

PYRENEES
— S H I R E —



MINUTES

Ordinary Meeting of Council

6:00pm Tuesday 21 August 2018

**Council Chambers
BEAUFORT**

Public Copy

ORDER OF BUSINESS

APOLOGIES	4
NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS	4
CONFIRMATION OF PREVIOUS MINUTES	4
AMENDMENTS	4
BUSINESS ARISING	4
PUBLIC QUESTION TIME AND SUBMISSIONS ON AGENDA ITEMS	4
ITEMS FOR NOTING	6
ASSET AND DEVELOPMENT SERVICES – PLANNING	6
1. PLANNING AND DEVELOPMENT REPORT	6
CORPORATE AND COMMUNITY SERVICES	15
2. CUSTOMER ACTION REQUESTS – JULY 2018	15
3. COUNCILLOR ACTIVITY REPORTS	19
4. ASSEMBLY OF COUNCILLORS	21
ITEMS FOR DECISION	23
ASSET AND DEVELOPMENT SERVICES	23
5. LEXTON PETITION	23
6. SNAKE VALLEY GOLF CLUB – ACCESS TO RECYCLED WATER	25
7. NEIGHBOURHOOD SAFER PLACES (NSP) FOR 2018/19	27
8. FLOOD PLANNING	29
9. UN-NAMED ROAD BETWEEN BEAUFORT SKIPTON ROAD AND ODDIES ROAD	32
CORPORATE AND COMMUNITY SERVICES	34
10. COUNCIL PLAN UPDATE 1 APRIL 2018 – 30 JUNE 2018 Q4	34
11. INSURANCE PROGRAM	37
12. WASTE CHARGES IN LIGHT OF OMBUDSMANS REPORT	43
13. A NEW LOCAL GOVERNMENT ACT – STATUS UPDATE	46
14. DRAFT INFRINGEMENT PROCEDURE	48
15. APPOINTMENT OF COUNCILLORS AND PRINCIPAL ACCOUNTING OFFICER	50
16. SPECIAL MEETING OF COUNCIL	52
CHIEF EXECUTIVE OFFICER	54
17. WINDFARM TRANSMISSION LINES	54
COUNCILLOR REPORTS AND GENERAL BUSINESS	56

CONFIDENTIAL ITEMS	58
18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	58
20. REOPENING OF MEETING TO MEMBERS OF THE PUBLIC	59
CLOSE OF MEETING	59

PRESENT **Mayor:** Cr David Clark
 Councillors: Ron Eason, Robert Vance, Tanya Kehoe

IN ATTENDANCE **Chief Executive Officer**– Jim Nolan
 A/Director Asset and Development Services – Martin Walmsley
 A/Director Corporate and Community Services – Kathy Bramwell
 EA to CEO and Councillors – Jane Bowker (Minute Taker)

Mayor Cr David Clark welcomed the gallery and press, read the opening prayer and indigenous acknowledgement.

APOLOGIES

Nil

NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS

Nil

CONFIRMATION OF PREVIOUS MINUTES

CR VANCE / CR EASON

That the Minutes of the Ordinary Meeting of Council held on 17 July 2018 be confirmed.

CARRIED

AMENDMENTS

Nil

BUSINESS ARISING

Nil

PUBLIC QUESTION TIME AND SUBMISSIONS ON AGENDA ITEMS

Mr Martin Walmsley introduced himself. He is currently acting Acting Director Assets & Development Services whilst Douglas Gowans is on leave. Martin's normal role is Manager Community Wellbeing.

Pam Weller

- Corangamite Shire had grants available for shop keepers in Skipton to improve their shop fronts and interiors. Is it possible that Pyrenees Shire Council offer the same within their community grants process for shop keepers in Pyrenees towns to improve their shop fronts?

Cr Clark commented that there is a Council policy around the community grants process.

Jim Nolan responded that the current Community Grants Policy does not make provision for individuals to obtain funding for improvements on private property. This would need further consideration by Council. A report can be presented to Council following investigation should Council decide on this course of action.

Cr Clark noted that it would be most important to have the support from the Business Association to be able to proceed. Cr Clark suggested that Pam make contact with the Association to discuss this matter further.

Pam Weller advised she would like Council to consider this further down the track. There was an article in the Advocate approximately 2 weeks ago around the shop fronts in Skipton.

Cr Vance noted he understands that a number of years ago a grant from the Government was received under a street scape program to improve shop fronts in Avoca. There were improvements made to shop front facades in the main street in Avoca.

- On behalf of Garden Club Pam thanked Cr Clark and Jim Nolan in greeting Dan Tehan MP which was lovely.
- Pam also expressed thanks, on behalf of Country Women's Association (CWA), to Council for installing a seat at the free library outside the station which was organised by Mr Gowans through the Walkability Program. Pam noted that this was a big surprise. CWA Head Office is amazed with the amount of community support that this is seat generating that they are looking to run an article on the work. Pam thanked all that were involved including Council, The Advocate Newspaper and the Rotary Club.

Trevor Davey

In recent months Council has been going through quite a number of staff changes including staff acting in roles. Are these positions being filled?

Jim Nolan responded that the process of having people to act in roles whilst there is a position change is an opportunity for learning professional development. It is not unusual for this to occur to give staff an opportunity. We would like to think Pyrenees Shire Council provides a great opportunity for people to be employed locally and progress in a career in local government. Council is an employer of choice and a good place for people to want to work which is evidenced through strong candidates applying for positions. Obviously, when people move on to other roles there is a period of time to recruit which, in some cases, can take some time. The other positive aspect is that when people movement into other roles it is usually a good advancement in their career. Council recently had a director move into a CEO position and a Manager move into a Director role. Other Councils have the view that Pyrenees staff are very employable.

ITEMS FOR NOTING

ASSET AND DEVELOPMENT SERVICES – PLANNING

1. PLANNING AND DEVELOPMENT REPORT

Ross Cowie – A/Manager Planning and Development

File No: 66/02/02 – 08/02/02 – 50/24/02 – 46/02/02

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to update Council on activities, project and compliance issues in Regulatory Services during July 2018. This report includes four parts:

- Part A: Planning
- Part B: Building
- Part C: Environmental Health
- Part D: Local Laws

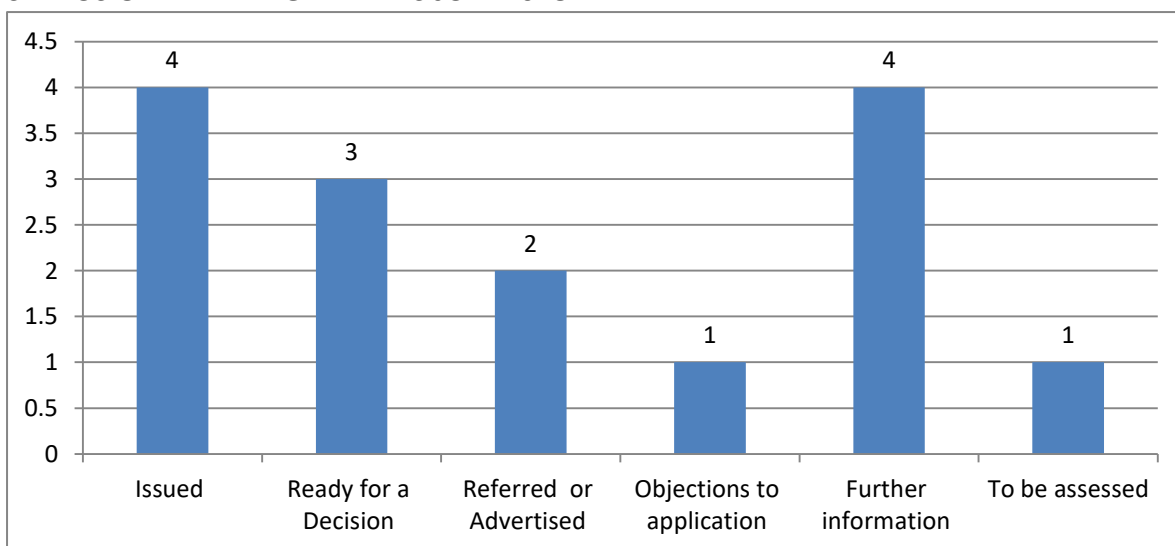
PART A: PLANNING

The planning activity statistics for April and May are summarized in the table below:-

Month	Applications received	Applications determined
June 2018	3	7
July 2018	11	4

The following chart identifies the total number and phase of permit applications within Council’s planning system including applications received in May 2018 and where in the planning system each application sits:

STATUS OF PLANNING PERMITS JULY 2018



KEY PROJECTS

Council planning staff are now finalising draft township framework plans for Lexton, Snake Valley and Waubra. Staff are also working with consultant teams to finalise more detailed work being completed as part of framework planning for Beaufort, Avoca and Raglan. These drafts will be presented to Council for consideration before public exhibition in coming months.

Following on from significant community feedback during Pyrenees Futures consultation in Avoca, Council has also commissioned streetscape plans to be developed to upgrade public realm along High Street to address issues like shade, shelter and seating; and to further bring out the area's distinctive character. These plans will support a funding application Council is putting forward to Regional Development Victoria to support a number of social infrastructure projects in Avoca.

STATUTORY PLANNING

Council has received a planning permit application for a Telecommunications Facility at the Lexton Recreation Reserve. The application is exempt from any public notice requirements or third party review rights in the Pyrenees Planning Scheme as the proposed facility would be funded under the Commonwealth Black Spot program. Council sought and recently received further information from the applicant, including confirmation of consent from DELWP for the siting of the facility at the proposed location which was being assessed at the time of this report.

VCAT earlier this month upheld Council's decision to grant a permit for a Telecommunications Facility at the rear of the Beaufort Catholic Church, with some minor changes to conditions around landscaping.

STRATEGIC ISSUES

Council planning staff recently presented to a hearing of the Government Land Sales Standing Advisory Committee regarding the Victorian Government's proposal to rezone three state-owned sites in Beaufort, including the former Beaufort Primary School Site. The hearings are part of a rezoning process the Victorian Government is able to use to sell public land that its departments deem as being surplus to requirements.

During the hearings, Council put the view to the panel that the Department of Treasury and Finance's proposed approach to planning for the Beaufort Primary School site was deficient as it did not consider the complexities and opportunities of the site adequately, nor did it allow for community input into the proposed design.

As a result of the hearings, the Standing Advisory Committee directed that a draft Development Plan Overlay (DPO) be developed for the site. A proposed DPO has now been released for public input before Friday 17 August.

The DPO's application adds a planning policy that would require any development to consider adaptive reuse of heritage buildings, design sympathetic to important viewlines on the site and appropriate property frontages. While Council has sought the application of a DPO on the site, Council also put the view at panel hearings that any proposal should be designed with community input and include a mapped outline to confirm expectations of how any use of the site should be designed. Neither of these processes has occurred, and a submission will be lodged on behalf of

Council reflecting dissatisfaction with the lack of consultation and continued lack of rigour in the planning approach that has been taken with the former school site.

Following the Friday 17 August deadline, Council expects the panel to hand down its recommendations to the Minister for Planning regarding proposed planning policies for the three sites within the next month. No confirmation has been provided as to whether the recommendations will be publicly released.

PLANNING SUMMARY

1. Council continues to receive increasingly complex planning permit applications. Despite this, Council continues to perform above the state regional local government average for permit application turn-around times.
2. Council is finalising framework plans for six towns, to be exhibited as part of the Pyrenees Futures Project.
3. Council has made submissions to a Victorian Government-appointed Standing Advisory Committee regarding proposed planning policies for three sites in Beaufort.

