

**PYRENEES**  
— S H I R E —



## **MINUTES**

**Ordinary Meeting of Council**

**6:00pm Tuesday 20 August 2019**

**Council Chambers  
BEAUFORT**



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**PRESENT**

**Mayor:** Cr Robert Vance

**Councillors:** Ron Eason, David Clark, Tanya Kehoe, Damian Ferrari

**IN ATTENDANCE**

**Chief Executive Officer:** Jim Nolan

**Director Asset and Development Services:** Douglas Gowans

**Director Corporate and Community Services:** Kathy Bramwell

**EA to CEO and Councillors:** Jane Bowker (Minute Taker)

Mayor Cr Robert Vance welcomed the gallery and press, read the opening prayer and indigenous acknowledgement.

**APOLOGIES**

Nil

**NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS**

CEO Jim Nolan disclosed an interest in Item 17

**CONFIRMATION OF MINUTES**

**CR CLARK / CR KEHOE**

That the Minutes of the:

- Ordinary Meeting of Council held on 16 July 2019;
- Closed Meeting of Council held on 16 July 2019

as previously circulated to Councillors be confirmed as required under Section 93 (2) of the Local Government Act 1989.

**CARRIED**

**BUSINESS ARISING**

Nil

**PUBLIC PARTICIPATION**

Trevor Davey

Mr Davey advised he attended the Long Tan Ceremony on Sunday and found it to be outstanding. He noted that the organisers and Council should be congratulated.

Mr Davey asked whether Council can investigate the option of paying permits electronically. Mr Nolan thanked Mr Davey for his question and took the question on notice to see what opportunities there are. Rates can be paid electronically so will look to see what improvements can be made.

Sarah Hawker

Ms Hawker stated she recently brought to Council's attention that Goldwind are in breach of permit condition number 36 in relation to offsite landscaping. Under this condition Goldwind were to have offered each resident within 4kms of the project, landscaping mitigation. Ms Hawker advised she has

made repeated requests since February 2018 to Goldwind about the process to apply for landscaping mitigation. Since reaching out to Council about the breach Goldwind has requested meeting about landscaping. The meeting does not constitute an offer of landscaping mitigation, it is nearly spring and the opportunity to plant is lost for another year.

Ms Hawker asked the question, what does Council intend to do about the serious breach for all affected members of the community?

Ms Hawker went on to stated that the noise modelling undertaken by Marshall Day Acoustics has used theoretical sound curves to determine turbine layout which is a breach of condition number 25.

She asked the question whether Council agrees that it has a duty of care to its residents that the above creates a foreseeable risk of future noise nuisance complaints and that it would be negligent to allow Goldwind to use this development as the test bed for newly released untested turbine?

Mr Nolan responded with thanks for her questions. He went on to respond that in respect of both of the conditions, plans are required to be submitted to the satisfaction of the Minister. Mr Nolan read to the gallery some legal advice that Council has received in respect of Council's role in administering the planning permit for the wind farm. In the first instance Council is the responsible authority for the administrative matters required by the permits or scheme to be endorsed, approved or done to the satisfaction of the responsible authority. Council is not responsible for matters the permits specify to be done by, approved by, or done to the satisfaction of Minister and is not responsible for the extension of time in relation to the permit, correction to the permit or amendments to the permit. Therefore, Council is not the responsible authority for the 2 matters Ms Hawker raised. However with respect to the questions in Ms Hawker's letter, recently received by Council, relating to the duty of care and negligence, Mr Nolan advised he is will take those comments on notice and provide a response.

#### David Jackson

Mr Jackson advised that he has circulated a list of questions to Councillors and went on to congratulate Councillors on the role they do.

Mr Jackson went on to advise that he is a representative on the community reference group and on numerous occasions asked Goldwind for a copy of the Bat and Avifauna Management Plan (BAM Plan) and was advised that it was not a public document. Next avenue he took was to approach Council and he was advised that Council doesn't have a copy. He was referred to DELWP and was advised DELWP endorsed the permit but are not the responsible authority and to go back to Council. Mr Jackson is feeling disappointed as he feels he has been given the run around.

Mr Jackson asked whether Council has a copy of the BAN Plan and who is ensuring the Stockyard Hill Wind Farm is complying with it.

Mr Nolan responded that the advice he has received that Council does not have a copy of the BAN Plan. In relation to the compliance question Mr Nolan referred to his previous response in respect of Council's obligations and responsibilities as the responsible authority. He noted it is reasonable for Council, as the Responsible Authority, to register Mr Jackson's concerns and to take the matters up with the Department that represents the Minister.

Mr Jackson advised that he has subsequently received a copy of the Bat and Avifauna Management Plan (BAN).

Mr Jackson went on to advise that the next question relates to the same issue stating there are many plans that make up part of the planning permit; the Development Plan, the Environmental Plan, the Construction and Site works Management Plan, Sediment and Water Quality Plan, Blasting Plan, Pest Management Plan, Incident Management Plan etc. Mr Jackson commented that all these plans should form part of the planning permit, further commenting that the various planning panels involved in the development of the plans were considered as expert witnesses. He noted he spent many days and months in the 2010 panel hearing and 2017 panel hearing to ensure that the wind farm was developed in an environmentally responsible way.

Mr Jackson asked whether Council has a copy of all of the plans and what is their procedure for ensuring compliance?

Mr Nolan responded that he is not aware that Council has a copy of the plans. Mr Nolan took the question on notice. He noted that it is identified in the Traffic Management Plan that the permit condition is to the satisfaction of Council. Council has a copy of the Traffic Management Plan.

Mr Nolan responded to the question in respect of who is responsible for enforcing. Mr Nolan referred to his previous response in that Council has responsibility for the matters in the permit that Council is responsible for but not responsible for the matters that state to the 'satisfaction of the Minister'.

Mr Nolan advised that Council is happy to take up the matters raised with the Minister and the Minister's Department. Council takes it very seriously and will certainly look to provide clarity. Another mechanism is through the complaints handling process that Goldwind is required to have under the Planning Scheme. Mr Nolan encouraged residents to register complaints through Goldwind's complaint handling mechanism.

Mr Nolan reiterated that Council is happy to take up the matters with the Minister and the Minister's Department and also encourage residents to use the complaint handling mechanism. He further pointed out that another avenue for complaints is through the Wind Farm Commissioner who was recently appointed.

Mr Jackson further commented that the Complaint, Investigation and Response Plan was to be made available to the public. Mr Nolan advised there is currently a copy of the plan on the projects website.

The Mayor Cr Robert Vance reiterated that Council will approach the Minister about these issues.

#### Danny George

Mr George advised that Council roads used for the development of the Stockyard Hill Wind Farm (SHWF) are under distress, not being maintained and are failing. They are hazardous and conditions dangerous to all road users.

Mr George asked how does Council monitor vehicle use on Council roads which form the SHWF Traffic Management Plan? What process does Council follow to ensure the Wind Farm and associated users

under the approved TMP and at what frequency Council visually inspect/monitor/oversee the repairs of Council roads?

In addition, Danny made the statement Council has been given some money in relation to rates. He went on to say that initially the Stock Yard Hill road was 100km and under the TMP was to come back to 50kms. He had to fight to have the speed reduced to 60kms. There are a lot of roads being used that shouldn't be used that are dangerous to road users. Several Councillors have seen the state of the roads first hand which need to be addressed.

Mr Gowans thanked Mr George for his question and responded that Council has an obligation under its Road Management Plan (RMP) to inspect all roads. There is a set hierarchy and timeframe depending on each road. Some high priority roads are inspected on a quarterly basis, some of the lower use roads are inspected annually. The RMP determines the inspection schedule. The Traffic Management Plan is an agreement between Council, VicRoads and Goldwind to ensure roads are maintained to meet Council's RMP and that the roads are to be handed back as good or better after the project is complete. Mr Gowans pointed out that the community and Council have seen the impacts and understands the heavy vehicle movements, especially with the weather conditions of late have had some severe impacts on Council's road network. Council officers are very aware of the impacts, have addressed the impacts with Goldwind and have requested remedial action. Unfortunately, at this point in time there are a few limitations on the network due to the weather conditions. Council has also requested drainage improvements, road grading and road pavement improvements however due to the weather conditions they are difficult to implement. Last season there were impacts on roads such as Mt Emu Road, Toppers Lane by Stockyard Hill Wind Farm and those requests have been complied with. Mr Gowans commented that he is confident that when issues are brought up with Goldwind, they will be addressed. He noted he fully understands the impacts the current works are having and the impacts on the community.

Mr George added that impacts to agriculture land and potential impacts in the future have been immense with the unauthorised movement of noxious weed for example Gorse, Horehound, Wild Oats, Pattersons Curse, both in and around construction zones, in public roadways, parks, wildlife reserves, throughout prime agriculture land.

Mr George asked what does Council have in place to ensure the planning permit, specifically the Environmental Management Plan and Pest Plant Management Plan, are complied with?

Mr George added that he believes that Goldwind who are ultimately responsible for the whole project. He advised he has approached the Wind Farm Commissioner and there are going to be major issues with prime agricultural land. Mr George stated he will ultimately have to take responsibility to get rid of the weeds.

Mr Nolan responded that similar to his previous response, Council doesn't have a responsibility where the condition specifically says it is to the Minister's satisfaction and has received legal advice of same. Mr Nolan expressed he is very appreciative of the fact that there are concerns and is happy to take the concerns up to the Minister and the Department on the community's behalf. If there is any further evidence around the weed and pest issue happy to receive that information.

Cr Clark noted that Goldwind is here for 25 years. It may take some time to deal with the issues raised however it will happen. It is important to ensure evidence is collated which can be taken to the Minister.

Cr Kehoe thanked members of the gallery for speaking tonight and shedding light on the situation. She sympathised that it is a terrible situation. Cr Kehoe reiterated that it is important to keep evidence together to take to the Minister.

Mr George also expressed that he is not happy about the quarry rock being spread around as it has weed in it. He added that Goldwind has taken the quarry site out of the equation and there is no biosecurity in the area. Mr George said farmers may not be able to sell grain, livestock etc due to the biosecurity risk.

Cr Vance thanked the gallery for attending and speaking.

Mr Jackson advised he made an error in reference to the Complaint Management Plan. It should have been the Incident Management Plan.



## ITEMS FOR NOTING

### ASSET AND DEVELOPMENT SERVICES

#### 1. PLANNING AND DEVELOPMENT REPORT

**Katie Gleisner – Manager Planning and Development**

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

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

#### PURPOSE

The purpose of this report is to provide Council with an update on activities within Planning, Development and Regulatory Services, during July 2019.

This report includes four parts:

- Part A: Planning
- Part B: Building
- Part C: Environmental Health
- Part D: Community Safety and Amenities

#### **PART A: PLANNING**

The planning activity statistics for June and July 2019 are summarised in the table below:-

Month	Applications received	Applications completed	Number of referrals	Requests for further information	Estimated cost of works
June 2019	6	13	4	6	\$1million
July 2019	14	11	5	8	\$2.27 million

General Enquiries for May 2019	
Enquiry Type	Number
Pre purchase enquiry	39
Pre application enquiry	55
Existing permit enquiry	30
Current application enquiry	3
All other enquiries	38
<b>Total Enquiries</b>	<b>165</b>

### Statutory planning

Throughout the 2018/2019 financial year, Council received 130 planning permit applications. 97% of these applications were decided upon within the statutory timeframe which is 30% above the state average for comparable rural councils. The total estimated cost of works for permits issued for the financial year was \$13,740 million.

