



Pyrenees
Shire Council

AGENDA

Ordinary Meeting of Council

6:00pm Tuesday 10 December 2019

**Council Chambers
BEAUFORT**

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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 12 November 2019;
- Closed Meeting of Council held on 12 November 2019

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

BUSINESS ARISING

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 November 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 October and November 2019 are summarised in the table below:-

Activity	October 2019	November 2019	Financial Year to date
Applications received	7	14	50
Applications completed	11	12	54
Number of referrals	3	1	17
Requests for further information	5	5	31
Estimated cost of works	\$724,070	\$1.17m	\$6.48m

General Enquiries for November 2019		
Enquiry Type	November	Year to date (financial)
Pre-purchase enquiry	22	229
Pre-application enquiry	50	377
Existing permit enquiry	23	118
Current application enquiry	22	193
All other enquiries	29	230
Total Enquiries	146	1147

Strategic Planning

Officers have continued to be involved in the review of material that will form the Environmental Effects Statement (EES) for the proposed Beaufort Bypass. The EES is being prepared to understand any impacts associated with the project and will be used by the proponent to support them in mitigating such impacts and obtaining the required approvals.

Pyrenees Futures

Landscape architects have provided Council with a revised design for the Avoca Streetscape Project. Officers are in the process of analysing the changes and will make them available in due course.

An Explanatory Report that supports the incorporation of elements from the Waubra, Lexton and Snake Valley Framework Plans into the Pyrenees Planning Scheme has been prepared. DELWP have reviewed the material and are supportive of Council seeking Minister’s authorisation to exhibit a proposed planning scheme amendment.

Officers continue to work with DELWP and their consultants (Tract) to progress the Planning Policy Framework Translation project. A final draft of the reworded policy has been completed. Details on the associated Planning Scheme Amendment will be provided to Council when these are known.

PART B: BUILDING

Activity

The building activity statistics as at 30/11/2019 are summarised in the table below:

CATEGORY	NUMBER	COMMENT
Permits issued by private Building Surveyor	17	
‘Property Information Certificates’ prepared and issued	23	
‘Report and Consent’ issued	5	
Building Notices	0	
Building Order	0	
Resolved Building Notices	1	
Resolved Building Orders	1	
Direction to Fix Building Work	2	
Building permit inspections undertaken	5	
Council issued permits finalised	1	** Council have not issued building permits since June 2018

Key Projects & Compliance

Council has received an application for a report and Consent for the demolition of 6 Lawrence Street, Beaufort (former DELWP Depot).

The Andrews Labor Government has introduced new mandatory safety regulations for private pools and spas in a bid to reduce the incidence of drownings among young children.

The new regulations require owners to register private pools and spas with their local council including, all permanent pools and spas and most relocatable ones capable of holding water to a depth greater than 30cm. Small inflatable wading pools that do not require any assembly do not have to be registered.

Owners are also required to have a registered building surveyor or inspector certify that their pool or spa safety barrier is compliant every four years.

Registrations to Councils must be submitted by 1 June 2020. Further information will be provided to the community in the coming weeks.

Council Plan / Legislative Requirements

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

Financial / Risk Implications

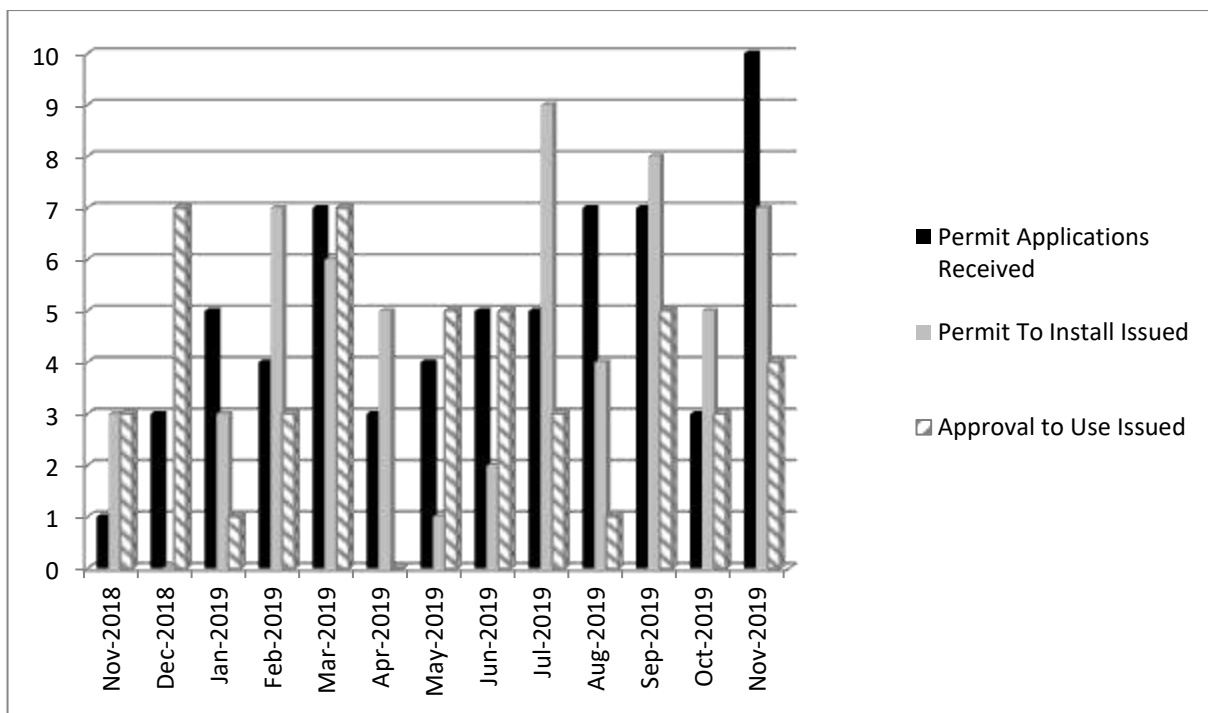
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act 1993* or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

PART C: ENVIRONMENTAL HEALTH

Activity: Wastewater

Period	Applications to Install or Alter Septic Tanks Received	Permits to Install or Alter Issued	Approval to Use Issued	Fees Paid
1st – 30th November 2019	10	7	4	\$3,900

Wastewater activity statistics for November 2019



Monthly wastewater activity (November 2018 to November 2019)

Wastewater related tasks for November 2019	
Septic Tank Inspections	18
Domestic Wastewater Management Plan Inspections	13
Domestic Waste Water Service Agent Reports	11

Activity: Food, Health & Accommodation Premises

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

Period	New Premises & Renewals	Routine Inspections and Assessments	Follow Up Inspections	Complaints Received about Registered Premises	Food Recalls	Fees Paid
1st–30th November 2019	18	6	1	0	5	\$5,105

Mobile and Temporary Food Premises in the Shire (Stretrader)

Period	New Applications & Renewals	New Class 4 Notifications	Routine Inspections and Assessments	New Statements of Trade (SOT)	Fees Paid
1st–30th November 2019	20	1	0	14	\$2,049.50

At 30th November 2019, Pyrenees Shire had 39 current registrations with 42 premises registered, 77 low risk notifications and 201 current Statements of Trade (SOT).

Activity: immunisations

Immunisation sessions were conducted in Beaufort and Avoca and the opportunistic immunisations performed by the Maternal Health nurses have continued. A session was also run at the Beaufort Secondary School for Year 7 Students.

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
MCHN Opportunistic	Clients	16	0	0
	Vaccines	37	0	0
Beaufort Sessions	Clients	1	30	0
	Vaccines	3	30	0
Avoca Session	Clients	6	0	0
	Vaccines	15	0	0

Immunisation activity statistics for November 2019

Food, Health and Accommodation Renewals

Renewal reminder notices will be sent out to all registered food, health and accommodation premises that have not yet renewed. The current registration period expires on 31st December 2019. Any business that fails to renew their registration prior to expiry and continues to trade unregistered will receive a Penalty Infringement Notice. Mobile and temporary food premises renewals are also due by 31st December 2019.

Domestic Wastewater Management

Inspections of septic systems in the townships of Moonambel, Redbank, Raglan and Amphitheatre will continue through to the end of the year. Follow up letters and maintenance information is being sent out to properties that have been inspected. Work continues to identify and create database records for all septic tank systems in the Shire.

Compliance issues

Officers received two complaints in November, one in regard to illegal dumping of prescribed industrial waste and the other in regard to a noise nuisance.

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

	November 2019	Total Year to date
Cats Registered	614	-
Dogs registered	2500	-
Cats impounded	16	46
Cats reclaimed	1	4
Cats Euthanised	14	39
Dogs impounded	0	16
Dogs Reclaimed	0	13
Dogs Euthanised/surrendered	0	3
Stock impounded	0	9

Registration and impoundment statistics

Activity - Infringements

Infringement Type	November 2019	Total YTD (2019/20)
Domestic Animals Act	4	57
Local Laws	0	11
Road Safety Act	8	31
Environment Protection Act	0	0
Impounding of Livestock Act	0	0
Other	0	0
Total Infringements Issues	12	100
Prosecutions	2	7

Infringement statistics

Other business

The following two matters were heard in the Magistrates Court this month:

- Unregistered Dogs – The accused was fined for not registering a number of dogs however failed to make payment or register the dogs. The unpaid fines were withdrawn and lodged in the Magistrates Court. There was no appearance from the accused. The matter was found proven and an aggregate fine given of \$5,163.00 without conviction. The accused was also ordered to pay Council costs.
- Dog Attack on neighbour’s sheep - The accused appeared in court and pleaded guilty. Victim compensation for the loss of the sheep had been paid prior to the hearing. The matter was found proven and an aggregate fine given of \$1000.00 without conviction. The accused was also ordered to pay Council costs

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 – NOVEMBER 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 November 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

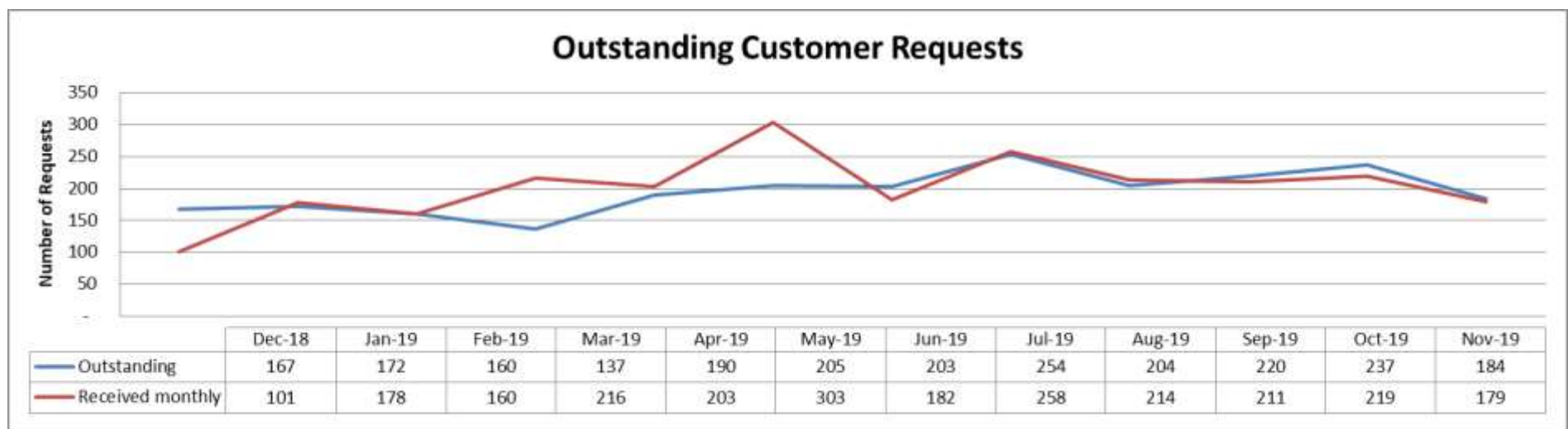
179 CARS were received in November 2019, 64 of which related to telephone messages. 212 requests were closed during the month resulting in 184 outstanding. As at the 30th November 2019 the status of CARS was as follows:

- 1 closed from 2017 outstanding CARS – currently at 1
- 7 closed from 2018 outstanding CARS – currently at 6
- 26% decrease in total CARS outstanding (from 237 to 184)

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. As at the end of November 2019 9 telephone messages (received in November) remained open, with 55 (86%) being addressed and closed during the month.