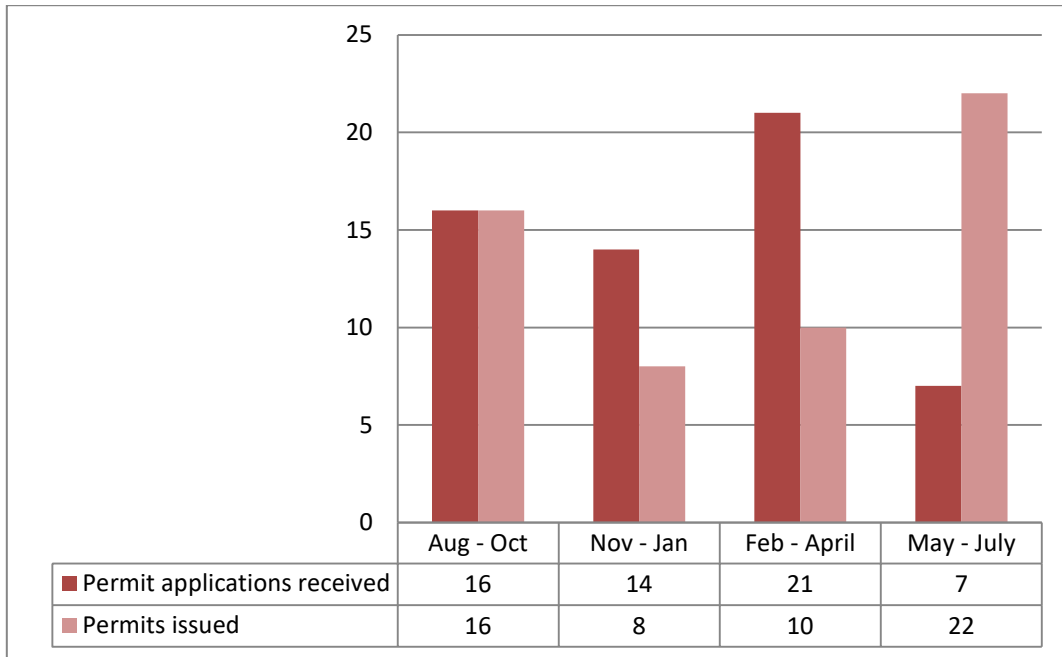
PART B: BUILDING

ACTIVITY

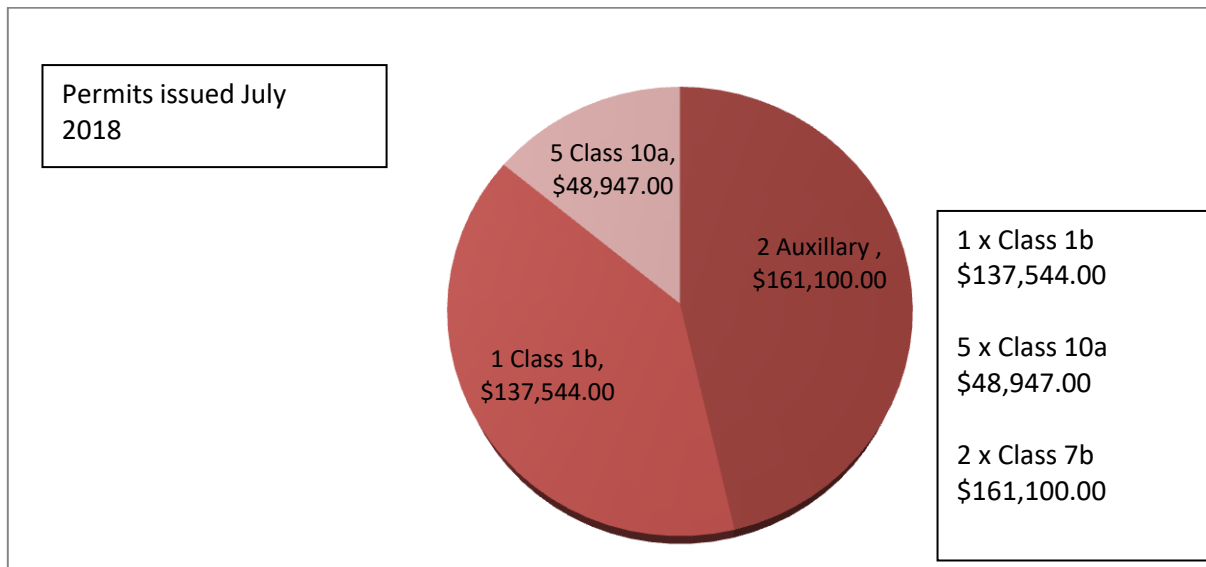
The building activity statistics as at 31/07/2018 are summarised in the table below:

CATEGORY	NUMBER	COMMENT
Permits issued by Council	8	Total value \$347,591.00
Permits issued by private Building Surveyor	10	Total value \$1,256,115.00
New applications made to Council	0	
In process	2 5	Close to issue Further information not supplied or insufficient information provided to enable permits to issue within timeframe.

The following graph represents monthly building activity (applications received by and issued by Council) over the last 12 months.



A more in depth look at the past month’s issued permits can be seen below.



KEY PROJECTS & COMPLIANCE

The Building Department has currently ceased accepting building permit applications. Increasing statutory functions and inspections on previously issued building permits continue as usual.

The Building Department will be following up on building permits that are due to lapse or have lapsed and compliance inspections on illegal building works will continue.

Council’s MBS and Building Inspector together with Council’s Solicitor attended prosecution proceedings against a property owner for non-compliance with a Building Order for an illegal shed used for habitation. A Court Order was given to the property owner to demolish the building within 30 days. A further Court appearance is scheduled in September for a plea, fine and on the question of legal costs.

COUNCIL PLAN / LEGISLATIVE REQUIREMENTS

- Council Plan 2013-2017
- *Building Act 1993*
- Building Regulations 2018

FINANCIAL / RISK IMPLICATIONS

The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act 1993* or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

BUILDING SUMMARY

1. In July, 2018 Council issued eight building permits.

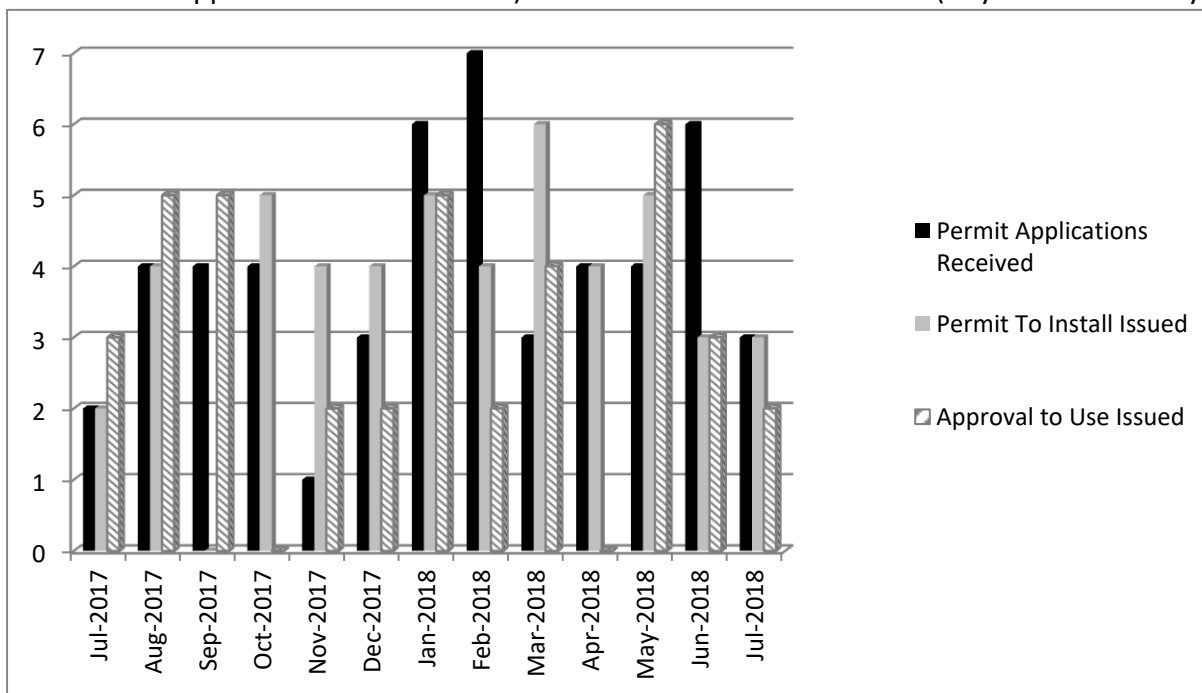
PART C: ENVIRONMENTAL HEALTH

ACTIVITY: WASTEWATER

Wastewater activity statistics for July 2018 are summarised in the tables below:

Period	Applications to Install New or Alter Existing Septic Tanks Received	Permits to Install Issued	Approval to Use Issued	Fees Paid
1st - 31st July 2018	3	3	2	\$950

The following graph displays the monthly wastewater activity (applications received, permits to install and approval to use issued) over the last 12 months (July 2017 to July 2018).



The following table shows inspection data for Wastewater related Inspections conducted by the Environmental Health Officer in July 2018.

Period	Septic Tank Inspections	Domestic Wastewater Management Plan (DWMP) Inspections
1st - 31st July 2018	12	1

Domestic Wastewater Service Agent's Reports received (below).

Period	Service Reports Received
1st - 31st July 2018	5

The 5 service reports received in July all relate to servicing conducted in April.

ACTIVITY: FOOD, HEALTH & ACCOMMODATION PREMISES

Food Act 1984 and Public Health and Wellbeing Act 2008 Premises activity statistics for July 2018 are summarised in the table below.

Period	New Premises	Routine Inspections and Assessments	Follow Up Inspections	Complaints Received about Registered Premises	Food Recalls	Fees Paid
1st - 31st July 2018	0	24	0	0	3	\$0

Tobacco Inspections

There were 10 Routine Tobacco Education Visit Inspections conducted at food premises during July. Education visits ensure that food premises have appropriate no smoking signage and that they are complying with the *Tobacco Act 1987*.

Mobile and Temporary Food Premises in the Shire (Streatrader)

At 31st July 2018 Pyrenees Shire had 33 premises registered, 70 low risk notifications and 164 current Statements of Trade (SOT).

ACTIVITY: IMMUNISATIONS

Immunisation sessions in July were conducted as normal in Beaufort and Avoca and opportunistic services performed by the Shire's Maternal Child Health Nurses (MCHN) throughout the month. Immunisation activity statistics for July 2018 summarised in table below:

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
MCHN Opportunistic	Clients	16	0	0
	Vaccines	36	0	0
Beaufort Sessions	Clients	1	0	0
	Vaccines	1	0	0
Avoca Session	Clients	1	0	0
	Vaccines	3	0	0

KEY PROJECTS

The implementation of the Domestic Wastewater Management Plan continues with letters and surveys being sent out to properties in some of the high risk unsewered township areas to assist with organising inspections of their properties. Work continues on the review of existing records and the setup of electronic records for all properties within declared potable water catchment areas.

The installation of No Smoking signs at playgrounds, sports areas and other outdoor areas used by children is being implemented over the next few months.

COMPLIANCE ISSUES

Minor issues are being monitored with registered food premises with current non-compliance issues that include not keeping regular temperature records, ongoing cleaning issues and not having an accredited Food Safety Supervisor.

COUNCIL PLAN / LEGISLATIVE REQUIREMENTS

- Council Plan 2013-2017
- Domestic Wastewater Management Plan 2015-2018
- Food Act 1984
- Public Health & Wellbeing Act 2008
- Tobacco Act 1987
- Environment Protection Act 1970
- Code of Practice for Septic Tanks

FINANCIAL / RISK IMPLICATIONS

The Environmental Health Officer (EHO) must work with regard to various legislative requirements with respect to Food Safety (*Food Act 1984*), Public Health (*Public Health & Wellbeing Act 2008*, *Environment Protection Act 1970*), Tobacco (*Tobacco Act 1987*) and Wastewater (*Environment Protection Act 1970*, *Domestic Wastewater Management Plan*, *Code of Practice for Septic Tanks*).

