanning on each site, should be provided.

A detailed review of these items will be undertaken to see how these issues can be addressed. Some items may be addressed through other strategic work that is being undertaken, such as the Structure Plan preparations for Warracknabeal, as that will also consider industrial land. Item 4 should be straight forward to address, as the dwelling is not suitable for the SUZ3 and RLZ and is also likely to be mentioned in the Structure Plan for Warracknabeal.

Through the addressing of these issues it is likely that an additional report to Council will be submitted to adopt the relevant documents prior to the amendment being submitted to the Department as a draft amendment.

C31 Corrections amendment.

This amendment is a map-based amendment. A list of 22 sites have been identified as being in an incorrect zone. The relevant landowners have been contacted to advise that an amendment has been drafted to rezone the land. This has included the Department of Health as some of the sites are cemeteries or have been zoned for a cemetery but never developed as one.

This amendment requires an update to the explanatory report to be made before it can be submitted to the DTP as a draft amendment.

C34 Planning Scheme Review Amendment.

The Planning Scheme Review amendment was prepared by the Regional Planning Hub following the review of the Yarriambiack Planning Scheme they undertook in 2023.

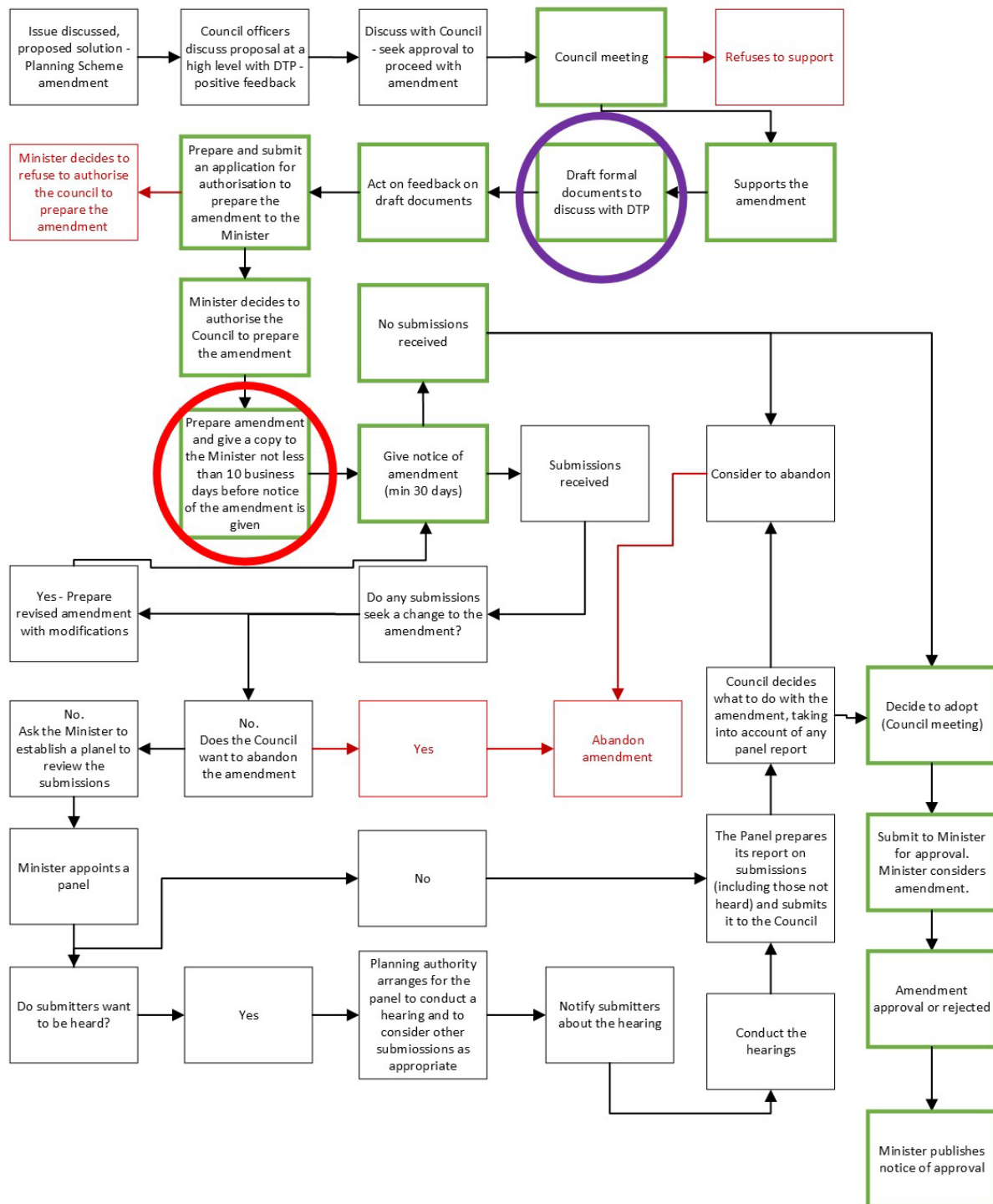
The DTP under delegation from the Minister for Planning issued Authorisation on 12 March 2025. Notice of this amendment must now be provided to relevant Ministers and authorities, and a notice in the Government Gazette. This must occur within 40 business days of receiving the Authorisation (12 May 2025).