	Avoca Ward	Beaufort Ward	De Cameron Ward	Ercildoune Ward	Mount Emu Ward
Number of Requests received in October 2019 (last month)	42 (38)	77 (48)	24 (8)	22 (17)	10 (12)
Requests received in October still outstanding	13	28	4	7	4
Outstanding requests older than 1 month	27	28	13	10	8
Total outstanding requests (last month)	42 (55)	59 (67)	26 (35)	19 (29)	14 (36)

Outstanding Requests													
Year	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	% Change
2016	2	1	1	-	-	-	-	-	-	-	-	-	0
2017	10	6	4	3	2	2	2	2	2	2	2	1	50%
2018	155	105	65	36	22	17	15	16	14	13	13	6	50%
2019		60	90	98	166	186	186	236	188	205	222	177	24%
Total	167	172	160	137	190	205	203	254	204	220	237	184	26%
Total Received	101	178	160	216	203	303	182	258	214	211	219	179	19%



30 November 2019 - Open Requests - Type			
	Oct-19	Nov-19	Change
Roads	41	21	-20
Streetlights	2	1	-1
Drainage	24	15	-9
Footpaths	10	6	-4
Roadside Vegetation	24	27	3
Environmental Health	0	1	1
Planning	2	0	-2
Bld maintenance	15	18	3
Park & Reserves	9	6	-3
Local Laws	23	31	8
Fire Hazard	1	3	2
Bld Compliance	0	0	0
Road Maintenance	25	8	-17
Waste Management	6	3	-3
Roads Unsealed	6	2	-4
Road Maintenance Unsea	10	4	-6
Cats	2	1	-1
Natural Disasters	0	0	0
Pools	0	0	0
Council Cleaning	1	1	0
EPA - Litter	0	1	1
Design & Assets	0	0	0
GIS	0	0	0
Community Wellbeing	0	1	1
Dogs	9	9	0
Livestock Act	1	1	0
Parking	0	0	0
Telephone messages	43	24	-19
Total	254	184	70

Actions to address the upward trend in outstanding customer requests:

At its last meeting in November 2019, Council requested detail on what can be done to reverse the upward trend in outstanding customer requests.

Factors that have contributed to the upward trend include:

- Inclusion of all requests for action within the system. Prior to late 2018, customer action requests were limited to road infrastructure requests. Since then, requests relating to cleaning, local laws, building maintenance and other areas have been included.
- In early 2019, to facilitate better monitoring of response to telephone messages, it was decided to also include such messages within the customer action request system, which again increased the base number of requests logged.
- In 2019, the Community Safety and Amenities Officer started an extensive program of proactive inspections relating to dog registrations and local law breaches (particularly amenity issues such as containers and unsightly premises). The reports arising from these inspections were included in the CAR system as a means of recording the issues, even though strictly speaking they did not arise as a request from a member of the community.
- In mid-2019, the Community Safety and Amenities Team started using the CAR system as a means of case management of long-term and complex local laws issues. These enquiries remain open until finally resolved which may take many months and contributing to increases in enquiries still outstanding.

42 of the total outstanding requests relates to these issues which represents 26%. Of the 72 outstanding requests older than one month, 26 (36%) relate to local laws matters.

As at the end of November 2019, the following outstanding requests relate to local laws, dog or cat issues:

- Avoca Ward – 4 (10% of total outstanding requests)
- Beaufort Ward – 13 (23% of total outstanding requests)
- De Cameron – 12 (including 1 listed as roads but with a Local Laws element) (46% of total outstanding requests)
- Ercildoune – 7 (37% of total outstanding requests)
- Mount Emu – 6 (43% of total outstanding requests)

During November direct action has been taken to work with staff assigned outstanding requests on closing requests that have been actioned. This has resulted in a downward movement in the graph above for this month. Other actions under consideration to further assist in this include:

- Ongoing monitoring and follow-up with responsible staff to ensure timely closure of requests;
- Training of staff to ensure that requests are closed when they are transferred to another form of action and monitoring – e.g. road repair or grading schedules – where that proposed action has been notified to the customer;
- Training of staff to ensure knowledge of the process involved in closing off an enquiry;
- Monthly reports to management to facilitate timely monitoring of request action and closure; and
- Consideration of a better way of case managing local laws matters than the utilisation of the CAR system.

Telephone Messages:

A total of 64 telephone messages were provided via the CAR system in November. Of these messages, the response rates are noted in the table below. 58% of telephone messages are responded to and closed within the Customer Service Charter level of service target of 48 hours.

Closed or first response within 1 day	26
Responded within 48 hours (within Customer Service Charter)	11 (plus the 26 above = 37)
Response provided outside CS Charter but less than 3 days	3
Closed outside CS Charter more than 3 days	15
Still open outside CS Charter more than 3 days – no record of response in system	9

Follow up with staff is underway to ascertain whether messages not yet closed are due to non-response or completed messages not being closed in the system, and to reinforce better note keeping to record when responses are made.

Some of the responses / closures outside of the charter expectations were due to part-time staff unavailability or staff being on leave. Information is being given to Customer Service officers when other staff are out of the office or on leave so that this information can be relayed to the customer immediately to manage response expectations.

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. RISK MANAGEMENT REPORT – RISK/OHS STRATEGY PROGRESS UPDATE

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: 16/24/06

PURPOSE

The purpose of this report is to provide Council with an update against the Risk-OHS Action Plan 2018-2020 and other risk matters.

BACKGROUND

The original action plans for OHS and Risk Management were developed in 2017 as separate documents to inform and guide actions for improvement. These documents have been combined to form one action plan moving forward.

In November 2017 Council commenced participation with the MAV self-funded WorkCare Scheme. To ensure ongoing WorkSafe endorsement of this program, participating councils must become compliant with WorkSafe's OHS requirements and councils were given three years to become 100% compliant. Actions to achieve compliance are included within the updated Risk/OHS Action Plan 2020 attached.

ISSUE / DISCUSSION

The Risk Report for December 2019 includes updates against proactive actions taken to mitigate Council's risk exposures and information on 2019 global risk reports and trends that may impact on Council's future strategic risk profile.

WorkSafe Attendance and Inspection:

A member of the community reported Council to WorkSafe around risks of slips and falls in the change room / toilet facilities at the Landsborough Pool. WorkSafe attended Council in early November and inspected the facility with the Manager Community Wellbeing and Risk Management Coordinator. The main issue is the slipperiness of the flooring within the facility.

It was agreed that additional non-slip mats would be installed during the current season and post-season a floor surface will be installed that is non-slip and increases safety.

Risk/OHS Action Plan update:

The Risk/OHS Action Plan 2018-2020 is continually monitored and updated as items are progressed or completed. The Plan was updated in November 2019 to reflect only items left for completion in 2020.

Key completions:

The following items were removed from the action plan during the November update:

- All ongoing administrative items that are business as usual – e.g. administration of Risk Management and OH&S Committees; and regular scheduled reporting requirements.
- Items completed in 2017 and 2018 as they no longer need to be reported against in 2019 or 2020.
- OHS Training needs assessment is complete and management of the training register is now an ongoing operational item.
- The OHS Strategy development was completed in early 2019 and reported to Council.
- Information relating to OHS management system policies and procedures – further detail below on this item.
- All incidents are now investigated and corrective actions assigned and monitored.

- All health and wellbeing checks were arranged for staff including skin checks, flu vaccinations and hearing checks. No all offerings were taken advantage of by staff.
- Mental health is now an ongoing program at the Pyrenees Shire Council, with a Working Party convened to develop and implement strategies, and a Steering Group overseeing the program.
- A contractor management OHS program was introduced in 2019, including online induction training for new contractors.

MAV WorkCare OHS compliance project:

Policy and procedure development, as part of the OHS management system, is largely complete with reviews of some documents already underway.

Monthly audits are conducted by MAV's agent, JLT, to assess Council's conformance with WorkSafe obligations and corrective actions assigned to specific officers for addressing outstanding matters. Progress reporting against these corrective actions will commence in early 2020 to management and Council. This will allow for some risk-based prioritisation of corrective actions before reporting commences.

Risk registers:

Operational risk registers have not been formally reviewed in their entirety during 2019 and it is considered that the AltusERM system does not meet the functional needs of Council and the reporting system is too onerous to be effectively used in this regard.

Because of this, operational risk registers have been transformed back into spreadsheet format, until a better system is identified – potentially through the transformation program. These have been prepared to facilitate a full review of registers in December / January in preparation for a report to Council in February 2020.

The Strategic Risk Register is scheduled for review with the Senior Leadership Team and Council in March/April 2020.

Risk management framework review:

Following the recent completion of the internal audit of the risk management framework, the current framework is under review and it is anticipated that this will be complete and ready for Council endorsement in February 2020.

As part of this review, a workshop will be held in March 2020 to enable Council to determine its risk appetite and tolerance levels for different risk categories, prior to the annual review of the strategic risk register.

Risk Management Committee:

Discussions in recent meetings of the Risk Management Committee included:

- JLT audit reports
- A property loss prevention program which comprised of building inspections identifying issues that, if not rectified, could lead to property damage or loss. Actions have been input into corrective actions and assigned to appropriate officers for completion.
- A draft project risk assessment guideline document was drafted and will be implemented as part of a project management framework to be developed after a planned internal audit of project management in early 2020.
- A revised business continuity policy was approved and revisions are awaited on the new business continuity plan.

- A procedure providing information on how to conduct a privacy impact assessment for major change or new projects was approved and implemented.
- Key Performance Indicators for risk management and OHS are under development.
- Risks of working alone and strategies to address these risks.
- Insuring of premises not Council owned or managed and how this can be better managed.

The meeting schedule for the Risk Management Committee was confirmed for 2020.

Risk trends and surveys:

A report published by JLT on public sector risks for 2019 identifies the top five ranked risks as follows:

1. Financial sustainability (No.1 in 2018)
2. Cyber incidents / IT infrastructure (Increasing - up from No.8 in 2018)
3. Reputation risk (remains the same as 2018)
4. Natural catastrophes / climate change (Increasing – up from No.7 in 2018)
5. Property & infrastructure management (Increasing – up one from No.6 in 2018)

Risk No.6 related to increased statutory and/or regulatory requirements which, if the survey was conducted only with Victorian local government sector, might have ranked more highly with the imminent change in the Local Government Act. A copy of the report is attached for reference.

An alternate report by AON on global risks (all sectors, not just the public sector) still includes reputation risk (No.1), economic slowdown (equivalent to financial sustainability – No.2) and cyber-attacks (No.5) in the top five risks.

The AON survey also identified that, in 2017 regulatory and legislative change was the top risk facing Australian organisations, but two years later in 2019 it appears that this risk has receded and that political instability in Australia is now seen as the “new normal”.¹ The AON survey noted that business interruption is of rising concern to both Australian and global businesses, with a rise in its significance over the past two years.

All but one of the above risks are currently on Council’s Strategic Risk Register, reviewed in April 2019. Although this was discussed in previous workshops, and reputation impact is a potential consequence of the risks included, Reputation Risk is not included as a specific risk on the Register. This will be included in register review discussion planned for early 2020.

Cyber risks: According to AON’s 2019 Cyber Security Risk Report², their analysis highlighted the scale of cyber-attacks are expanding and the impact growing. As digital transformation advances, this creates increases in attack targets and new risks for organisations to manage. Simultaneously, cyber attackers are becoming more sophisticated.

To counter this, Council officers are developing a cyber risk strategy that will sit alongside the ICT Disaster Recovery and Business Continuity Plans and will complement cyber risk mitigation treatments already in place – i.e. monitoring compliance against the Victorian Protective Data Security Standards and improved email filtering systems.

¹ <https://aoninsights.com.au/global-risk-management-survey-australian-perspectives/>

² <https://www.aon.com/unitedkingdom/insights/2019-cyber-security-risk-report.jsp>

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.

4.3 - Provide a safe working environment through the provision of an integrated risk and OH&S management system.

ATTACHMENTS

- 3.1 Risk/OHS Action Plan 2020 (*circulated separately*)
- 3.2 JLT Public Sector Risk Report 2019 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Risks are inherent in all business decisions and risk management therefore needs to be integral to good management practice.

CONCLUSION

As part of Council's obligations to monitor risks faced by the organisation, this report provides an update on the Risk/OHS Action Plan plus information relating to risk related trends and proactive activities designed to ensure that Council remains aware of its risk exposure profile and mitigates it accordingly.

Risk management remains an integral part of Council's governance activities to identify new strategic risks or threats and mitigate those accordingly.

OFFICER RECOMMENDATION

It is recommended that Council notes the risk management report and attachment.