It is necessary for the EHO to adapt to any changes in regulations whilst still providing a service that both meets the demands of residents within the municipality and complies with legislation.

ENVIRONMENTAL HEALTH SUMMARY

1. EH received two Public Health and Well Being (PHWB) Act Nuisance complaints in regard to failing wastewater systems.

PART D: LOCAL LAWS AND ANIMAL CONTROL

ACTIVITY

Relevant statistics for June and July are as follows:

	June 2018	July 2018
Cats impounded	7	3
Dogs impounded	1	1
Stock impounded	0	13
Infringements issued	2	1
Prosecutions	0	0

As at 30 June, there were 560 cats and 6,758 dogs registered within the municipality.

KEY PROJECTS

- Council's Local Law Review project team has received and reviewed a Draft General Local Law.
- Business improvement projects to strengthen local law administration are continuing.
- Officers continue to investigate a range of complex animal keeping matters.

LOCAL LAW REVIEW PROJECT

New Local Law Framework

A concise summary of the status of the Local Law Review follows:

- The Local Law Review project has three inter-related components:
 - A new General Local Law
 - A new Procedure Manual
 - New internal processes and procedures, many of which will be formally incorporated into the Procedure Manual.
- In early August Council received the finalized Draft General Local Law and Draft Procedure Manual.
- In September, a report will be prepared for Council advising that the Law is now a completed Draft, and recommending that Council undertake informal internal and external consultation about the Laws by advertising in local papers, our Website and Social Media that the Local Laws are being rewritten and that community consultation is to be undertaken (including conducting some informal consultation sessions with business groups regarding changes affecting them).

- In a subsequent Council Meeting, the Draft General Local Law will be presented to Council with a new report, this one seeking its adoption and resolving to commence the formal notice process under s223.
- On the basis Council resolves to adopt the Draft General Law and commence the formal consultation process, Beck Legal will prepare a Community Impact Statement and an advertisement for s223 notice.
- Public exhibition will commence and the community can provide formal feedback. This will require development of web form and pdf form for people to provide any submissions.
- Submissions received will be collated and evaluated. A briefing and report will be prepared for Council to consider the submissions. Any amendments arising from submissions can then be drafted into the laws and a final consolidated Local Law will be prepared.
- Final Local Law is presented for adoption. This includes a briefing and report to Council, formal advertising notice of the start date for the new Local Laws and Notification to the Minister.

OTHER PROJECTS

Council staff are continuing to develop a range of new administrative processes to support the implementation of the General Local Law in late 2018. This process includes the development of new permit application forms and checklists; fact sheets that identify application requirements for all permit matters; internal referrals; standard conditions; and a new Fee Schedule for all permit types.

COUNCIL PLAN / LEGISLATIVE REQUIREMENTS

- Council Plan 2013-2017
- Domestic Animals Act 1994
- Domestic Animal Management Plan 2012-2016
- Council Local Laws No. 2, No. 3 and No. 4

LOCAL LAWS AND ANIMAL CONTROL SUMMARY

1. The Draft General Local Law and Draft Procedure Manual is currently under review by an internal project team.
2. New internal processes are being developed to strengthen Council's administration of its Local Laws.
3. Council continues to investigate compliance matters across the Shire relating to public safety, roadside signage and unregistered domestic animals, and is cooperating with RSPCA on various issues.
4. Two unregistered domestic animal businesses were located and both are cooperating with Council Officers to become compliant.

CORPORATE AND COMMUNITY SERVICES

2. CUSTOMER ACTION REQUESTS – JULY 2018

Kathy Bramwell – A/Director Corporate and Community Services

File No: 16/08/04

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to update Council on our Customer Action Request System (CARS) for the month of July 2018.

BACKGROUND

Council has operated an electronic Customer Action Service Request system (CARS) for a number of years enabling residents to lodge service requests. Requests can be lodged in person, via telephone, via Council's website or by using a smartphone "Snap Send Solve" application.

Since December 2012, CARS has been promoted on a regular basis in Council's Public Notices published in the Pyrenees Advocate.

Service requests are received for maintenance issues – potholes, road conditions, drainage, signage, slashing and overhanging branches. Additional services were added to the CARS system including – pools, local laws, building maintenance and compliance.

Council receives between 400 and 1000 customer action requests per annum.

ISSUE / DISCUSSION

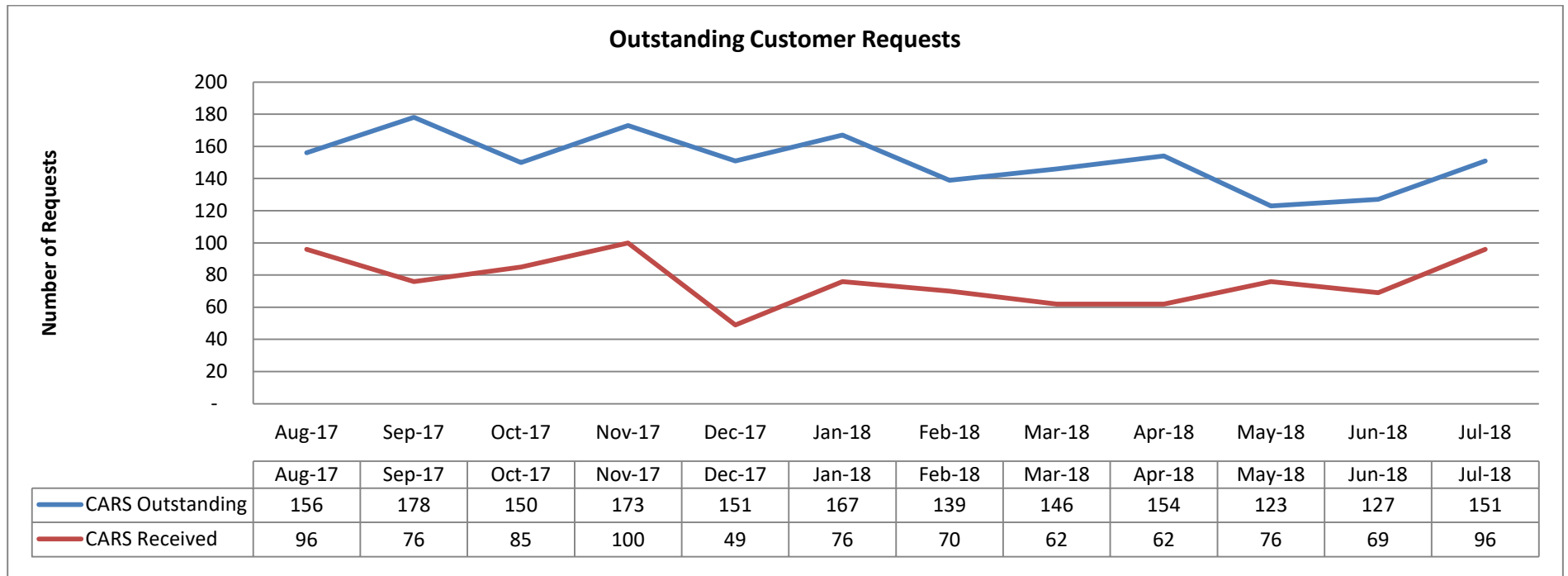
As at the 31st July 2018 the status of CARS was as follows:

- No change in 2016 Outstanding CARS
- 3% decrease in 2017 Outstanding CARS
- 35% increase in 2018 Outstanding CARS
- 19% increase on total CARS outstanding
- Of the 151 outstanding CARS 41 relate to natural disasters
- For the month of July 72 CARS were closed

A CARS working group is undertaking a review of the CARS system.

Reports detailing outstanding CARS are detailed on the next page.

Total Outstanding Cars Requests													
Year	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	% Change
2016	57	54	53	53	38	38	31	29	29	29	24	24	0%
2017	99	124	97	120	113	90	56	49	44	38	32	31	-3%
2018	0	0	0	0	0	39	52	68	81	56	71	96	35%
Total	156	178	150	173	151	167	139	146	154	123	127	151	19%
Total Received	96	76	85	100	49	76	70	62	62	76	69	96	39%



Open Requests - Type	
Roads	16
Streetlights	1
Drainage	10
Footpaths	4
Roadside Vegetation	12
Environmental Health	1
Planning	0
Building Maintenance	22
Park & Reserves	3
Local Laws	3
Fire Hazard	1
Building Compliance	3
Road Maintenance	23
Waste Management	0
Roads Unsealed	4
Road Maintenance Unsealed	7
Natural Disasters	41
Pools	0
Design & Assets	0
GIS	0
Dogs	0
Livestock Act	0
Total	151

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

ATTACHMENTS

2.1 CARS Analysis – July 2018

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report

CONCLUSION

The number of outstanding requests increased in July due to the higher number of requests received. Ongoing focus and effort is required to reduce the level of outstanding requests. Council has commenced an internal review of the CARS System which is expected to be completed October 2018.

OFFICER RECOMMENDATION

That Council note the Customer Action Request update for July 2018

3. COUNCILLOR ACTIVITY REPORTS

Cr David Clark – Ercildoune Ward		
July		
Wed 4	Beaufort Western Highway Bypass Public Engagement Group	Beaufort
Fri 6	MAV Board Meeting	Melbourne
Mon 9	Business for Beaufort AGM	Beaufort
Tue 10	Highlands LLEN Policy Reviews Meeting	Ballarat
Tue 10	GROW Discussion	Ballarat
Tue 10	Councillor Briefing Session	Brewster
Fri 13	Local Government South Australia Rate Capping Workshop	Adelaide
Sun 15	Cave Hill Creek 30 th Birthday	Raglan
Mon 16	MAV Rural South Central Regional Meeting	Torquay
Mon 16	Meeting with Josh Morris MP	Ballarat
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Thu 19	Transport Minister Jacinta Allen	Ballarat
Thu 19	ALGA Post National General Assembly	Teleconference
Fri 20	Constituent Matter	Beaufort
Fri 20	Project funding announcements with Dan Tehan MP	Avoca & Beaufort
Mon 23	Meeting with Andrew Broad MP	Avoca
Fri 27	Pick My Project next steps Grampians Region	Ballarat
Sat 28-29	MAV Rural South Central Regional Meeting	Torquay
Tue 31	Launch Ballarat now and into the Future	Ballarat
August		
Thu 02	Constituent Meetings	Lake Goldsmith & Waubra
Fri 03	MAV Board Meeting	Melbourne
Mon 06	MAV Audit Committee Meeting	Melbourne
Tue 07	Landcare Preplacement Meeting	Ballarat
Thu 09	CHCV Mayor's & CEO's Meeting	Bannockburn

Cr Robert Vance – De Cameron Ward		
July		
Tue 10	Councillor Briefing Session	Brewster
Fri 13	RCV Meeting	Melbourne
Mon 16	MAV Rural South Central Regional Meeting	Torquay
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Thu 19	Timber Towns Victoria Inc Meeting	Melbourne
Mon 23	Meeting with Andrew Broad MP	Avoca

Cr Vance cont.