### Strategic Planning

#### Pyrenees Futures

Council has continued to receive submissions on the draft Avoca Street Scape Plan and has met with the project designers to make a range of amendments in line with community feedback. Such amendments have include the retention of the toilet block in its existing location, a review of proposed tree species and location, the retention of median car parking, the provision of long parallel parking bays to facilitate nose-in access and a review of the pedestrian network and crossing points. A redesign of the single lane carriage way has been undertaken to ensure that oversize vehicle movement will not be impacted, that buffer zones are included to assist parallel parking access and there will be no tree planting in the median side road pavement. The modifications and the overall concept will now be tested against an existing features survey plan as part of a final review. Officers will continue to share elements of the amended plans with the community as they become available, but do not expect to have a final draft before November 2019.

#### Beaufort Bypass

Following Regional Roads Victoria's announcement of a preferred bypass alignment for Beaufort, Council has commenced analysing potential impacts and opportunities that may arise as result of the bypass. This analysis will inform the Beaufort Framework Plan (Pyrenees Futures) and feed in to other Council strategies such as an economic strategy plan for the township.

### **PART B: BUILDING**

#### **Activity**

The building activity statistics as at 31/07/2019 are summarised in the table below:

<b>CATEGORY</b>	<b>NUMBER</b>	<b>COMMENT</b>
<b>Permits issued by private Building Surveyor</b>	7	Changes to obtaining a Building Permit number via Victorian Building Authority (VBA) have not impacted significantly to Building Permits issued this month.
<b>'Property Information Certificates' prepared and issued</b>	28	
<b>'Report and Consent' issued</b>	4	
<b>Notices issued</b>	4	
<b>Building permit inspections undertaken</b>	8	
<b>Council issued permits finalised</b>	4	** Council have not issued building permits since June 2018

### Key projects & compliance

The state government has prepared a draft Regulation that aims to reduce incidences of young children drowning in private swimming pools and spas. The regulations propose to introduce mandatory requirements for owners of private pools and spas to register their pool or spa with their local council. Owners will be required to engage a registered building surveyor or building inspector to inspect and certify the compliance of their safety barrier every three years. The new regulations will come into effect on the 1 December 2019.

### Council plan / legislative requirements

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

### Financial / risk implications

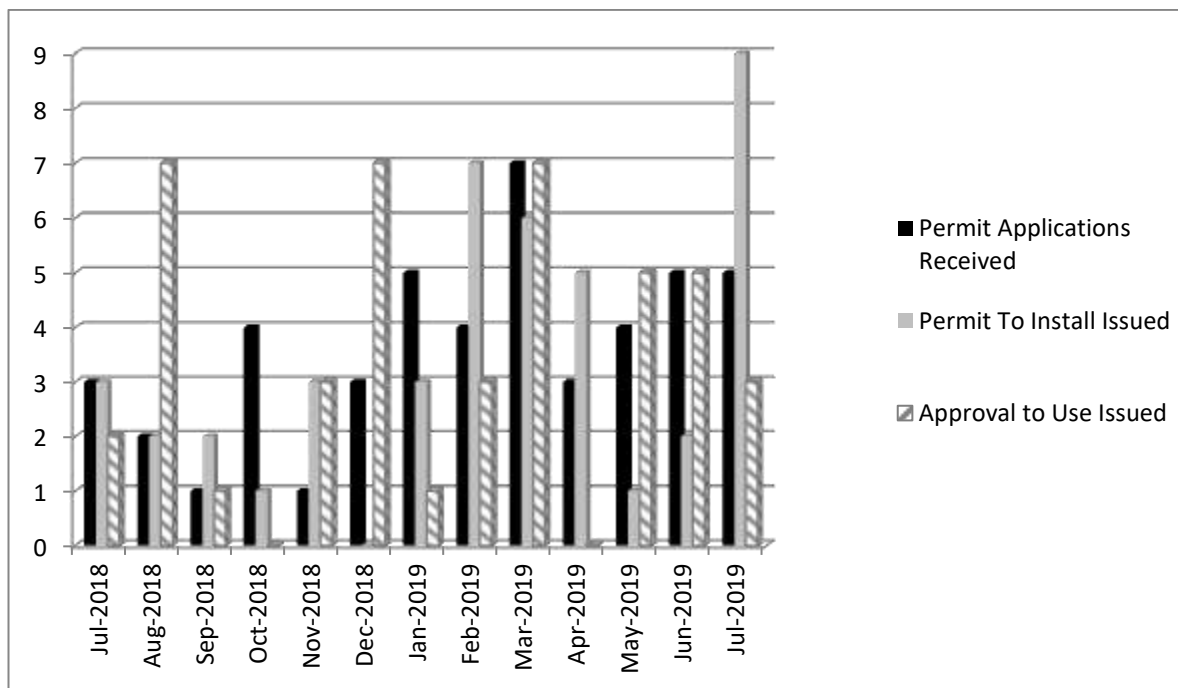
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act 1993* or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

## PART C: ENVIRONMENTAL HEALTH

### Activity: Wastewater

Period	Applications to Install New or Alter Existing Septic Tanks Received	Permits to Install Issued	Approval to Use Issued	Fees Paid
1st – 31st July 2019	5	9	3	\$1,940

Wastewater activity statistics for July 2019



Monthly wastewater activity (July 2018 to July 2019)

Wastewater related tasks for June 2019	
Septic Tank Inspections	8
Domestic Wastewater Management Plan Inspections	1
Domestic Waste Water Service Agent Reports	14

**Activity: Food, Health & Accommodation Premises**

*Food Act 1984 and Public Health and Wellbeing Act 2008 Premises activity*

Period	New Premises	Routine Inspections and Assessments	Follow Up Inspections	Complaints Received about Registered Premises	Food Recalls	Fees Paid
1st–31st July 2019	1	6	1	1	6	\$315

**Mobile and Temporary Food Premises in the Shire (Streatrader)**

Period	New Applications	New Class 4 Notifications	Routine Inspections and Assessments	New Statements of Trade (SOT)	Fees Paid
1st -31st July 2019	0	0	3	11	\$0

At 31st July 2019, Pyrenees Shire had 38 current registrations with 41 premises registered, 75 low risk notifications and 174 current Statements of Trade (SOT).

**Activity: immunisations**

Immunisation sessions were conducted in Beaufort and Avoca whilst the opportunistic immunisations performed by the Maternal Health nurses continued.

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
MCHN Opportunistic	Clients	23	0	3
	Vaccines	45	0	3
Beaufort Sessions	Clients	5	0	0
	Vaccines	7	0	0
Avoca Session	Clients	2	0	0
	Vaccines	2	0	0

Immunisation activity statistics for July 2019

**Compliance issues**

- Food sampling of several food businesses within the shire was undertaken during July with some marginal and unsatisfactory results being returned. Education will be provided to these businesses to assist them in achieving best practice and the unsatisfactory products will be resampled to ensure that processing practices have improved.
- Work continues to identify prescribed accommodation businesses operating without registration.

### 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 meets the demands of residents within the municipality and complies with legislation.

### PART D: LOCAL LAWS AND ANIMAL CONTROL

#### ACTIVITY - Animals

	July 2019
Cats Registered	591
Dogs Registered	2360
Cats Impounded	4
Cats Reclaimed	2
Cats Euthanised	2
Dogs Impounded	7
Dogs Reclaimed	5
Dogs Euthanised	1
Stock Impounded	3

Registration and impoundment statistics

#### ACTIVITY - Infringements

Infringement Type	June 2019	Total YTD (2019/20)
Domestic Animals Act	35	35
Local Laws	5	5
Road Safety Act	3	3
Environment Protection Act	0	0
Impounding of Livestock Act	0	0
Other	0	0
<b>Total Infringements Issues</b>	<b>43</b>	<b>43</b>
Prosecutions	0	0

Infringement statistics

#### Parking

Three (3) parking infringements were issued this month for the offence of parking in a disabled parking area without displaying a permit.



### **Dog Attacks**

Two Staffordshire Bull Terrier type dogs escaped from a property and attacked a number of sheep. 12 sheep died during the incident and 2 others sustained injuries. Both dogs were seized and taken to the pound in Ballarat. A brief has been compiled for prosecution in court with the matter listed for a first mention in September.

In a separate incident, two dogs (Jack Russel and Maltese type) were observed by a land owner chasing sheep. The land owner shot the Maltese and the Jack Russel fled, returning home. An inspection of the stock confirmed that one lamb was injured. The matter is still being investigated.

### **Animal Registrations**

A number of pet owners that have failed to renew the registration of their dogs and cats have been followed up this month with eighteen (18) infringements being issued for the offence. Officers will continue to follow up on outstanding registrations throughout August and September. Following registration renewal notices being sent out on the 28<sup>th</sup> of February, an overdue notice being sent on the 16<sup>th</sup> of April and follow up text messages being sent on the 4<sup>th</sup> of July, pet owners are urged to comply with the statutory requirement to register their pets with Council.

### **Dog Breeding & Rearing**

The newly introduced Pet Exchange Register has resulted in the uncovering of an unregistered Domestic Animal Business within the shire. The business operator was fined \$3960.00 for a number of unregistered animals. Officers are now working with the operator to ensure that the business operates in compliance with the Code of Practice for Breeding and Rearing of Dogs, the Pyrenees Planning Scheme and the *Domestic Animals Act 1994*.

### **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. A review of existing operational procedures is underway to strengthen the administration of Council's Local Law. The review seeks to achieve fairness and consistency for residents of the shire, whilst ensuring that compliance is effectively achieved.
2. Council continues to investigate matters of non-compliance across the Shire



## **2. ROADSIDE VEGETATION MANAGEMENT**

**Douglas Gowans – Director Asset and Development Services**

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

**File No:** 20/04/02

### **PURPOSE**

The purpose of this report is for Council to consider its current actions in relation to roadside vegetation maintenance.

### **BACKGROUND**

Further to a request from Councillor Eason at the July Council meeting, this report provides information regarding Councils approach to vegetation maintenance on roadsides especially in relation to tree suckers.

### **ISSUE / DISCUSSION**

Council has a multi-directional approach to managing regrowth of trees within the road formation and table drains of Council managed roads.

Roadside spraying is primarily undertaken on sealed roads when tree suckers grow in the shoulders. These works do extend to the table drains if tree suckers are present when spraying works are undertaken. Roadside spraying is predominantly undertaken in early spring.

Roadside slashing is undertaken with the reach mower to remove tree suckers and grasses from the table drains and road verges. The reach mower assists with difficult terrain where a normal slasher would not be able to access. The reach mowing works are predominantly undertaken in late winter for a period of three to four weeks.

When culvert clearing is undertaken, tree suckers are removed in the immediate vicinity of these works, typically through manual labour.

Tree suckers are also removed through road grading activities where the grader driver will knock tree suckers over whilst undertaking the road grading activities and travelling between job sites.

Additionally when undertaking gravel re-sheet works, tree suckers will be removed as part of the preparation for this activity.

Council's ability to ensure that tree suckers are being removed at a rate that ensures the road asset isn't compromised by the roadside vegetation is dependent upon a number of elements. The largest variable is the growing season and conditions that promote tree growth. This varies from year to year. On Councils high use roads, roadside vegetation maintenance generally keeps up with demand. This is due to the higher level of maintenance for these roads. Where Councils maintenance team is finding it difficult to keep up with demand is in the lower use and lower service level roads where there typically is a greater density of roadside vegetation. Council officers assess these roads less frequently and vegetation maintenance is often prioritised through customer requests.

### **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**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

Council currently allocates some direct budgets to roadside vegetation management but also indirectly funds roadside vegetation management through road grading and re-sheeting programs. The level of funding allows Council to keep on top of tree sucker growth on high use roads but like many funding programs, could be increased to provide a higher level of service, especially to lower use roads.