4. AUDIT & RISK COMMITTEE MINUTES

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: 32/04/04

PURPOSE

The purpose of this report is to provide Council with an update of the Audit & Risk Committee meeting held on 26 November 2019.

BACKGROUND

In accordance with Section 139 of the Local Government Act 1989 Council is required to establish an Audit Committee. Council's Audit & Risk Committee meets three times per year and the attached report is a summary of the meeting held on 26 November 2019.

ISSUE / DISCUSSION

A brief overview of the issues considered by the Audit & Risk Committee is provided for Council's information:

- Matters arising from the previous minutes were responded to.
- The 2018/19 Pyrenees Shire Council Annual Report was provided to Committee Members.
- The Q1 2019/20 quarterly Financial Report was tabled and information was provided:
 - That no increase in rate cap would be sought for 2020/21; and
 - On debt recovery actions with regard to outstanding rates.
- Council's Internal Auditor provided a summary of issues of interest, recent audits undertaken and planned audits for early 2020.
- An update on outstanding issues was provided.
- Reports were provided relating to:
 - Corporate Services & Governance matters and activities;
 - Victorian Ombudsman report into Local Government Complaints Handling; and
 - A report from the CEO.

The meetings schedule for 2020 was agreed:

- Meeting 1 – M040 – Tuesday, 26 May 2020 at 3.00 pm
- Meeting 2 – M041 – Tuesday, 25 August 2020 at 3.00 pm
- Meeting 3 – M042 – Tuesday, 24 November 2020 at 3.00 pm

The meetings schedule is timed around regular financial reporting and budget preparations.

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.

4.4 - Develop our systems to support and enable our people to deliver efficient and quality services which are cost effective.

ATTACHMENTS

- 4.1 Draft Minutes of the Audit & Risk Committee Meeting of 26 November 2019 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

All financial issues have been addressed in the Issues/Discussion section.

CONCLUSION

In accordance with the *Local Government Act 1989* the Pyrenees Shire Council's Audit & Risk Committee met on the 26 November 2019. This report summarises the items considered by the Committee.

OFFICER RECOMMENDATION

That Council notes the minutes of the Audit & Risk Committee meeting held on 26 November 2019.

CHIEF EXECUTIVE OFFICER

5. PROJECT REPORT

Jim Nolan – Chief Executive Officer

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

File No: 22/22/02

PURPOSE

The purpose of this report is to provide Council with an update of the progress of projects funded to \$50k or more in the current year.

BACKGROUND

At the 12 November 2019 Ordinary Council Meeting it was resolved that a quarterly report be presented to Council for the progress of projects funded to \$50K or more in the current year and the next year on a rolling basis. The report to show the start date, end date and any change in project details from the last report.

ISSUE / DISCUSSION

The report details the project name, location, total project cost and the status of the project. This report will be presented to Council on a quarterly basis.

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.

1.4 - Maintain, develop and renew the public amenity of our townships in consultation with our communities.

ATTACHMENTS

5.1 Projects Spreadsheet

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

OFFICER RECOMMENDATION

That Council notes the Projects Report.

6. COUNCILLOR ACTIVITY REPORTS

Cr David Clark – Ercildoune Ward		
November		
Wed 06	Langi Kal Kal Prison Community Advisory Group Meeting	Langi Kal Kal
Thu 07	Pyrenees Store Cooperative AGM	Lexton
Mon 11	Raglan Public Hall & Recreation Reserve Committee Meeting	Raglan
Tue 12	Councillor Briefing	Beaufort
Tue 12	Council meeting	Beaufort
Thu 14	CVGA AGM and Board Meeting	Castlemaine
Thu 14	Waterloo Hall & Recreation Reserve Committee Meeting	Waterloo
Fri 22	MAV Human Services Committee Meeting	Melbourne
Mon 25	MAV Rural South Central Regional Meeting	Torquay
Mon 25	UMEC Landcare Network Meeting	Lake Goldsmith
Wed 27	Constituent Meeting	Beaufort
Wed 27	Beaufort & Skipton Health Services AGM	Beaufort
Wed 27	Australian Wind Alliance Workshop	Ballarat

Cr Robert Vance – De Cameron Ward		
November		
Wed 06	Amphitheatre Mechanics Institute CoM Meeting	Amphitheatre
Thu 07	Landsborough Primary School Graduation	Landsborough
Fri 08	Funding Announcement – Moonambel Primary School	Moonambel
Sat 09	Ararat Legacy Club - 90th Anniversary Dinner and Changeover	Ararat
Sun 10	Launch of Life of Love Book	Landsborough
Mon 11	Remembrance Service	Landsborough
Tue 12	Councillor Briefing	Beaufort
Tue 12	Council meeting	Beaufort
Mon 18 – Wed 20	National Local Roads and Transport Congress	Hahndorf, SA
Sat 23	Ballarat Cup	Ballarat
Mon 25	Hall Committee Meeting	Crowlands

Cr Ron Eason – Avoca Ward		
November		
Tue 12	Councillor Briefing	Beaufort
Tue 12	Council meeting	Beaufort
Fri 15	Rail Freight Alliance Meeting ¹	Wodonga
Tue 19	Opening of Avoca Avenue of Honour	Avoca
Thu 28	Activate Avoca Project Reference Group Meeting	Avoca

Cr Damian Ferrari - Beaufort Ward		
November		
Tue 12	Councillor Briefing	Beaufort
Tue 12	Council meeting	Beaufort
Fri 29	Meeting with Beaufort Golf Club representatives	Beaufort

Cr Tanya Kehoe - Mount Emu Ward		
November		
Wed 06	Beaufort & Skipton Health Service Foundation Ltd AGM	Beaufort
Tue 12	Councillor Briefing	Beaufort
Tue 12	Council meeting	Beaufort
Wed 13	Carranballac Recreation Reserve Committee of Management Meeting	Carranballac
Fri 15	Understanding Council Finances Workshop	Ballarat
Fri 15	Art Show Opening - Beaufort Show	Beaufort
Sun 17	Beaufort Agricultural Show	Beaufort
Sun 17	Beaufort Scout Meeting	Beaufort
Mon 18	Old Beaufort Primary School Meeting	Beaufort
Mon 25	MAV Rural South Central Regional Meeting	Torquay
Wed 27	Municipal Emergency Management Planning Committee Meeting	Beaufort
Thu 28	Federation Uni Oration and Dinner	Mt Helen

7. ASSEMBLY OF COUNCILLORS

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	12 November 2019 commenced at 2.00pm and closed at 5.50pm		
Meeting Location	Beaufort Council Chambers - 5 Lawrence Street, Beaufort		
Matters Discussed	<ol style="list-style-type: none"> 1. OPAN Update 2. Stockyard Hill Wind Farm Update 3. Draft Economic Development Strategy 4. Agenda Review 5. Community Grants 6. Grants 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	Cr Damian Ferrari Cr David Clark (from 2.30pm)	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (Director Corporate and Community Services) Laura Buchanan (Acting Project Manager OPAN) – Item 1 Ray Davies (Manager Economic Development and Tourism) – Item 2 Nathan Kennedy (Student Placement) – Item 2		
Visitors	Ian Courtney (Goldwind) – Item 2		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	3 December 2019 commenced at 9.15am and closed at 5.30pm		
Meeting Location	Quoin Hill Vineyard, Waubra		
Matters Discussed	<ol style="list-style-type: none"> 1. Environmental Scan 2. Workforce Planning 3. Economic Development Strategy 4. Frontline Services Review 5. Budget Preparation Discussion 2020/2021 6. Operational Matters 7. Agenda Review – December Council Meeting 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance (from 11.10am)	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) Norman Prueter (Manager People and Culture) – Item 1 Ray Davies (Manager Economic Development and Tourism) – Item 2 Katie Gleisner (Manager Planning and Development) – Item 7		
Visitors	Craig Kenny – Item 3		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			

ITEMS FOR DECISION

ECONOMIC DEVELOPMENT AND TOURISM

8. ECONOMIC DEVELOPMENT STRATEGY

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: 22/18/02

PURPOSE

The purpose of this report is to provide Council with a copy of the draft economic development strategy with a view to providing the document to the public for their feedback.

BACKGROUND

The activities of Council's Economic Development Team have been guided by the 2015-18 Growth Strategy over the past few years.

The development of a new strategy was reported to the November 2019 Council meeting with a preliminary draft being provided at that time.

To date the following activities have been undertaken to assist with developing the new strategy:-

- Reviewing the 2015-18 Growth Strategy
- Research into the latest available (Remplan) economic and (ABS) demographic and other data
- Reviewing economic development and tourism strategies at a state, regional and local government level, including those municipalities within the Grampians Region that share common industries with the Shires key propulsive sectors. In particular these include the sheep, grains, cattle, wine, construction and tourism sectors.
- Holding "Keep Me in the Loop" community engagement forums during October at Brewster, Beaufort, Moonambel and Avoca. Options were provided at each location to attend either an afternoon session or an evening session. Approximately 60 people attended these sessions.
- Conducting a survey of local businesses and community members throughout the month of October. These were promoted at the Keep Me in the Loop events, Council's public notices, Councils Facebook and web pages as well as by face to face contact and by direct email to eighty five businesses.

The focus of the new economic development strategy will be to build on the foundations of economic development work in recent years, to capitalise on new opportunities, identify strategies to overcome challenges that are likely to present obstacles to growth of the businesses sector, and provide a plan for council to follow as the population increases towards 10,000 people.

ISSUE / DISCUSSION

The strategy provided with this report is in draft form following feedback from councillors in November allowing further refinement to the document.

The draft document has now been developed to a stage where community feedback is to be sought.

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

8.1 Draft Economic Development Strategy (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

The development of this strategy has been completed “in house” by officers employed by Council with a nominal amount of costs associated with the community engagement phase and design work for the final strategy.

Council has also engaged an Industry Placement Program student from Federation University to assist with the development of this strategy. The cost of the IPP program to Council is \$20,000-.

The student is undertaking his final studies in commerce/accountancy and during the placement will also be supporting Councils Finance Department.

CONCLUSION

The draft document provided with this report is provided for Council’s endorsement for feedback from the small business sector and the community.

Further refinement of the document will then be undertaken in order to complete a final draft in early 2020.

OFFICER RECOMMENDATION

That Council endorses the draft strategy for it to be made available for public comment until the end of January 2020.

ASSET AND DEVELOPMENT SERVICES - PLANNING

9. PA2796/18 - USE AND DEVELOPMENT OF LAND FOR DOMESTIC ANIMAL HUSBANDRY (40 DOGS)

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: 401005000

PURPOSE

The purpose of this report is to provide Council with information on the state and local planning policy that is relevant to making a decision on Planning permit application PA2796/18 for the use and development of land for domestic animal husbandry (40 Dogs) at Lot 1 on Plan of Subdivision 704611 Parish of Lexton (Vol: 11605, Fol: 568) at 3168 Sunraysia Highway, Lexton.

BACKGROUND

A planning permit application has been made to Council, seeking planning permission for the use and development of the above described land, for the purpose of domestic animal husbandry (keeping and breeding up to 40 Southern White American Bulldogs). The application has been supported by a Land Capability Assessment and an Operational and Health Management Plan.

Site Context

Location: Lot 1 on Plan of Subdivision 704611 Parish of Lexton (Vol: 11605, Fol: 568) at 3168 Sunraysia Highway, Lexton

Area: 40 hectares

Zone: Farming Zone (“FZ”)

Overlays: Environmental Significance Overlay (“ESO”), Schedule to the Environmental Significance Overlay (“ESO1”) and the Bushfire Management Overlay (“BMO”)

Current use: Residential

Existing structure/features: Dwelling and various outbuildings

Access: Via Sunraysia Highway which adjoins the property on the southern boundary.

Other: The site adjoins a Public Use Zone (“PUZ1”) which accommodates the Lexton Reservoir. A waterway transects the property and runs northwest into the reservoir. Neighboring sites to the south and west are zoned for Rural Conservation.

Permit Triggers

The proposed use and development is subject to a planning permit as per the following:

- Farming Zone Clause 35.07 - Domestic Animal Husbandry is identified as a ‘permit required’ (section 2) use
- Environmental Significance Overlay Clause 42.01- states that a permit is required to ‘construct or carry out any works’
- Schedule 1 to the Environmental Significance Overlay (Designated Water Supply Area) – states that a permit is required:
 - for all buildings and works within 300 meters of a water body
 - if the proposed development will generate/increase the generation of waste water

This application was subject to two (2) requests for further information.

