

**PYRENEES**  
— S H I R E —



## **AGENDA**

**Ordinary Meeting of Council**

**6:00pm Tuesday 15 October 2019**

**Town Hall Supper Room  
AVOCA**



## **ORDER OF BUSINESS**

<b>WELCOME MEMBERS OF PUBLIC</b>	<b>3</b>
<b>OPENING PRAYER</b>	<b>3</b>
<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>3</b>
<b>APOLOGIES</b>	<b>3</b>
<b>NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS</b>	<b>3</b>
<b>CONFIRMATION OF PREVIOUS MINUTES</b>	<b>3</b>
<b>BUSINESS ARISING</b>	<b>3</b>
<b>PUBLIC PARTICIPATION</b>	<b>4</b>
<b>ITEMS FOR NOTING</b>	<b>6</b>
<b>ASSET AND DEVELOPMENT SERVICES</b>	<b>6</b>
1. <b>PLANNING AND DEVELOPMENT REPORT</b>	<b>6</b>
<b>CORPORATE AND COMMUNITY SERVICES</b>	<b>12</b>
2. <b>CUSTOMER ACTION REQUESTS – AUGUST 2019</b>	<b>12</b>
3. <b>2019 CHRISTMAS HOLIDAY PERIOD CLOSURES</b>	<b>15</b>
4. <b>COUNCILLOR ACTIVITY REPORTS</b>	<b>17</b>
5. <b>ASSEMBLY OF COUNCILLORS</b>	<b>19</b>
<b>ITEMS FOR DECISION</b>	<b>21</b>
<b>ASSET AND DEVELOPMENT SERVICES</b>	<b>21</b>
6. <b>UNUSED ROAD – BEAUFORT (PARALLEL TO ALBERT STREET)</b>	<b>21</b>
7. <b>AVOCA STREETScape UPDATE</b>	<b>24</b>
<b>CORPORATE AND COMMUNITY SERVICES</b>	<b>28</b>
8. <b>ANNUAL REPORT</b>	<b>28</b>
9. <b>REVIEW – INSTRUMENTS OF DELEGATION</b>	<b>30</b>
<b>CHIEF EXECUTIVE OFFICER</b>	<b>32</b>
10. <b>DROUGHT FUNDING - EXTENDED</b>	<b>32</b>
11. <b>SMALL BUSINESS FRIENDLY COUNCIL</b>	<b>35</b>
12. <b>FUTURE OF THE VICTORIAN RAIL NETWORK</b>	<b>37</b>
13. <b>NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS</b>	<b>41</b>
14. <b>EXPO AND BUSINESS FORUM INVITATION</b>	<b>43</b>
15. <b>NUISANCE COMPLAINT – AVOCA RIVER FLAT</b>	<b>45</b>
<b>COUNCILLOR REPORTS AND GENERAL BUSINESS</b>	<b>47</b>
<b>CLOSE OF MEETING</b>	<b>48</b>



## WELCOME MEMBERS OF PUBLIC

### OPENING PRAYER

Heavenly Father, we ask you to give your blessing to this Council, direct and prosper its deliberations to the advancement of your glory, and the true welfare of the people of the Pyrenees Shire.

Amen

### ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, and Djab Wurrung tribes, whose land forms the Pyrenees Shire.

We pay our respect to the customs, traditions and stewardship of the land by the elders and people of these tribes, on whose land we meet today.

### APOLOGIES

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

### CONFIRMATION OF PREVIOUS MINUTES

### RECOMMENDATION

That the Minutes of the:

- Ordinary Meeting of Council held on 17 September 2019;
- Closed Meeting of Council held on 17 September 2019

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

### BUSINESS ARISING

Responses to questions taken on notice at the previous ordinary Council meeting on 17 September 2019

#### 1. Ms Hawker

Question: Given that Council will be responsible for noise nuisance complaints post construction of the Stockyard Hill Windfarm, what actions are being taken to avoid the foreseeable noise nuisance complaints?

Response by CEO: You referred to an excerpt from a paper dated 30 August 2019 by Heidi Asten, Ellen Tarasenko & Thomas Ellicott of Herbert Smith Freehills LLP regarding noise impacts from wind energy facilities. In respect of Council's obligations under the Planning and Environment Act, Council in its role as the Responsible Authority will be working to ensure compliance by the operator with the conditions on the planning permit to the extent that this fits within Council's responsibility and control.

We will also be in communication with the Department (on behalf of the Minister) in respect of the provisions in the permit relating to noise which are to be “to the satisfaction of the Minister”. These are the conditions deemed appropriate by the Minister to provide appropriate control over the activity to avoid adverse impact on the community and the environment.

In respect of the Public Health and Wellbeing Act 2008, should a complaint be received, Council is aware of nuisance provisions within the Act and obligations of councils contained in those provisions. Council will be taking a proactive approach in light of the recent developments in Victoria, and continue to seek advice on the processing of any foreseeable complaints.

We will also be monitoring any changes in legislation that have been foreshadowed.

## 2. Mr Jackson

Question 1: If Council would consider establishing a forum for community and host land owners in relation to Stockyard Hill Windfarm, or that a member of Council be on the current Community Reference Group to assist with dealing with issues?

Response by CEO: Having given consideration to the suggestion and to Council’s role and obligations, Council does not see it necessary or appropriate for it to establish a forum as suggested or to have a member of Council to be on the current Community Reference Group.

Council would be happy to continue to engage with members of the community on matters relating to the Stockyard Hill Windfarm and process any queries or complaints through existing processes that have been established.

Question 2: If the roads in the vicinity of the windfarm could be inspected more regularly for example every three months?

Response by CEO: A Traffic and Asset Management Plan has been agreed by the parties as required by the Planning Permit for the WEF which incorporates an inspection regime along with provisions for maintenance and rectification of defects. This regime is considered appropriate to meet current traffic and safety needs. However the matter of community safety is regularly discussed by the relevant parties and the opportunity and need for more regular inspections will be given ongoing consideration.

## **PUBLIC PARTICIPATION**

### Questions

- All questions and answers must be as brief as possible, and no debate or discussion will be allowed other than for the purposes of clarification
- The number of questions that any person may ask at each meeting is limited to two.
- A question may include a brief introduction.
- A time limit of five minutes for each question will apply but the time may be extended at the discretion of the Chairperson.
- Questions will only be heard at a meeting if the person who submitted the question or their nominated representative, is present at the meeting.
- The Chairperson or an Officer may:
  - a. Immediately answer the question asked; or
  - b. Require the question to be taken on notice.

### Submissions

- Any member of the public wishing to address Council must submit a brief synopsis of the address in writing to the Chief Executive Officer a week prior to the Council meeting.
- A time limit of five minutes for each address will apply but the time may be extended at the discretion of the Chairperson.
- Council may decide to defer an address until a later date.
- The Chairperson may, at their discretion, refuse a request to address Council.
- Addresses will only be heard at a meeting if the person who submitted the synopsis, or their nominated representative, is present at the meeting.



**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 September 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 August and September 2019 are summarised in the table below:-

Activity	August 2019	September 2019	Financial Year to date
Applications received	10	5	29
Applications completed	8	12	31
Number of referrals	1	7	13
Requests for further information	5	8	21
Estimated cost of works	\$1.67M	\$644,296	\$4,588,321

General Enquiries for September 2019		
Enquiry Type	September	Year to date (financial)
Pre-purchase enquiry	29	160
Pre-application enquiry	72	230
Existing permit enquiry	24	62
Current application enquiry	36	135
All other enquiries	35	163
<b>Total Enquiries</b>	<b>196</b>	<b>750</b>



## Statutory planning

### Highway Service Centre

Officers attended a practice hearing for the proposed highway service centre (PA2771/18) at VCAT on the 20th of September. The Member for VCAT has confirmed the hearing date for the matter will be held in January 2020.

### Illegal music festival

Council officers sought an Interim Enforcement Order from VCAT in response to an unauthorised music festival which was held within the Shire. The matter will be progressed at a VCAT hearing which has been scheduled for this month.