August		
Fri 10	RCV Meeting	Melbourne

Cr Ron Eason – Avoca Ward		
July		
Tue 10	Councillor Briefing Session	Brewster
Wed 11	By Election Meeting	Beaufort
Fri 13	Naidoc Art Function	Beaufort
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Fri 20	Kitchen Opening	Avoca
Mon 23	Meeting with Andrew Broad MP	Avoca
Wed 25	AGM	Natte Yallock
August		

Cr Tanya Kehoe - Mount Emu Ward		
July		
Tue 10	Councillor Briefing Session	Brewster
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Mon 23	Meeting with Andrew Broad MP	Avoca
Mon 23	Community Dinner	Snake Valley
Mon 30	Snake Valley Progress Association meeting	Snake Valley
August		

4. ASSEMBLY OF COUNCILLORS

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	10 July 2018 commenced at 1.00pm and closed at 6.30pm		
Meeting Location	Brewster Hall		
Matters Discussed	<ol style="list-style-type: none"> 1. Flood Planning 2. Community Grants R1 2018/19 and CAP Update 3. Local Law Review 4. Grant Funding and Project Proposals 5. New Council Website 6. Ordinary Reviews 7. VAGO Investigation 8. Central Highlands Councils Victoria Legal Entity 9. Office Accommodation 10. Council Agenda Review 		
ATTENDEES			
Councillors	Mayor Cr David Clark Cr Ron Eason Cr Robert Vance Cr Tanya Kehoe (2.33pm)		
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (A/Director Corporate and Community Services) David Draffin (Flood Planning Coordinator) – Item 1 Michelle Richards (Community Wellbeing and Grants Coordinator) – Item 2 Shannon Meadows (Manager Planning and Development) – Item 3 Susanne Boord (Admin Support Officer - Environmental Health) – Item 3 Renee Robinson (Communications Officer) – Item 5		
Visitors	Brad Henderson, Jim Morrison and Martin Klobe (Utilis) – Item 1		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
4.2	Mayor Cr Clark	<ul style="list-style-type: none"> • A direct interest in the UMEC Landcare Network as a contractor employed by the Network; and • An indirect interest in the Waubra Primary School in that Cr Clark has two children who attend the school and his wife Peta Clark, is a member of the school Council Council 	3.28pm returning 3.33pm

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	17 July 2018 commenced at 2.00pm and closed at 5.43pm		
Meeting Location	Beaufort Council Chambers		
Matters Discussed	1. Discussion with Louise Staley MP 2. Memorial for the late Cr O'Connor 3. Presentation by VLine 4. Defying the Drift Presentation 5. Council Agenda Review		
ATTENDEES			
Councillors	Mayor Cr David Clark Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance		
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Kathy Bramwell (A/Director Corporate and Community Services) Douglas Gowans (Director Asset and Development Services) Ray Davies (Manager Economic Development and Tourism) – Item 4		
Visitors	Louise Staley (Member for Ripon) – Item 1 Katherine Rawlins, Kate Eskdale, Garry Button and Brenton Shaughnessy (VLine) – Item 3 Rob Pelletier and Peter Oddie – Item 4		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
N/A			

CR EASON / CR KEHOE

That the items for noting be received.

CARRIED

ITEMS FOR DECISION

ASSET AND DEVELOPMENT SERVICES

5. LEXTON PETITION

Douglas Gowans – Director Assets and Development Services

File No: 404002600

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to update Council on the issue of the lack of toilet facilities at the residence at 3556 Sunraysia Highway, Lexton.

BACKGROUND

A report was presented to Council on 17 July 2018 regarding a petition received requesting that Council take the necessary steps to enforce owners at 3556 Sunraysia Highway Lexton to install a functioning toilet at the premises.

Council officers received information from a local resident that the occupants of the property at 3556 Sunraysia Highway, Lexton did not have a functioning toilet at the premises, were using a bucket for their waste and were dumping the waste into the creek. Residents of Lexton are gravely concerned about the risks to health which are associated with this practice.

Council's Environmental Health Officer had contacted the Environment Protection Authority who categorised the matter as a small scale domestic waste issue. Therefore, at this stage, they are of the view that the matter sits with Council's Environmental Health Officer. The designated water authority had been notified and stated that the creek does not feed into a water catchment area. Therefore, no further action is going to be pursued by them.

ISSUE / DISCUSSION

An emergency order was served to the occupants on 8 December 2017 ordering them to evacuate the property within 72 hours as the building did not have a conforming toilet facility nor an approved smoke alarm system. The occupants stated they were no longer living onsite. On 13 December 2017 an occupant advised that a fire alarm had been installed and that they had vacated the property.

The occupants were written to on 2 March 2018 giving advance notice of a proposed search under Section 228E of the Building Act 1993. An authorised officer of Council needed to enter the building to establish whether the building and plumbing work had been carried out and that the building was not occupied. To date, the authorised officer has not been able to determine if the occupants have permanently vacated the building as the occupants have not been onsite for the inspection can be carried out. Anecdotal information from nearby residents suggests that they are still residing within the building.

Council's Building Department has sought legal advice regarding entry into the premises. It has been recommended that a further inspection be conducted to determine whether the building is still occupied to ensure that there is sufficient evidence to prosecute for failure to comply with the emergency order.

If the premises is still occupied, a new emergency order should be issued to vacate should the Municipal Building Surveyor consider appropriate. Whilst the previous emergency order is still in force there may be query as to whether the occupants did vacate and then re-enter.

In addition, in accordance with Section 228J(1)(b) concerning entry with a notice and the owners avoiding, an authorised officer may enter the premises at anytime, if there is an emergency order issued. There is no requirement to give a notice of entry.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 228E of the Building Act 1993

Section 228F of the Building Act 1993

Section 228J of the Building Act 1993

Health Act 1958

ATTACHMENTS

5.1 Petition

FINANCIAL / RISK IMPLICATIONS

Nil

CONCLUSION

For the safety of potential occupants and the community it is important that this matter continued to be investigated and resolved.

CR VANCE / CR EASON

That Council continues to pursue the owners to ensure that compliance with Building Regulations and Health Act requirements are being adhered to prior to authorising legal occupancy.

CARRIED

6. SNAKE VALLEY GOLF CLUB – ACCESS TO RECYCLED WATER

Douglas Gowans – Director Assets and Development Services

File No: 710011850

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to seek Council's direction regarding the water supply at the Snake Valley Golf Club.

BACKGROUND

Council was involved in a project to implement an irrigation system for the Snake Valley Golf Club. This project was associated with the funding with the Snake Valley Sewerage Scheme. The pump that was sourced, although operable, does not have the ability to pump water from the winter storage to the fairways and greens. There is an onsite dam as part of the golf course that the current pump can pump water from however, the main source of water will be from Central Highland's Water winter storage and is located further away and at a lower AHD. Part of the requirement is to ensure that water is pumped directly from the winter storage onto the fairways and greens.

Council was approached by Snake Valley Golf Club over the past 12 months to investigate a way forward to utilise the winter storage. The Golf Club would like to secure the supply prior to the summer season. Council Officers have been liaising with the Golf Club and Central Highlands Water (CHW).

ISSUE / DISCUSSION

Due to changes of ownership and personnel, Central Highlands Water understand that the company previously engaged by Council for the Snake Valley Golf Club irrigation works is no longer assisting. Therefore to assist, Central Highlands Water has sought advice from another irrigation company to assess what is required to remedy the situation and their recommendation is to install a second pump closer to the winter storage. They have provided a quotation to complete the works including the supply and installation of a floating suction line on the WWTP's winter storage.

It has always been Central Highlands Water's understanding that a suitable irrigation pump was to be installed at the Golf Club to access wastewater from the WWTP and that Council has an agreement with the Golf Club to meet the costs to install and maintain the irrigation system, including the pump.

CHW has been assisting the Golf Club over the past two irrigation seasons to access potable water at a reduced cost however this is not sustainable for either the Club or CHW. We have also made enquiries with another local golf club, with a pump that was surplus to their needs, but have been advised it is unsuitable.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.2 - Maintain and renew Council's facilities and built assets in line with community service needs.

Strategic Objective 3 - Community Connection and Wellbeing. We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

3.2 - Physical activity - Ensure our residents have access to facilities and programs that allow them to maintain a healthy and active lifestyle.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

CHW is prepared to contribute to the float pump component as this will be infrastructure on their site. This leaves a current short fall of \$44,000. The Golf Club may be able to assist with a contribution to the scheme. The other avenue that Council has become aware of is funding from Golf Victoria. Additionally, Council could utilise funds from its implementation money of the recreation strategy. Alternatively, Council may be able to secure a loan to assist the Snake Valley Golf Course.

CONCLUSION

The Snake Valley Golf Club is an important community asset that requires access to a sustainable water supply. Council has previously invested in partnership with the community and Central Highlands Water and Government funding bodies to provide infrastructure to utilise recycled water.

CR KEHOE / CR EASON

That Council works with Golf Victoria to source funds to ensure that a sustainable water supply is provided for the Snake Valley Golf Club course.

CARRIED

7. NEIGHBOURHOOD SAFER PLACES (NSP) FOR 2018/19

Ernie Welsh – Municipal Fire Prevention Officer

File No: 28/08/10

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to consider the designation of Neighbourhood Safer Places for the 2017/18 fire season.

BACKGROUND

Under section 50J of the Country Fire Authority Act (1958), a municipal council must, by 31st August in each year, conduct a review of each designated NSP in its municipal district to determine if it is still suitable to be designated a NSP.

In conducting the annual review, Council must ask the Country Fire Authority (CFA) to assess each NSP in accordance with the CFA Assessment Guidelines.

A Neighbourhood Safer Place (NSP) is a space that:

- is a place of last resort for individuals to access and shelter in during a fire event affecting their neighbourhood - without the need to take a high risk journey beyond their neighbourhood;
- eliminates direct exposure to flames from a fire front and management of radiant heat to survivable levels; and
- should only be accessed when personal bushfire survival plans (for individual properties) cannot be implemented or have failed.

A NSP does not guarantee the survival of those who assemble there.

ISSUE / DISCUSSION

Council currently has 9 designated NSP's in the following locations:

1. Lexton – Toll Bar Park
2. Waubra – Recreation Reserve
3. Beaufort – Wotherspoon Park
4. Snake Valley – St Brigid's Church Reserve
5. Avoca – Medium Strip, High Street (between Russell & Cambridge Streets)
6. Moonambel – Recreation Reserve
7. Natte Yallock – Recreation Reserve
8. Redbank – Recreation Reserve
9. Landsborough – Recreation Reserve

All were assessed by the CFA in July 2017 as being compliant in accordance with CFA Assessment Guidelines.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 3 - Community Connection and Wellbeing. We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

3.4 - Community Services - Increasing the liveability of our communities through the provision of efficient and responsive services.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

Council has an annual budget for the maintenance of the designated NSP's.

CR KEHOE / CR EASON

That Council:

1. notes the review of Pyrenees Shire Council's Neighbourhood Safer Places by the Country Fire Authority;
2. designates nine Neighbourhood Safer Places for the 2018/19 fire season in the following locations:
 - Lexton – Toll Bar Park
 - Waubra – Recreation Reserve
 - Beaufort – Wotherspoon Park
 - Snake Valley – St Brigid's Church Reserve
 - Avoca – Medium Strip, High Street (between Russell & Cambridge Streets)
 - Moonambel – Recreation Reserve
 - Natte Yallock – Recreation Reserve
 - Redbank – Recreation Reserve
 - Landsborough – Recreation Reserve

CARRIED

8. FLOOD PLANNING

David Draffin – Flood Planning Coordinator

File No: 20/06/02

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to provide the Pyrenees Shire Council with an update on how flooding issues are currently being addressed across the shire and what is planned for the future. The report also seeks endorsement from Council to proceed with the implementation of the plan.

BACKGROUND

The Pyrenees Shire is the headwater of three main catchments which respond quickly to heavy rainfall that can result in flash flooding to properties in some towns with very little warning lead time. The rain events of 2010, 2011 and 2016 stand testimony to that fact. Other impacts in the area have been road closures, erosion, damage to roads, bridges, recreational reserves and loss of stock.

In 2014, with the Glenelg Hopkins CMA as project leader, a Pyrenees Municipal Flood Emergency Plan (MFEP) was developed which incorporated the mapping and information gathered from a Beaufort flood study. The Wimmera CMA in the same year conducted a similar study which in part incorporated the north west of the shire and included the towns of Landsborough and Crowlands. Both of those projects were funded through the National Disaster Resilience Grants System (NDRGS) – a joint Federal and State initiative.