Referrals and Notice

Under Section 55 of the Act, the application was referred to a number of authorities in their capacity as determining and recommending authorities. These referral authorities include:

- Central Highlands Water Authority (CHW)
- Environmental Protection Authority (EPA)
- Road Corporation - VicRoads
- North Central Catchment Management Authority (NCCMA)

The application was also subject to internal referrals which included Council's Engineering, Environmental Health and Community Safety and Amenity Departments.

Under Section 52 of the *Planning & Environment Act 1987* (The **Act**), notice was sent to twelve (12) neighbouring landowners, who either directly abut the site or who may be detrimentally impacted by the proposed use and development. Four submissions were received and are summarised below.

Objection 1

- *Welfare issues (RSPCA & Department of Agriculture)*
- *The application fails to demonstrate the owner is aware of current regulations or codes*
- *The application fails to address catchment management issues*
- *The application fails to address the EPA regulations for noise*

Objection 2

- *The application fails to address the relevant codes*
- *The application fails to address catchment management issues and the EPA regulations*
- *Concern for animal welfare issues (RSPCA & Department of Agriculture)*
- *Concern for the safety of personal stock*

Objection 3

- *Concern for the welfare of the stock and domestic animals on the property currently (RSPCA and Department of Agriculture)*
- *Concern for issues of animal neglect at the property*
- *Significant concerns for personal stock, domestic pets and children due to the breed of dog*
- *The application fails to consider catchment management issues and the EPA requirements*
- *Concern for noise and impact on amenity being detrimental to their event management and accommodation business and personal lifestyles*

Objection 4

- *The application fails to address components of the relevant codes*
- *Concern for the animal welfare of stock and animals at the property currently*
- *Concern for the management of animals with stock on roads and free-roaming dogs off the property currently*
- *Concern for the noise and impact on amenity*
- *Concern with the breed of dog*
- *Concern for the safety of their family and stock*

A further submission has been received that has been prepared by a Planning Consultant on behalf of the above four objectors. The grounds for this submission are as follows:

- *The application fails to address the following Clauses of the Pyrenees Planning Scheme:*
 - *Clause 14 – Natural Resource Management*
 - *Clause 52.17 – Native vegetation*
 - *Clause 12.01-2S Native Vegetation management*

- *Clause 12 Environment and Landscape Values*
- *Clause 13.03-1S River corridors, lakes, waterways and wetlands*
- *Clause 13.05-5S Noise abatement*
- *Clause 14.01-1S Protection of agricultural land*
- *Clause 14.01-2S sustainable agricultural land use*
- *Clause 14.02-1S Catchment planning and management*
- *Cause 21.04-1 Natural Environment*
- *Clause 21.04-2 Protecting sensitive rural areas*
- *Clause 22.04 Native vegetation protection*
- *Clause 21.05-2 Sustainable agricultural land*
- *Clause 35.07 Farming Zone*
- *Clause 42.01- Environmental Significance Overlay and Schedule 1*

Public notice was also provided through Council's website.

Mediation

Following the receipt of the above objections, a mediation session was facilitated by Council Officers to allow for concerns to be discussed and addressed. This session resulted in agreement that a minor amendment to a plan would be made if a permit was granted; however no other matters were successfully mediated.

ISSUE / DISCUSSION

The Planning Policy Framework and the *Planning and Environment Act 1987* seeks to protect and enhance environmental values whilst mitigating risks resulting from the inappropriate use and development of land.

The Pyrenees Planning Scheme seeks to protect and encourage the responsible management of agricultural land. It aims to promote the effective management of rural land by encouraging farm management practices and land use activities that have the capacity to be sustained and reflect optimal use of the land. The Scheme also seeks to provide opportunities for sustainable agriculture by discouraging non-agricultural use and development in rural areas.

The Farming Zone that is applicable to this application intends to provide for the use of land for agriculture, encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture.

The Land Capability Assessment that was provided with the application indicates that the waste water generated from the proposed use and development can be appropriately treated onsite without impacting the potable water catchment and storage.

Central Highlands Water Authority (CHWA) in accordance with Clause 42.01 – Environmental Significance Overlay, have assessed the application and provided consent to the granting of a planning permit, subject to:

1. The effluent disposal system must be located in accordance with the Land Capability Assessment by Ballarat Soil Testing reference TA220219 dated 25th February 2019.
2. The owner must install a wastewater management system that provides a minimum of primary level treatment of wastewater, in accordance with the recommendations in section 5 of Land Capability Assessment by Ballarat Soil Testing reference TA220219 dated 25th February 2019.

The **Environmental Protection Authority (EPA)**, the **Roads Corporation (VicRoads)**, and **North Central Catchment Management Authority (NCCMA)**, have also assessed the application and do not object to the granting of a planning permit.

The grounds for objection submitted by the adjoining/potentially impacted land owners do not directly relate to the Pyrenees Planning Scheme and therefore cannot be considered in the assessment of this application. Whilst matters such as existing welfare conditions of dogs, the anticipated non-compliance with the relevant animal keeping codes and noise nuisances are genuine concerns, they are more appropriately addressed through Council's Environmental Health and Community Safety and Amenity departments, rather than the Pyrenees Planning Scheme.

In response to the further objection submitted on behalf of the objectors, the author claims that the application fails to address a range of clauses, however does not go on to demonstrate any such failings.

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.

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

ATTACHMENTS

9.1 Suit of documents (application, supporting information, referral responses and objections) – *(circulated separately)*

FINANCIAL / RISK IMPLICATIONS

It is reasonable to anticipate that further Council resources will be required to ensure that the use and development, if approved, complies with local and state legislative requirements. This will include officer time and may extend to legal representation.

CONCLUSION

The use of land for domestic animal husbandry within the Farming Zone is not unreasonable. This use of land is assessed as a section 2 use and requires a planning permit. The Responsible Authority must consider the proposed use in the context of the surrounding land uses, purpose of the zone and the relevant Decision Guidelines.

The following key assessment criteria must to be considered in the assessment of this application:

1. Clause 13 – Environmental Risks and Amenity. Avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts; and identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.
2. Clause 14.01-2S - Sustainable Agricultural Land Use. Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.
3. Clause 21.04-2 Protecting sensitive rural areas. To ensure appropriate management of constrained and sensitive land. Provide for appropriate forms of land use and development control in areas adjacent to designated streams, watercourses, channels, bores and reservoirs which form part of the water supply systems under the control of the relevant water authority.

4. Clause 21.04-3 Waterways and water resources - Protect water quality from possible contamination by urban, industrial and agricultural land use. Ensure that land use activities are sited and managed to minimise potentially contaminated run-off into waterways and designated water supply area.
5. Clause 21.05-2 Sustainable agricultural land use. The majority of non-urban land in the Shire is used for dry land pastoral and agricultural purposes. A continuation of these uses should be encouraged, consistent with responsible land management practices.
6. Clause 35.07-6 – How does the use or development relate to sustainable land management; Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining land uses; whether the use or development will support and enhance agriculture
7. Schedule 1 to the Environmental Significance Overlay. It is a matter of high priority that land within water supply catchments and the environs of town supply water bores is used and managed in a responsible manner, in order to protect the quality and quantity of water which is available to be harvested and supplied to consumers.

Council officers have assessed the application and considered all the matters required under Section 60 the *Planning and Environment Act 1987*. Based on the information provided, officers cannot be satisfied that the proposed use and will not have a detrimental impact on the environment, including the water supply catchment and the surrounding amenity, or agricultural land uses.

The application fails to demonstrate how the proposed use and development meets the relevant Objectives of the Municipal Strategic Statement and the Purpose and decision guidelines of the Farming Zone, which encourage the retention of productive agricultural land. Further, section 2 (permit required) land uses should be based on comprehensive and sustainable land management practices, which has not been demonstrated in this application. It has not been demonstrated how the proposed use contributes to agricultural productivity or supports rural communities.

The proposed use and development exceeds the section 1 (permit not required) trigger of no more than 5 domestic animals by 800%. The Purpose of the Environmental Significance Overlay is to ensure that development is compatible with identified environmental values. Clause 13 requires planning to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflict. In the case of this application, the site falls within the potable water supply catchment area for the Township of Lexton. The decision guidelines relevant to the Schedule, requires that Council manages the impact of incremental development that is likely to result in, or create a precedent for, development densities or activities likely to be detrimental to water quality or yield. Given the scale and nature of the use proposed, the application fails to demonstrate that there will be no impact upon these identified environmental values.

OFFICER RECOMMENDATION

That Council, having considered all matters required under Section 60 of the *Planning and Environment Act 1987*, refuses to grant a planning permit for PA2796/18 on based on the following reasons:

- a) the application fails to demonstrate how the proposed use and development meets Objectives 1 and 2 of Clause 21.05-2 of the Municipal Strategic Statement; the Purpose and decision guidelines of the Farming Zone at Clause 35.07-1 and 35.07-6 of the Pyrenees Planning Scheme; and
- b) on the basis of the scale and nature of the use proposed, the application fails to satisfactorily demonstrate that there will be no harmful impacts upon the identified environmental values under Schedule 1 to the Environmental Significance Overlay and Clause 13 of the Pyrenees Planning Scheme.

10. PLANNING APPLICATION PA2795/18, PA2788/18, PA2787/18 AND PA2785/18 – USE AND DEVELOPMENT OF A SINGLE DWELLING

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: 505034700

PURPOSE

The purpose of this report is for Council to receive an update on an agenda item from the May 2019 Council Meeting in relation to the Planning Applications PA2795/18, PA2788/18, PA2787/18 and PA2785/18 at 371 Musical Gully Road, Waterloo and make a determination on PA2785/18.

BACKGROUND

Four (4) planning permit applications were previously submitted by a single proponent for the use & development of a single dwelling (x4) at the below described locations:

- PA2785/18 Crown Allotment 6, 7, 8, 9, 10, 11 and 12E at 371, Parish of Raglan, Musical Gully Road, Waterloo
- PA2795/18 Crown Allotment 12C, 63 and 64, Parish of Raglan, Musical Gully Road, Waterloo
- PA2788/18 Crown Allotment 16C, 16E and 16J, Parish of Raglan, Musical Gully Road, Waterloo
- PA2787/18 Crown Allotment 12D and 63A, Parish of Raglan, Musical Gully Road, Waterloo

At the time when Council was considering these matters, PA2787/18 was being progressed by a potential purchaser and therefore not subject to Council's May 2019 resolution.

The remaining three (3) applications were considered by Council who resolved the following:

That Council:

1. Notes the purposes described for the Farming Zone, Restructure Overlay and Bushfire Management Overlay within the Pyrenees Planning Scheme.
2. Notes the objectives and strategies of the Local and State Policy Planning framework and the Municipal Strategic Statement of the Pyrenees Shire Planning Scheme
3. Having considered all matters required under the section 60 of the *Planning and Environment Act 1987*, lays PA2785/18 and PA2788/18 on the table.
4. That advice be provided to the applicant regarding the capacity to and process for legally transferring dwelling entitlements between restructure parcels.

ISSUE / DISCUSSION

The following updates can be provided for the abovementioned planning applications:

1. **PA2787/18 - Crown Allotment 12D and 63A, Parish of Raglan, Musical Gully Road, Waterloo.** A planning permit was issued on the 29th of May 2019 to the applicant. No further action is required.
2. **PA2795/18 - Crown Allotment 12C, 63 and 64, Parish of Raglan, Musical Gully Road, Waterloo** The planning permit was officially withdrawn by the applicant on the 18th of July, 2019. No further action is required. A subsequent planning permit application was made by another party and has since been granted.
3. **PA2788/18 - Crown Allotment 16C, 16E and 16J, Parish of Raglan, Musical Gully Road, Waterloo.** The planning permit PA2795/18 was officially withdrawn by the applicant on the 14th of November, 2019. No further action is required. A subsequent application was made by another party and is currently being processed.

4. **PA2785/18 - Crown Allotment 6, 7, 8, 9, 10, 11 and 12E at 371, Parish of Raglan, Musical Gully Road, Waterloo** This application remains 'on the table' as per May 2019 Council resolution. The applicant has not progressed a planning scheme amendment in an attempt to transfer or assign a Restructure Parcel entitlement to this land. The land remains unable to support the development of a dwelling.

As per item 4 of Council's May 2019 resolution, Council officers have communicated with the applicant on matters relating to the Restructure Overlay, specifically relating to PA2785/18. Such communications have been via emails, phone calls and face to face meetings and included the provision of information relating to the planning scheme amendment process.

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.