### Stockyard Hill Submission

Council received an enquiry from the Stockyard Hill Community Guardians Group, seeking confirmation relating to the function of the 'Responsible Authority' for enforcing elements of the planning permit.

Council engaged legal advice to assist in determining statutory and enforcement responsibilities and has since provided a formal response to the Stockyard Hill Community Guardians.

Throughout the review of responsibilities, Council has taken the opportunity to also write to Goldwind and the Minister for Planning (via the Department of Environment Land Water and Planning), reminding them of their obligations and responsibilities and requesting that particular conditions of the planning permit be complied with.

## Strategic Planning

### Pyrenees Futures

Council released a cross-sectional diagram depicting the proposed single lane traffic treatment for Avoca's High Street as proposed under the Streetscape Plan. This diagram sought to demonstrate how the design would not restrict the movement of large equipment and machinery whilst accommodating access to parallel parking through the inclusion of a buffer zone.

Officers have continued to liaise with the community by providing written response to submitters who shared contact details and responding to a range of enquiries. Officers also attended a Community Meeting organised by Councillor Eason, where a range of views and concerns were expressed.

The Explanatory Report and collection of evidence to support the incorporation of the Waubra, Lexton and Snake Valley Framework Plans into the planning scheme continues to be prepared. Officers will meet with DELWP during October 2019 to discuss the scope, process and timescale of the associated Planning Scheme Amendment.

## **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>	10	
<b>'Property Information Certificates' prepared and issued</b>	15	
<b>'Report and Consent' issued</b>	3	
<b>Notices and orders issued</b>	5	



<b>Building permit inspections undertaken</b>	1	
<b>Council issued permits finalised</b>	1	** Council have not issued building permits since June 2018

**Key projects & compliance**

Preparation for the event season is underway with Place of Public Entertainment applications being made and assessed.

Officers have continued to liaise with the organisers of the Rainbow Serpent Festival to ensure that documentation is supplied well out from the event and that the relevant approvals can be granted.

**Council plan / legislative requirements**

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

**Financial / risk implications**

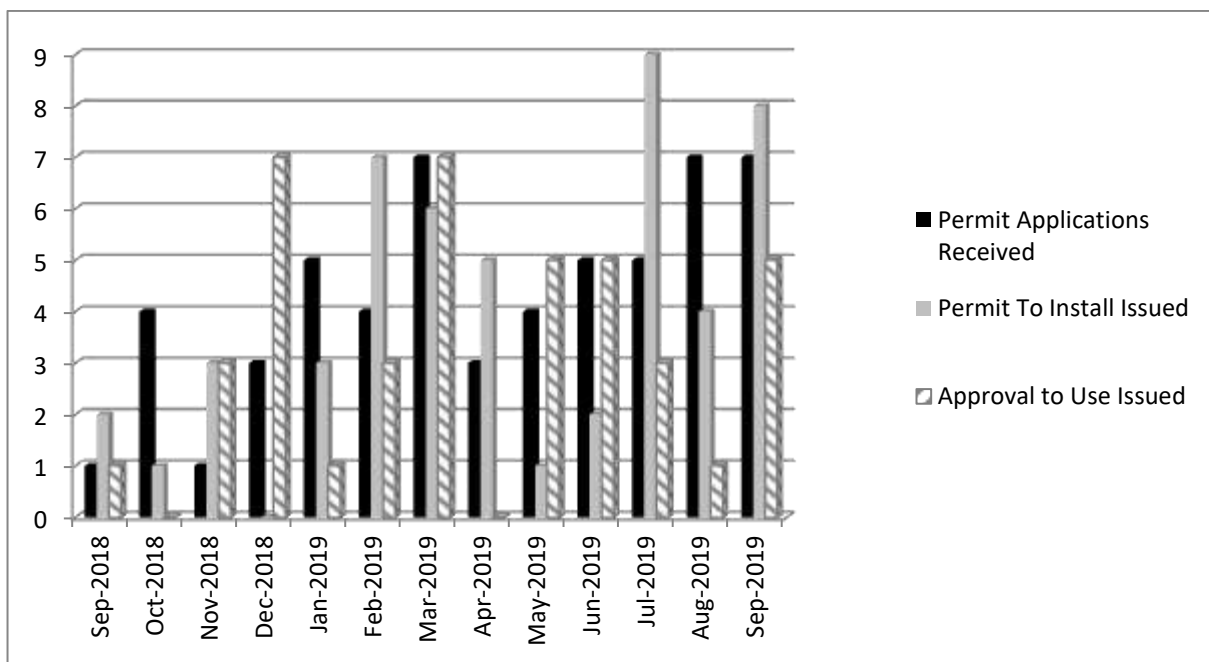
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act 1993* or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

**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 – 30 <sup>th</sup> September 2019	7	8	5	\$2,390

Wastewater activity statistics for September 2019



Monthly wastewater activity (September 2018 to September 2019)



Wastewater related tasks for September 2019	
Septic Tank Inspections	5
Domestic Wastewater Management Plan Inspections	6
Domestic Waste Water Service Agent Reports	15

### 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–30th September 2019	0	14	2	1	2	\$0

### 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–30th September 2019	3	1	0	14	\$60

At 30th September 2019, Pyrenees Shire had 40 current registrations with 43 premises registered, 75 low risk notifications and 216 current Statements of Trade (SOT).

### Activity: immunisations

Immunisation sessions were conducted in Beaufort and Avoca however there were no attendances. 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	14	0	0
	Vaccines	31	0	0
Beaufort Sessions	Clients	0	0	0
	Vaccines	0	0	0
Avoca Session	Clients	0	0	0
	Vaccines	0	0	0

Immunisation activity statistics for September 2019

### Tobacco Test Purchasing

Tobacco test purchasing was carried out across the municipality during September. All businesses passed this round of purchasing by refusing to sell cigarettes to a minor and have been sent a follow up letter of congratulations.



**Domestic Wastewater Management**

Inspections at properties in the township of Redbank commenced during September and will continue throughout October. Work continues in identifying and creating database records for all septic tank systems in the Shire.

**Compliance issues**

Officers received a food complaint concerning a registered premise which was investigated. Officers issued two Public Health and Wellbeing Improvement Notices regarding the storage of human waste following an unregulated event. The notices were complied with in the required timeframe. Work continues to identify prescribed accommodation businesses operating without registration.

**Council plan / legislative requirements**

- Council Plan 2017-2021
- Domestic Wastewater Management Plan 2015-2018
- Food Act 1984
- Public Health & Wellbeing Act 2008
- Public Health & Wellbeing Regulations 2009
- Tobacco Act 1987
- Environment Protection Act 1970
- EPA Code of practice – onsite wastewater management

**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**

	September 2019	Total Year to date
Cats Registered	614	-
Dogs registered	2467	-
Cats impounded	12	21
Cats reclaimed	0	3
Cats Euthanised	12	15
Dogs impounded	4	14
Dogs Reclaimed	3	11
Dogs Euthanised	0	1
Stock impounded	3	6

Registration and impoundment statistics

## ACTIVITY - Infringements

Infringement Type	September 2019	Total YTD (2019/20)
Domestic Animals Act	4	53
Local Laws	0	9
Road Safety Act	6	14
Environment Protection Act	0	0
Impounding of Livestock Act	0	0
Other	0	0
<b>Total Infringements Issues</b>	<b>10</b>	<b>77</b>
Prosecutions	0	3

Infringement statistics

### Other business

Fines Victoria is a Victorian Government agency that sits within the Department of Justice and Community Safety. It is the entity that manages the administration and enforcement of infringement and court fines across the state.

Council has been made aware that Fines Victoria are not currently functioning as effectively as intended and as a result, the administration of fines and charges has been compromised.

Council estimate that the challenges currently being experienced by Fines Victoria has resulted in approximately \$18,000 worth of unprocessed and unpaid fines being paid to Council. Officers are continuing to liaise with staff at Fines Victoria on the matter and hope to recoup the outstanding amount.