Although the Pyrenees Shire Council Plan listed specific initiatives relating to flood planning, no tangible flood planning took place since 2014 until after the September 2016 flood event. The debrief following that flood, supported by the recently updated regional flood plain management strategies from the shire's four CMAs, highlighted the need to undertake further flood study work across the shire. (a compilation of those strategies' recommendations is in **Attachment One**).

In response to those findings, the Pyrenees Flood Planning Project Document was developed in January 2017 which set out an action plan for moving flood planning forward. (This document is in **Attachment Two** and shows what has been achieved to date and the future actions that will be required)

ISSUE / DISCUSSION

A push for land development around the main towns in the shire (and hence township framework plans) is compromised by a lack of flood intelligence – a product of detailed flood studies. This makes flood planning a priority if the current Council Plan Strategic Objective 1.5 is to be achieved.

A review of the flood warning system across the shire needs to be done but can't be undertaken until the risks are fully understood – something that only detailed flood studies can assess.

Flood studies cost a substantial amount of money (The Upper Avoca study is estimated to cost \$240k) and the Pyrenees Shire Council simply cannot afford to undertake them without financial support from government bodies. Lack of access to sufficient funding has been the barrier to further flood planning since 2014 (two NDRGS grant applications in 2014 were unsuccessful, but they did not offer a Council financial contribution).

The Council has since put aside money in the last four budgets for this very purpose and is now well placed to participate in joint funded flood study projects. Another round of NDRGS funding is imminent and in response the Pyrenees Flood Planning Workgroup is currently drafting applications for detailed studies on the Upper Avoca River and the town of Raglan on the Fiery Creek.

Additionally, although Trawalla is a town not listed for consideration in the Council Plan, it is listed in an Emu Creek flood investigation to be conducted by the Glenelg-Hopkins CMA commencing in August, 2018.

Preliminary flood studies undertaken in 2018 on the towns of Raglan, Lexton and Waubra provided valuable planning intelligence assisting with this planning process.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.5- Prepare and implement township framework plans to guide future development in Beaufort, Avoca, Snake Valley, Lexton, Waubra / Evansford, Landsborough, Moonmabel, Amphitheatre, and Raglan, and then consider extending the planning to include other towns

ATTACHMENTS

- 8.1 – Flood Plain Management in the Pyrenees Shire – *circulated separately*
- 8.2 – Pyrenees Shire Flood Planning Project Document 2018-2019 – *circulated separately*
- 8.3 – Flood Planning Action Plan and Status Report – *circulated separately*
- 8.4 – Final Report Preliminary Flood Study – *circulated separately*

FINANCIAL / RISK IMPLICATIONS

The Pyrenees Shire Council has cumulatively allocated \$133,000 over the last 4 budgets (including the 2018-19 financial year) which allows the following to be undertaken

If no grant funding is received:

1. Conduct a preliminary flood study on the towns of Raglan, Lexton and Waubra - \$38k
2. Employ a Flood Planning Coordinator for a further 6 months - \$18k (\$8k already utilised in that role)
3. Set aside a co-contribution for the Upper Avoca Flood Study grant - \$65k
4. Should the project carry over to the 2019-20 financial year an additional council budget provision of \$50k may be required. Another round of NDRGS could be an option then as well.
5. Other internal project outputs (such as revisions to the MFEP where possible, supporting documentation and procedures could still be completed).

If grant funding is received:

1. Proceed with the Upper Avoca River Flood
2. Proceed with the Raglan Flood Study in 2018-19 (still possible even if grant money is not forthcoming)
3. Fully update the MFEP with the additional flood study data
4. Review of the shire's flood warning system
5. Update of flood planning schemes on the towns of Amphitheatre, Avoca, Natte Yallock, Lexton, Waubra, Raglan and Trawalla.

6. Present a list of recommended flood mitigation activities.
7. Apply for an additional NDRGS grant to implement recommended mitigation works arising out of the project findings.

CONCLUSION

Flood planning work is essential for the future growth of townships within Pyrenees Shire Council and helps mitigate current risks. Some flood planning work will be completed with solely using council savings, but the bigger more detailed studies will need NDRGS grant support for them to be conducted. This work is essential if the objectives of Council Plan Strategic Objective 1.5 is to be achieved.

CR VANCE / CR EASON

That Council endorses the flood planning report so that the Pyrenees Flood Planning Workgroup can proceed to implement the project plan.

CARRIED

9. UN-NAMED ROAD BETWEEN BEAUFORT SKIPTON ROAD AND ODDIES ROAD

Douglas Gowans – Director Assets and Development Services

File No: 58/02/08

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to consider the Road Register status of the un-named road between Beaufort Skipton Road and Oddies Road.

BACKGROUND

Council has received a request from Mr David George to have the status of the un-named road between Beaufort Skipton Road and Oddies Road added to Council's Road Register in order for Council to undertake active maintenance (see location map below). The current status of the road is that it is not on Council's Road Register and has not been since the Road Register inception in 2003. The 1.6km road does appear to, at some stage, have been formed, sheeted with gravel and graded. However, its current condition would suggest that active maintenance has not occurred in a long period of time.

It is the view of Mr George that Council previously had maintained the road however there are no records of maintenance over the past 10 years. Council has provided gravel for Mr George to maintain the road on a number of occasions over the past decade. The road currently has permanently mounted gates at the Beaufort Skipton Road end and there is evidence of temporary stock fencing at the Oddies Road end. Mr George has confirmed that he only closes the gates when he is moving stock.

ISSUE / DISCUSSION

Council has been notified by Goldwind (owners of Stockyard Hill Wind facility) that they plan to improve the condition of the un-made road to enable access to turbines on Mr George's property. Council has been approached by Goldwind to supply a quotation to bring the road standard to a condition that would be suitable for them. The quotation that Council has provided is in the order of \$100K and provides an upgrade to the majority of the length of road apart from the last few hundred metres. Goldwind has indicated that they are planning to undertake the works to upgrade this road during the summer season of 2018/2019.

The upgraded component of the road would be maintained by Goldwind for the duration of their 25year permit. As the road is currently not on Council's Road Register the condition, maintenance and inspection regime would be at the discretion of Goldwind. If Council were to add this road to Council's Road Register, Council would need to ensure that maintenance was in accordance with Council's Road Management Plan.

An interim measure to improve the current standard of the road would be to bring material in to fill potholes and undertake a maintenance grade. Council officers estimate that to improve the road to a usable condition would cost in the order of \$10K. This would only be a temporary measure and will not provide a lasting solution.

If Council were to include this un-named road on its Road Register it is standard practice to ensure there are no obstructions on the road including the removal of gates as Road Register status indicates that the road is required for public access. It is also standard practice to undertake a road naming process for inclusion in the Road Register.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.1 - Ensure local roads are maintained and renewed in line with adopted plans and strategy to provide a safe transport network and meet community needs.

ATTACHMENTS

9.1 Locality map

FINANCIAL / RISK IMPLICATIONS

The cost implication for Council to initially bring this road to a standard condition suitable to its current use has been estimated at \$50K. However, this will not meet Goldwind's requirements for moving the heavy equipment and machinery. As stated earlier in the report, the estimate for their requirements is in the order of \$100K.

If Council were to maintain the road to meet the Road Management Plan standard, it is estimated the annual maintenance would be approximately \$1100. This would only apply if there is sufficient material provided by a full resheet.

CONCLUSION

The current un-made road is in a poor condition and has not been maintained by Council for at least 10 years. The road has not been part of Council's Road Register. The road is currently utilised for immediate farming practices. Goldwind has indicated that they plan to upgrade the road for windfarm access.

OFFICER RECOMMENDATION

That Council re-assess the status of the road post the upgrade works to be undertaken by Goldwind.

CR VANCE / CR EASON

That Council:

1. re-assess the status of the road post the upgrade works to be undertaken by Goldwind; and
2. undertake some maintenance to make the Skipton Road section trafficable.

CARRIED

CORPORATE AND COMMUNITY SERVICES

10. COUNCIL PLAN UPDATE 1 APRIL 2018 – 30 JUNE 2018 Q4

Kathy Bramwell – A/Director Corporate and Community Services

File No: 16/20/06

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to provide Council with a progress report on actions taken in relation to the initiatives identified in the Council Plan from 1st April 2018 to 30th June 2018.

BACKGROUND

In accordance with Section 125 (1) of the *Local Government Act (1989)* (the Act), Council is required to prepare a Council Plan within 6 months of a Council election.

Council adopted the current Council Plan 2017-2021 at its Ordinary Meeting on the 13th June 2017.

The Council Plan 2017-2021 is framed around five Strategic Objectives:

1. Roads and Townships

We will plan, manage, maintain and review infrastructure in a sustainable way that responds to the needs of the community.

2. Relationships and Advocacy

We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

3. Community Connection and Wellbeing

We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

4. Financially Sustainable, High-performing Organisation

Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

5. Development and Environment

We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and build environmental values.











ISSUE / DISCUSSION

The Council Plan 2017-2021 is structured as follows:

- Five Strategic Objectives
- Twenty-five Strategies
- Seventy-six Initiatives

The Council Plan 2017-2021 Initiatives Progress Report for the period 1st April 2018 to 30th June 2018 reports on the progress to date on the Seventy Six initiatives identified for action during the 2017/18 financial year.

The Report has been structured to provide a clear unambiguous update on the initiative progress year to date. The Progress Update Report utilises symbols and brief commentary to provide a snapshot of progress.

Symbol	Progress	This Qtr
	0%	0
	25%	1
	50%	0
	75%	8
	Complete	35
	Funding Required	0
	Information Required	0
	Ongoing	35
	On Hold	0
	Cancelled	0
	Total	79

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

In accordance with the Section 125 of the *Local Government Act (1989)*, Council adopted its 2017-2021 Council Plan at its June 2017 Council Meeting.

ATTACHMENTS

10.1 Council Plan Progress Report for the fourth quarter ending 30th June 2018 – *circulated separately*

CONCLUSION

The Council Plan Progress Report for the period 1st April 2018 to 30th June 2018 describes the range and level of initiatives undertaken by the Pyrenees Shire Council during the 2017/18 financial year. The Report continues to reinforce the importance of good working relationships and project partnerships between community, Council and other levels of government.

CR EASON / CR KEHOE

That Council receives the Council Plan Progress Report for the period 1st April 2018 to 30th June 2018.

CARRIED

11. INSURANCE PROGRAM

Kathy Bramwell – A/Director Corporate and Community Services

File No: 38/02/04

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to receive an update on the insurance program placed for the 2018-2019 financial year and consider future insurance procurement options in light of the recent VAGO audit into local government insurance risk.

BACKGROUND

Section 76A requires councils to take out and maintain insurance against public liability and professional liability.

A recent VAGO performance audit on councils' insurance risks identified a need for councils to give greater attention to procurement of insurance with regard to best value for money.