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

This application also meets Council's obligations as Responsible Authority for assessing applications under the *Planning and Environment Act 1987*. Council has assessed this application against each requirement of the Pyrenees Planning Scheme, and has managed the planning process and its decision making in accordance with the requirements of the Act.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

An application determined by council or under delegation of council and which is subject to appeal rights at VCAT, may incur costs in the form of representation (consultant) fees and staff resources

CONCLUSION

No further action is required for both PA2795/18 and PA2788/18 as those applications have been withdrawn by the applicant. PA2785/18 remains an active planning permit application. Officer assessment and recommendations as detailed in the May 2019 report remaining valid.

OFFICER RECOMMENDATION

That Council:

1. Notes that PA2795/18 and PA2788/18 have been withdrawn by the applicant, and hereby remove the item 'from the table', with no further action being required; and
2. Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, determines to not support the issuing of a planning permit for PA2785/18 based on the following reasons:
 - a) the proposed use and development is inconsistent with the objectives of the *Pyrenees Planning Scheme*;
 - b) there being no provisions to transfer/trade a Restructure Overlay Entitlement from CA16C; and
 - c) that the Restructure Overlay Entitlement proposed to be transferred to the allotments has been absorbed by PA2787/18.

11. AVOCA RIVER FLATS

Katie Gleisner – Manager Planning and Development

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 update Council on the findings of an investigation into alleged nuisances arising from the indiscriminate dumping of untreated grey and/or black water into the Avoca River and onto the river flats, by the unregulated camping along the Avoca River; and to seek Council's support to undertake a range of land management activities to improve the way in which the described land is used.

BACKGROUND

In September of 2019, Council received a number of complaints from Avoca and non-Avoca residents, alleging that under Part 6, Division 1 of the *Public Health and Wellbeing Act 2008*, a nuisance was arising from the following:

- The indiscriminate dumping of untreated grey water into the Avoca River and onto the river flats by unregulated camping;
- The noise that is omitted by campers using generators at this location;
- The construction of fire pits by campers upon the land; and
- Unrestrained dogs associated with caravanning and camping at this location.

Section 62, part 2 of the Public Health and Wellbeing Act 2008, states that Council must investigate any notice of a nuisance. Further, section 60 states that Council has a duty to remedy as far as is reasonably possible all nuisances existing in its municipal district. However, there are no legislative requirements for Council to resolve alleged nuisances.

At Council's October 2019 meeting, a report was presented to Council detailing the nature of the complaints received. At this meeting, Council resolved to seek a further report on the matter, following the completion of an investigation by Council's Environmental Health Department.

ISSUE / DISCUSSION

Council's Environmental Health Department (via Kernow Environmental Health) has undertaken a thorough investigation into the alleged nuisance. This investigation has included eight (8) site visits which were undertaken between October 30 and November 27.

Observations and comments of the investigating officer include following:

- Whilst caravanning and camping activities were observed, no evidence of the discharge of black or grey water was identified. Observations of hoses being connected to caravans were made, however the active discharge of black and/or grey water was not observed.
- The complaints received have not been supported by a medical report or a demonstration that the caravanning and camping activities have an impact on the health and wellbeing of the complainants.
- Complainants have not satisfactorily demonstrated how the alleged activity causes or is likely to cause a danger to health, particularly to those do not live nearby to the site, or within the township of Avoca.
- The Avoca River is not a potable water supply and not available for human consumption.

Upon conclusion of the investigation, it has been determined that a nuisance, as described in and for the purpose of the Act, does not currently exist.

The Environment Protection Authority (EPA) is the responsible authority for investigating waterway pollution, including the discharge and impacts on the waterway environment.

Despite the outcome of this investigation, officers acknowledge that the environment which includes Avoca River and surrounding flats should be managed in a way that has positive environmental and social outcomes.

Due to a significant portion of the Avoca River Flat being directly management by the Department of Environment Land Water and Planning (DELWP), council officers have been in discussion DELWP staff regarding the ongoing usage and management of the site.

DELWP have confirmed that they support Council having an increased role in the management of the Avoca River flats. This can include but is not limited to the instillation of signage and vehicle management infrastructure, the enforcement of Councils *General Local Law 2019* within the land and the delegation of management to Council.

Council currently undertakes mowing and maintenance upon the Avoca River Flats, including the area managed directly by DLEWP.

The river and surrounds provide Avoca Residents and visitors with opportunities for passive recreation activities such as walking, picnicking and enjoying the natural environment. The river also links key areas within Avoca, including the main street precinct, Recreation Reserve, Chinese Gardens, Skate Park and Lions Park.

The monthly Avoca Riverside Market and the annual Pyrenees Unearthed festival are held upon the river flats, which are important events within the community.

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.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

The development of a Concept Master Plan will be undertaken using internal resources and therefore not expected to impact Council's budget.

The installation of minor infrastructure cannot be costed prior to the completion of a Master Plan.

Ongoing management of the site (excluding the installation of minor infrastructure) is not expected to impact Council's budget as mowing currently occurs and is budgeted for.

CONCLUSION

The Avoca River is important to the social, environmental and economic fabric of the town. It needs to be managed in a way that allows for continued access and enjoyment by locals and visitors, whilst managing impacts on the natural environment.

Council is best placed to achieve a balanced management regime through its application of the *General Local Law 2019* and presence in the community.

OFFICER RECOMMENDATION

That Council:

1. Prepares a Master Plan for the Avoca River precinct between Lions Park and Duke Street, to inform appropriate management and infrastructure.
2. Implements elements of the Management Plan that allow for the improved regulation of caravan and camping activities, including the use of camp fires, generators and the management of grey and black water.
3. Resolves to become the delegated land manager over the Avoca River Precinct (Lions Park to Duke Street), and writes to DELWP to request that such delegation be arranged.

ASSET AND DEVELOPMENT SERVICES

12. CAPITAL WORKS PROGRAM ADJUSTMENTS

Robert Rowe – Manager Assets and Engineering

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

File No: 32/26/04

PURPOSE

The purpose of this report is to inform Councillors of adjustments to the 2019-2020 Capital Works Program.

BACKGROUND

The 2019-2020 Capital works program was presented to Council with a number of projects awaiting approval by the relevant funding bodies. See appendix 1

The Capital Works Program may be funded from the following programs and budget allocations;

1. Roads to Recovery (R2R),
2. Local Roads to Market (LRTM)
3. Fixing Country Roads (FCR)
4. Bridges Renewal Program (BRP) and
5. Pyrenees Shire Rates (PSR)

Officers sought funding (2:1) for 4 projects through the State Governments Fixing Country Roads Program and utilising Federal Government R2R funding as the other funding source. This maximised the “spread” of R2R funds should all 4 nominated projects receive FCR funding. Council was fortunate to have all 4 LRTM projects accepted.

The 2019-2020 projects, funding sources and a brief project update follow.

- **Bridges 93 and 94 Landsborough Elmhurst Rd** – Joint Ararat Rural City Council and Pyrenees Shire Project. Jointly funded through BRP and ARCC/PSR. Construction well underway with the second deck being poured on Wednesday 27th Nov. Programmed to be opened prior to Christmas
- **Bridge 91 - Landsborough Elmhurst Road** – Joint LRTM and R2R funding. Project Completed
- **Bridge 13 - Beaufort Carngham Road** - Joint LRTM and R2R funding. Project Completed
- **Bridge 59 - Eurambeen Streatham Road** – Joint FCR and R2R funding. Tender for the supply of bridge components has been let and the tender for construction of the bridge is currently being evaluated
- **Eurambeen Streatham Road Reconstruction** 780mts - Joint FCR and R2R funding. Final design has been forwarded to works crew and construction is underway.
- **Raglan Elmhurst Road 1.68km Reconstruction** 9 – Joint FCR and R2R funding. Final design approved and final assessment for removal of native trees is underway. Initial drainage works are underway and full construction is to commence in the new year.
- **Langi Kal Kal Road 1.75km Reconstruction** – Joint FCR and R2R funding. Final design plans are not far off being provided. All environmental and native vegetation assessments are completed. Construction works to commence in the new year
- **Vinoca Road Avoca Upgrade** – balance of R2R funding. Survey is 80% complete.

- **Bridge 12 – Beaufort Carngham Road** - Joint BRP and PSR funding (1:1) The application for the renewal of this bridge was unsuccessful. This allowed \$352,000 of PSR funds allocated to this project to be reallocated.

ISSUE / DISCUSSION

At the time Council approved the Capital Works Program, \$622,321 of R2R funds were not allocated as it was not known how many of the nominated LRTM projects would be successful. With all nominated LRTM projects being funded, it allowed the Vinoca Road project to be funded from the unallocated \$622,000 of R2R funds.

Following the Moloney 2018 Bridge Condition Report, a level 3 Bridge inspection on Bridge 38 Chepstowe Pittong Road was commissioned and subsequently undertaken by Vawdrey Engineering in May 2019. A review of the report findings and further inspection and analysis by Councils Engineer Soren Ryan, highlighted structural deficiencies that necessitated this structure being elevated in the bridge renewal forecasts in September 2019. The renewal of Chepstowe Pittong Rd Bridge 38 project is currently unfunded. It is anticipated that this structure can be renewed utilising the InQuick Bridging System that is being used to renew Bridge 59 on the Eurambeen Streatham Road. Bridge 38 renewal will be funded from an adjusted allocation from the Vinoca road R2R funds. See appendix 1

A 250m section of the Snake Valley Chepstowe Road suffered severe pavement failure following the recent rains. The pavement required immediate and extensive drainage works and renewal of the pavement. A new project allocation of \$50,000 from the Bridge 12 PSR funds of \$352,000 was initiated. See appendix 2

The R2R funds available for the Vinoca Road Upgrade Project will be boosted by a contribution from PSR of \$152,015. Total allocation \$430,135. See appendix 2

Bridge 93 and 94 on the Landsborough Elmhurst Rd. This project required a side track to be constructed to allow access for local traffic and emergency vehicles. A contribution of \$60,000 from PSR will fund this contract variation. See appendix 2

An upgrade to existing guardrail on the Raglan Elmhurst road will be funded by a \$38,400 allocation from PSR. See appendix 2

Bridge 91 Landsborough Elmhurst Rd renewal project variations resulting from defective crown units and site remediation will be funded by a \$51,600 allocation from PSR. A separate report has been presented regarding the defective crown units. See appendix 2

Council has been notified that additional funds have been allocated to the Roads to Recovery Program. \$675,000 has been allocated to the 2019-2020 program and a further \$675,000 towards the 2020-2021 program. Council officers have identified the following projects that would be supported by this funding boost

- Installation of compliant guardrail at 4 locations that had been identified as being high risk
- Completion of the last section of the Waubra Talbot Road Reconstruction and Upgrade.
- Completion of a further section of the Vinoca Road Reconstruction and Upgrade
- Renewal of Bridge 139 on the Raglan Elmhurst Road by the construction of a conventional bridge structure

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 Appendix 1 Existing Capital Works Program 2019-2020 (*circulated separately*)

12.2 Appendix 2 Adjustments to Existing Capital Works program 2019-2020 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

The \$622,120 of previously unallocated Roads to Recovery funds are to be allocated to the Vinoca Road reconstruction project and the renewal of Bridge 38 on the Chepstowe Pittong Road.

That the \$352,015 of Pyrenees Shire Rates from the unsuccessful Bridges Renewal Program application be allocated to five Capital Works Projects.

CONCLUSION

Adjustments to projects and funds as outlined above will enable delivery of projects in a timely and coordinated manner that will have a beneficial impact on future delivery of Capital Works Programs.

OFFICER RECOMMENDATION

That Council endorses the 2019-2020 Adjusted Capital Works projects and project funding.

13. RAINBOW SERPENT FESTIVAL TOW AWAY ZONES

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: 62/55/13

PURPOSE

The purpose of this report is to request endorsement from Council to re-establish the tow-away zone in areas associated with the Rainbow Serpent Festival for the period of the 2020 festival.

BACKGROUND

Last year the Rainbow Serpent Festival in conjunction with Council and VicRoads established a tow away zone in order to mitigate risks from the parking of vehicles in the adjacent road reserves.

The risks include:

- Vehicles being parked over dry grass and other vegetation creating a fire hazard
- Vehicles pulling over on the highway in 80kmh or 100kmh zones and causing traffic hazards.
- Restricting the carriageway width on road reserve which require unobstructed travel for the time of the festival
- Risk of pedestrian accidents while passengers are disembarking from a vehicle located along the highway.
- Vehicles being used as camp sites during the time of the festival.