An article published on the ABC News website on the 1<sup>st</sup> of October, reports that several Councils across the state are experiencing cash shortfalls as a result, with the City of Port Philip claiming to be owed \$21.7 million.

### Council plan / legislative requirements

- Council Plan 2017-2021
- Domestic Animals Act 1994
- Domestic Animal Management Plan 2017-2021
- Environment Protection Act 1970
- Infringements Act 2006
- Impounding of Livestock Act 1994
- Road Safety Act 1986 / Road Safety Road Rules 2017
- Council General Local Law 2019

### 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 across the Shire



## CORPORATE AND COMMUNITY SERVICES

### 2. CUSTOMER ACTION REQUESTS – AUGUST 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 September 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

211 CARS were received in September 2019, 89 of which related to telephone messages. 195 requests were closed during the month resulting in 220 outstanding. As at the 30<sup>th</sup> September 2019 the status of CARS was as follows:

- No change in 2017 outstanding CARS – currently at 2
- Decrease by 1 in 2018 outstanding CARS to 13
- 1% decrease in total CARS outstanding (a decrease from 2 to 204)

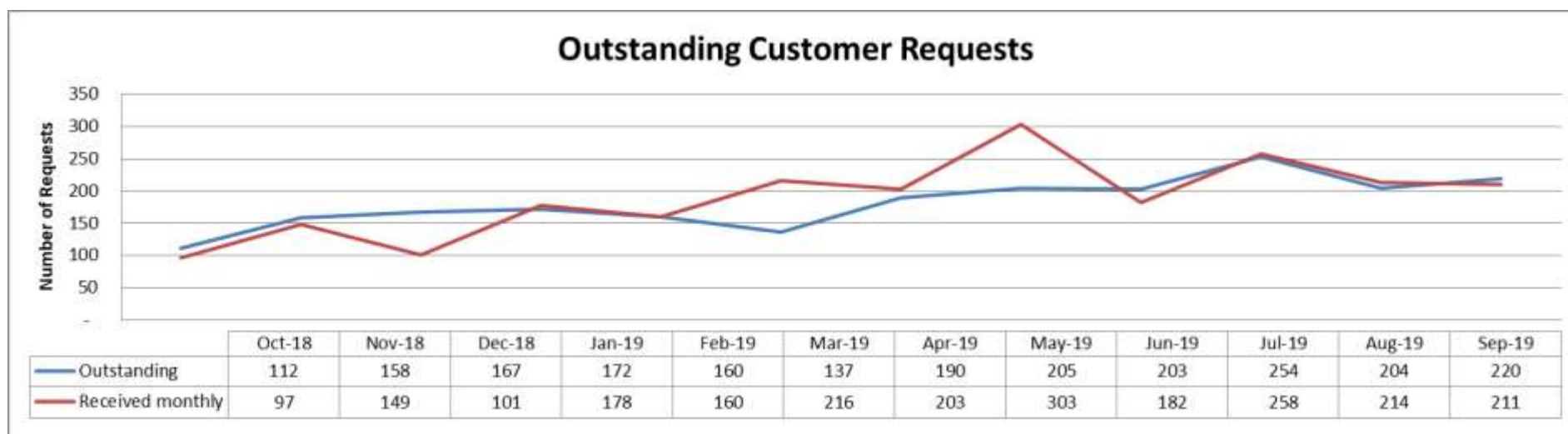
The following table shows an overview of requests received and outstanding by Ward. Requests received over and above these numbers relate to telephone messages which are not allocated by Ward.

	Avoca Ward	Beaufort Ward	De Cameron Ward	Ercildoune Ward	Mount Emu Ward
Number of Requests received in August 2019	34	48	15	8	17
Requests received in August still outstanding	14	16	5	2	8
Outstanding requests older than 1 month	32	38	16	20	26
Total outstanding requests	46	54	21	22	34



**Outstanding Requests**

Year	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	% Change
2016	3	3	2	1	1	-	-	-	-	-	-	-	0
2017	18	12	10	6	4	3	2	2	2	2	2	2	0%
2018	91	143	155	105	65	36	22	17	15	16	14	13	-7%
2019				60	90	98	166	186	186	236	188	205	9%
<b>Total</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>	<b>204</b>	<b>220</b>	8%
<b>Total Received</b>	97	149	101	178	160	216	203	303	182	258	214	211	-1%



30 September 2019 - Open Requests - Type			
	Aug-19	Sep-19	Change
Roads	30	36	6
Streetlights	2	2	0
Drainage	24	21	-3
Footpaths	9	11	2
Roadside Vegetation	13	17	4
Environmental Health	1	0	-1
Planning	1	0	-1
Bld maintenance	14	11	-3
Park & Reserves	5	7	2
Local Laws	30	22	-8
Fire Hazard	0	0	0
Bld Compliance	0	1	1
Road Maintenance	22	23	1
Waste Management	1	1	0
Roads Unsealed	4	4	0
Road Maintenance Unsea	8	9	1
Cats	1	2	1
Natural Disasters	0	0	0
Pools	0	0	0
Council Cleaning	1	1	0
EPA - Litter	2	0	-2
Design & Assets	0	0	0
GIS	0	0	0
Community Wellbeing	0	0	0
Dogs	8	10	2
Livestock Act	3	1	-2
Parking	0	0	0
Telephone messages	25	41	16
<b>Total</b>	<b>204</b>	<b>220</b>	<b>-16</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.



### 3. 2019 CHRISTMAS HOLIDAY PERIOD CLOSURES

**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 for Council to note the closure of the Pyrenees Shire Council offices during the 2019 Christmas / New Year holiday period.

#### **BACKGROUND**

It has been the practice of Pyrenees Shire Council to close during the Christmas / New Year holiday period. The holiday period closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances.

This has been the practice over the past few years as there is limited demand placed on municipal services over this period and the closure is generally accepted by the community.

#### **ISSUE / DISCUSSION**

The following closures are planned:

##### Pyrenees Shire Municipal Office

Will be closed from 3.00pm on Tuesday 24<sup>th</sup> December 2019 and will reopen on Thursday 2<sup>nd</sup> January 2020. The Council offices will also close at 12.30pm on Friday 20<sup>th</sup> December 2019 to allow for attendance at the staff end of year break-up function.

The period comprises 3 work days and 3 public holidays. Public holidays have been assigned, under the Public Holidays Act, to Wednesday 25<sup>th</sup> December 2019, Thursday 26<sup>th</sup> December 2019 and Wednesday 1<sup>st</sup> January 2020 as Christmas Day, Boxing Day and New Year's Day respectively.

It is proposed that the three days (Friday 27<sup>th</sup> December, Monday 30<sup>th</sup> December and Tuesday 31<sup>st</sup> December 2019) will be taken by staff as leave during this period, unless other arrangements have been made.

##### Pyrenees Shire Municipal Depots

Will be closed from 12.30pm on Friday 20<sup>th</sup> December 2019 and will reopen on Thursday, 2<sup>nd</sup> January 2020.

The period comprises 5 work days and 3 public holidays. Monday 23<sup>rd</sup> December 2019 will be taken as a collective RDO and the other 4 work days will be taken by staff as leave during this period, unless other arrangements have been made.

##### Resource / Information Centres

The Beaufort Resource Centre and Avoca Information Centre will close at approximately midday on Friday 20<sup>th</sup> December 2019 to allow for their attendance at the staff end of year break-up function.

The Beaufort and Avoca Resource / Information Centres will operate for normal hours over the holiday period, except for the following days.



		<b>Beaufort Resource Centre</b>	<b>Avoca Information Centre</b>
Friday	20 <sup>th</sup> December 2019	10.00am to 12.30pm	9.30am to 12.00pm
Wednesday	25 <sup>th</sup> December 2019 (Christmas Day)	Closed	
Thursday	26 <sup>th</sup> December 2019 (Boxing Day)	10.00am to 1.00pm	11.00am to 2.00pm
Wednesday	1 <sup>st</sup> January 2020 (New Year's Day)	10.00am to 1.00pm	11.00am to 2.00pm

A skeleton staff will continue to operate during the closure period to ensure that essential services continue.

Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the Municipal emergency management procedures. Council will have a roster for emergency response over the holiday period closure.

End-of-year break-up staff function

Each year the Pyrenees Shire Council holds an end-of-year break-up function to thank staff for their contribution to the organisation over the past 12 months. In order to facilitate this celebration, it is proposed that all areas close early on Friday 20<sup>th</sup> December 2019.

**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**

Nil

**FINANCIAL / RISK IMPLICATIONS**

There is no financial impact associated with this report.

**CONCLUSION**

It is appropriate that the Pyrenees Shire Council offices close during the Christmas / New Year holiday period as detailed in the above report.

**OFFICER RECOMMENDATION**

That Council notes this report.



#### 4. COUNCILLOR ACTIVITY REPORTS

<b>Cr David Clark – Ercildoune Ward</b>		
<b>September</b>		
Mon 09	Lexton Landcare Group Meeting	Lexton
Tue 10	Councillor Briefing Session	Avoca
Wed 11	Waubra Wind Farm Community Fund Meeting	Waubra
Tue 17	Councillor Briefing	Beaufort
Tue 17	Council meeting	Beaufort
Sun 29	Green Super Camp Opening	Cave Hill Creek

<b>Cr Robert Vance – De Cameron Ward</b>		
<b>September</b>		
Tue 3	Digital Innovation & Ballarat's Future Event	Ballarat
Sat 6	100 <sup>th</sup> Birthday Celebration – Sheila Hunter	Beaufort
Mon 9	Maryborough Castlemaine District Football Netball League	Maryborough
Tue 10	Councillor Briefing Session	Avoca
Fri 13	Rural Councils Victoria Meeting	Melbourne
Sun 15	Premier – Ride Like a Girl	Ballarat
Mon 16	Meeting - Dja Dja Wurrung	Beaufort
Mon 16	RAP Launch and Artwork Unveiling	Beaufort
Tue 17	Councillor Briefing	Beaufort
Tue 17	Council meeting	Beaufort
Mon 23	Upper Avoca River Flood Meeting	Avoca
Tue 24	Western Bulldogs Youth Leadership Graduation	Ballarat
Thu 26	National Police Remembrance Day	Ballarat

<b>Cr Ron Eason – Avoca Ward</b>		
<b>September</b>		
Tue 10	Councillor Briefing Session	Avoca
Thu 12	Activate Avoca Meeting	Avoca
Mon 16	RAP Launch and Artwork Unveiling	Beaufort
Tue 17	Councillor Briefing	Beaufort
Tue 17	Council meeting	Beaufort
Fri 20	Food Pantry AGM	Avoca
Mon 23	Upper Avoca River Flood Meeting	Avoca
Wed 25	Listening Post Avoca Streetscape	Avoca
Sun 29	Friends of the Pool AGM	Avoca

<b>Cr Damian Ferrari - Beaufort Ward</b>		
<b>September</b>		
Tue 10	Councillor Briefing Session	Avoca
Tue 17	Councillor Briefing	Beaufort
Tue 17	Council meeting	Beaufort



<b>Cr Tanya Kehoe - Mount Emu Ward</b>		
<b>September</b>		
Tue 10	Councillor Briefing Session	Avoca
Tue 17	Councillor Briefing	Beaufort
Tue 17	Council meeting	Beaufort
Sat 28	Resident Meeting – Culvert Concern	Stoneleigh
Mon 30	Recreation Reserve Meeting	Snake Valley

**5. ASSEMBLY OF COUNCILLORS**

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	10 September 2019 commenced at 2.00pm and closed at 6.48pm		
Meeting Location	Avoca RTC Room at Avoca Information Centre		
Matters Discussed	<ol style="list-style-type: none"> <li>1. <b>Initiation Report and Briefing – Service Reviews</b></li> <li>2. <b>Resourcing</b></li> <li>3. <b>World Heritage Bid</b></li> <li>4. <b>Annual Financials 2018/2019</b></li> <li>5. <b>Economic Development Strategy</b></li> <li>6. <b>Avoca Streetscape</b></li> <li>7. <b>OPAN Project</b></li> <li>8. <b>Beaufort Mechanics Institute</b></li> <li>9. <b>Agenda Review</b></li> <li>10. <b>Avoca Riverside Camping</b></li> <li>11. <b>Mayoral Invitation</b></li> </ol>		
<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) April Ure (Manager Governance, Risk and Compliance) – Item 1 Katie Gleisner (Manager Planning and Development) – Items 1 - 11 Shana Johnny (Manager Finance) – Item 4 Ray Davies (Manager Economic Development and Tourism) – Item 5		
Visitors	Craig Kenny – Item 1 Nathan Kennedy – Item 5		
<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	17 September 2019 commenced at 2.00pm and closed at 5.35pm		
Meeting Location	Beaufort Council Chambers - 5 Lawrence Street, Beaufort		
Matters Discussed	<ol style="list-style-type: none"> <li>1. Rail Freight Alliance</li> <li>2. Statutory Meeting of Council 2019</li> <li>3. Timetable for Council Briefings and Meetings 2020</li> <li>4. Resourcing and Long Term Planning</li> <li>5. Agenda Review</li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance	Cr Tanya Kehoe (4.45pm)	
	Cr David Clark	Cr Damian Ferrari	
	Cr Ron Eason		
Apologies	Douglas Gowans (Director Asset and Development Services)		
Staff	Jim Nolan (Chief Executive Officer) Kathy Bramwell (Director Corporate and Community Services) Katie Gleisner (Manager Planning and Development)		
Visitors	Reid Mather (Rail Freight Alliance) – Item 1		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
5 - Agenda Review	Cr Robert Vance	Item 17 of the September Council Meeting Agenda	5.17pm returning 5.33pm

*Item 12 of the September Council Meeting Agenda under Item 5 of Matters Discussed was not discussed so there was no requirement for CEO Jim Nolan to leave the Council Chambers.*

*Item 15 of the September Council Meeting Agenda under Item 5 of Matters Discussed was not discussed so there was no requirement for Cr David Clark to leave the Council Chambers.*

**RECOMMENDATION**

That the items for noting be received.

## ITEMS FOR DECISION

### ASSET AND DEVELOPMENT SERVICES

#### 6. UNUSED ROAD – BEAUFORT (PARALLEL TO ALBERT STREET)

Katie Gleisner – Manager Planning and Development Services

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

**File No:** 30/02/08

#### PURPOSE

The purpose of this report is for Council to consider making a determination that a section of government road, in the township of Beaufort, is not considered to be required for public traffic and is an unused road.

#### BACKGROUND

Council has received a request from a property owner, seeking that Council gives notice to the Secretary of the Department of Environment Land Water and Planning, advising that the section of unused government road, adjoining the northern boundary of Crown allotment 5, section 10 in the parish of Beaufort, is not required for public traffic and is unused, in accordance with section 400 of the *Land Act 1958*.

The land owner has made an application to the Department of Environment Land Water and Planning, to licence the described portion of road in accordance with section 138 of the *Land Act 1958*, for the purposes of undertaking maintenance and weed control activities.

#### ISSUE / DISCUSSION

Before the Department of Environment Land Water and Planning can enter into a licence agreement over the described land, Council must have first provided notice that the road is not required for public traffic and is unused.

The portion of road is not currently on Council's road register and is not made or maintained. It is also vegetated and restrictive of vehicular access.

The intent to licence was advertised in the Pyrenees Advocate – Public Notice on the 5<sup>th</sup> July 2019.

#### 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.

Section 400 of the Land Act 1958, provides that *“a municipal council may give notice to the Secretary that any road or part of a road which is within the municipal district of that council and which it considers is not required for public traffic is an unused road and upon the giving of any such notice any such road or part of a road specified therein shall be an unused road”*.