In Council's 2017 Gravel Roads Strategy, the combined indirect and direct roadside vegetation management budget was \$395,000. The recommendation in the Gravel Roadside Management strategy was to increase the level of roadside vegetation management funds by 50% when budgetary provisions are available.

## **CONCLUSION**

Council should continue to adequately fund roadside vegetation maintenance through its current direct and indirect funding programs.

## **OFFICER RECOMMENDATION**

That Council note this report.



### **3. NEIGHBOURHOOD SAFER PLACES (NSP) COMPLIANCE**

**Douglas Gowans – Director Asset and Development Services**

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

**File No:** 28/08/10

#### **PURPOSE**

The purpose of this report is for Council to note the outcome of the Neighbourhood Safer Places assessments for the coming 2019/20 fire season.

#### **BACKGROUND**

Under section 50J of the Country Fire Authority Act (1958), a municipal council must, by 31 August 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.

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

#### **ISSUE / DISCUSSION**

Council currently has 9 designated NSPs 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 2019 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 NSPs.

**OFFICERS RECOMMENDATION**

That Council notes the outcome of Pyrenees Shire Council's Neighbourhood Safer Places assessment conducted by the Country Fire Authority.

## CORPORATE AND COMMUNITY SERVICES

### 4. CUSTOMER ACTION REQUESTS – JULY 2019

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 16/08/04

#### PURPOSE

The purpose of this report is to update Council on requests made through the Customer Action Request System (CARS) for the month of July 2019.

#### BACKGROUND

Council has operated an electronic Customer Action 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 smart phone "Snap Send Solve" application.

Service requests are received for operational issues regarding maintenance, pools, local laws, building maintenance and compliance matters. The system is also used for internal telephone messaging and case management of some matters.

#### ISSUE / DISCUSSION

258 CARS were received in July 2019, 76 more than in June. 207 requests were closed during the month resulting in 254 outstanding. As at the 31<sup>st</sup> July 2019 the status of CARS was as follows:

- No change in 2017 outstanding CARS
- No change in 2018 outstanding CARS
- 25% increase on total CARS outstanding (an increase from 203 to 254)

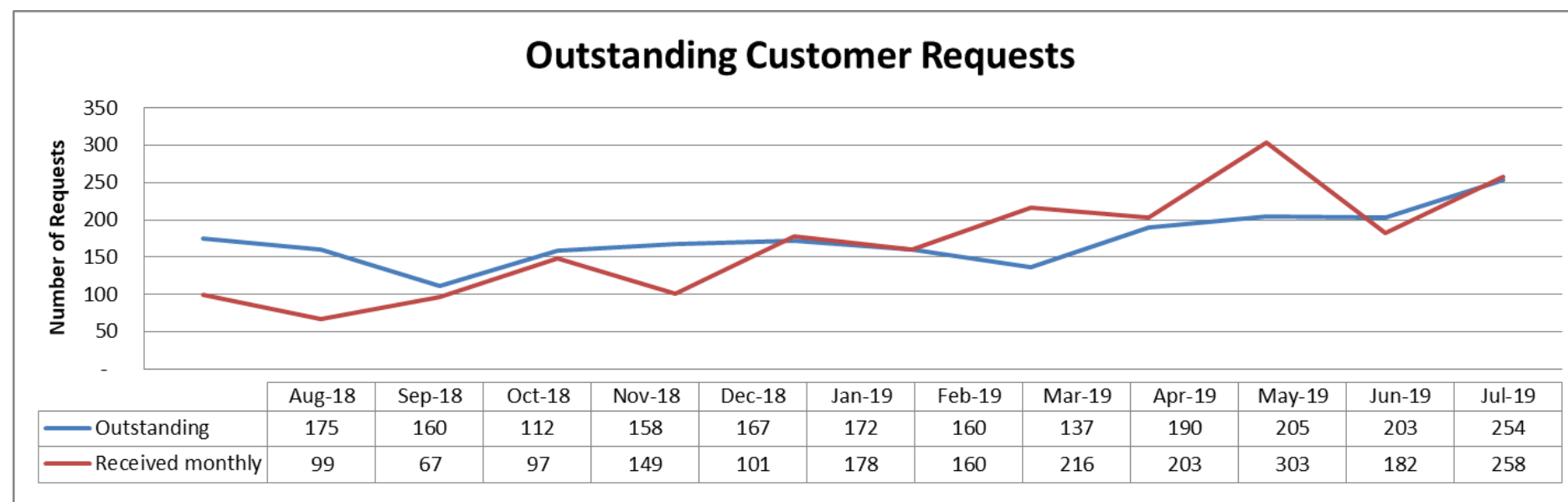
The following table shows an overview of requests received and outstanding by Ward. Requests received over and above these numbers relate to telephone messages which are not allocated by Ward.

	Avoca Ward	Beaufort Ward	De Cameron Ward	Ercildoune Ward	Mount Emu Ward
Number of Requests received in July 2019	49	53	17	26	31
Requests received in July still outstanding	25	28	6	7	15
Outstanding requests older than 1 month	38	39	18	18	27
Total outstanding requests	63	67	24	25	42



Reports detailing outstanding CARS are detailed below:

Total Outstanding Cars Requests													
Year	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	% Change
2016	23	21	3	3	2	1	1	-	-	-	-	-	#DIV/0!
2017	30	29	18	12	10	6	4	3	2	2	2	2	0%
2018	122	110	91	143	155	105	65	36	22	17	15	16	7%
2019						60	90	98	166	186	186	236	27%
<b>Total</b>	<b>175</b>	<b>160</b>	<b>112</b>	<b>158</b>	<b>167</b>	<b>172</b>	<b>160</b>	<b>137</b>	<b>190</b>	<b>205</b>	<b>203</b>	<b>254</b>	25%
<b>Total Received</b>	99	67	97	149	101	178	160	216	203	303	182	258	42%



30 July 2019 - Open Requests - Type			
	Jun-19	Jul-19	Change
Roads	34	38	4
Streetlights	0	2	2
Drainage	19	24	5
Footpaths	3	7	4
Roadside Vegetation	15	13	-2
Environmental Health	0	0	0
Planning	0	0	0
Building Maintenance	19	36	17
Parks & Reserves	2	2	0
Local Laws	28	33	5
Fire Hazard	1	0	-1
Building Compliance	0	2	2
Road Maintenance	21	25	4
Waste Management	1	1	0
Roads - Unsealed	5	4	-1
Road Maintenance - Unsealed	9	10	1
Cats	3	2	-1
Natural Disasters	0	0	0
Pools	0	0	0
Council Cleaning	0	1	1
EPA - Litter	0	1	1
Design & Assets	0	0	0
GIS	0	0	0
Community Wellbeing	1	1	0
Dogs	12	13	1
Livestock	3	5	2
Parking	0	0	0
Telephone Messages	27	34	7
<b>Total</b>	<b>203</b>	<b>254</b>	<b>51</b>

### 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

Nil

### FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

### CONCLUSION

The Customer Action Request System remains an integral part of Council's reactive identification of issues that need attention, as well as case management of more complex matters. Ongoing focus and effort continues with regard to resolution of customer requests in a timely and effective manner.

### OFFICER RECOMMENDATION

That Council notes the above report.

## 5. COUNCIL PLAN PROGRESS REPORT 2018/19 – Q4 APR-JUN 2019

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 16/20/06

### 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 1 April to 30 June 2019.

### 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 13<sup>th</sup> June 2017. Council reviewed and adopted a revised Council Plan 2017-2021 at its Special Meeting on the 26<sup>th</sup> June 2018.

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 revised Council Plan 2017-2021 is structured as follows:

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

The Council Plan 2017-2021 Initiatives Progress Report for the period 1 April to 30 June 2019 reports on the progress to date on the 86 initiatives identified for action during the 2018/19 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.

The status of initiatives to be undertaken / completed within the 2018/19 financial year is identified against each individual item in the attached report, with a summary of performance provided below.

Symbol	Progress	No Initiatives	
		Last Qtr	This Qtr
	0%	4	3
	25%	17	8
	50%	6	7
	75%	12	5
	Complete	13	26
	Funding Required	0	0
	Information Required	0	0
	Ongoing	34	37
	On Hold	0	0
	Cancelled	0	0
<b>Total</b>		<b>86</b>	<b>86</b>

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

In accordance with the Section 125 of the *Local Government Act (1989)*, Council adopted its revised 2017-2021 Council Plan at its June 2018 Council Meeting.

### ATTACHMENTS

5.1 Council Plan Progress Report for the fourth quarter of the financial year ending 30 June 2019 – *circulated separately.*

### CONCLUSION

The Council Plan Progress Report for the period 1 April to 30 June 2019 describes the range and status of initiatives being undertaken by the Pyrenees Shire Council during the 2018/19 financial year, as directed by the revised 2017-2021 Council Plan.



The Report continues to reinforce the importance of good working relationships and project partnerships between community, Council and other levels of government.

**OFFICERS RECOMMENDATION**

That Council receives the Council Plan Progress Report for the period 1 April to 30 June 2019.



## 6. EMERGENCY MANAGEMENT

**Jenifer Taylor – Emergency Management Coordinator**

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

**File No:** 28/06/04

### PURPOSE

The purpose of this report is to provide an update to Council on municipal emergency management activities and the status of recent legislative change.

### BACKGROUND

The Emergency Management Act Amendment Bill (the Bill) was passed on 19 August 2018. There is currently no change to existing municipal emergency management planning arrangements, the planning and audit processes continue as normal.

By 1 December 2020 (the default date in the legislation), Municipal Emergency Management Planning Guidelines should be in place. It is intended that councils will be involved in the consultation process. The current municipal emergency management plans (MEMPlans) will roll over and a further program of work will be established for their development from 2021.

Key changes to be implemented include:

- The Bill repeals the existing role of Municipal Emergency Resource Officer (MERO) which is outdated. Councils are currently required to appoint one or more MEROs under *Emergency Management Act 1986*, who is responsible for coordinating municipal resources for use in emergency response. That position reflects a time when it was a key council role to provide council-owned resources (e.g. heavy machinery) for emergency response activities.
- Newly mandated council roles of Municipal Emergency Management Officer (MEMO) and Municipal Recovery Manager (MRM) have been introduced.
- It will no longer be the role of a council to prepare an emergency management plan (MEMPlan) for a municipal district. The development, preparation and 'ownership' of the plan will be the shared responsibility of the Municipal Emergency Management Plan Committee (MEMPC) and its member agencies. Council retains a lead role in facilitating that planning process by establishing and administering a MEMPC for its municipal district.
- Emergency management planning will be led more strongly by regional teams.
- There is a strong emphasis on community consultation and acknowledging the importance of community emergency management planning.
- MEMPlan audits will no longer be conducted by the VicSES. Instead, the MEMPC will prepare and submit a statement of assurance, stating the extent to which the MEMPlan complies with the Act. The MEMPlan will be submitted to the Regional Emergency Management Planning Committee (REMPC) for endorsement, rather than to councils; however the plan will still be provided to Council for information.

State level emergency management planning arrangements will take effect first. During this phase, a new State Emergency Management Plan will be developed and implemented.

Once state level plans are in place, regional planning arrangements will commence. A new Regional Emergency Management Planning Committee (REMPC) will be established for each region, responsible for preparing a regional emergency management plan, consistent with the state level plan.

Following regional implementation, municipal level arrangements can take effect.

Until that time the MEMPC and Pyrenees Shire Emergency Management Team continue to conduct business as usual to fulfil Council's statutory and legislative obligations.

## **ISSUE / DISCUSSION**

### **1. Mandated emergency management positions**

When changes to municipal emergency planning and management take effect from 1 December 2020, the current Municipal Emergency Resources Officer (MERO) will no longer have legislative backing. Instead, the Act provides for new roles of Municipal Emergency Management Officer (MEMO) and Municipal Recovery Manager (MRM).