It has also been established that people are parking in the vicinity of the festival, and walking cross country through private property to illegally gain access to the festival site. This causes damage to fencing, stock, and crops and is also putting the individuals at significant risk of injury, as they often attempt this journey under the cover of darkness. Festival operators have received complaints from adjoining property owners regarding this issue.

It is proposed to once again enforce a tow-away zone which will act as a deterrent and reduce the risk significantly during the period of the festival.

ISSUE / DISCUSSION

Council officers have been in contact with VicRoads regarding the process surrounding the designation of the tow away-zone for the duration of the festival. The requested timing from the organisers is 9am on Thursday 23rd January 2020 to 6pm on Tuesday 28th January 2020. At the request of Council, VicRoads has the power through an instrument of delegation to confer on Council the authority to enforce a designated tow-away zone.

Council then has the authority to engage a contractor on its behalf to undertake any necessary removal and impounding of vehicles.

The conditions of the VicRoads permit are:

In return for VicRoads executing an instrument of delegation (“Instrument”) conferring on the Council its powers under section 119A of and Clause 5 of Schedule 4 to the Road Management Act 2004, for the Event and on the dates documented, the Council agrees to comply with each of the following:

1. *The Council will ensure that adequate signage is in place, in advance of and during the Event, to warn motorists of any tow-away zones.*
2. *The Council will undertake any necessary towing in a way that minimises inconvenience to motorists, including by ensuring that vehicles are towed the shortest distance necessary.*
3. *The Council must return to its owner a vehicle towed, kept or impounded under the Instrument, on payment of a fee no higher than the fee authorised by the Road Management Act 2004.*
4. *The Council will indemnify VicRoads against any liability, claim, loss, damage, cost or expense suffered or incurred by VicRoads in connection with the exercise by the Council or its employees, delegates or contractors of the powers conferred by the Instrument.*

It is proposed that Council works with the organisers of the Rainbow Serpent Festival and their Traffic Management Company, Dome Traffic, to co-ordinate this approach. Dome Traffic did this last year enforcing the temporary zones.

It is proposed that:

- Rainbow Serpent event organisers (Gap Events) establish an impound area on the site of the festival – there are no specific requirements as long as the vehicles are kept safe.
- The release fees comply with Road Management Act 2004 Schedule 4 clause 5(2A). It has to reflect the reasonable costs of impoundment, including overhead and indirect costs.
- If a contractor is undertaking the towing, then any cost recovery fee received by the council is arguably received as an agent for the towing company, and can be paid to them. It would be best if the fee charged to the customer is the fee charged by the contractor, with the council not keeping any excess. Council authorised officers will negotiate this payment process with event organisers. The fee charged also needs to reflect the cost associated with all aspects of management and release of impounded vehicles.
- The formal notification requirement for the tow away is publicised in the Government Gazette. This cost and the cost of appropriate signage will be required to be met by the event organisers.

Council officers have arranged the application through VicRoads to receive the appropriate authorities to establish and enforce the tow-away zone for the length of the festival.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under section 119A of and Clause 5 of Schedule 4 to the Road Management Act 2004. – 119.

Power of VicRoads to perform road management functions on roads

(1) Subject to this section, VicRoads may perform any road management function under this Act on any road—

- for the purposes of facilitating road safety and traffic management in relation to access to or from a freeway or arterial road;

Road Management Act 2004 Schedule 4 Clause 5(2A)

Power to remove vehicles causing obstruction or danger

(1) A State road authority may move or impound any vehicle that—

- is causing an unlawful obstruction; or
- is unlawfully parked or left standing in an area designated by the Minister; or
- has been left standing illegally for a period of at least 2 days; or

- has been left standing in an area in which in the opinion of the State road authority the vehicle is obstructing the free movement of traffic on a road or from a driveway; or
 - has been left standing in an area in which in the opinion of the State road authority the vehicle constitutes a hazard to road safety.
- (2) A State road authority may charge the owner of a vehicle a fee of up to the amount of the fee set for the purposes of clause 4(1)(c).
- (3) The powers conferred by this clause and clause 4 are in addition to any powers under the Road Safety Act 1986.

ATTACHMENTS

13.1 Proposed tow-away areas map supplied by Rainbow Serpent Organisers.

FINANCIAL / RISK IMPLICATIONS

There is a significant risk to the community of fire in the locality during the period of the festival and could be caused by vehicles which park or camp on roadsides.

CONCLUSION

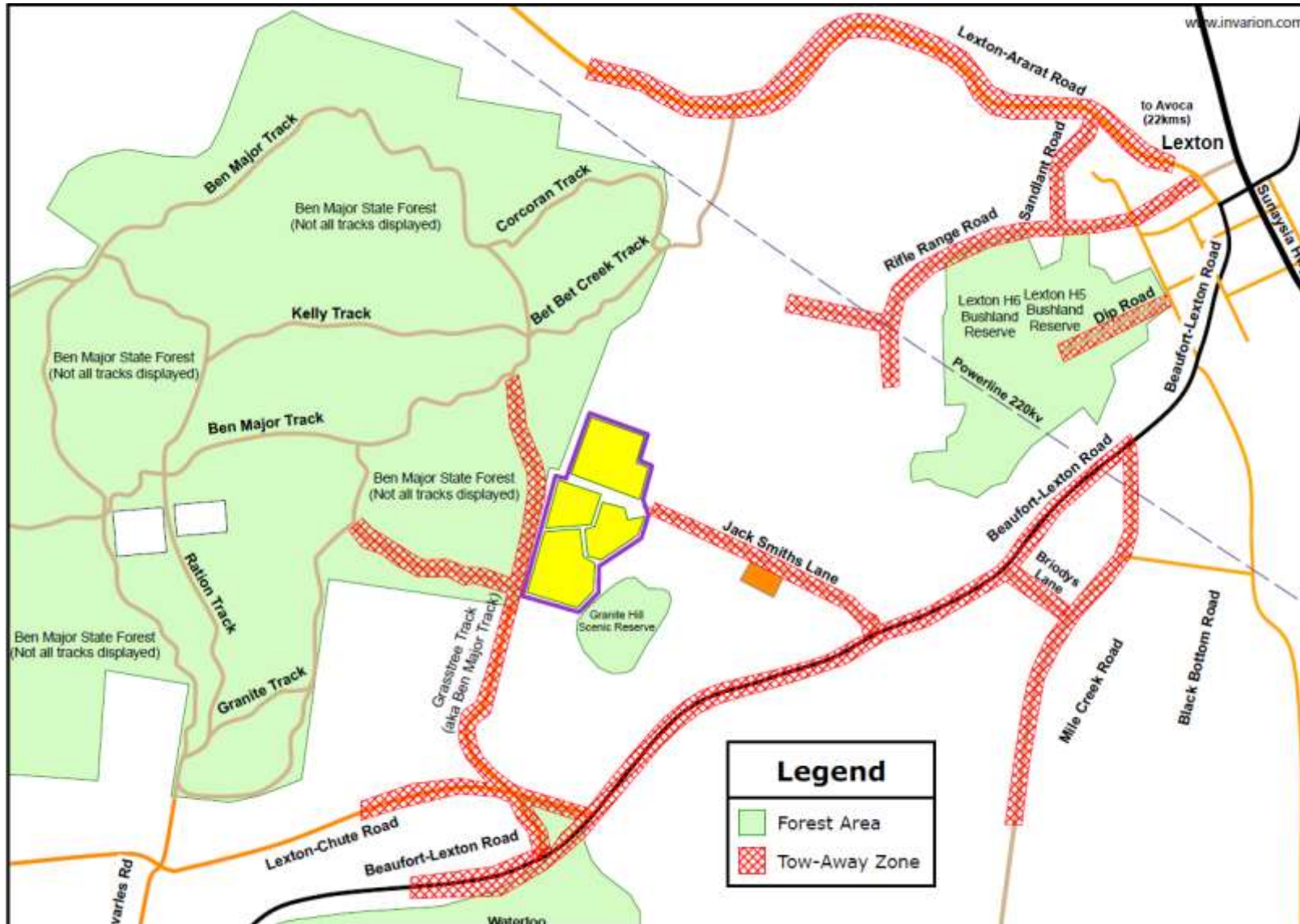
Council officers believe that undertaking this action will improve safety and reduce risk to the community, road users and festival attendees during the time of the Rainbow Serpent Festival. Having the authority to undertake the enforcement and removal of vehicles within the area of the festival provides some rigour to the process, and immediately eliminate a risk once it has been identified.

Further work will be undertaken to finalise with the event contractor, a reasonable cost recovery process which sees no cost to Council.

OFFICER RECOMMENDATION

That Council:

1. Endorses the application process to gain delegation from VicRoads to establish the tow-away zone in the locality of the Rainbow Serpent Festival between Thursday 23rd January 2020 and Tuesday 28th January 2020.
2. Endorses the Chief Executive Officer's actions to authorise officers on behalf of the Rainbow Serpent event organisers to implement an appropriate process to apply fees associated with the management and enforcement of the tow-away zone for the duration of the festival.



CORPORATE AND COMMUNITY SERVICES

14. 2019-20 BUDGET PREPARATION TIMETABLE

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: 32/08/25

PURPOSE

The purpose of this report is to set the timetable for the preparation of the 2020/21 financial year budget.

BACKGROUND

Council is required by State legislation to prepare and adopt a budget for each financial year. In order to achieve the legislated deadlines for this action a timetable has been prepared for Council's adoption and implementation.

ISSUE / DISCUSSION

Section 127 of the Local Government Act 1989 requires a council to prepare a budget for each financial year containing mandated inclusions.

Council must adopt a budget in respect of each financial year by the 30th June. The draft budget must be available for inspection by the public before being adopted by Council.

A copy of the draft budget timetable is attached for Council consideration and adoption, subject to potential minor changes in timeframe by Council's newly appointed Manager Finance.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 127 of the Local Government Act 1989 requires a council to prepare a budget for each financial year and adopt by 30th June of each year.

ATTACHMENTS

14.1 Draft 2020/21 Budget development timetable (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

No financial implications are associated with this report.

CONCLUSION

The development of a budget timetable will ensure the 2020/21 budget is prepared in accordance with legislated timeframes.

OFFICER RECOMMENDATION

That Council adopts the timetable for the preparation of the 2020/21 budget.

15. ELECTION PERIOD POLICY – 2020 GENERAL ELECTION

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: 16/24/112

PURPOSE

The purpose of this report is for Council to consider the adoption of a revised Election Period Policy defining the requirements for the Pyrenees Shire Council in the lead up to the October 2020 local government general elections.

BACKGROUND

The election period (often referred to as caretaker period) is the period that starts from the last day that nomination to be a candidate for that election can be received and ends at 6pm on Election Day. The election period for the 2020 local government general election is from 12 noon on Tuesday 22 September 2020 to 6pm on Saturday 24 October 2020.

It is a requirement under section 93B of the Local Government Act 1989 that councils maintain and update an Election Period Policy in preparation for each general election.

ISSUE / DISCUSSION

The attached Election Period Policy has been reviewed and updated in order to ensure that the 2020 election for the Pyrenees Shire Council is conducted in a manner that is fair and equitable and publicly transparent. It draws upon not only statutory requirements but also well-established democratic principles and good governance practices to ensure that there is clarity in processes and equity for all candidates.

The updated Policy governs a wide variety of issues including major policy decision-making, public consultation processes, use of Council resources, access to information, communication including the content of media releases, content of Council publications, and assistance to candidates for the 2020 election.

An Information Register to record all requests for information made by candidates, and copies of all responses by the organisation is also part of this Policy. This Register will be a publically accessible document, placed on Council's website.

In summary, the Election Period Policy for the 2020 General Election primarily restricts the Pyrenees Shire Council to day-to-day normal business activities for the election period of 32 days, just over four weeks.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 93B of the Local Government Act 1989 requires Council to prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.

ATTACHMENTS

15.1 Election Period Policy – 2020 General Election (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Adoption and publication of this Policy ensures that the restrictions placed upon Council during the Election Period for the 2020 Local Government General Election are transparent and adhered to.

CONCLUSION

The Election Period Policy – 2020 General Election ensures all candidates for the upcoming election are guided by the same democratic process. Council is therefore in a position to adopt the updated draft policy as part of its good governance practices.

OFFICER RECOMMENDATION

That Council:

1. Adopts the Election Period Policy – 2020 General Election; and
2. Officers publish a copy on the Pyrenees Shire Council website and provide hard copies to all Council service points.

16. EOFY FINANCIAL AUDITS

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: 32/08/30

PURPOSE

The purpose of this report is to ensure that Council is kept informed of external audit activity in relation to the local government sector and in particular to provide Council with final information relating to the Pyrenees Shire Council's 2018/19 EOFY financial audit.