#### ATTACHMENTS

6.1 Location map

### **FINANCIAL / RISK IMPLICATIONS**

The management responsibility that currently rests with Council will be transferred to the applicant at such time as a licence under section 138 of the Land Act is issued.

### **CONCLUSION**

Giving notice that the portion of road is not required for public traffic and is unused, will not impact access to other freehold properties and will not affect public access to the Camp Hill Recreation Reserve, which it adjoins.

### **OFFICER RECOMMENDATION**

That Council gives notice to the Secretary of the Department of Environment Land Water and Planning, advising that the section of unused government road, adjoining the northern boundary of Crown allotment 5, section 10 in the parish of Beaufort, is not required for public traffic and is unused, in accordance with section 400 of the *Land Act 1958*.

Unused road Map



Map Created on 03-Oct-2019



GDA\_1994\_VICGRD94

Legend		
All Tenure Outline	Lease	General Licence
Riparian Management Licence	Grazing Licence	Water Frontage Licence
Unused Road Licence	Government Road	Government Road
Dual Status Government Road	Delegated Management Reserve	Direct Management Reserve
<b>Public Land Detailed 0-1</b>		
Commonwealth Land	Alpine Resort	Coastal Reserve
Essentially Natural Catchment	Community Use Area	Earth Resources
Marine National Park	Forest Park	Historic Reserve
Natural Features Reserve	Marine Sanctuary	National Park
NPA Schedule 4 Park or Reserve	Nature Conservation Reserve	NPA Schedule 3 Other Park
Port Coastal Facility	Other	Plantation
Services and Utilities	Proposed National Parks Act	Regional Park
Unsubsidised Public Land	State Forest	State Park
Wilderness Park	Water Body	Water Production
Parcel		



Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

© The State of Victoria, Department of Environment, Land, Water and Planning 2018





## 7. AVOCA STREETScape PROJECT UPDATE

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 66/19/02

### PURPOSE

The purpose of this report is to provide Councillors with an update on the progress of the Avoca Streetscape project and to seek direction on the next steps.

### BACKGROUND

Pyrenees Futures is a strategic planning project that has been established to guide the growth and development of nine key settlement areas within the Shire, including the township of Avoca.

It focuses on incorporating community feedback, local stories and natural landscapes into a place-based and strategic plan for development. The project intends to support community growth by enhancing existing attributes and ensuring the sustainability of towns.

Consultation for Pyrenees Futures began in December 2017, where it became clear that the Avoca community sought a solution to the hazardous traffic conditions of High street. Concerns were raised around traffic safety, a lack of shade and shelter, limited seating, footpath surface quality and the general amenity of the town centre.

In addition, Council has received requests for a reduction in the 60km/h speed limit through Avoca. A petition of 110 signatures was received in June 2017 and presented to Council at the July 2017 meeting where Council resolved to:

1. Forward the petition to VicRoads being the responsible authority; and
2. Support, in principle, a review of the speed limit in Avoca to reduce the speed from 60km to 50km at the town entry on Sunraysia Highway (High Street).

The draft Avoca Township and Framework Plan was developed earlier this year and has been on public exhibition since May. A range of engagement session has been undertaken which included two drop-in sessions, a Councillor led information session and more recently a Councillor-led community meeting.

At council's July meeting, Council passed 11 resolutions. The resolutions relevant to this report include:

1. having *the Avoca Streetscape Plans amended and updated in response to community feedback with a continuance of the one lane in each direction option*;
2. supporting *a reduced speed limit on High Street Avoca*;
3. seeking a formal response from Regional Roads Victoria regarding design condition requirements to support a reduced speed limit, pedestrian crossing points and outstands on a dual lane road";
4. supporting additional tree planting further to specialist advice on species selection;
5. in principle support the closure of Cambridge Street median access to allow for the development of a public open space;
6. undertaking further design work for the Cambridge Street Civic Spine and in principle supporting the major design elements within the spine;
7. reaffirmed that the funding for the Avoca play space was conditional on its location within the median reserve of High Street; and
8. advocating to Regional Roads Victoria for an improved traffic management outcome at the Sunraysia Highway and Pyrenees Highway intersection, including consideration of a roundabout.





Following the above resolution, council subsequently wrote to Regional Roads Victoria (RRV) and has since received a response in relation to the design considerations and an improved traffic treatment at the intersection of the Sunraysia and Pyrenees Highways. RRV's response confirmed that it in principle supports speed limit reductions in town centres due to the significant safety benefit to all road users, but that speed reductions should be accompanied by a suitably modified road environment to influence road user expectation, promote appropriate driver behaviour and enhance compliance from drivers. RRV provided potential road modification options as being a reduction in traffic lanes and widths and the provision of kerb outstands and pedestrian-friendly treatments. RRV also confirmed that it is supportive of reviewing the Sunraysia and Pyrenees Highway intersection for possible improvements but advised that a roundabout was unlikely to be funded under current funding programs.

The Councillor-led community meeting was held on the 25<sup>th</sup> of September and attended by more than 150 community members, who raised a range of matters relating to elements of the proposed streetscape plans. The major issue expressed related to the proposed reduction in traffic lanes from two lanes to one. Views expressed at the meeting clearly indicated that those present were not in favour of a the proposed changes to the current traffic environment, with some claiming that "if it's not broken, leave it alone" that the proposal was "unnecessary" and "why alter it?".

Other themes discussed at the meeting include the location of the proposed playground, with an emphasis on child safety in relation to traffic and the alternative treatments such as a big sign that reads *Wrong Way Go Back*.

#### **ISSUE / DISCUSSION**

Officers have a previously advised that the single lane treatment will provide the best outcome within Council's control, for improving the road safety conditions for both drivers and pedestrians.

Officers have previously advised that the proposed single lane treatment would best facilitate an improved streetscape environment whilst providing opportunities to enhance the liveability and vitality of the town centre. This position has been reached following consultation with highway and traffic engineers, landscape architects and representatives of the Avoca community. The proposed plans have been informed by research on how people interact with the built environment.

Officers are aware of the passion felt by members of the community and acknowledge their commitment to limit change to the current streetscape environment.

Council's legislative obligation is to achieve the best outcomes for the local community. Council's Plan states that Avoca will have a clear, visionary township plan that guides development in the context of sustainable economic growth. Council also has a responsibility to repair and renew civic infrastructure and to ensure that the road environment is safe and reasonably practicable for all road users. Avoca has, historically, not benefitted from sufficient strategic planning or improvements to the township environment.

Following the receipt of feedback received at the community meeting and via written submission throughout the consultation period, council officers seek direction from the Council to inform a review of the project's objectives and what next steps should be undertaken.

#### **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.



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

## **ATTACHMENTS**

7.1 Regional Roads Victoria – Letter to Council

## **FINANCIAL / RISK IMPLICATIONS**

A reduced scope of the streetscape plan may not address safety and traffic hazards.

In the absence of an adopted plan, Council's ability to attract funding for development in Avoca will be restricted.

The portion of the State government grant of \$500k that has been received to support the implementation of elements of the streetscape improvements can be spent on undertaking upgrades to existing assets, such as footpaths, street furniture and drainage infrastructure.

## **CONCLUSION**

The views expressed by the community both in formal submissions and at the community meeting, require Council to reconsider certain elements of the Avoca Streetscape Plan.

## **OFFICER RECOMMENDATION**

That Council:

1. Continues to support amendments to the Avoca Streetscape Plan;
2. Amends the Avoca Streetscape Plan to reflect a retention of the current two lane in each direction carriageway configuration;
3. Supports a draft plan that shows:
  - a) the Cambridge Street Civic Spine concept;
  - b) safe crossing points;
  - c) tree outstands in current kerbside parking bays;
  - d) a retention of parking within the median strip;
  - e) the retention of the existing public toilet location;
  - f) a reviewed tree planting concept.
4. Continues to deliver the replacement BBQ shelter as a separate project to the Avoca Streetscape Plan review.
5. Continues to deliver the inclusive play space as a separate project to the Avoca Streetscape Plan review and give further consideration to any additional safety measures that may be taken to alleviate concerns.