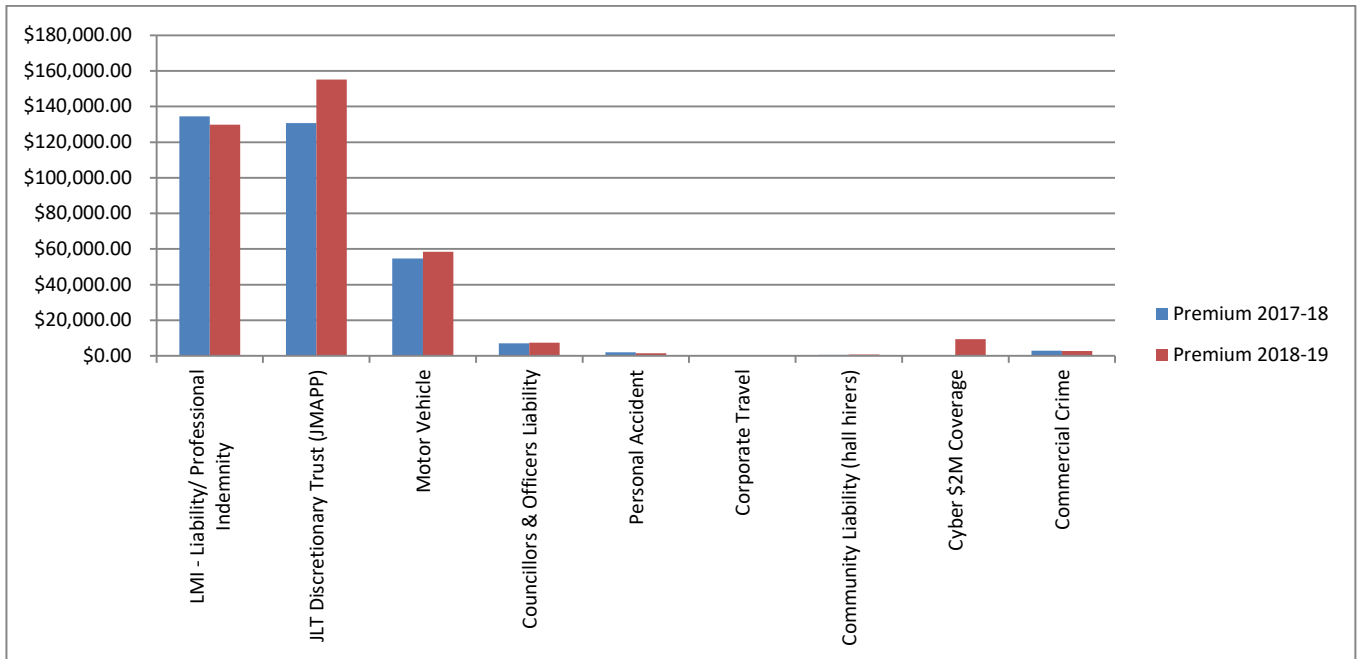
This report provides council with an overview of the current insurance program in place, provides some commentary on the audit report and recommendations to improve council performance in this regard.

ISSUE / DISCUSSION

Insurance placement – 2018-2019 financial year

Insurance has been finalised and placed for the 2018-2019 financial year. Policy and premium costs are summarised below.

INSURANCE COST SUMMARY – FINAL 2018-2019					
Class of insurance	2017-2018	2018-2019	Insurer	\$ variance from last year	% variance from last year
LMI – Public Liability / Professional Indemnity	\$134,510.20	\$129,745.00	MAV	(\$4,765.20)	-3.54%
JLT Discretionary Trust (JMAPP – Property)	\$130,772.75	\$155,114.72	JLT / JMAPP	\$24,341.97	18.61%
Motor Vehicle	\$54,649.91	\$58,460.01	Vero	\$3,810.10	6.97%
Councillors & Officers Liability	\$7,138.78	\$7,450.12	XL Insurance	\$311.34	4.36%
Personal Accident	\$1,971.84	\$1,462.05	Chubb	(\$390.20)	-19.79%
Corporate Travel		\$119.59	Chubb		
Community Liability (hall hirers)	\$684.64	\$825.00	QBE	\$140.36	20.50%
Cyber	-	\$9,500.00	Chubb	-	-
Commercial Crime	\$2,933.94	\$2,693.00	Chubb	(\$240.04)	-8.18%
TOTALS	\$332,662.06	\$365,370.39		\$32,708.33	9.83%



Placement and cost comments:

- Although initial estimates were forecasting an increase of approximately 20%, actual overall costs have increased by 9.83%.
- The bar chart clearly shows the policies with the greatest associated cost: Public Liability/Professional Indemnity; Property and Motor Vehicle.
- Of the three largest cost premiums, property insurance (JMAPP) and motor vehicle costs increased (JMAPP by 18.61% and motor vehicle by 6.97%). MAV's Liability (LMI Scheme) decreased by 3.94%.
- The property insurance (JMAPP) premium was in excess of \$150,000 and our broker (JLT) did go out to tender on behalf of member councils with no takers other than JMAPP.
- Cyber liability coverage was placed for the first time in 2018-2019.

Audit report – Performance audit of local government insurance risks

A report was tabled in State Parliament in July 2018 by the Victorian Auditor-General's Office on the outcomes of a performance audit undertaken on Local Government Insurance Risks. A copy of the audit overview section, which details the findings and recommendations of the report, is attached.

This report concluded that councils are not always giving the purchase of their insurance the thorough consideration it deserves with the potential result that councils may be paying more than necessary for insurance products, or may have gaps in coverage which could have significant impact should a disruptive event occur.

The report identified better practice in purchasing insurance as including the competitive tendering for insurance broking, services and insurance. Smaller councils, including the Pyrenees Shire, have not often had to run a tender in accordance with the Local Government Act, due to their insurance policies generally costing less than \$150,000 each and instead have authorised the same company to be their insurance broker every year. The report stated that the lack of competition in this regard means councils could not be assured they have achieved the best outcome.

The report did reference the security that the LMI Scheme, liability insurance coverage managed by the MAV, has given to the sector over the past 25 years – particularly with regard to continuous availability and ability to purchase reinsurance. However, this scheme has some current sustainability issues with the need to keep premiums low (to retain members) and rising claim costs. This raises the risk likelihood that the scheme would need to make further calls for additional funds from its members.

Future placement considerations

The Pyrenees Shire Council is one of the councils cited as rolling over their insurance arrangements year after year and, in light of the audit outcomes summarised above and in the Attachment, Council needs to consider its preferred option for future years – in particular for the 2019-2020 financial year.

Three options are available for the procurement of the insurance program:

1. Continue the current arrangement – ie:
 - a. Procure liability insurance through the MAV Liability Mutual Insurance (LMI) scheme; and
 - b. Procure other insurance lines, including property and motor vehicle, through the existing brokerage arrangement with JLT.
2. Undertake an open tender for brokerage services for some or all lines; with the successful broker marketing on our behalf for insurance products.
3. Go to market, without broker assistance, for individual insurance products directly with insurers.

A table is provided below of some advantages and disadvantages of each option:

Option	Advantages	Disadvantages
1. Continue the current arrangement	<ul style="list-style-type: none"> • No tendering costs. • Economies of scale with marketing done on behalf of combined membership. • Supports the long term insurance availability security for local government – a market which is not always attractive to insurers or underwriters. • Stability of insurance cost year on year – less volatility than in the open market and easier to manage from a budget perspective. • JLT have offered to tender on our behalf for all lines (other than LMI) to provide assurance / evidence of value for money. • LMI is exempt from tender requirements (S.76A (3) of the LGA). 	<ul style="list-style-type: none"> • If the LMI scheme does not improve its sustainability, the risk of requesting further funds from members increases. • Requires more effort in due diligence to obtain evidence and assurance of best value. • Requires more effort in resourcing and due diligence to ensure full and appropriate coverage is maintained.

	<ul style="list-style-type: none"> • JLT offer risk management services to support management of insurable risk. • MAV / JMAPP / JLT provide support with audit services, membership forums and networking, and some free legal advice. • The option is available to appoint JLT under normal brokerage arrangements – e.g. for a 3-year period. 	
<p>2. Tender for brokerage services</p>	<ul style="list-style-type: none"> • Potential for savings in premium. • Evidence available of value gained in a competitive market. • Brokerage services are generally appointed for a minimum 3-year period creating stability of service and relationships. 	<ul style="list-style-type: none"> • Resource expenditure in managing the tender process. • No guarantee that premium savings are long-term. • Loss of marketing advantage gained from economies of scale with large membership being marketed together. • Local Government industry is unattractive to the open market. • Costs in the open market are subject to market conditions and more volatile. • The benefits to be gained through a different broker are minimal, they all offer similar services. • In the private market, we would lose the audit support that provides opportunities to improve loss mitigation.
<p>3. Obtain insurance on open commercial market</p>	<ul style="list-style-type: none"> • Evidence and clarity available of value gained in a competitive market. 	<ul style="list-style-type: none"> • Unlikely to get best value for money as Council's small individual buying power combined with perception of local government risk is not likely to be attractive to insurers. • May not receive coverage in all lines – particularly property and liability. • Increased resources needed to manage the program.

Recommendation

It is recommended that Council choose option 1 and maintain the status quo, with the following provisos:

- We undertake an independent loss limit validation (LLV) analysis to quantify our insurable risk, undertake a gap analysis and maximise our understanding of insurance risk.
- Identify our insurable risk within risk registers to fully understand the breadth of insurance (or lack of) impact.
- Continue to work with JLT in ensuring the best market products are secured for our insurance lines and utilise JLT to undertake an individual marketing program for all lines of insurance as a comparison for the 2019-2020 financial year to obtain best value assurance.
- Work with the MAV to gain an understanding of the risks posed by the LMI scheme long-term and satisfy ourselves that actions are being undertaken to improve the long-term sustainability of the product.
- Utilise JLT risk management and audit services in addressing and mitigating property and liability risk; and increase risk management capability of staff.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

Section 76A of the *Local Government Act 1989* requires Council to take out and maintain insurance coverage for public liability and professional indemnity (provided for by the MAV LMI scheme).

Section 10CB of the *Municipal Association Act 1907* requires the MAV to establish and manage a mutual liability insurance scheme for the purpose of providing public liability and professional indemnity insurance for the benefit of Councils ...

ATTACHMENTS

11.1 VAGO Performance Audit Overview – Local Government Insurance Risks (extract from full report) – *circulated separately*

FINANCIAL / RISK IMPLICATIONS

Significant financial and risk implications are inherent with a poorly procured insurance program. Risks include insufficient coverage in the event of a significant disruptive event, inability to obtain appropriate insurance, and exposure to an extremely variable cost impost year on year.

CONCLUSION

The recent VAGO performance audit conducted on local government insurance risks has raised questions in the industry on whether insurance procurement practices are appropriately robust to achieve assurance of best value and optimum coverage.

Three options exist for Council's procurement of insurance:

- Continued utilisation of the MAV / JLT procurement processes and schemes;
- Open tender for brokerage services and then procurement in the open, commercial market; or
- Direct marketing for insurance coverage with individual insurers.

This report provides advantages and disadvantages for each option and it is recommended that Council continues with its current arrangements in Option 1, with some additional work required to obtain best value assurance.

CR KEHOE / CR EASON

That Council:

1. Approves the 2019-2020 insurance program procurement to be undertaken as outlined in Option 1 within the body of this report, with the following provisos:
 - a. An independent loss limit validation is undertaken to quantify and gain understanding of Council's insurable risks;
 - b. Identify insurable risk within Council's strategic and operational risk registers;
 - c. Utilise JLT (existing broker) to undertake a commercial marketing program of insurance products to provide assurance that Council's insurance procurement processes are providing best value;
 - d. Gain an understanding of the potential risks posed by the Liability Mutual Insurance (LMI) scheme to its members and assurance from the MAV of its long-term sustainability.
 - e. Continue to utilise MAV / JLT audit reports in the mitigation of potential loss.

CARRIED

12. WASTE CHARGES IN LIGHT OF OMBUDSMANS REPORT

Kathy Bramwell – A/Director Corporate and Community Services

File No: 16/30/08

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to receive a draft report on Council's approach to determining its waste service charges under Section 162 (1)(b) of the *Local Government Act 1989*.

BACKGROUND

In April 2018 the Victorian Ombudsman conducted an investigation into an allegation against the Wodonga City Council that it overcharged its ratepayers through its waste management levy. The Ombudsman's report found that:

- Section 162 (1)(b) of the *Local Government Act 1989* provides that a council may declare a service rate or an annual service charge for the collection and disposal of refuse.
- The Council levied a waste management charge at levels substantially above the fair cost of providing waste management services, and generated a substantial surplus.
- That surplus was used to subsidise activities unrelated to waste management and also general rate revenue.
- While not set up with the intention of doing so, the arrangement has allowed the Wodonga City Council to avoid general rate increases.