BACKGROUND

The Victorian Audit-General's Office (VAGO) is responsible for auditing financial reports and performance statements of the Victorian local government sector each year. In addition, VAGO carries out performance audits in areas considered of governance or other risk to the sector.

VAGO provided the Pyrenees Shire Council with their Final Management Letter relating to Council's 2018/19 financial year in November 2019.

A report on the outcomes of VAGO's audit activities is tabled at the Victorian State Government each year in November. The VAGO Report "Results of 2018-19 Audits: Local Government" (the report) was tabled in Parliament in November 2019.

ISSUE / DISCUSSION

Pyrenees Shire Council 2018/19 Financial Audit:

VAGO completed the end of 2018/19 financial year audit for the Pyrenees Shire Council in September 2019 and the financial statements were included within Council's Annual Report, submitted to the Minister prior to the end of September 2019.

A closing report was presented to Council's Audit & Risk Committee on 27 August 2019 and VAGO's Final Management Letter was issued in November 2019. This Letter provides an assessment of audit findings and provides opinions on the financial report and performance statement. A copy of the Final Management Letter is provided as an attachment to this report.

A summary of audit findings is provided below:

Date raised	Finding	Risk rating	Resolved / unresolved	Acceptance
Aug 2016	Excessive annual leave	Moderate	Resolved	Ongoing management of this has reduced outstanding leave and the associated risks
Apr 2019	Outstanding review of IT Policies	Low	Unresolved	Review of outstanding policies will be undertaken in late 2019/early 2020
Apr 2019	SynergySoft generic access by Customer Service Officers	Low	Unresolved	Amount of cash handled and number of transactions performed does not warrant multiple receipting workstations. Management accepts the increased risk.
Oct 2019	Credit card authorisation – one missed authorisation signature	Low	Unresolved	Credit card reconciliations and authorisations are checked. Increased reporting provisions implemented.

Date raised	Finding	Risk rating	Resolved / unresolved	Acceptance
Oct 2019	Impairment assessment for Property, plant and equipment	Moderate	Unresolved	Infrastructure and building revaluations are conducted every 3 years. Council proposes to use the CPI Roads & Bridges Construction Victoria Index and the Building Construction Victoria Index for the annual assessment of movement between years. Council will formalise this by way of an annual memorandum on impairment and fair value.

No significant findings were included in the report and matters are being addressed as detailed above. These findings will be reviewed by VAGO in April 2020 at their preliminary annual audit.

VAGO Report – “Results of 2019-19 Audits: Local Government”

The report provides an overview of local government in Victoria, an overview of VAGO’s findings with regard to annual financial statements and a summary of sector wide developments and issues arising during the 2018-19 financial year. A copy of the report is provided as an attachment to this report.

The report noted that generally, Victorian councils continue to be financially sound. The Pyrenees Shire Council did not have any direct mention relating to significant findings within the report.

Sector-wide developments and issues identified during the year include:

- Combustible cladding (relevant for development of three stories or higher).
- Waste & Recycling – councils to work with the state government to explore sustainable, innovative and longer-term solutions to recyclable waste.
- Procurement processes
- Vendor master file changes and user access rights
- Corporate purchasing cards – councils to ensure strong frameworks, policies and controls in place.
- Outsourced service providers – maintaining sufficient oversight of activities outsourced to external service providers.
- Asset management and valuation processes – Local Government Victoria was recommended to provide further sector-wide guidance.
- Corporate governance

The report also mentions the Local Government Bill 2019 which was introduced to Parliament on 13 November 2019. Progress of this Bill is being monitored.

Council officers note all audit reports issued throughout the year that are issued by regulatory bodies and that relate to the local government sector. Where relevant, recommendations are reviewed against Council work processes and practices and changes made where appropriate to maintain currency of good governance.

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 – Pyrenees Shire Council Final Management Letter 30 June 2019 (*circulated separately*)
- 16.2 VAGO – Results of 2018-19 Audits: Local Government (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Risks exist if councils do not manage financial and governance matters appropriately. VAGO provides councils with the opportunity to utilise recommendations and continuously improve performance, even if not directly focused at the individual council in question.

CONCLUSION

Council received VAGO's Final Management Letter, relating to the 2018/19 financial year, in November 2019. Council also noted the information contained within VAGO's overarching audit reports relating to Local Government.

OFFICER RECOMMENDATION

That Council:

1. Receives the VAGO Final Management Letter for the year ending 30 June 2019; and
2. Notes the VAGO report to Parliament – "Results of 2018-19 Audits: Local Government."

17. COUNCILLOR REPRESENTATION ON COMMITTEES

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: 18/02/04

PURPOSE

The purpose of this report is for Council to update Councillor representation on committees.

BACKGROUND

Each year at the Statutory Meeting of Council, Council determines the Councillor representation on committees. Below is a list of Committees that Council has representation on as adopted by Council on 29 October 2019.

Committee	Dept	Staff Member	Councillor
External-Formal			
Municipal Association of Victoria (MAV)	CEO	J Nolan	Crs Clark / Vance
Victorian Local Government Association (VLGA)			Any Councillors
Central Highlands Councils Victoria (CHCV)	CEO	J Nolan	Mayor
Rural Councils Victoria Executive Committee	CEO		Cr Vance
Rural Councils Victoria (RCV)	CEO	J Nolan	Mayor
Grampians Central West Waste and Resource Recovery Group	A&DS		Cr Ferrari
Central Highlands LLEN	CEO	Nil	Cr Clark
Visit Ballarat	CEO	R Davies	N/A
Timber Towns Victoria	A&DS	D Gowans	Cr Vance (Chair)
National Timber Councils Association	A&DS	D Gowans	Cr Vance
Central Highlands Regional Partnership	CEO	J Nolan	N/A
Western Highway Action Committee (WHAC)	A&DS	D Gowans	Cr Ferrari
Sunraysia Highway Action Committee	A&DS	D Gowans	Cr Eason
Committee for Ballarat	CEO	J Nolan	Mayor
Beaufort Bypass – EES Technical Reference Group	A&DS	D Gowans	Cr Ferrari
Beaufort Bypass – PEG Public Engagement Group	A&DS	N/A	Cr Ferrari
Central Victoria Greenhouse Alliance (CVGA)	CEO	D Gowans	Cr Clark
Central Highlands Children and Youth Area Partnership	C&CS	K Bramwell / M Walmsley	Nil
Grampians Women’s Health – CORE Governance Group		K Bramwell	Nil
Rail Freight Alliance	A&DS	D Gowans	Cr Eason
Grampians Pyrenees Primary Care Partnership (GPPCP)	C&CS	J Nolan / M Walmsley	N/A
Ballarat Rail Action Committee	A&DS	D Gowans	N/A
External-Representative only			
Pyrenees Community Safety Advisory Group	C&CS	K Bramwell	Mayor
Library Advisory Council	C&CS	R Davies	N/A
Business for Beaufort	CEO		Cr Ferrari
Advance Avoca	CEO	Nil	Cr Eason
Beaufort Secondary College Committee			Cr Ferrari
Youth Foundations Victoria Beaufort Initiative	C&CS		Cr Kehoe

Committee	Dept	Staff Member	Councillor
Langi Kal Kal Community Advisory Group	CEO	J Nolan	Cr Clark (Chair)
Internal			
Audit Committee	C&CS	K Bramwell	Crs Vance / Eason
Services and Assets Management Steering Group	A&DS	D Gowans	Cr Vance
Municipal Emergency Management Planning Committee (MEMPC)	C&CS	K Bramwell	Cr Kehoe
Municipal Fire Management Planning Committee (MFMP)	A&DS	D Gowans	Cr Vance
CEO Review	CEO	J Nolan	All Councillors
Committees of Management			
Brewster Hall	C&CS	* A Ure / C Pethick	Ward Councillor
Landsborough Community Precinct	C&CS	* A Ure / C Pethick	Ward Councillor
Lexton Community Centre	C&CS	* A Ure / C Pethick	Ward Councillor
Snake Valley Hall	C&CS	* A Ure / C Pethick	Ward Councillor
Waubra Recreation Reserve	C&CS	* A Ure / C Pethick	Ward Councillor
Goldfields Rec Reserve	C&CS	* A Ure / C Pethick	Ward Councillor
Beaufort Community Bank Complex	C&CS	* A Ure / C Pethick	Ward Councillor

ISSUE / DISCUSSION

At the Statutory Meeting it was resolved that Crs Vance and Eason would represent Council on the Audit & Risk Committee.

Councillor discussions subsequent to the Statutory Meeting of Council held on 29 October 2019 has indicated a preferred change to the nominated Councillor representation on Council's Audit & Risk Committee.

It is now requested that Council resolve to amend the Councillor representation on the Audit & Risk Committee for the 2019/20 financial year to be Crs Vance and Ferrari.

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

Nil

FINANCIAL / RISK IMPLICATIONS

There are no financial impacts relating to this report.

CONCLUSION

On an annual basis at the Statutory Meeting Council is required to allocate Councillors to a range of committees that Council is associated with, which was undertaken on 29 October 2019. It is now requested that Council resolve to change the Councillors representative on Council's Audit & Risk Committee to Crs Vance and Ferrari.

OFFICER RECOMMENDATION

1. That Council amends the Councillor representation on Council’s Audit & Risk Committee to be Cr Vance and Cr Ferrari for the 2019/20 financial year; and
2. That the following Councillor Representation on Committees 2019/20 listing be adopted and substituted for that adopted at the Statutory Meeting held on 29 October 2019.

Committee	Dept	Staff Member	Councillor
External-Formal			
Municipal Association of Victoria (MAV)	CEO	J Nolan	Crs Clark / Vance
Victorian Local Government Association (VLGA)			Any Councillors
Central Highlands Councils Victoria (CHCV)	CEO	J Nolan	Mayor
Rural Councils Victoria Executive Committee	CEO		Cr Vance
Rural Councils Victoria (RCV)	CEO	J Nolan	Mayor
Grampians Central West Waste and Resource Recovery Group	A&DS		Cr Ferrari
Central Highlands LLEN	CEO	Nil	Cr Clark
Visit Ballarat	CEO	R Davies	N/A
Timber Towns Victoria	A&DS	D Gowans	Cr Vance
National Timber Councils Association	A&DS	D Gowans	Cr Vance
Central Highlands Regional Partnership	CEO	J Nolan	N/A
Western Highway Action Committee (WHAC)	A&DS	D Gowans	Cr Ferrari
Sunraysia Highway Action Committee	A&DS	D Gowans	Cr Eason
Committee for Ballarat	CEO	J Nolan	Mayor
Beaufort Bypass – EES Technical Reference Group	A&DS	D Gowans	
Beaufort Bypass – PEG Public Engagement Group	A&DS	N/A	Cr Ferrari
Central Victoria Greenhouse Alliance (CVGA)	CEO	D Gowans	Cr Clark
Central Highlands Children and Youth Area Partnership	C&CS	K Bramwell / M Walmsley	Nil
Grampians Women’s Health – CORE Governance Group		K Bramwell	Nil
Rail Freight Alliance	A&DS	D Gowans	Cr Eason
Grampians Pyrenees Primary Care Partnership (GPPCP)	C&CS	J Nolan / M Walmsley	N/A
Ballarat Rail Action Committee	A&DS	D Gowans	Cr Clark
External-Representative only			
Pyrenees Community Safety Advisory Group	C&CS	K Bramwell	Mayor
Library Advisory Council	C&CS	R Davies	N/A
Business for Beaufort	CEO		Cr Ferrari
Advance Avoca	CEO	Nil	Cr Eason
Beaufort Secondary College Committee			Cr Ferrari
Youth Foundations Victoria Beaufort Initiative	C&CS		Cr Kehoe
Langi Kal Kal Community Advisory Group	CEO	J Nolan	Cr Clark (Chair)
Internal			
Audit & Risk Committee	C&CS	K Bramwell	Crs Vance / Ferrari
Services and Assets Management Steering Group	A&DS	D Gowans	Cr Vance
Municipal Emergency Management Planning Committee (MEMPC)	C&CS	K Bramwell	Cr Kehoe
Municipal Fire Management Planning Committee (MFMPC)	A&DS	D Gowans	Cr Vance
CEO Review	CEO	J Nolan	All Councillors

Committee	Dept	Staff Member	Councillor
Committees of Management			
Brewster Hall	C&CS	* A Ure / C Pethick	Ward Councillor
Landsborough Community Precinct	C&CS	* A Ure / C Pethick	Ward Councillor
Lexton Community Centre	C&CS	* A Ure / C Pethick	Ward Councillor
Snake Valley Hall	C&CS	* A Ure / C Pethick	Ward Councillor
Waubra Recreation Reserve	C&CS	* A Ure / C Pethick	Ward Councillor
Goldfields Rec Reserve	C&CS	* A Ure / C Pethick	Ward Councillor
Beaufort Community Bank Complex	C&CS	* A Ure / C Pethick	Ward Councillor

CHIEF EXECUTIVE OFFICER

18. REFUGEE WELCOME ZONE

Laura Buchanan – OPAN Project Manager

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

File No: 22/13/06

PURPOSE

The purpose of this report is for Council to consider signing a declaration to become a Refugee Welcome Zone

BACKGROUND

One of Council's initiatives in the 2017-2021 Council Plan is the OPAN Project (Opportunities Pyrenees Ararat Northern Grampians) which supports the objective to grow our local economy.