88 Learmonth Road  
Wendouree VIC 3355  
regionalroads.vic.gov.au

23 September 2019

Jim Nolan  
Pyrenees Shire  
5 Lawrence Street  
Beaufort VIC 3373

RRV Ref: 16859941

Dear Jim,

**RE: TRAFFIC TREATMENT, SUNRAYSLIA HIGHWAY, AVOCA**

I refer to your letter dated 6<sup>th</sup> August 2019, sent to the Director, Regional Roads Victoria (RRV) - Western Region, Mr Mal Kersting, regarding traffic and pedestrian safety improvements in Avoca.

RRV is aware that Sunraysia Highway through Avoca includes the presence of various businesses, tourist and visitor centres and places of historical importance. The Sunraysia Highway also carries significant amount of heavy vehicle freight and agricultural traffic. The surrounding land use and traffic mix are important when considering changes to the arterial road network.

The VicRoads Traffic Engineering Manual Volume 3 – Speed Zoning Guidelines suggest a speed limit of 50km/h is appropriate for rural town centres. RRV in principle supports speed limit reductions in town centres, such as Avoca, due to the significant safety benefit to all road users, particularly vulnerable road users such as pedestrians and cyclists. Speed reductions should however be accompanied by a suitably modified road environment to influence road user expectation, promote appropriate driver behaviour and enhance compliance from drivers.

Potential options include reducing traffic lanes or lane widths, kerb outstands and provision of pedestrian friendly treatments. These range in cost and effectiveness and the ideal treatment may vary based on each individual road environment, therefore engineering judgement is required to determine if and what treatment is to be used. RRV will continue to work with Pyrenees Shire officers and provide advice on specific treatments proposed however Council should refer to VicRoads and Austroads Guidelines for road design criteria and consider the road classification and use. Final plans should be submitted to RRV for review prior to implementation.

With regards to the Sunraysia Highway and Pyrenees Highway intersection. RRV is supportive of reviewing the intersection for possible improvements however a roundabout is unlikely to be funded under current funding programs. RRV will however explore possible funding opportunities in the future where required.

Should you require any further information, Chris Dunlop, Manager Planning - RRV Western Region (Ph: 0400 92 11 55) would be pleased to assist.

Kind regards,



Chris Dunlop

Manager Planning – Western Victoria



## CORPORATE AND COMMUNITY SERVICES

### 8. ANNUAL REPORT

**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:** 16/20/04

#### PURPOSE

The purpose of this report is for Council to receive the Annual Report for 2018/19.

#### BACKGROUND

The 2019/20 Annual Report has been prepared in accordance with Section 131 of the *Local Government Act 1989* and details the operational and financial activities of Council throughout the year. The Report was forwarded to the Minister for Local Government by 30<sup>th</sup> September 2019 as required, followed by a hard copy via mail.

#### ISSUE / DISCUSSION

The Annual Report provides useful information to the community on Council's operations for the 2018/19 financial year, including its achievements and challenges.

Some of the achievements reported for the year include:

- Completion of a five-year Roads-to-Recovery Program involving more than \$9 million of road improvements.
- Completion 6002 defects across flood affected roads and bridges damaged in the 2016/17 flood / storm events comprising of \$13.37 million of recovery works.
- Hall upgrades for Redbank, Raglan and Barkly.
- Funding commitments gained from Federal and State Governments, including for the Lexton Community Hub (\$1.8 million); and road constructions projects (\$3.047 million).
- Council hosted a visit and tour for 80 recent migrants looking to settle in rural and regional Victoria.
- NAIDOC Week Aboriginal Art Exhibition in Beaufort.
- Sponsorship of eight young people for the Western Bulldogs Leadership Program in Ballarat.
- Council approval of over \$63,000 in Community Grants to 27 local groups and organisations.
- Pyrenees Futures draft framework plans adopted for Lexton, Snake Valley and Waubra.
- Mobile phone base stations for Mena Park included in successful round four projects under the Mobile Blackspot Program.
- Pyrenees Shire Council partnered with five other councils to secure just under \$5 million funding for a Rural Council Transformation Project.
- Council won the 2019 Consulting Surveyors Victoria Award for Municipality Excellence, and the Community Leadership Award at the inaugural Australian Bioenergy Innovation Awards for its Skipton Hospital Straw Heating Project.
- Construction took place of two windfarms at Crowlands and Stockyard Hill.
- Beaufort achieved RV Friendly status.



The community has been advised by public notice that the Annual Report has been prepared and copies are available through Council's website. Hard copies are available from Council's front counters at the Beaufort Council office, Resource Centre and Avoca Information Centre.

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

Under Section 134 of the *Local Government Act 1989* a council must consider the Annual Report at a meeting of the Council.

#### **ATTACHMENTS**

8.1 2018/19 Pyrenees Shire Council Annual Report – *circulated separately*

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

No financial risks are attached to this report.

#### **CONCLUSION**

The 2018/19 Pyrenees Shire Council Annual Report has been completed and published in accordance with statutory requirements.

#### **OFFICER RECOMMENDATION**

That Council receives the Pyrenees Shire Council Annual Report for 2018/19.

## 9. REVIEW – INSTRUMENTS OF DELEGATION

### April Ure – Manager Governance, Risk & 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**

No changes

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

No changes

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

- This Instrument has been updated to reflect new Community Safety & Amenities Officer.
- Administrative change to correct previously incorrect spelling of Officers name.

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

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



- This Instrument has been updated to reflect new Community Safety & Amenities Officer.
- Administrative change to correct previously incorrect spelling of Officers name.

### **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**

9.1 S11 & S11A Reference Documents – September 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.

### **OFFICERS RECOMMENDATION**

That Pyrenees Shire Council, 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, resolves that:

1. The members of Council staff referred to in the Instruments 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;
2. 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
3. Council affixes the Common Seal to the Instruments.



## CHIEF EXECUTIVE OFFICER

### 10. DROUGHT FUNDING - EXTENDED

Jim Nolan – Chief Executive Officer

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

**File No:** 22/04/04

#### PURPOSE

The purpose of this report is for Council to consider a recent funding announcement from the Commonwealth Government regarding Drought Funding.

#### BACKGROUND

On 27 September 2019 the Prime Minister announced that the Australian Government had committed to provide an extension to the *Drought Community Programme* which is designed to provide an immediate economic stimulus to drought-affected communities.

Pyrenees Shire Council has been advised by email that it was included as one of the councils to be provided up to \$1 million in grant funding for local infrastructure and drought relief projects.

The Program documentation states that:

*“Funding will target infrastructure and other projects that:*

- provide employment for people whose work opportunities have been impacted by drought*
- stimulate local community spending*
- use local resources, businesses and suppliers*
- provide a long-lasting benefit to communities and the agricultural industries on which they depend.”*

Council has been advised that it will be contacted to provide access to the online application system once the program guidelines have been updated and published.

Council will be invited to make application for eligible projects. The timeframe for making application and for the completion of projects is still to be determined for those councils included in the September 2019 announcement.

The announcement of the funding was not anticipated by Council notwithstanding the fact that Council had been advocating to government on the matter of dry seasonal conditions experienced particularly in the northern parts of the Pyrenees Shire during 2018 and 2019.