Councils will have to appoint people to these roles from 1 December 2020 and the current MERO role continues until then. Pyrenees Shire Council already has the MRM role in place and currently has a Municipal Emergency Manager (MEM) role which will no longer be in place. It is anticipated that the MEM and MERO roles will combine to form the newly legislated MEMO.

The role of MEMO will be responsible for assisting in emergency management coordination internally within a council and for liaising externally with other agencies.

### **2. Ongoing emergency management activities**

The Pyrenees Shire Emergency Management Team meets bi-monthly to ensure that all Council emergency management committees and responsibilities are in place and functional. All emergency management roles are filled by Council officers and these roles and responsibilities are exercised and reviewed on a regular basis. Where training is available, officers are encouraged to undertake that training.

The Pyrenees Shire is very proactive in the emergency management area, particularly focused on engaging with communities, developing integrated plans for individual risks and building community emergency resilience.

The MEMPC currently comprises of a Pyrenees Councillor, officers, emergency services agency representatives, representatives from support agencies (e.g. Red Cross) and community representatives. The Committee meets quarterly and is involved in a three-year rolling review of the MEMPlan, its associated sub-plans and risk profile.

A project to create a MEMPC user manual is underway with a focus on creating simple, easy-to-use checklists for officers to use in an emergency, rather than trying to utilise the full MEMPlan.

### **3. Community Safety Advisory Committee**

The Pyrenees Shire partners with Victoria Police in their initiative to form a Community Safety Advisory Committee which meets bi-monthly in various communities around the Shire. The committee's purpose is to address issues such as rural theft, family violence, road safety and misuse / abuse of alcohol and illicit drugs in the community. A copy of the Committee's Terms of Reference is attached for Council's information.

### **4. Pyrenees Shire Community Bank Response Fund**

Council officers are working with the Bendigo Bank to establish a Pyrenees Shire Community Bank Response Fund. This exciting initiative intends to develop a framework and mechanism to implement a community disaster fund in preparedness for a disaster, not in response to one.

Council officers are members of a sub-committee which will sit beneath the MEMPC and officers would support the sub-committee in recommending where monies from the fund could be dispersed in times of emergency. Council is not responsible for managing the fund or actual dispersing of any money.

The Terms of Reference for this sub-committee is attached for Council's information, together with further material about the initiative.

5. Review of the last 10 years of emergency management in Victoria

Council officers recently attended a forum to review the last ten years of emergency management reform, led by officers from the Office of the Inspector General Emergency Management, and the Municipal Association of Victoria (MAV). Officers were provided with the opportunity to provide feedback on past reform and to advocate for councils' requirements to meet their roles in emergency management in the future.

Officers recently participated in an evaluation of Council's capability and capacity with regard to emergency management planning and response as part of the Councils in Emergencies review.

6. Climate Change Adaptation Plan

An ongoing issue for councils, now and into the future, is the issue of climate change and its impact on our communities. A draft climate change adaptation plan is under development and internal stakeholder feedback is currently being sought.

It is anticipated that Council and community input will be sought in the near future.

**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.

3.3 - Community Development - Supporting communities to build connections, capacity and resilience.

**ATTACHMENTS**

- 6.1 Terms of Reference – Pyrenees Community Response Sub-Committee
- 6.2 Community Bank Community Response Fund Outline
- 6.3 Pyrenees Community Response Sub Committee - TOR
- 6.4 Powerpoint – Community Response Funds

**FINANCIAL / RISK IMPLICATIONS**

It is not anticipated that there will be any financial or risk implications as a result of legislative changes. As Council will not be handling or disbursing monies raised from the Community Response Fund, no financial risk is involved in that project.

**CONCLUSION**

Council is responsible for emergency management planning at the municipal level in accordance with Part 4 of the *Emergency Management Act 1986*. These arrangements currently make Council the "owner" of each municipal emergency management plan. In some instances, it has been difficult to secure the participation of other agencies that should be involved in the planning process.



The 2019 Emergency Management Act Amendment Bill makes emergency management planning a shared responsibility at the municipal level, with a more regionally-based leadership responsibility for emergency planning and response.

**OFFICER RECOMMENDATION**

It is recommended that Council notes this report and its attachments.

## **7. INTERNAL AUDIT OUTCOMES – 2018-19 FINANCIAL YEAR**

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 16/30/06

### **PURPOSE**

The purpose of this report is to provide Council with an overview of internal audits conducted in the 2018/19 financial year.

### **BACKGROUND**

Council's internal audit program is currently managed by AFS and Associates Pty Ltd. In August 2017 a three-year internal audit program was produced for the 2017/18-2019/20 financial years.

In year 1 – 2017/18 the following audits were conducted:

- Risk assessment and three-year program development
- Outstanding issues review
- Long term financial planning
- Legislative compliance
- Review of waste charges

In year 2 – 2018/19 the following audits were conducted:

- Human Resources management
- Environmental health
- Risk Management framework
- Outstanding issues review

Full details of internal audit reports, findings and recommendations are reported to Council's Audit & Risk Committee.

### **ISSUE / DISCUSSION**

AFS and Associates are contracted to deliver four reviews per year, with additional reviews conducted upon request. In 2018/29 financial year four reviews were conducted.

#### **2018-07 Human Resources Management**

A review of human resources management was conducted in September 2018. The objective of the internal audit was to assess the adequacy of the Council's human resources management framework in managing associated risks.

A summary of findings in the report identified areas of robust control in the following areas of the Pyrenees Shire Council's (PSC) human resources lifecycle:

- The WorkCover claims management process is managed effectively;
- Recruitment and selection processes are supported by adequate documentation and comply with processes and procedures;
- Leave management process is managed adequately;
- Performance appraisal processes are being managed and performed annually;
- Since July 2017, all personnel files have been digitised in RecFind software, prior to which files were primarily physical records maintained in a locked and secure location; and
- Attracting and retaining skilled staff is a focus area for PSC and there is an emphasis on providing the following to staff:

- Flexible working arrangements, allowing employees to work from home;
- Opportunities for training and professional development;
- Opportunities for higher duties.

The report recommended that PSC should continue to work on developing a Human Resource and Workforce Strategy and Workforce Plan, and identified areas to further strengthen internal controls or mitigate HR risks.

Four areas of strength were identified:

- WorkCover claims management.
- Recruitment approvals.
- Leave management.
- Staff development processes.

Nine recommendations for improvement were made:

- Develop and implement a human resource and workforce strategy.
- Conduct a formal assessment of current and future human capital requirements and implement a workforce plan.
- Identify all critical roles and implement documented succession planning.
- HR policies and procedures should be reviewed every one to three years.
- Signed employee policy/procedure acknowledgement forms to be retained on file.
- All employee performance appraisal forms to be completed, signed and dated.
- Create an exit checklist.
- Exit process to include the opportunity for an exit interview.
- Investigate the viability of investing in a training module.

### **2019-01 – Environmental Health**

A review of Council's environmental health processes was conducted in December 2018. The objective of the audit was to assess the effectiveness of Council's management and enforcement of compliance with relevant environmental health legislation and regulations.

Nine areas of strength were identified:

- Tobacco education visits are occurring as required.
- Septic tank installation / alteration applications can be completed online.
- Fees paid by businesses agreed to the fee schedule approved and adopted by Council.
- Septic tank inspections are compliant.
- The contracted EHO is guided by an annual work plan.
- PSC is looking to implement onsite mobile reporting for inspections.
- Late payments and infringements for unregistered premises now have a documented process in place.
- Data used for reporting to the Local Government Performance Reporting Framework is collected and reviewed before submission to MAV.
- EHOs have required qualifications and ongoing training is occurring provided by the contracted service provider.

Nine recommendations for improvement were made:

- Improvements in the segregation of duties and control surrounding Health Manager (system);
- Improvements of secondary review of EHO works;

- Implement the process documented for late payments and unregistered food businesses for the 2019 registration period;
- Identify a strategy in relation to the Environmental Health function, including the continuous improvement of health compliance of businesses in the community;
- Policies and procedures register should be reviewed more regularly than every four years;
- Ensure monthly reporting is received;
- Document Streatrader renewal processes to mitigate the risk of key person dependency;
- Develop and document a process for the handling of environmental health complaints; and
- Ensure all visits required under MAV tobacco agreement are occurring as required.

#### **2019-04 Risk Management Framework**

A review of Council's risk management framework was conducted in June 2019. The objective of the audit was to confirm if an adequate risk management process, suitable to Pyrenees Shire Council needs, is in place.

Five areas of strength were identified:

- Management of conflicts of interest.
- Responsibility and accountability – noted in position descriptions and codes of conduct.
- Regular review and reporting of the Risk Register.
- Participation in a three year joint MAV / JLT self-funded WorkCare scheme to improve OHS and risk management processes.
- Events risk management.

The report identified that a risk management framework, consisting of a policy and strategy, is in place however this has not been subject to a review for over three years. The framework contains references to standards and processes that are no longer in use or have been superseded.

Six recommendations for improvement were made:

- Review of the risk management framework to align with current practices and standards.
- Formally document a project management framework to ensure a consistent approach to the identification and management of project risks from project to project and project manager to project manager.
- Following review of the risk management framework, implement a risk management training program.
- Develop a risk appetite statement reflective of current practices. This should be integrated into the risk management framework and provide a basis for future risk assessments, decisions and risk reporting.
- Consider establishing relevant key risk indicators and tolerable ranges to complement the organisation's management and monitoring of risks.
- Implement a review and approval process when creating risks in the existing system.

#### **2019-03 Past Issues Review**

A review of outstanding actions to address recommendations made in previously issues internal audit reports was undertaken in June 2019.

In the period since the last review, 14 recommendations were deemed to be complete subject to approval by the Audit & Risk Committee.

## **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.

4.2 - Promote learning and growth that will facilitate change, continuous improvement, innovation and efficiency.

## **ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

Council's internal audit program forms an integral part (third tier) of its three lines of defence for risk management and compliance assurance. The internal audit program provides an independent evaluation of operational performance without which assurance could not be given that controls are working effectively against the risks of mismanagement, fraud or corruption.

## **CONCLUSION**

As part of its three-year internal audit program, AFS and Associated conducted three internal audits in the 2018/19 financial year on Council's performance in HR Management; Environmental Health; and its Risk Management Framework. A review was also conducted on progress in actioning recommendations made in former reviews, with 14 recommendations being completed.

## **OFFICER RECOMMENDATION**

That Council notes the above report.