In summary, the Ombudsman's Opinion was:

"On the basis of the evidence obtained in the investigation, the [Wodonga City] council appears to have acted in a manner that is wrong pursuant to section 23(1)(g) of the Ombudsman Act, by levying funds for the 'collection and disposal of refuse' under section 162(1)(b) of the Local Government Act, and using those funds for purposes other than for the 'collection and disposal of refuse'."

Subsequently, Council initiated an internal audit to be conducted to review the validity of the Pyrenees Shire Council's strategy for imposing, setting and applying service charges for the collection and disposal of refuse. The review sought to confirm Council's compliance with Section 162 (1) of the *Local Government Act 1989* in light of the Ombudsman's investigation into the Wodonga City Council.

A draft report has been received from Council's Internal Auditor, AFS & Associates and a copy is attached to this report.

ISSUE / DISCUSSION

The internal audit in his regard was aimed at providing the Pyrenees Shire Council (PSC) with assurance over three key risks:

- Compliance with the *Local Government Act 1989*;
- Setting waste services charges in excess of the cost of delivering the service; and
- Application of income from waste service charges to non-waste management costs.

The findings of the internal audit draft report include:

- No overt attempt was found to set waste service charges in excess of the costs of providing these services.
- A lack of transparency was found in the:
 - Setting and disclosure of a Waste Facilities Levy;
 - The application of income from Waste Facilities levy to the costs associated with the managing and maintaining waste facilities; and
 - Setting and application of waste collection and disposal charges.
- PSC is budgeting for full-cost recovery; however a surplus is arising each year. The audit opinion expressed satisfaction that the surpluses have arisen through reasonable circumstances and not an attempt to circumvent the rate cap.
- PSC's Waste Management Plan and Policy are out of date and the documents need to include a rationale for the various waste disposal charges and Waste Facilities Levy.
- Income collected from waste charges needs to be separately captured within the general ledger to enable the demonstration and management of its over-recovery position.

The report also highlighted that PSC has yet to address the national recycling issue in its strategy which has the potential for additional disposal costs in 2018-2019.

Overall 11 issues were noted in the report and an action plan has been developed to address each of these issues within an appropriate timeframe.

Relevant matters will be included within the PSC Rating and Revenue Strategy, currently under review and expected to be implemented by the end of 2018.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

Council must comply with Section 162 (1) of the *Local Government Act 1989* which provides that a council may declare a service rate or an annual service charge for the collection and disposal of refuse.

ATTACHMENTS

- 12.1 Draft Report: Pyrenees Shire Council – Internal Audit Report 2018-05 Review of Waste Charges June 2018.
- 12.2 Victorian Ombudsman Report – Investigation into Wodonga City Council's overcharging of a waste management levy April 2018.

FINANCIAL / RISK IMPLICATIONS

Financial, compliance and reputation risks arise if the issues contained within the attached report are not addressed. Recommendations have been included within Council's outstanding issues register with relevant timeframes and assigned officers, to facilitate effective monitoring and reporting of completions.

CONCLUSION

Following the investigation by Ombudsman Victoria into Wodonga City Council's overcharging of a waste management levy, an internal audit was conducted to review the validity of Pyrenees Shire

Council's strategy for imposing, setting and applying service charges for the collection and disposal of refuse.

The review found:

- No overt attempt was found to set waste service charges in excess of the costs of providing these services.
- A lack of transparency exists in the setting, application and disclosure of waste collection and disposal charges;
- Budget targets are for full-cost recovery, however surplus is arising each year;
- Insufficient rationale for the various waste disposal charges or Waste Facilities Levy in out-of-date Waste Management Plan or Policy; and
- Improvements were needed in the allocation of waste charges in the general ledger.

Overall, the review was satisfied that any surpluses arose through reasonable circumstances and were not an attempt to circumvent the rate cap.

Recommendations and action plans have been included within Council's outstanding issues register. Progress and completions will be monitored and reported to the Audit & Risk Committee.

CR KEHOE / CR EASON

That Council:

1. notes the outcomes of the draft internal audit report on the review of waste charges; and
2. refers the report to the Audit & Risk Committee for implementation.

CARRIED

13. A NEW LOCAL GOVERNMENT ACT – STATUS UPDATE

Kathy Bramwell – A/Director Corporate and Community Services

File No: 44/10/06

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to receive an update on progress through State Government of the 2018 Bill – A New Local Government Act.

BACKGROUND

The Victorian Government is conducting the first comprehensive review of the Local Government Act 1989 in a quarter of a century. This review responds to calls from the local government sector for legislative reform after over 90 amending acts have resulted in hundreds of individual amendments to the Act in the past 25 years.

There were four stages to the consultation process, the final stage being the release of an Exposure Draft Bill.

The Minister for Local Government released the exposure draft of the new Local Government Bill on 12 December 2017. Submission on the exposure draft was provided by the Pyrenees Shire Council and the MAV. Submissions closed on Friday, 16 March 2018.

ISSUE / DISCUSSION

On 23 May 2018, the Minister for Local Government introduced the Local Government Bill 2018 into Parliament. The Bill repeals and replaces the *Local Government Act 1989*.

The Bill passed the Lower House (Legislative Assembly), with amendments, on 21 June 2018. The Bill is currently in the Upper House (Legislative Council) and is at the 2nd reading stage. There remains nine sitting days of the Legislative Council before the State Election, with a long list of Bills for debate, and it is unknown whether this Bill will receive assent prior to the Government entering Caretaker Mode.

If the Bill receives assent prior to October 2018, planned implementation will be in four stages:

- 1 November 2018 – Including
 - Role and Constitution of a Council (except for delegations)
 - Council allowances set by the Minister
 - Adoption of various principles: governance; community engagement; public transparency; strategic planning; financial management and service performance.
- 1 January 2019
 - Policy requirements: community engagement; public transparency; CEO employment & remuneration; Council expenses & reimbursement;
 - Council staff
- 1 July 2019
 - The majority of other changes / provisions apply from 1 July 2019 including: governance rules;
- 1 January 2020
 - Applies to all provisions not already in place including the various financial, rating & revenue, and asset plans.

Council staff are confident that administrative change obligations will be met within required timeframes if the Bill is implemented.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

There are no financial or risk implications associated with this report.

CONCLUSION

The current Draft Bill has passed through the Legislative Assembly with amendments and is currently under debate in the Legislative Council.

With just nine sitting days before the State Government prepares for the October general election, and with a large number of outstanding Bills up for debate, it is uncertain whether the Bill will receive assent prior to the election.

If the Bill receives assent within this election term, implementation will be in four stages commencing on 1 November 2018.

CR VANCE / CR EASON

That Council notes the progress update on the Local Government Bill 2018, continues to monitor the passing of the Bill through Parliament, and takes the necessary action to implement the requirements of the adopted legislation.

CARRIED

14. DRAFT INFRINGEMENT PROCEDURE

Kathy Bramwell – A/Director Corporate and Community Services

File No: 16/24/18

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to seek Council endorsement of a newly created, draft procedure for the conducting a review of an infringement notice.

BACKGROUND

Formal infringement notices are now issued by Council Authorised Officers, pursuant to a variety of Acts – e.g. *Planning & Environment Act 1987*; *Building Act 1993*; *Food Act 1984*; *Public Health & Environment Act 2008*; and *the Country Fire Authority Act 1958*.

Council needs to be prepared in the event of a request for review of infringement notices and to have a consistent approach with regard to such reviews and review decisions.

ISSUE / DISCUSSION

Now that formal infringement notices are issued by Authorised Officers, it is inevitable that reviews of such decisions will be requested by persons in receipt of notices.

In order to ensure that a consistent approach is taken with such reviews and review decisions, it was considered appropriate to document a process to provide a fair and transparent process for conducting such a review.

The draft procedure was developed collaboratively between the Planning & Development and Governance, Risk & Compliance teams. The key objectives when developing the procedure were:

- To create a fair and transparent process to facilitate reviews of infringement notices issued;
- To provide clarity on the grounds and circumstances under which a review would be considered; and
- To ensure review independence from the original decision-makers.

Utilising the Manager Governance, Risk & Compliance in the role of Review Officer was considered appropriate from both governance oversight and independence perspectives.

Consultation was undertaken with the Senior Leadership Team plus key staff who could be involved in the issuance of infringement notices and/or receiving requests for review.

Feedback received was incorporated within the procedure, and clarification questions answered – in particular as to whether infringements issued under the *Infringements Act 2006* included all infringement notices likely to be issued by Council's appointed or authorised officers under other Acts. The definition of an *Infringement Offence* under the *Infringements Act 2006* includes any offence which may be the subject of an infringement notice under any Act or Statutory rule, or any local law, so it was determined that this does apply to infringements issued under relevant Acts.

Council's endorsement of the draft procedure and approval for publication and use is now sought.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Community

1.8 - Respond to the community in a timely manner, in accordance with Council's customer service charter.

Pyrenees Shire Council has a responsibility to provide fair and equitable services, including those that involve imposing infringement notices or penalties. To ensure procedural fairness, this procedure details a transparent, timely and consistent approach to providing the community with an avenue of appeal against infringement decisions made by Council officers.

ATTACHMENTS

14.1 Draft procedure – conducting a review of an infringement notice – *circulated separately*

FINANCIAL / RISK IMPLICATIONS

Risk and financial implications include the potential for unsatisfactory appeals processes to result in complaints to external regulators and subsequent performance audits.

CONCLUSION

The introduction of using infringement notices as a means of enforcement within the Pyrenees Shire creates the need to introduce a fair, transparent and consistent process for receiving appeals and conducting reviews of such notices.

This procedure provides a consistent and independent approach to the management of reviews.

CR EASON / CR KEHOE

That Council approves the publication and use of the *Procedure – Conducting a review of an infringement notice*.

CARRIED

15. APPOINTMENT OF COUNCILLORS AND PRINCIPAL ACCOUNTING OFFICER

Kathy Bramwell – A/Director Corporate and Community Services

File No: 34/04/02

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for Council to authorise two Councillors to certify the 2017/2018 Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made for the financial year ending 30 June 2018 and appoint Shana Johnny, Manager Finance to sign the Financial Statements as the Principal Accounting Officer.

BACKGROUND

At the end of each financial year Council is required to prepare Financial Statements and Performance Statement. These statements are required to be audited by an external auditor. The audited statements have to be signed by two Councillors and the Principal Accounting Officer prior to being sent to the Minister.

ISSUE / DISCUSSION

In accordance with Sections 131 (8) and 132 (7) of the Local Government Act 1989 Council is required to authorise 2 Councillors to certify the Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made for the financial year ending 30 June 2018.

The Draft Financial Statements and Performance Statement will be considered by Council's Audit Committee at its meeting which is scheduled for Tuesday 28th August 2018 and then presented to Council at the 18th September 2017 Ordinary meeting of Council.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

There are no financial risks associated with this report

CONCLUSION

The Local Government Act 1989 Sections 131 (8) and 132 (7) requires Council to authorise 2 Councillors to certify the Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

OFFICER RECOMMENDATION

1. That Council pursuant to Section 131 (8) and Section 132 (7) of the Local Government Act 1989, authorises Councillors and to certify the 2017/2018 Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditors have been made.
2. That Council appoints Shana Johnny, Manager Finance to sign the Financial Statements as the Principal Accounting Officer.

CR EASON / CR VANCE

1. That Council pursuant to Section 131 (8) and Section 132 (7) of the Local Government Act 1989, authorises Councillors Kehoe and Clark to certify the 2017/2018 Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditors have been made.
2. That Council appoints Shana Johnny, Manager Finance to sign the Financial Statements as the Principal Accounting Officer.

CARRIED

16. SPECIAL MEETING OF COUNCIL

Kathy Bramwell – A/Director Corporate and Community Services

File No: 26/04/04

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to for Council to consider calling a Special Council Meeting for the purpose of the new Councillor's taking of the oath of office and code of conduct declaration.