#### ISSUE / DISCUSSION

An FAQ document attached to this report provides further information on the program and the range of eligible project types or which Council may consider making application. An excerpt of the FAQ document is copied below:

*“What types of local community infrastructure/facilities/spaces will the programme support?”*

*Examples of local community infrastructure/facilities/spaces include:*

- bike paths*
- skate parks*
- foot paths*



- *street scapes*
- *community centres*
- *health centres*
- *recreational facilities*
- *parks*
- *sporting facilities*
- *stadiums, arenas*
- *libraries*
- *showgrounds*
- *caravan parks*
- *men's sheds*
- *roads*

*This list is not exhaustive.*

### ***What types of projects could be undertaken at these local community infrastructure/facilities/spaces?***

*Example activities to repair, maintain, upgrade, construct and fit-out local community infrastructure/facilities/spaces include:*

- *lighting upgrades or new lighting*
- *fencing - around facilities, swimming pools*
- *solar panels*
- *drainage and watering systems*
- *amenities - drinking fountains, BBQs areas, park furniture, shelters, footpath renewal*
- *sport and recreational facilities - tennis courts, gymnasiums, scoreboards, medical equipment, golf clubs*
- *kitchen upgrades and/or repairs*
- *power connections at caravan sites*
- *improved disability access*
- *purchase of equipment - computers, televisions, furniture, fixture and fittings*
- *purchase of vehicles and trailers for community transport services, surf lifesaving, medical*
- *purchase of equipment for local State Emergency Service*
- *footpath renewal and beautification*

*This list is not exhaustive.*

Projects are expected to lead to the employment of locals.

To ensure that Council makes the best use of the opportunity to benefit the communities in the Pyrenees, it will be necessary to consider and assess the range of possible projects that respond to the funding criteria.

### **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**

10.1 Drought Community Programme – FAQ Document – *circulated separately*



### **FINANCIAL / RISK IMPLICATIONS**

Implementation of the program provides an opportunity to provide local employment and assist in stimulating the local economy.

### **CONCLUSION**

Council has been advised that it is to be provided with up to \$1M in funding through the Drought Community Programme. Council will be invited to make application for funding of eligible projects which provide long term benefits to communities affected by drought.

It is suggested that consideration be given to the range of possible eligible projects for funding under this program, and that a further report be presented on the matter at a later date.

### **OFFICER RECOMMENDATION**

That consideration be given to a range of possible projects for funding under the Drought Community Program and these be reported to a Council meeting for endorsement.

## 11. SMALL BUSINESS FRIENDLY COUNCIL

Jim Nolan – Chief Executive Officer

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

**File No:** 22/02/02

### PURPOSE

The purpose of this report is for Council to consider signing a Small Business Friendly Council Charter Agreement.

### BACKGROUND

The Small Business Friendly Council (SBFC) initiative has been developed by the Victorian Small Business Commission (VSBC) in partnership with local councils to provide small business with the support they need to run their businesses.

The commitments underlying the Initiative are detailed in a charter that has been developed in partnership with representatives from several councils, Small Business Victoria, Local Government Victoria and the Municipal Association of Victoria. A copy of the charter is attached to this report.

It is intended that the initiative is not demanding of time or resources, but which has a practical and positive impact for Victorian small businesses. While the charter lays out an action plan for the next twelve months, it is intended to grow and expand the initiative to encompass a range of projects and resources that will support small businesses.

The VSBC website states that 21 Victorian Councils have signed up to the initiative.

### ISSUE / DISCUSSION

The VSBC website states that:

*“The **Small Business Friendly Charter** outlines shared goals for both the VSBC and participating local councils in working to create a fair and competitive trading environment for small businesses.*

*When signing the Charter local councils are pledging to:*

- *pay small businesses within 30 days*
- *support local businesses in managing the impacts of infrastructure projects*
- *streamline the approval process when starting a business*
- *help set up and support local business networks.”*

It does not appear that the signing of the charter will require Pyrenees to do anything significantly different to its current practice, but rather the signing reinforces Council’s commitment to look to provide service and support to small business through efficient and effective business practices, effective communication regarding Council activities impacting on business and ongoing support and guidance for the established business networks that exist in the Pyrenees shire.

Strong and vibrant businesses are vital to grow our economy and provide services to our community, and Council has an important role in providing the appropriate environment for this to occur.

### 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.

5.3 - Grow the economy by implementing the Pyrenees Shire Council Growth Strategy.

**ATTACHMENTS**

11.1 Small Business Friendly Council – Charter Agreement – *circulated separately*

**FINANCIAL / RISK IMPLICATIONS**

Nil

**CONCLUSION**

There is an opportunity for Council to reinforce its commitment to support small business in the Pyrenees Shire by signing the Small Business Friendly Council Charter Agreement which commits Council to undertake activities which create a fair and competitive trading environment for small business.

**OFFICER RECOMMENDATION**

That Council agrees to sign the Small Business Friendly Council Charter Agreement with or without amendment.

## **12. FUTURE OF THE VICTORIAN RAIL NETWORK**

**Jim Nolan – Chief Executive Officer**

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

**File No:** 64/06/02

### **PURPOSE**

The purpose of this report is for Council to consider supporting the Rail Freight Alliance in its advocacy to complete the Murray Basin Rail Project and for the Victorian rail network to remain in State control and ownership.

### **BACKGROUND**

The Murray Basin Rail Project (MBRP) was set to deliver a \$440 million upgrade to improve Victoria's rail freight network. The MBRP was a 5 stage project that was to be completed at the end of 2018. It was meant to drive economic growth, create jobs and provide a major boost to the transport industry, agricultural sector and regional communities.

Work on Stage 2 of the Murray Basin Rail Project has largely been complete, with trains running on the Mildura line and the newly reopened Maryborough to Ararat line. The Maryborough to Ararat rail corridor, which closed in the early 2000s, was set to return as a freight line, boosting local primary producers and exporters.

Council received correspondence from the Rail Freight Alliance (RFA) regarding the Murray Basil Rail Project. RFA believe that a strong rail system will benefit all Victorians by reducing congestion and emissions, improving road safety and growing the economy. RFA has been supportive of the Murray Basil Rail Project however now believe the current situation is unacceptable and that the project has fallen well short. To date stage 2 is not fully complete.

### **ISSUE / DISCUSSION**

RFA has created a fighting fund to advocate for the completion of the MBRP to its original scope and that the ownership of the Victorian rail network remain in State control and ownership. RFA believes it is a vital investment. RFA has invited all Councils within Victoria to contribute \$1000 towards their fighting fund.

In order to enable timely progress on the campaign, a commitment has been provided by the Chief Executive Officer following discussions with Councillors to provide Council's financial support for the campaign as requested. This report seeks Council's endorsement of that action.

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

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

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

### **ATTACHMENTS**

12.1 Letter from Rail Freight Alliance

**FINANCIAL / RISK IMPLICATIONS**

\$1,000 is requested by RFA in support of the advocacy proposed.

**CONCLUSION**

Pyrenees Shire Council is a member of the Rail Freight Alliance (RFA). The RFA has raised a number of concerns about the Murray Basin Rail Project, and sought financial support from member councils for an advocacy campaign.

**OFFICER RECOMMENDATION**

That Council endorses the support provided to the Rail Freight Alliance of \$1000 towards their advocacy fighting fund.



0428 772 264   
info@railfreightalliance.com   
railfreightalliance.com 

Cr Glenn Milne,  
Chair, Rail Freight Alliance,  
24, Collins Street,  
Level 12, Suite 4,  
Melbourne,  
Victoria 3000.  
[info@railfreightalliance.com](mailto:info@railfreightalliance.com)

02/07/2019

Dear Mayor

**Re: The future of the Victorian Rail Network**

At our June meeting the Murray Basin Rail Project (MBRP) was a significant part of the agenda and many concerns were discussed. While the RFA has been supportive of this project, the current situation is completely unacceptable and an insult to Victoria. The Alliance believe that a strong rail system will benefit all Victorians by reducing congestion and emissions, improving road safety and growing Victoria's global economy. The MBRP has fallen well short of these aspirations and the Victorian Government commitments.

The MBRP is a 5-stage project that was to be completed at the end of 2018. Funded by the part sale of Rural Finance Corporation and the Federal Government, with a commitment to deliver a standardised network across a significant part of Victoria.

This project is critical to all Victorians because it was to allow competitive access to Victorian Ports, reducing supply chain costs, a growing Victoria's global economy.

The project has been poorly managed by the Victorian Government from the start. Currently, Stage 2 of the project is not complete, much of works are substandard and see trains unable to travel above 40 kph.

Minister Allan has announced that the project is out of funds and is in discussions with the Federal Minister.