## 8. COUNCILLOR ACTIVITY REPORTS

<b>Cr David Clark – Ercildoune Ward</b>		
<b>July</b>		
Thu 04	MAV Briefing – Local Government Bill	Melbourne
Tue 09	Councillor Briefing Session	Moonambel/Avoca
Fri 12	NAIDOC event – Langi Kal Kal Prison	Langi Kal Kal
Mon 15	Highlands LLEN Executive and Committee Meeting	Ballarat
Tue 16	Councillor Briefing	Beaufort
Tue 16	Council meeting	Beaufort
Fri 19	Greenhouse Alliances Conference	Melbourne
Sun 21	Waubra Preschool Art Show – Quoin Hill Winery	Waubra
Fri 26-28	MAV Councillor Development Weekend	Ballarat

<b>Cr Robert Vance – De Cameron Ward</b>		
<b>July</b>		
Tue 02	Avoca Streetscape Drop In Session	Avoca
Thu 04	MAV Briefing on Local Government	Melbourne
Fri 05	Rotary Club of Beaufort Changeover Dinner	Beaufort
Tue 09	Councillor Briefing Session	Moonambel/Avoca
Thu 11	Timber Towns Victoria Meeting	Melbourne
Fri 12	Rural Councils Victoria Meeting	Melbourne
Tue 16	Councillor Briefing	Beaufort
Tue 16	Council meeting	Beaufort
Mon 22	1 <sup>st</sup> Beaufort Scout Group Presentation Night	Beaufort
Sun 28	Moonambel Events Inc 10yr Celebration	Moonambel
Wed 31	Meeting with Louise Staley MP and Roma Britnell MP	Beaufort

<b>Cr Damian Ferrari - Beaufort Ward</b>		
<b>July</b>		
Tue 09	Councillor Briefing Session	Moonambel/Avoca
Tue 16	Councillor Briefing	Beaufort
Tue 16	Council meeting	Beaufort

<b>Cr Tanya Kehoe - Mount Emu Ward</b>		
<b>July</b>		
Tue 09	Councillor Briefing Session	Moonambel/Avoca
Tue 16	Councillor Briefing	Beaufort
Tue 16	Council meeting	Beaufort

<b>Cr Ron Eason – Avoca Ward</b>		
<b>July</b>		
Tue 09	Councillor Briefing Session	Moonambel/Avoca
Tue 16	Councillor Briefing	Beaufort
Tue 16	Council meeting	Beaufort
Fri 26	U3A AGM	Avoca

## 9. ASSEMBLY OF COUNCILLORS

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	9 July 2019 commenced at 2.00pm and closed at 6.00pm		
Meeting Location	Avoca RTC Room at Avoca Information Centre		
Matters Discussed	<b>1. Avoca – Pyrenees Futures Framework</b> <b>2. Agenda Review</b>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance Cr Ron Eason Cr Tanya Kehoe	Cr Damian Ferrari Cr David Clark	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (Director Corporate and Community Services) Katie Gleisner (Manager Planning and Development) – Item 1		
Visitors	Nil		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			



<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	16 July 2019 commenced at 1.30pm and closed at 5.50pm		
Meeting Location	Beaufort Council Chambers - 5 Lawrence Street, Beaufort		
Matters Discussed	<ol style="list-style-type: none"> <li>1. <b>Avoca Streetscape Review</b></li> <li>2. <b>Presentation by Grampians Central West Waste and Resource Recovery Group</b></li> <li>3. <b>Presentation by Regional Roads Victoria</b></li> <li>4. <b>Regulatory Enforcement Activity</b></li> <li>5. <b>Privacy Training</b></li> <li>6. <b>Agenda Review</b></li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance	Cr Tanya Kehoe	
	Cr David Clark	Cr Damian Ferrari	
	Cr Ron Eason		
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (Director Corporate and Community Services) Katie Gleisner (Manager Planning and Development) – Items 1 and 4 Dennis Nikoltsis (Community Safety and Amenity Officer) – Item 4 April Ure (Manager Governance, Risk and Compliance) – Item 5		
Visitors	La Vergne Lehmann (Executive Officer) – Item 2 Mal Kersting (Acting Regional Director) – Item 3 Chris Dunlop (Manager Planning) – Item 3 Somma Sourivong – Senior planning Engineer – Item 3 Angela Carey (Regional Engagement Manager) – Item 3		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			

**CR KEHOE / CR CLARK**

That the items for noting be received.

**CARRIED**

## ITEMS FOR DECISION

### ECONOMIC DEVELOPMENT AND TOURISM

#### 10. MEMORANDUM OF UNDERSTANDING - REGIONAL TOURISM REVIEW

**Ray Davies – Manager Economic Development and Tourism**

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

**File No:** 62/10/08

#### PURPOSE

The purpose of this report is to update council regarding the Victorian Governments review of regional tourism boards across the state and the status of councils' position with Ballarat Regional Tourism (BRT). Council recently executed a new Memorandum of Understanding with BRT, with a subsequent announcement by the City of Ballarat that it is terminating its General Service Agreement with BRT effective as at 30 September 2019.

#### BACKGROUND

##### State Government Review

The Victorian State government is presently undertaking a review of regional tourism boards across the state.

A discussion paper was released by the Victorian government in July outlining five themes to the review:-

1. Strengthening our tourism opportunity
2. Making the most of our tourism marketing spending
3. Supporting industry
4. Enhancing Regional Tourism Boards
5. Better coordinating effort

Various forums have been convened across the state as part of the review process. These commenced at the end of July and will continue throughout August with the CEO, Tourism Officer and author of this report attending a Ballarat forum on 26 July 2019.

Submissions can be made to the review in response to the discussion paper up until 30 August.

The review is expected to take some months before the process is concluded, not including the implementation phase.

##### Ballarat Regional Tourism

Council entered into a new twelve month agreement with BRT commencing 1 July 2019 following a report to council in June 2019.

The partnership was extended with BRT as it has been well received over the past three years by tourism industry stakeholders across the Shire with regular support and contact provided to council officers.

During the term of the 2016 three year MoU, BRT has been the lead organisation to access three Wine Growth Fund grants to:-

1. Develop a regional wine and culinary tourism marketing masterplan for the Grampians and Pyrenees wine regions and
2. Appoint a project manager to deliver the priority actions identified in the masterplan

A third application for funding via WGF round three has recently been approved to continue to deliver on actions identified in the masterplan, with recent negotiations being completed for administration of the grant to be transferred from BRT to Grampians Tourism.

The above three initiatives have involved a partnership by Council and BRT with Grampians Tourism, Grampians Winemakers, Pyrenees Grapegrowers and Winemakers Association and Ararat, Northern Grampians and Horsham councils.

BRT has also provided support to Council with marketing into Ballarat, its tourism operators there, Melbourne and visitors from intrastate, interstate and international locations. Their support has included a Pyrenees exhibit at the Ballarat Visitor Information Centre and inclusion of the visitor centre volunteers in familiarisation tours of the Pyrenees.

The MOU with BRT has supported council's tourism objectives as follows:-

- Access to BRT marketing professionals who have included the Pyrenees in regional marketing programs.
- Quarterly Council briefings by BRT staff on tourism marketing and membership activities etc.
- Council staff meetings with BRT staff on a monthly basis to discuss marketing programs, tourism operator workshops, membership matters and occasional advocacy issues.
- The ability to contribute to strategic regional tourism matters through the inclusion of a Pyrenees Shire Council representative on the BRT board and
- Direct liaison between Council's CEO and the CEO of BRT
- Advocacy to government

The new agreement was signed and exchanged between council and BRT shortly prior to the announcement by City of Ballarat on 26 June that it was ceasing its General Service Agreement (GSA) with BRT effective as of 30 September 2019, which includes withdrawal of its annual funding of \$2.7M.

Media articles on the topic indicate that the City of Ballarat will resume responsibility for tourism services (including visitor information centre services) along with its remit to deliver festivals and events.

BRT has undertaken a recent membership survey to provide feedback to the BRT board on whether members would like to retain an industry based representative group. The outcomes of the survey and what the future role of BRT and its responsibilities may be into the future remain unclear at the time of this report.

#### Pyrenees Tourism Forums

As a consequence of the recent events outlined above council has hosted tourism forums at Avoca and Beaufort on 5 and 6 August respectively to obtain feedback from tourism operators across the Shire.

Each forum provided a brief overview of:-

- The State Government Regional Tourism Board review
- The role played by Visit Ballarat to this point and up until 30 September
- A local case study perspective presented by Pyrenees Grapegrowers and Winemakers at Avoca and Cave Hill Creek at Beaufort

These forums provided the opportunity for council to conduct a survey of industry stakeholders, a copy of which is attached to this report.

Twenty two industry stakeholders (approximately one quarter of industry stakeholders) attended these two events and fourteen completed surveys have been lodged at the time of this report, with some stakeholders taking copies of the survey away to allow more time to consider responses.

The stakeholders attending the event represented organisations including:-

- Advance Avoca
- Avoca Community Arts and Gardens
- Business for Beaufort
- Pyrenees Arts Council
- Beaufort Progress association
- Pyrenees Grapegrowers and Winemakers
- Individual wineries
- Accommodation providers
- Members of the food and hospitality sector

While officers will continue to make the survey available during August to obtain further feedback there are common themes emerging from results so far.

The responses of the survey to this time indicate very strong support for:-

1. Council continuing a relationship with an RTB (very strongly endorsed)
2. The need for ongoing RTB support for:-
  - a. marketing to metropolitan, intrastate, interstate and international markets
  - b. Investment attraction
  - c. Advocacy to government
3. Digital marketing support

Industry sources attending these forums strongly endorsed councils decision to enter into an agreement with BRT some three years ago which they advise as having significantly improved the awareness of the Pyrenees brand into Ballarat and Melbourne. Having said that the industry believes there is still much more work to be done, which cannot be achieved without the support of an RTB, i.e. council could not achieve the same results from its own resources.

Council officers will be seeking feedback from both City of Ballarat and BRT through meetings with each organisation over the coming weeks in an endeavour to ensure ongoing support for the Shires tourism industry beyond 30 September, and up until the Victorian government RTB review is concluded and recommendations being implemented.

## **ISSUE / DISCUSSION**

The future of BRT remains unclear at this time and will be significantly impacted by the withdrawal of support by City of Ballarat and their annual funding of \$2.7M.

The conclusion and implementation of the review of RTB's is also quite some months away.

What regional support may be available to council beyond 30 September and up until the conclusion of the RTB review process therefor remains unclear at this time.

There will be meetings by council representatives with BRT and City of Ballarat in the coming weeks which are expected to provide further clarity on these options. These are likely to be on an interim basis until recommendations of the RTB review have been concluded.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

5.4 - Increase the visitor economy by implementing the Pyrenees Shire Council Tourism Strategy.

## **ATTACHMENTS**

10.1 Tourism Operator Survey

## **FINANCIAL / RISK IMPLICATIONS**

A sum of \$42,000 has been included in the 2019/20 budget for a continuation of the MOU with BRT. This is consistent with annual payments (allowing for CPI increases) made in recent years of the partnership with BRT and prior to that with Grampians Tourism.

At this point in time with the outcomes of the state government review still unfolding it is unclear what level of financial commitment may be required in future.

In the interim the Economic Development unit will continue to operate within budgets allocated for 2019/20.

## **CONCLUSION**

Tourism industry stakeholders across the Shire remain strongly supportive of maintaining a relationship with a regional tourism board.

Continuing Council's agreement with an RTB will allow council continued access to:-

- Marketing expertise
- A broader marketing reach with intrastate, interstate and international markets than can be achieved by council within its own resources
- Advocacy to State government agencies on tourism related matters
- A broad range of tourism industry expertise
- A collaborative approach to investment attraction
- The ability to contribute to the strategic direction of tourism in the region

There will be a need for council to undertake interim measures (beyond 30 September) pending the implementation of the recommendations from the RTB review. While the options for these measures remain unclear at the time of this report, officers are currently focusing on a spring promotional campaign which is a peak tourism period for the Pyrenees.

## **CR CLARK / CR EASON**

That Council:-

1. Authorises its officers to complete a submission to the State Government review of Regional Tourism Boards.
2. Lobbies the Victorian Government to expediate an early resolution to the RTB review and its implementation in this region of the state as soon as is practical.
3. Receives a further report on the future role of Ballarat Regional Tourism within the next three months.

**CARRIED**

## ASSET AND DEVELOPMENT SERVICES

### 11. RECYCLING SERVICE OPTIONS

**Douglas Gowans – Director Asset and Development Services**

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

**File No:** 68/10/08

#### PURPOSE

The purpose of this report is to provide Council with options for processing of recyclables following the decision by SKM Pty Ltd to cease receiving recyclables.