Next steps

The image below outlines the full planning scheme amendment process. Currently C24 Flooding, C30 Showground, C31 Corrections and C34 Agricultural Museums are all at the same stage, shown as in the dark purple circle on the diagram. This is one of the slowest steps as the documents must meet the requirements set out in the *Ministerial Direction: The Form and Content of Planning Schemes* and to provide suitable justification for the amendment.

Planning consultants will be engaged to progress these amendments further.

C34 Planning Scheme Review amendment has progressed to receiving authorisation and to prepare notice, shown in the red circle.



RELEVANT LAW

- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2015*

COUNCIL PLANS AND POLICIES

Yarriambiack Planning Scheme.

RELATED COUNCIL DECISIONS

- 22 January 2020 – Council Meeting Minutes - 13.10 Council approval to commence the preparation of a planning scheme amendment relating to flooding
- 27 October 2021 – Council Meeting Minutes - 14.2 Planning Scheme Amendment C24yari – Flooding

- 24 November 2021 – Council Meeting Minutes - 14.2 Planning Scheme amendment C25yari – Correction
- 29 March 2023 - Council Meeting Minutes – 17.3 C31yari – Corrections Amendment – Yarriambiack Planning Scheme
- 23 August 2023 - Council Meeting Minutes – 15.7 Planning Scheme Amendment – Woods Museum Advertisement Signage

OPTIONS

This report has been prepared for noting.

SUSTAINABILITY IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

An application to limit the notification of the amendment will be made under Section 20(4) of the *Planning and Environment Act 1987* as it is a correction amendment, and the impacts of the changes are considered minimal.

GENDER IMPACT ASSESSMENT

No Gender Impact Assessment was required for this report.

RISK

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

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

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

CONFLICTS OF INTEREST

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

17 PERMITS ISSUED

List of permits issued in March 2025 is listed below for noting.

Recommended Motion:

That Council:

Note the permits issued by Council between 01 March 2025 to 31 March 2025.

Resolution:

Moved Cr Kirk

Seconded Cr Keel

That the recommendation be adopted.

Carried

Reference No	Description	Address	Date of Issue
Planning Permits			
PA20250047	Construction of a farm machinery shed	Beulah	17/03/2025
PA20250050	Construction of a single storey second dwelling and shed	Rainbow	14/03/2025
PA20250052	Building and works on St Joseph's Primary School	Hopetoun	27/03/2025
PA20250048	Installation of a relocated portable building, for the purpose of a site office, including a lunchroom and toilet, for staff amenities	Woomelang	28/03/2025
RRWP & APP Permits			
RRWP & APP 2025 – 2	Rabbit Control Works	Hopetoun	05/03/2025
RRWP & APP 2025 – 3	ACM Pit Removal & Pit Installation	Murtoa	17/03/2025
Local Law Permits			
02-25	Easter in the 'Beal 2025 - WAG	Warracknabeal	13/03/2025
03-25	Dirt Music Festival 2025 – Rupanyup Major Events	Rupanyup	20/03/2025
04-25	Camping in a caravan on private land – Warracknabeal & District Historical Society	Warracknabeal	20/03/2025
03-25	The Salvation Army – Red Shield Appeal – Doorknock	Yarriambiack Municipality	06/03/2025
04-25	Lions Club of Warracknabeal – Monthly Markets	Warracknabeal	11/03/2025
05-25	Rupanyup Major Events – Dirt Music Festival	Rupanyup	20/03/2025

06-25	St Mary's Parent Club – Bake Sale	Warracknabeal	24/03/2025
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18 URGENT BUSINESS

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

- a) Cannot safely or conveniently 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, they must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

19 NEXT MEETING

Wednesday 28 May 2025

20 CLOSED

Council will close the Ordinary Meeting of Council. Noting there are no closed and/or confidential reports for 23 April 2025.

Recommended Motion:

That the Ordinary Meeting of Council is now closed at 9.55am.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

That the recommendation be adopted.

Carried