A solution that has been rumored is that as part of these negotiations the Victorian Government standard gauge lines would be leased to the Australian Rail Track Corporation (ARTC).

The Alliance believes that rail lines in Victoria should remain in the State's control as part of its entire freight network. The ARTC has been successful in managing the national network, however, have shown little interest in managing lines within state boundaries.

We know from experience what occurs when the Victorian Government sell off control of the state lines as we are still dealing with the ramifications from the Kennett years.

The RFA has created a fighting fund to advocate for

- The completion of the MBRP to its original scope
- The ownership of the Victorian Rail network to remain in State control and ownership.

This is a vital investment in the prosperity of all Victorians and Melbourne's future livability.





0428 772 264 ☎

[info@railfreightalliance.com](mailto:info@railfreightalliance.com) ✉

[railfreightalliance.com](http://railfreightalliance.com) 🌐

**The RFA have suggested that all Councils within Victoria be invited to contribute \$1,000 to our fighting fund.**

Should you wish to discuss the Alliance's request further, please either contact myself directly or make contact with the Alliance's Executive Officer, Mr. Reid Mather (contact information listed on this correspondence).

Yours sincerely,



A handwritten signature in black ink, appearing to read 'Glenn Milne', written in a cursive style.

**Cr Glenn Milne,  
Chairman, Rail Freight Alliance**



### 13. NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

**Jim Nolan – Chief Executive Officer**

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

**File No:** 58/02/02

#### **PURPOSE**

The purpose of this report is to advise Council of the upcoming National Local Roads and Transport Congress, and to seek support for Cr Vance to attend the Congress.

#### **BACKGROUND**

The [National Local Roads and Transport Congress](#) is held annually by the Australian Local Government Association (ALGA).

The upcoming Congress is to be held in Hahndorf, South Australia from 18-20 November 2019. With local government responsible for 75 per cent of the nation's roads and transport systems across the globe changing, the Congress provides an opportunity to learn how these challenges are being addressed, and also to speak directly with federal decision-makers.

This year's theme is 'breaking through for modern transport'. Topics to be covered include the future of transport and how local government can benefit, and an update on the state of the country's infrastructure by Infrastructure Australia CEO, Romily Madew.

#### **ISSUE / DISCUSSION**

Roads and road expenditure comprise around half of Pyrenees Shire Council's budget expenditure, and Council is heavily reliant on government funding for maintenance and renewal of our road assets.

The local government sector through ALGA and state peak bodies such as the Municipal Association of Victoria (MAV) and Rural Councils Victoria (RCV) advocate to both state and federal governments for an appropriate share of funding for local roads.

Cr Vance is a member of the RCV executive, and the Pyrenees Services and Asset Steering Group, and the learnings from the Congress will assist in undertaking these roles.

#### **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.

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

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

#### **ATTACHMENTS**

Nil

### **FINANCIAL / RISK IMPLICATIONS**

The cost for participation in the congress will include registration and accommodation. These expenses are able to be met within current budget provision.

### **CONCLUSION**

There is benefit in Council participation in the National Local Roads and Transport Congress through advocacy to government for fairer funding for rural councils, and to learn how challenges associated with the management of road and transport system is being addressed.

### **OFFICER RECOMMENDATION**

That Council supports the attendance of Cr Vance at the 2019 National Local Roads and Transport Congress.

## 14. EXPO AND BUSINESS FORUM INVITATION

**Jim Nolan – Chief Executive Officer**

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

**File No:** 18/02/06

### PURPOSE

The purpose of this report is to seek Council endorsement for a change to the timing of the proposed China delegation visit involving Mayor Cr Vance.

### BACKGROUND

The Mayor received an invitation to participate in a joint Australian and New Zealand Trade Mission delegation to China to attend an industry expo and forums.

Council considered a report on the matter at the Ordinary Council Meeting in September 2019 and resolved:

“That Council endorses the acceptance of the invitation by the Australian International Trade Association & Associates for the Mayor to participate in a Trade Mission to China during October 14th – October 21st, 2019.”

Subsequently the dates for the delegation trade mission have changed to be from 25 October to 1 November 2019.

### ISSUE / DISCUSSION

As the resolution of Council endorsing the Mayor’s participation included the dates of the intended visit, it is necessary for Council to confirm its support for the participation on the amended timeframe.

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

### ATTACHMENTS

14.1 Trade Mission Forum and Expo – *circulated separately*

### FINANCIAL / RISK IMPLICATIONS

The costs associated with the event are to be met by the organising body and as detailed in the attached.

Despite the benefits outlined above, there is potential reputational risk to Council that participation in the event may not be seen as being in the interests of the community.

### CONCLUSION

Australian International Trade Association & Associates has invited the Mayor to participate in a Trade mission delegation to China.

Council direction is sought in respect of the invitation.

**OFFICER RECOMMENDATION**

That Council endorses the acceptance of the invitation by the Australian International Trade Association & Associates for the Mayor to participate in a Trade Mission to China during 26 October to 3 November 2019, or otherwise as amended.

## 15. NUISANCE COMPLAINTS – AVOCA RIVER FLAT

**Jim Nolan – Chief Executive Officer**

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

**File No:** 62/22/08

### PURPOSE

The purpose of this report is to advise Council about several complaints received relating to camping activities on the Avoca River Flat.

### BACKGROUND

Council received correspondence and supporting documentation from two residents in Avoca in June 2019 expressing concern about a number of aspects relating to camping on the Avoca River Flat area.

The matter was considered by council officers and a response provided in August 2019 which included a number of undertakings to assist in addressing some of the concerns raised.

Part of the land in question is unreserved crown land under the management of the Department of Environment Land Water and Planning (DELWP), and over which Council does not have authority.

The undertakings given relate to implementation of the Local Law, monitoring of unrestrained dogs, signage, and access to water, communication with DELWP and development of a long term plan for the river flat area subject to funding.

Subsequently ten formal complaints have been received by Council seeking that Council investigate under section 58 of the Public Health and Wellbeing Act 2008:

*“the nuisances arising from the indiscriminate dumping of untreated greywater into the Avoca River and onto the river flats by the unregulated camping along the Avoca River in Avoca, which is liable to be offensive and dangerous to health and the environment. Also the nuisance of noise created by campers using generators and safety issues relating to unrestrained dogs.”*

While the content of the complaints vary slightly, the essence of the complaints is consistent with the above. Copies of the complaints have been provided to Councillors by separate circulation.

### ISSUE / DISCUSSION

The matter has been referred to Council’s Environmental Health Contractor, Kernow Environmental Services P/L to investigate.

The investigation is intended to determine if a nuisance has been caused and, if so what appropriate mitigation measures should be taken.

At the time of preparing this report the investigation has commenced and several of the undertakings previously given are underway.

### 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.

5.7 - Develop and enforce appropriate Local Laws and policies to protect amenity and environmental values which are reflective of community expectations.

## **ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

There is a potential risk to public health and the environment.

The investigation is intended to determine if a nuisance has been caused and, if so what appropriate mitigation measures should be taken.

Section 62 of the Public health and Wellbeing Act 2006 requires that Council “must investigate any notice of a nuisance” and section 60 states that “Council has a duty to remedy as far as is reasonably possible all nuisances existing in its municipal district”.

## **CONCLUSION**

Following the receipt of a complaint from several residents in Avoca, an investigation has commented and it is intended that the outcome of that investigation be reported to a future Council Meeting once completed.

## **OFFICER RECOMMENDATION**

That Council:

1. Notes the receipt of complaints relating to nuisances associated with activities along the Avoca River at Avoca.
2. Endorses the action to undertake an investigation into the complaints using Council’s Environmental Health Consultants, Kernow Environmental Services P/L.
3. Seeks that a further report be provided to a council meeting once the investigation is completed advising of the outcome of the investigation.



## **COUNCILLOR REPORTS AND GENERAL BUSINESS**



**CLOSE OF MEETING**

Meeting closed at

Minutes of the meeting confirmed .....

2019

Mayor