#### BACKGROUND

The market for recyclables have been problematic for the last two years and came into focus following China's introduction of its SWORD Policy that prevented the import of recyclables with levels of contamination with general waste items. The issues receiving recyclables compounded with large market players such as SKM Pty Ltd not meeting EPA Standards for safe storage of recyclable material. This has now culminated in SKM Pty Ltd ceasing operations which has a direct impact on at least 30 Victorian Councils whose recycle material was previously deposited with SKM Pty Ltd.

Pyrenees Shire recyclables are collected by our waste contractor Four Seasons Waste. The recyclables are then transported to a locally based receipt contractor who then transports them to a SKM facility. Council has the responsibility to nominate the receipt contractor which ultimately means Council has the liability for where our recyclables are processed. Council's current receipt contractor has indicated that due to SKM Pty Ltd closure they only have a limited capacity to receive further recyclable material before all the material would need to be diverted to landfill.

A further complication for the recycling market is that glass in all forms is now considered a contaminant rather than a commodity. This means that the current form of comingled recycling that we have in place makes the majority of our recycling contaminated and needs to be diverted to landfill.

#### ISSUE / DISCUSSION

Council has an opportunity to consider where recyclable materials ultimately are processed. There is a priority to continue to recycle as much as possible to avoid material going to landfill. However the logistics and costs to recycle will be significantly higher than what Pyrenees Shire has previously experienced and could be significantly higher than taking recyclable material to landfill.

The options available to Council include:

1. Directing recyclables to our current receipt agent in Ballarat who may need to redirect contaminated items to landfill.
2. Directing recyclables to a recycling processor in Bendigo.
3. Directing recyclables to another recycling processor in Melbourne
4. Directing recyclables straight to landfill.
5. Removing glass from our kerbside recycling collection and providing a free glass collection facility at our Transfer Stations.

Council currently produces approximately 10 tonne of recyclables per week.

The current total cost per tonne to accept Pyrenees Shire recyclables in Ballarat is \$146.00, which includes all transport and processing costs.



The option to re-divert Pyrenees recyclables to a processor in Bendigo will attract a gate fee of \$200 and has an additional estimated transport cost of \$60 per tonne. In order to access this processor Council would need to enter into an agreement for at least two years or alternatively incur an additional one off fee in the order of \$7,000 to enable a shorter agreement period. The processor has indicated that they do have a limited capacity and would only take on new clients whilst they still have capacity. One of the conditions of delivering recyclables to this processor is that commingled glass would need to be restricted to less than 25% of the content per tonne. Currently Councils glass content is above 30% of the content.

Council has sought costs from a number of recycling processors in Melbourne and other places, however the majority have indicated that they are currently not taking on board new clients due to already increased volumes that they are receiving.

The cost to take recyclables to an approved landfill would be in the order of \$160.00 per tonne which includes transport.

Our current waste receiver has indicated that if Pyrenees could remove the glass content from the commingled recycling they would ensure that the remainder of material is recycled. There is also an added benefit that if glass material was removed there would be a reduced gate fee cost.

An option available to Council would be to have dedicated glass receive bins at transfer stations and potentially look at providing a separate glass bin kerbside service.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

5.5 - Protect our environment by providing efficient and effective waste management.

#### **ATTACHMENTS**

Nil

#### **FINANCIAL / RISK IMPLICATIONS**

Pyrenees waste charge is currently set at \$377 for approved properties where there is kerbside collection and the total waste budget is in the order of \$1.4million per year. The 2019/20 Budget was developed with a recycling cost of \$100 per tonne.

The setting of the waste charge is to fully cover all waste costs associated with waste and resource recovery. Any increase in the recycling costs will have an impact in both this years incurred waste costs and will increase waste charges in future years if costs continue to remain high. Currently there is approximately a \$26,000 per year shortfall in our waste charge based on the recent increase of recycling costs. Many of the options discussed above will put further pressure on the waste charge. For example the additional cost per year to divert all recycling to landfill adds approximately \$32,000 to waste costs. The Bendigo option would add approximately \$90,000 to current waste costs.

#### **CONCLUSION**

Council is committed to finding a solution to the current market issues within the recycling industry.

## OFFICER RECOMMENDATION

That Council:

1. Commits to finding a recycling option to limit the amount of waste transported to landfill.
2. Continues to use its existing recyclables receiver in Ballarat.
3. Develops options to reduce glass from comingled kerbside recyclables.
4. Provide dedicated glass bins at transfer stations.
5. Continues to keep the community informed regarding any changes to waste and recycling services.

## CR KEHOE / CR EASON

That Council:

1. Commits to finding a recycling option to limit the amount of waste transported to landfill.
2. Continues to use its existing recyclables receiver in Ballarat.
3. Develops options to reduce glass from comingled kerbside recyclables.
4. Provide dedicated glass bins at transfer stations and at other suitable community locations.
5. Continues to keep the community informed regarding any changes to waste and recycling services.

**CARRIED**

## **12. ARKINS LANE (MOYLES LANE) FOR INCLUSION ON ROAD REGISTER**

**Douglas Gowans – Director Asset and Development Services**

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

**File No:** 58/08/14

### **PURPOSE**

The purpose of this report is for Council to consider the inclusion of Arkins Lane (Moyles Lane) Avoca on its Road Register.

### **BACKGROUND**

Over the past few months Council has received a number of Customer Action Requests relating to the condition of Moyles Lane. There is currently one resident who has a legal approved dwelling on this road. The resident has been provided with a kerbside waste service as the property comes within the designated waste service area for Avoca. The kerbside service has been in place for a number of years but was an addition to the current contract after the contract had been let.

Up until approximately 6 months ago, the contractor would travel along Dawsons Road, turn north into Moyles Lane and travel to the residential property at which point the contractor would undertake a u-turn and travel back to Dawsons Road. Earlier this year the waste contractor reviewed its routing of waste and recycling trucks. The contractor indicated that it was beneficial for them to travel north up the Moyles Lane road reserve from Dawsons Road, pick up the residential bin and then continue travelling north to Old Number 2 Creek road. It is the northern section of Moyles Lane where the damage is located.

When the Customer Action Request for Moyles Lane was received there was an internal check regarding the status of this road. The road currently isn't on Council's Road Register and it was discovered that there was a discrepancy between what the road is locally referenced as and to what the road is registered. Adding to this issue is the presence of a road sign for Moyles Road at the southern end. A further check was undertaken on the address listed on the rates notice. The rates notice has this road named Arkins Lane.

### **ISSUE / DISCUSSION**

Council has the ability add roads to its road register as it see fit to do so. There are financial and liability implications in adding a road. These are detailed later in the report.

### **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**

12.1 Map of Arkins Lane



### **FINANCIAL / RISK IMPLICATIONS**

When a road is added to Council Road Register it is assigned a road hierarchy type which determines the service level, maintenance inspection frequency and construction standard. If Arkins Lane is determined to be added to the Road Register it would be assigned the hierarchy of Local Access 2. This hierarchy is for roads that typically have less than three residences. The service level would be an all-weather access sufficient to accommodate the waste trucks. Currently the northern section of Arkins Lane does not have an all-weather pavement, the estimated cost to install this would be \$20,000 and would consist of 100mm of approved compacted gravel and installation of adequate drainage lines. Once a road is included in Council's Road Register, Council would be liable for damages if it did not meet its inspection and service level standards as detailed in the Road Management Plan.

### **CONCLUSION**

Council should consider the circumstances in which the issues detailed in this report can be rectified, including the reasons to declare Arkins Lane a road on its Road Register.

### **CR EASON / CR FERRARI**

1. That Council includes Arkins Lane on its Road Register.
2. That Council improves the standard of the northern section of Arkins Lane when sufficient funds can be identified.
3. That the sign for Moyles Lane be removed and replaced with Arkins Lane signage once the residential owner has been notified.

**CARRIED**

### 13. PETITION – MORE FOOTPATHS IN BEAUFORT

**Douglas Gowans – Director Asset and Infrastructure Services**

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

**File No:** 58/12/06

#### PURPOSE

The purpose of this report is to provide Council with details of a petition from members of the Beaufort Community relating to lack of footpaths in the Beaufort township.

#### BACKGROUND

Council received an email with an attached petition on 29 July 2019 regarding the current lack of suitable walking paths around the township of Beaufort. The petition received contained 39 signatures and states the following:

“Support: The construction of a footpath along one side of every street within the limits of the Beaufort Township.

Summary: Current lack of suitable walking paths around the township of Beaufort is placing the lives of our residents (young and old) at ‘risk’.

- One from the cars with whom they currently share the road
- Two from a lack of exercise due to the insufficient safe surfaces on which to use mobility aids, bikes, scooters, roller skates or even walk/run.

The undersigned petition supports the construction of a ‘Footpath’ along one side of every street within Beaufort.”

#### ISSUE / DISCUSSION

Pyrenees Shire Council Local Law No 1 requires that:

*“A petition or joint letter to Council will be tabled and received at the next appropriate Council meeting. Petitions or joint letters not related to (Town) Planning matters will then be forwarded to the appropriate Director for action. “*

It is normal practice then for Council to seek a report to be prepared by the relevant Director for a subsequent meeting addressing the merits of the issues contained in the petition.

Council undertook the Beaufort Walkability project in 2016 that sought to provide a strategic direction for footpath connectivity needs within Beaufort. Council was able to leverage this plan to successfully gain funding from the Federal Government to address the lack of footpath linkage between the Beaufort township and the school precinct. Council has additionally allocated funds to provide a path connection between Correa Park and the township. This work was completed in June 2019.

Council currently has responsibility for 7.6 kms of footpath within the township of Beaufort. Some key commercial precinct streets currently have a footpath on each side of the road. There are currently 23.7 kms of sealed streets within Beaufort.

#### 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.

## **ATTACHMENTS**

13.1 Petition

13.2 Map of existing footpath network in Beaufort

## **FINANCIAL / RISK IMPLICATIONS**

Financial implications will be addressed within any future report for decision. However, it should be noted that the current cost per 1.0 kilometre of a new concrete footpath at 1.5m width is \$200,000.

## **CR FERRARI / CR CLARK**

That Council:

1. Receives the petition; and
2. Requests a report be presented to Council at its September 2019 meeting for decision.

**CARRIED**

## CORPORATE AND COMMUNITY SERVICES

### 14. COMMUNITY GRANTS POLICY

**Carmel Pethick – Community Wellbeing and Grants Coordinator**

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

**File No:** 36/28/06

#### PURPOSE

The purpose of this report is to seek Council adoption of the revised Council Grants Policy and for Council to consider the allocation of Round 1 of the 2019/20 Community Grants Program.

#### BACKGROUND

##### **Community Grants Policy and good governance**

As a public institution, it is imperative that Council responsibly manages public assets, exercises financial responsibility, good governance, and complies with all legislative requirements. In the administration of community grants, this must be undertaken in a way that is responsible, consistent, transparent and equitable across the end-to-end grant lifecycle.

Effective governance of community grants processes starts with a strong Community Grants Policy, supported by a framework of robust procedures and documentation, that not only ensure effective management of grants but clearly demonstrate the assessment and awarding of funding is transparent and capable of withstanding public scrutiny.

##### **Community Grants Program**

Council provides funding through community grants to recognise the importance of providing financial assistance to community groups, services and organisations located or operating within the Pyrenees Shire. These grants are designed to enable the provision of activities and events which promote community activity, achievement, participation and wellbeing. Grants are allocated under the following streams:

- **Community Grants**  
Grants of up to \$1,500 for programs and equipment  
Grants of up to \$750 for events
- **Community Capital Grants**  
Grants of up to \$5,000 for capital works projects

#### ISSUE / DISCUSSION

##### **Community Grants Policy**

Council's Community Grant Scheme and Community Capital Grant Scheme Policies were last reviewed in 2016 and 2017 respectively. A comprehensive review of Council's grants program was undertaken in May 2019 resulting in a revised and combined Community Grants Policy.