BACKGROUND

A by-election for the Beaufort Ward is being held in August 2018, with the final declaration planned for 6pm on Friday, 24th August 2018.

In accordance with section 63(1) of the *Local Government Act 1989* a person elected to be a Councillor is not capable of acting as a Councillor until the person has:

- a) Taken the oath of office specified in subsection 63(1A); and
- b) Read the Councillor Code of Conduct and, in accordance with subsection (3), made a declaration stating that they will abide by the Councillor Code of Conduct.

ISSUE / DISCUSSION

Proposal to call a Special Meeting of Council

To facilitate the ability of the person elected as Councillor for the Beaufort Ward on 24th August 2018 to act as a Councillor, it is appropriate for a Special Meeting of Council to be called at the earliest opportunity following the election declaration.

A meeting of Council's Audit & Risk Committee is scheduled for Tuesday, 28th August 2018 at which two Councillors are likely to be present. It is proposed, therefore, that this date be considered suitable for a Special Meeting of Council and that such a meeting be called for 6.00 pm on Tuesday, 28th August 2018.

Section 3.1.4 of the Pyrenees Shire Council General Local Law No.1 – Meeting Procedures – requires for a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every Councillor (ii) for a special meeting at least 24 hours before the meeting. If Council resolves to call a special meeting at the ordinary Council meeting on Tuesday, 21st August this allows for seven days in which to provide a formal notice of meeting to existing Councillors and for four days in which to provide a formal notice of meeting to the newly elected Councillor from 24th August.

Code of Conduct Declaration

The Code of Conduct declaration made and signed by the members of the Pyrenees Shire Council after the general election in 2016 included the declaration and signature of the late Cr Michael O'Connor.

It is proposed that a renewal of the Code of Conduct be made and signed by all existing members of the Pyrenees Shire Council, at the same time as the new Councillor, to provide an accurate and up-to-date record of declaration by the Pyrenees Shire Council.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 63(1) of the *Local Government Act 1989* applies.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

Compliance risk implications associated with this report is the potential for a breach of the *Local Government Act 1989*.

CONCLUSION

Under Section 63(1) of the *Local Government Act 1989* an elected person cannot act as a Councillor until that person has taken the oath of office and read the Councillor Code of Conduct and made a declaration that they will abide by that Code.

This report proposes a solution to facilitate the person elected as the Beaufort Ward Councillor to undertake the oath of office and make a declaration to abide by the Councillor Code of Conduct within a timely manner following the by-election declaration on the 24th August 2018; and enable that Councillor to fully undertake the duties of a Pyrenees Shire Councillor.

CR VANCE / CR EASON

That Council calls a Special Meeting of the Pyrenees Shire Council to be held at 6.00pm on Tuesday, 28 August 2018 in the Council Chambers, 5 Lawrence St, Beaufort, for the purpose of:

- a. Enabling the person elected as Councillor in the Beaufort Ward By-election – to be declared on Friday 24th August 2018 – to take the oath of office as specified in section 63(1A) of the *Local Government Act 1989*; and
- b. To facilitate the reading of the Code of Conduct and making of a declaration stating the abiding of the Councillor Code of Conduct by the person elected as Councillor in the August 2018 Beaufort Ward By-election in accordance with section 63(3) of the *Local Government Act 1989*; and
- c. To facilitate the re-affirmation by existing Pyrenees Shire Councillors of their declaration to abide by the Councillor Code of Conduct.

CARRIED

CHIEF EXECUTIVE OFFICER

17. WINDFARM TRANSMISSION LINES

Jim Nolan – Chief Executive Officer

File No: 66/22/04

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is to seek support for Moyne Shire Council's bid for better coordination of transmission line design.

BACKGROUND

Council has received correspondence from the Moyne Shire Council in respect of wind farm transmission lines seeking support for its submission to the State Government for better coordination of transmission line (TxL) design and routes.

In his letter, the Moyne Shire Council Mayor, Cr Mick Wolfe states:

“Council submits that the State Government immediately make changes to the Victorian regulatory and planning framework, in order to manage the future planning and development of wind farm TxLs

Council is concerned that without urgent and important planning and regulatory changes being made in Victoria, the future construction and potential duplication of TxLs associated with wind farms within Moyne Shire and across regional Victoria, will occur in an unregulated manner and with an undue impact on local communities.”

TxLs are significant pieces of infrastructure which generally fall outside of the regulatory control of Council and the State Government, and have the potential for undue impact on communities.

ISSUE / DISCUSSION

A copy of the letter from the Mayor of the Moyne Shire Council which is attached to this report contains photographs of transmission lines which give an indication of the size and scale of the transmission line towers.

Under the Victorian Planning Provisions, TxLs may be characterised as Minor Utility Installations and not require a planning permit for use and development. In the recent case of Stockyard Hill, the removal of native vegetation associated with the transmission lines required a planning permit but the use and development of the line did not.

The Moyne Shire experience has been met with local concerns about visual and other impacts which may have been reduced with further consideration to design and route selection, and the possibility of line sharing opportunities.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Relationships and Advocacy. We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

ATTACHMENTS

17.1 Letter from Cr Mick Wolfe, Mayor of Moyne Shire Council – *circulated separately*

FINANCIAL / RISK IMPLICATIONS

There are no financial implications for Council in writing to express its concerns and position on this matter.

CONCLUSION

Wind Farm TxLs are significant pieces of infrastructure which generally fall outside of the regulatory control of Council and the State Government regarding their planning and development.

The Mayor of the Moyne shire Council has written to Council seeking support for their advocacy for changes to the planning and regulatory framework so that future wind farm TxLs not have undue impact on our local communities.

CR EASON / CR VANCE

That Council writes to the Minister for Planning in support of the submission by Moyne Shire Council requesting that the State Government immediately make changes to the Victorian Regulatory and Planning Frameworks, in order to manage the future planning and development of wind farm transmission lines.

CARRIED

COUNCILLOR REPORTS AND GENERAL BUSINESS

Cr Eason

- Attended the Sunraysia Highway meeting last week which is attended by the group of Councils positioned along the Hwy. The group meets every 3 months to discuss repairs / maintenance etc. The group has been fairly impotent in getting works done in the last few years. The group received a report from VicRoads stating that 50% of the Hwy has been resealed over the last 12 years. It is very pleasing to see that VicRoads have these statistics available. Unfortunately there is 50% not resealed and the timeframe for the repairs is stretching further out over time. The current and previous year has seen funding increased though there is no guarantee that the funding will continue. Council is required to have plans (4yrs / 10yrs etc) in place so it is clear as to where funding is to be spent yet the major road repair organisation within the State doesn't know how much they will be receiving from one year to the next.
- Had the pleasure in meeting the new Federal Member Andrew Broad in Avoca. He appears to be an open and nice gentleman who wants to know more about the area which he has taken over from Dan Tehan MP. He has made a commitment to return to Avoca to learn more about the area. It is a positive for the community to have 2 representatives in Canberra.

Cr Kehoe

- It has been a little quiet over the last couple of months.
- There is evidence that windfarm is taking shape which is very exciting.
- The Community Action Plan (CAP) evening dinner was very successful in that members of the action groups were able to come together and focus on priorities in each area. A big thank you to staff for organising the evening.
- In light of drought affected farmers further north, we have been fortunate to have received some rain. We all need to be thinking about the drought affected farmers and it is great to see local communities help with fundraising activities such as 'parma for a farmer' and 'fivers for a farmer'.
- A big thank you all the kind words and support given on the birth of Sam. It has been fantastic. People are very supportive.

Cr Vance

- Attended a recent Timber Towns meeting in Melbourne and received a letter of support from Timber Towns to present to the VEAC inquiry who are happy to support Council's submission. Cr Vance asked the question as to when a result from the inquiry is expected? Jim Nolan responded that the report is expected to be out in August.
- Last Friday week attended an evening at Warrenmang Winery following their re-opening. It was a very enjoyable evening and it is fantastic to see the work the winery has done.
- Attended the AGM of the Moonambel Events Committee. They are a very hard working committee. The Landsborough community is hoping to start an events committee which is very encouraging.
- Will be attending a social function representing RCV in Parliament House on the invitation from Region Cities. Will be attending the forum following the social function.
- Have received a number of complaints about the surface of Keenes Lane and the approach where the Ararat Windfarm took the transformer in. Community members have expressed that they are

happy that a new surface at it appears to be more clay than gravel and as soon as it rains it is very slippery.

- A massive tree has recently fallen over on the approaches to Landsborough from the St Arnaud end. The fallen branches have been cleared away but there is still a large tree stump which looks terrible. Cr Vance requested that the stump be removed to improve the approach to Landsborough.
- Cr Vance asked when is there going to be a new police officer to be stationed at Landsborough. Martin Walmsley responded that Paul Martin (VicPol) provided a brief at the last emergency management meeting. Paul indicated that there is a vacancy and at this stage he is not sure when it will be filled. Martin Walmsley will follow up and report back to Council.

Cr Clark

- Attended the Central Highlands Mayors and CEOs meeting last month. It was a useful reflection on the work undertaken in Canberra. There were discussions around the concept of setting up an incorporated association with a secretariat for the eight councils.
- Met with both Andrew Broad MP and Dan Tehan MP. Dan was advancing projects in Avoca and Beaufort. Andrew will be an asset to our area and it is understood that Andrew was back within a fortnight to visit the local railway station.
- Attended the Councillor Development Weekend which was very valuable and interesting.
- Have attended a number of MAV events recently. One to note is the farewell for Rob Spence who has retired after 20 years. Very well deserved career who has done a huge amount of work for the sector and also small rural Councils such as Pyrenees.
- Attended the Waste to Energy MOU signing in Ballarat.
- Attended the Vietnam Veterans Commemoration in Stawell. This event will be held in the Pyrenees Shire next year.
- Cr Clark asked for an update on Stockyard Hill Wind Facility and the oversight of roads. Jim Nolan responded that the planning permit has a condition that the Traffic Management Plan (TMP) be satisfactory to the responsible authority which, in this case, is Council. Council has endorsed the TMP and Council officers are actively monitoring compliance with the plan. It is important for community to understand that for a development of this size and scale there is going to be impacts to the roads, infrastructure and access during the construction period. The issue is how that will be reasonably managed to find a balance between the impacts and ability for the company to undertake the works. The fact that we are in the middle of winter, means that roads are more susceptible to damage especially when taking large volumes of materials over roads and there has been some significant damage. An inspection was undertaken 2 weeks ago and subsequently there has been a number of meetings with Goldwind and their contractors to discuss traffic control and asset condition issues. The issues will be continued to be raised and worked through with Goldwind. In the event that any landholders are impacted they are encouraged to go through Goldwind's complaints handling process. Goldwind advised that any complaints are registered and acted upon. There is a link on the Stockyard Hill website to register complaints. Cr Clark noted that Goldwind have been responsive to date.
- There are 17 projects from our community in the Pick My Project program. Community members are encouraged to vote early, locally and often.

CONFIDENTIAL ITEMS

18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider personnel and contractual matters that may prejudice the Council.

CR EASON / CR VANCE

That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, to consider reports on the:-

19. Trawalla East Road Bridge 154 Replacement

CARRIED



20. REOPENING OF MEETING TO MEMBERS OF THE PUBLIC

CR KEHOE / CR EASON

That Council, having considered the confidential item, re-opens the meeting to members of the public.

CARRIED

The gallery had left the Council meeting however the Mayor chose to report on the matter discussed in Closed Council and is noted below:

Ballarat Excavation and Transport has been awarded contract C2018-004 to undertake the Trawalla East Road Bridge 154 replacement.

CLOSE OF MEETING

Meeting closed at 7.16pm

Minutes of the meeting confirmed

2018

Mayor