The May 2019 review focused on simplification and improvements to the end-to-end grants cycle process. Recommended policy changes seek to improve the management of risk associated with administration of grant programs, clarification of assessment criteria and ensuring consistent and transparent application of the grant programs.

Key changes include:

- Merging of two policies into one;
- Greater clarity on objectives of the program;
- Definitions relating to capital works, community groups and auspicating organisations;
- Simplification of eligibility criteria yet retaining original intent;
- Removal of duplications between policy and application form inclusions;
- Clarification of assessment criteria; and
- Introduction of a level of discretion regarding multiple applications within financial years allowing assessment instead to be based upon other criteria.

A copy of the revised Community Grants Policy is attached for Council consideration and adoption in preparation for the 2019/20 grants program.

### **Round 1 of the 2019/20 Community Grants Program**

Council has allocated \$93,000 in the 2019/20 Budget to fund the community grants program. In previous years this has been split between Community Grants and Community Capital Grants at an approximate ratio of 44% and 56% respectively.

It is suggested that a similar grants ratio be followed for the 2019/20 financial year, with a slightly larger percentage allocated to capital grants to compensate somewhat for advance funding allocation in the 2018/19 financial year. It is proposed that the amounts detailed below be allocated to each grants scheme:

- Community Grants – 2019/20 allocation of \$40,000
- Community Capital Grants – 2019/20 allocation of \$53,000

At its meeting in May 2019, Council approved the deferred allocation of \$22,383.48 against the 2019/20 allocation for Community Capital Grants, leaving an allocation in the current financial year of \$30,616.52.

The Community Grants Program is conducted twice per year – In September and March of each financial year, with funds distributed to successful applicants prior to the end of December and July of each year.

It is proposed to open Round 1 of the Community Grants Program in September 2019 and Council endorsement of this proposal is requested.

The program will be open to receive applications for a period of one month and a report will be provided to Council once assessment has been completed, seeking consideration and endorsement of eligible funding recommendations.

### **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.

3.3 - Community Development - Supporting communities to build connections, capacity and resilience.

### **ATTACHMENTS**

14.1 DRAFT Community Grants Policy – *circulated separately*





### **FINANCIAL / RISK IMPLICATIONS**

The 2019/20 Budget provides for \$93,000 to be allocated to eligible and approved Community Grants in two rounds, across two streams, conducted during the financial year. Reputation risk arises if this program is perceived as being administered in an unfair or inequitable manner.

### **CONCLUSION**

To ensure that Council maintains effective, transparent and compliant community grant processes, a review of community grant policies was undertaken resulting in a revised, combined Community Grants Policy. This Policy is now provided for Council consideration and adoption.

Council allocated \$93,000 in its 2019/20 Budget to fund the Community Grants Program. It is proposed to open Round 1 of the program in September 2019.

### **CR EASON / CR CLARK**

That Council:

1. Adopts the revised Community Grants Policy;
2. Approves the share-out of the \$93,000 2019/20 Budget allocation to the Community Grants Program as follows:
  - a. Community Grants – 2019/20 allocation of \$40,000
  - b. Community Capital Grants – 2019/20 allocation of \$53,000
3. Approves the commencement of the 2019/20 Community Grants Program with the opening of Round 1 in September 2019.

**CARRIED**

## 15. REVIEW – INSTRUMENTS OF DELEGATIONS

### April Ure – Manager Governance, Risk and Compliance

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

**File No:** 16/20/08

### PURPOSE

The purpose of this report is for Council to receive an update on a review of all Delegations and to adopt revised Delegations from Council.

### BACKGROUND

The *Local Government Act (1989)* (Section 98) requires Council to regularly review all delegations, appointments and authorisations that are in force or have been made by Council under this section.

Council is advised by Maddocks Lawyers in preparation of Instruments of Delegation. Advice is received after each sitting of Parliament on the changes to legislation affecting local government.

In addition, reviews are undertaken when changes in personnel occupying Authorised Officer roles occur.

### ISSUE / DISCUSSION

Delegations are currently in place as follows:

- S5 Instrument of Delegation: Council to Chief Executive Officer
- S6 Instrument of Delegation: Council to Members of Council Staff
- S7 Instrument of Sub-Delegation by the Chief Executive Officer
- S11 Instrument of Appointment and Authorisation (Authorised Officers)
- S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987)
- S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor
- S13 Instrument of Delegation: Chief Executive Officer to Council Staff

A full review of all Instruments of Delegation was undertaken in May 2019.

A summary of changes implemented is provided below. All documents have been provided under separate cover to Council for adoption and sealing.

#### **S5 Instrument of Delegation: Council to Chief Executive Officer**

No changes.

#### **S6 Instrument of Delegation: Council to Members of Council Staff**

- Administrative changes to position titles to reflect current positions.

#### **S7 Instrument of Sub-Delegation by the Chief Executive Officer**

- Administrative changes to position titles to reflect current positions.
- This Instrument has been updated to reflect current practice, changes in roles and legal requirements.

#### **S11 Instrument of Appointment and Authorisation**

The S11 Instrument of Appointment and Authorisation has been revised and updated to reflect a single officer per Instrument as advised by Maddocks.

### **S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987)**

The S11 Instrument of Appointment and Authorisation has been revised and updated to reflect a single officer per Instrument as advised by Maddocks.

### **S14 Instrument of Delegation: Chief Executive Officer for VicSmart Applications under the Planning & Environment Act 1987**

This new instrument has been created to reflect current practice, changes in roles and legal requirements.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Under Section 98 of the *Local Government Act (1989)* Council is required to regularly review all delegations, appointments and authorisations that are in force or have been made by Council.

### **ATTACHMENTS**

- 15.1 S6 Reference Document – August 2019 – *circulated separately*
- 15.2 S7 Reference Document – August 2019 – *circulated separately*
- 15.3 S11 Reference Document – August 2019 – *circulated separately*
- 15.4 S11A Reference Document – August 2019 – *circulated separately*
- 15.5 S14 Reference Document – August 2019 – *circulated separately*

### **FINANCIAL / RISK IMPLICATIONS**

It is a requirement under the *Local Government Act (1989)* for Council to regularly review all delegations, appointments and authorisations that are in force or have been made by Council.

### **CONCLUSION**

In order to legally allow staff to enforce provisions of legislation, Council must review its Delegations at regular intervals, or when significant changes occur.

Amended Delegations once approved by Council will remain in force until further reviews are conducted following ongoing legislation changes.

### **CR EASON / CR KEHOE**

1. That Council notes the S7 Instrument of Sub-Delegation by the Chief Executive Officer, and the S14 Instrument of Delegation by the Chief Executive Officer to Council Staff, which will be signed by the Chief Executive Officer in due course.
2. In the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and other legislation referred to in the attached Instruments, Pyrenees Shire Council (Council) resolves that
  - a. The members of Council staff referred to in the Instruments S6 (Instrument of Delegation: Council to Members of Council Staff), S11 (Instrument of Appointment and Authorisation) and S11A (Instrument of Appointment and Authorisation [Planning & Environment Act 1987]) be appointed and authorised as set out in the Instruments;
  - b. The Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remains in force until Council determines to vary or revoke them; and
  - c. Council affixes the Common Seal to the Instruments.

**CARRIED**

## 16. FRAUD AND CORRUPTION CONTROL

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 16/30/08

### PURPOSE

The purpose of this report is provide Council with an overview of a VAGO report recently tabled in Parliament and its relevance to the Pyrenees Shire Council.

### BACKGROUND

The Victorian Auditor-General's Office (VAGO) undertook an audit into fraud and corruption control within Local Government in early 2019, subsequently tabling a report in Parliament in June 2019.

The objective of the audit was to determine whether local councils' fraud and corruption controls are well designed and operating as intended, and primarily focused on expenditure and processes involving senior council staff and councillors.

### ISSUE / DISCUSSION

The audit did not find evidence of fraud or corruption within the audited councils, but did make recommendations for all councils to review their fraud and corruption management processes.

It is normal practice to report these matters to Council's internal Audit & Risk Committee for consideration and it is intended to do this at their next meeting on 27 August 2019.

Subsequent to the audit report publication, the Minister for Local Government wrote to all Victorian councils requesting that they review policies, procedures and operations and report back to him on review progress and actions taken by 1 September 2019.

Officers have commenced a review of Council policies, procedures and operations and an action plan has been developed to enable a timely response to be provided to the Minister. A report summarising the audit findings and detailing Council's review action plan is attached for Council's consideration.

### 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.

4.1 - Continue to build and develop an engaged, responsive, accountable and capable workforce.

### ATTACHMENTS

- 16.1 VAGO Audit Report – Fraud and Corruption Control – Local Government, June 2019 – *circulated separately*
- 16.2 Summary Report and Pyrenees Shire Council Fraud & Corruption Control Action Plan July 2019 – *circulated separately*

### FINANCIAL / RISK IMPLICATIONS

Fraud and corruption undermines public trust in local government and damages the reputation of the sector. When fraudulent and corrupt activities are undetected, or left unchecked, public money and resources are wasted.

## CONCLUSION

VAGO undertook an audit into fraud & corruption control within local government and tabled a report to Parliament in June 2019. The report did not find evidence of fraud or corruption and included recommendations that are applicable to all councils. Officers have examined the report and its recommendations and have created an action plan to review policies, procedures and operations.

## CR KEHOE / CR EASON

That Council:

1. Notes this report;
2. Endorses the undertaking of the attached Fraud & Corruption Control Action Plan;
3. That the VAGO Audit Report and Pyrenees Action Plan be reported to Council's Audit & Risk Committee for consideration; and
4. That a report be provided to the Minister for Local Government on the progress of the review and actions undertaken.

**CARRIED**

## **17. CEO CONTRACT**

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 10NOLJ

*CEO Jim Nolan declared an interest and left the Council Chambers at 7.19pm*

### **PURPOSE**

The purpose of this report is for Council to consider the matter of the CEO contract which ends on 7 December 2019.

### **BACKGROUND**

The current employment contract for Chief Executive Officer of the Pyrenees Shire Council ends on 7 December 2019.

Section 94 of the *Local Government Act 1989* sets out the provisions relating to the appointment of a Chief Executive Officer.

Mr Phillip Shanahan was engaged to prepare a report to assist Council through the process of appointing a Chief Executive Officer beyond 7 December 2019.

### **ISSUE / DISCUSSION**

Section 94(4) of the *Local Government Act 1989* makes provision for re-appointment of a person as Chief Executive Officer in the six months immediately before that person's contract is due to expire.

As part of its consideration into whether the current Pyrenees Shire Chief Executive Officer, Mr Jim Nolan, should be re-appointed, Council undertook a review into the performance of the current Chief Executive Officer and considered options provided in the report commissioned to assist with the process.

In a closed Council meeting session on 11 June 2019, Council debated the re-appointment of the current Chief Executive Officer and determined to offer Mr Nolan a further contract for five years with Terms & Conditions similar to those currently in place.

It is now recommended that Council formally resolve its intention in this regard and authorise a public notice announcing this intention. Following the outcomes of the public notice, a further report will be provided at a future meeting to facilitate a final resolution on this re-appointment.

### **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**

Section 94 of the Local Government Act 1989 sets out Council's legal obligations in respect of the appointment of a Chief Executive Officer. This report follows proper process in facilitating the re-appointment of the Pyrenees Shire Chief Executive Officer.

### **CONCLUSION**

In accordance with the Local Government Act 1989, Council must resolve that it intends to enter into a new contract for CEO and that public notice be given of this intent.

### **CR CLARK / CR KEHOE**

That Council:

1. Resolves that it intends, at a future meeting, to resolve to enter into a new contract with Mr Jim Nolan as Chief Executive Officer, for a period of five years commencing 7 December 2019; and
2. Publishes a public notice of Council's intention in accordance with section 94(4) of the Local Government Act 1989.

**CARRIED**

*CEO Jim Nolan re-entered the Council Chambers at 7.21pm*

**18. ANNUAL REVIEW OF THE PROCUREMENT POLICY 2019**

**Kathy Bramwell – Director Corporate and Community Services**

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

**File No:** 32/20/02

**PURPOSE**

The purpose of this report is for Council to consider and adopt the revised Procurement Policy 2019.

**BACKGROUND**

In accordance with Section 186A (7) of the *Local Government Act 1989* Council is required to review the Procurement Policy at least once per year.

Council last reviewed the Procurement Policy in March 2018.

**ISSUE / DISCUSSION**

The purpose of a Procurement Policy is to:

- Provide policy and guidance to Council and Officers to allow consistency and control over procurement / purchasing activities;
- Demonstrate accountability to ratepayers;
- Provide guidance on ethical behaviour in public sector purchasing;
- Demonstrate the application of elements of best practice in purchasing; and
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Procurement Policy applies to all contracting and procurement activities of the Pyrenees Shire Council and is binding upon Councillors, Council Officers, temporary employees, contractors and consultants whilst employed by Council.

A desktop review of the policy has been undertaken by the Senior Leadership Team with proposed changes subsequently made to the policy to:

- Improve clarity on purpose or provisions;
- Include ‘community benefit’ as a reason for procurement decision-making;
- Formalise and document existing work practices;
- Include a requirement to formalise contract management processes;
- Inclusion of independent monitoring governance provisions;
- Added rules to corporate purchasing card provisions; and
- Include new sections on Safety in Procurement and purchase order need exemptions.

Proposed changes are identified in red text within the draft policy attached. Changes include:

Page	Section	Change
3	1.1	Additional dot point – requires that council’s contracting, purchasing and contract management activities “can demonstrate evidence of community benefit from public expenditure;”
7	2.1.6	Added to the end of the first paragraph of Accountability and Transparency – “... and to the benefit of the community.”
8	2.1.6	Added new paragraph – “Procurement accountability and transparency will be demonstrated through appropriate reporting mechanisms to Council and Council’s Audit & Risk Committee.”



Page	Section	Change
8	2.1.7	Added new section relating to “Community or Business Benefit”
11	2.3.2 (a)	Added clarification point – “...(including estimated aggregate expenditure of smaller project parts with the same supplier)”
11	2.3.2 (a)	Added new paragraph for clarification – “All procurement above thresholds detailed above must have approvals conducted through Council resolution.”
11	2.3.2 (b)	Added new section clarifying need for aggregate spend above thresholds to obtain Council endorsement.
12	2.3.2 (c)	Added new section clarifying arrangements through Government tenders or approved joint procurement processes.
12	2.3.2 (d)	This section was originally (b). Changed wording to improve clarification on when quotations or estimates are required.
12	2.3.2 (d)	Changed threshold where no quotes are required from \$5,000 to \$10,000. Previously between \$5,001 and \$10,000 one quote was required which seemed superfluous when the key purpose of a quote is for comparison purposes. An additional recommendation has been included, however, that a quotation or estimated price should be obtained in advance of all purchases.
12	2.3.2 (d)	Change in paragraph to read – “The original supplier’s quotations will be stored in the Altus Procurement Management System.” To reflect the change in system support.
12	2.3.2 (d)	New section headed “Purchase order exemptions” directing readers to Appendix A which lists purchases that do not need purchase orders.
14	2.5	Added section to first dot point to allow for impartial and independent governance oversight.
14	2.5	Added wording in last dot point to specify need for “independent” monitoring.
14	2.5.2	Changed “Audit Committee” to Audit & Risk Committee”.
15	2.6	Added legislative requirements along with Council policy into compliance requirements.
15	2.7.2	Added the concept of managing contractor safety.
15	2.7.4	Added new rule in relation to corporate purchasing cards – “not allow ATM or other cash withdrawals;”
16	2.7.4	Added new rules in relation to corporate purchasing cards: “ensure that credit cards are only used by or with the approval of allocated cardholders;” and “provide consequences for misuse or fraudulent use of cards.”
16	2.11	New paragraph added under contract management – “Council will implement documented processes to guide and govern the management and monitoring of contracts and contract performance.”
17	3.1	Added “and framework” in relation to policy to reflect intent to develop an expanded framework of guidance documents.
18	3.2.3	Added dot point under role of specifications – “encourages competition”.
21 / 22	6	Added new section providing guidance on “Safety in Procurement” to emphasis need to consider safety considerations and hazard minimisation in procurement processes.
22	9	Added new section providing document revision history.

Page	Section	Change
23	10	Added Appendix A providing a list of purchasing items that are exempt for requiring a purchase order.

The draft, revised policy is attached for Council consideration and adoption.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Under Section 186A (7) of the *Local Government Act 1989* Council is required to review their procurement policy annually.

#### **ATTACHMENTS**

18.1 Draft Procurement Policy 2019 – *circulated separately*

#### **FINANCIAL / RISK IMPLICATIONS**

There are no financial implications associated with the adoption of this policy.

#### **CONCLUSION**

The annual review of the Procurement Policy has been undertaken with changes proposed as identified in this report and highlighted within the draft document.

#### **CR EASON / CR FERRARI**

That Council adopts the Pyrenees Shire Council Procurement Policy 2019.

**CARRIED**

## **CHIEF EXECUTIVE OFFICER**

### **19. MILESTONE EVENTS – FLOOD RECOVERY AND ROADS 2 RECOVERY**

**Jim Nolan – Chief Executive Officer**

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

**File No:** 32/04/06 and 32/13/20

#### **PURPOSE**

The purpose of this report is for Council to recognise significant achievements in the delivery of two major programs of work across the shire

#### **BACKGROUND**

The 2016/17 flood events resulted in significant damage to the local road network.

Over the two financial years up to 30 June 2019, Council engaged contractors to assist in a range of activities to restore the network. These works involved over 6000 sites at a cost of approximately \$13.37 million.

In the five years ending on 30 June 2019 Council undertook approximately \$9.047 million of works to renew and upgrade council's roads and bridges involving 62 specific projects under the five year Roads 2 Recovery Program. These works were primarily undertaken by Council's works staff supported by local and regional contractors.

#### **ISSUE / DISCUSSION**

Both programs are central to Council's key strategic objectives and have been delivered to a high quality bringing benefits to all communities across the shire.

This report seeks to acknowledge the milestone achievement.

At the time of preparing this report, a recognition event has been planned.

#### **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**

Nil

#### **FINANCIAL / RISK IMPLICATIONS**

The Flood Recovery Program is funded through the Natural Disaster Relief and Recovery Arrangements (NDRRA).

The Roads 2 Recovery program is funded by the Commonwealth Government.

#### **CONCLUSION**

The end of the financial year 30 June 2019 is a milestone for the completion of two major works programs, and this report seeks to have these recognised in a public way

**CR FERRARI / CR EASON**

That Council:

1. Acknowledges that 30 June 2019 is a milestone for the completion of the Flood Recovery Program following the 2016 and 2017 floods, and the five year Roads 2 Recovery Program; and
2. Publicly acknowledges the achievement and recognises the efforts of Council staff and contractors involved.

**CARRIED**

## **COUNCILLOR REPORTS AND GENERAL BUSINESS**

### Cr Eason

- Discussing the roads in the area at present. Good discussion is always appreciated.
- Attended the AGM for U3A. Watching the interest within the U3a movement. Unfortunately there are not a lot of young people in U3A however they provide a lot of support for the elderly with in the community such as training, entertainment etc.
- Attended the 25<sup>th</sup> anniversary of the local Neighbourhood Watch Group. The group has been going for 25 years and here's hoping it can continue. The number of people involved is diminishing as the age of members increase.

### Cr Clark

- Attended the Greenhouse Alliance Conference. It was a really good forum. Sarah Barker spoke about risk and was outstanding. Also attended the Board Meeting last week. The State Government's solar scheme is having some issues. Installations went from approx \$30k worth of installs per month down to less than \$10k per month. Installers are having having trouble in that they would like the rebates first then install after.
- Attended the inaugural Preschool art show in Waubra. It was a great event mostly local artists.
- Attended the Langi Kal Kal advisory group meeting. Catherine Darbyshire again reiterated her thanks to Council for removing the pine trees.
- Workshop with Rainbow Serpent Festival to look at the drugs issue post last year's event. There were 8 agencies involved in the meeting. It was a really worthwhile time. Agencies come together to discuss reducing the harm. Looking for more good work.
- Also attended the Recognition Event thanking contractors and Council staff to complete the R2R works and flood recovery works. The grading works are terrific with the width and also good material used.

### Cr Kehoe

- Continue to have wind farm concerns with the weather having an impact. Still working through Telecommunications / IT concerns and what the impact will be at completion of the project.
- Encouraging residents to continue to submit Customer Action Requests (CARS) in relation to road problems.
- Friends of the Reserve have been very busy looking at making a log of the different flows and different season and how to maintain that area into the future.
- The winter edition of Snake Valley Seasons is going out which is really bringing the community together. The support received through the Resilience Program has been very positive.
- Little Montana from Beaufort passed away recently from brain cancer. It is amazing to see how much love and support the communities of Beaufort and Snake Valley showed in support for her family. We live in such a caring and sharing community.

### Cr Ferrari

- Continue to be impressed with Beaufort Secondary College in their teaching particularly around values.
- Attended the Scouts Presentation Evening. Again was very impressed. There are some bigger regional areas close to us that don't have a Scout Group so to maintain a group here is amazing. We have some very dedicated people running the Group.
- Attended the Long Tan Day on Sunday recognising 53 years since the Vietnam War. There was a large turnout and was well represented.
- The Beaufort Football Club recently held their 50 year anniversary since their grand final win in the Ballarat League. There were a lot of people in attendance. It was a great day and was enjoyed by all.
- Attended a number of constituent meetings and reiterated the importance of onsite meetings.

### Cr Vance

- Attended the Moonambel Recreation Reserve 10 year anniversary. It was a great event.
- Rural Councils Victoria (RCV) meeting in Melbourne. Had the pleasure of having a Government representative present to assure that RCV funding has been approved. The Chair of VAGO gave an address.
- Met with Louise Staley MP and Roma Britnell MP recently.
- Also met with Andy Meddick of the Animal Justice Party. He is pushing to ban duck shooting.
- Attended an art show in Maryborough on Saturday. The show was an aboriginal exhibition centred around Mother, Aunty, Sister, Daughter. One artist is nominating for the First Peoples Assembly and believe she will be a good advocate for her people.
- Sunday saw me attend the Long Tan service in Beaufort. There was a Holden car on display which was completely covered with scenes from the Vietnam War. A poem was written on one window which was very powerful and was focused on Post Traumatic Stress Disorder.
- Attended the Recognition Event for the completion of the Roads 2 Recovery and Flood Recovery works.
- Would like to thank Danny George for personally showing the issues around Lake Goldsmith.

**CONFIDENTIAL ITEMS**

**20. 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 contractual matters.

**CR FERRARI / CR KEHOE**

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:-

21. Insurance Program 2019/20

**CARRIED**



**22. RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC**

**CR EASON / CR CLARK**

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

**CARRIED**

**CLOSE OF MEETING**

Meeting closed at 8.02pm

Minutes of the meeting confirmed .....

2019

Mayor