The OPAN project seeks to grow our population and workforce to fill jobs anticipated to be created through the public and private investment in the region.

The Try Test and Learn program is a Commonwealth grant program which has provided some funding to support the settlement of migrants into our region to assist in the growth of the workforce.

There are many elements to consider to ensure the success of a settlement program such as this; one of which is to demonstrate to those looking to settle here that we are in fact a welcoming community.

The Refugee Council of Australia (RCoA) encourages councils to consider formally becoming Refugee Welcome Zones. The following excerpt from the RCoA website provides the appropriate background.

“A Refugee Welcome Zone is a Local Government Area which has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community. The Refugee Welcome Zone initiative began in June 2002 as part of Refugee Week celebrations.

This public commitment is also an acknowledgment of the tremendous contributions refugees have made to Australian society in the fields of medicine, science, engineering, sport, education and the arts. By making this Declaration, it is hoped that local government will be encouraged in their continuing efforts to support the men, women and children who make the difficult journey to Australia to seek our protection.

The contribution of local councils

The contribution of Australia's local councils to welcoming humanitarian arrivals has been documented in a research paper which sets out the benefits of becoming a Refugee Welcome Zone and highlights examples of best-practice from some of the local councils.

[2013 RWZ Final Report](#)

[Size : 1.8 MB Format : PDF](#)

The importance of local government in building strong, socially cohesive communities has led the Australian Centre of Excellence for Local Government to develop an on-line interactive resource for Councils, [Building Social Cohesion in our Communities](#), which is aimed at assisting Councils understand and engage with their communities.”

“The process for becoming a Refugee Welcome Zone is very straightforward and simply involves the Council signing the Refugee Welcome Zone Declaration. To mark the occasion of becoming a Refugee Welcome Zone, many Councils and Shires choose to hold public signing ceremonies to highlight the initiative and acknowledge the work of local groups and individuals that support refugees and people seeking asylum. To request a representative from the Refugee Council of Australia to attend a ceremony, get in touch with our head office on (02) 9211 9333.

Local Government has historically played an important role in assisting refugee settlement and promoting community harmony. Becoming a Refugee Welcome Zone is a way to continue this proud tradition of supporting the settlement of refugees. It can motivate Local Government and local organisations and support groups to work together more effectively so as to improve settlement outcomes for refugees.

Signing the Declaration can also promote harmony, social cohesion and respect for human rights in your local community. It is a great way to demonstrate support for refugees and take a strong stand against racism and discrimination. It can help to raise awareness about the issues affecting refugees, foster a culture of mutual respect and promote an appreciation of cultural diversity.”

“There are currently 166 Refugee Welcome Zones in Australia.”

ISSUE / DISCUSSION

Becoming a Refugee Welcome Zone is one way that Council can demonstrate its support and welcome for the settlement of refugees and new migrants into our region.

It can also assist in raising awareness in our communities of issues affecting refugees and promote an appreciation of cultural diversity.

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.

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

18.1 Refugee Welcome Zone Final Report including copy of Declaration (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Nil

CONCLUSION

Becoming a Refugee Welcome Zone is one way that Council can assist in the implementation of the OPAN project by demonstrating its support and welcome for the settlement of refugees and new migrants into our region. In doing so, Council will assist in raising awareness in our communities of issues affecting refugees and promote an appreciation of cultural diversity.

OFFICER RECOMMENDATION

That Council agrees to signing the Refugee Welcome Zone Declaration

19. 2020 COUNCIL MEETING SCHEDULE

Jane Bowker – Executive Assistant to CEO and Councillors

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

File No: 16/17/02

PURPOSE

The purpose of this report is for Council to decide on the meeting schedule for Council Meetings and Briefing Sessions for 2020.

BACKGROUND

A 2020 schedule of meetings has been prepared in consultation with Councillors and is circulated with this report.

The schedule contains dates for Ordinary Council Meetings to be held monthly as well as Assemblies of Councillors (Briefing Sessions), Special Meetings, Community Cuppas and the annual Statutory Meeting.

ISSUE / DISCUSSION

The schedule also contains locations for the meetings to be held across this municipality to enable Councillors to engage with the various communities and in particular those communities who maintain Community Action Plans.

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.

4.4 - Develop our systems to support and enable our people to deliver efficient and quality services which are cost effective.

ATTACHMENTS

19.1 Council Meeting and Briefing Schedule for 2020

FINANCIAL / RISK IMPLICATIONS

Council has made provisions in its 2019-20 Budget to meet the costs associated with meetings.

CONCLUSION

Subject to Council's agreement to the meeting schedule, it is proposed that public notice be given in accordance with Section 89 of the Local Government Act 1989.

OFFICER RECOMMENDATION

That Council:

1. Adopts the meeting schedule for 2020 as attached to this report; and
2. Gives public notice in accordance with Section 89 of the Local Government Act 1989 of the proposed Council meetings.

2020 Council Meeting Calendar - DRAFT

January			
21st	Cuppa & Briefing	1.00pm	Beaufort
21st	Council Meeting	6.00pm	Beaufort
February			
11th	Cuppa	1.00pm	Evansford
11th	Briefing	2.00pm	Beaufort
18th	Briefing	2.00pm	Beaufort
18th	Council Meeting	6.00pm	Beaufort
March			
10th	Cuppa	1.00pm	Stoneleigh
10th	Briefing	2.00pm	Beaufort
17th	Briefing	2.00pm	Beaufort
17th	Council Meeting	6.00pm	Beaufort
April			
14th	Cuppa & Briefing	1.00pm	Avoca
21st	Briefing	2.00pm	Avoca
21st	Council Meeting	6.00pm	Avoca
May			
12th	Cuppa	1.00pm	Glenpatrick
12th	Briefing	2.00pm	Beaufort
19th	Briefing	2.00pm	Beaufort
19th	Council Meeting	6.00pm	Beaufort
June			
2nd	Cuppa	1.00pm	Beaufort
2nd	Briefing	2.00pm	Beaufort
9th	Briefing	2.00pm	Beaufort
9th *	Council Meeting	6.00pm	Beaufort

July			
14th	Cuppa	1.00pm	Crowlands
14th	Briefing	2.00pm	Avoca
21st	Briefing	2.00pm	Beaufort
21st	Council Meeting	6.00pm	Beaufort
August			
11th	Cuppa & Briefing	1.00pm	Avoca
18th	Briefing	2.00pm	Beaufort
18th	Council Meeting	6.00pm	Beaufort
September			
8th	Cuppa	1.00pm	Waubra
8th	Briefing	2.00pm	Beaufort
15th	Briefing	2.00pm	Beaufort
15th	Council Meeting	6.00pm	Beaufort
October			
TBC	Special Meeting & Statutory Meeting	6.00pm	Lexton
November			
10th	Cuppa	1.00pm	Natte Yallock
10th	Briefing	2.00pm	Avoca
17th	Briefing	2.00pm	Avoca
17th	Council Meeting	6.00pm	Avoca
December			
1st	Planning Day	1.00pm	To be advised
8th	Cuppa	1.00pm	Snake Valley
8th	Briefing	2.00pm	Beaufort
8th	Council Meeting	6.00pm	Beaufort

* Moved 1 week earlier to accommodate NGA 14-17 June 2020
 Please note the location for Councillor Briefings is subject to change

Ercildoune
De Cameron
Mt Emu
Avoca
Beaufort

20. FORMER BEAUFORT PRIMARY SCHOOL SITE

Jim Nolan – Chief Executive Officer

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

File No: 515021100

PURPOSE

The purpose of this report is for Council to consider its position in respect of the government land and assets comprising of the former Beaufort Primary School site.

BACKGROUND

In June 2018 Council considered a report on this matter following representations from the Old Beaufort Primary School 60 Community Committee which presented a vision for the adaptive reuse of the site, and Council resolved as follows:

That Council

- 1. once the Government Land Standing Advisory Committee has made a determination on the matter of rezoning of the site, authorises the CEO to engage with the Community PS60 group to explore issues and opportunities associated with the group's proposed vision for the former Beaufort Primary school site.*
- 2. Considers a further report on the matter at a future Council meeting once sufficient progress has been made in understanding the range of issues outlined in this report to assist Council to make a decision about its involvement if any with the future activity on the site.*

The following is an excerpt from that earlier report of June 2018:

“The site is currently owned by the Department of Education and Training (DET). The site is 2.24 hectares in size and currently contains a number of classroom buildings and recreational space. It is bordered by Leichardt Street, Neill Street (Western Highway) and Hill Street.

It is important to acknowledge that the site is under the control of the state government, and the government has deemed the site surplus to requirements. Council was offered a “First Right of Refusal” to express interest in the site for a community purpose. A submission was made to the process acknowledging the extent of Council’s interest, but not seeking to be the owner of the site.

The state process to prepare the site for disposal has seen the Department of Treasury and Finance (DTF) commence the preparation of a survey plan with the view to consolidation of crown and freehold titles, and realigning boundaries to transfer portion of the land for “road” purposes where a physical road already exists. The intent of the plan is also to contain provision for an easement for drainage and access in the vicinity of the underground drainage assets. Council officers have been in discussions with DTF on Council’s interest in the road, drainage and pedestrian access aspects of the plan.

The Department of Environment Land Water and Planning (DELWP) has also commenced a process to rezone the land, and the Government Land Standing Advisory Committee has given public notice and invited submissions on the matter. Council resolved at the April Council Meeting to support a submission to be made to the rezone process. A number of submissions were made, and public hearings are scheduled to be heard on 28 June 2018 in Beaufort.

The Advisory Committee directed that a Heritage Assessment be prepared, and this Assessment which has been completed identified a number of buildings on the site to have local heritage significance. A copy of the Heritage Assessment is available on the DELWP website.

Council has been advised that the land is also the subject of a Native Title claim.

There are a number of complexities that will need to be considered if the vision of the Community PS60 group is to be realised, and a range of matters requiring careful consideration before Council determines its position.

Among the matters for Council to consider include:

The need for a community centre

The extent of the benefits of the centre

The extent of the site required for the community purpose

The business case for the community activity to ensure its long term sustainability

The condition of the assets

The funding necessary to restore the building assets to a suitable condition for use

The long term renewal demand of the building assets

The extent of community activities to be accommodated on the site

The ownership and management options

Other potential uses of any portion of the land not required for community purposes

The planning considerations and the relationship with adjoining land uses

Whether there is a need to prepare a development plan for the site.

It is not suggested that Council make any firm commitment about the site until the above issues are appropriately explored, and in particular it is suggested that Council await the outcome from the Government Land Standing Advisory Committee (GLSAC) on the current rezoning to inform future actions.

It is however suggested that Council continue to work with the Community PS60 group to further explore some of the issues and opportunities, and consider a further report on the matter once sufficient progress has been made on the above.

Subsequently the Planning Minister wrote to Council (8 October 2018) acknowledging the representations from the community for the retention of the site (in full or part) for community purposes, and seeking “Council’s view about whether it wishes to purchase part of the site for a community use”.

The Minister advised “I have deferred finalisation of the issue until February 2019 to provide the Council with time to consider the options. Should Council wish to purchase part, or all of the site, I will consider alternative planning controls for the site that reflect Councils proposed use for the site.”

The Acting CEO wrote to the Minister for Planning in January 2019 expressing concern about the draft Development Plan Overlay schedule proposed for the site, seeking a copy of the GLSAC’s recommendations regarding the planning controls and seeking an extension of time before planning controls are decided and to enable further engagement with the community.

In June 2019 The Minister wrote to Council noting Council’s previously expressed interest in part of the land particularly in the area of the former creek line, and advising that, “I will allow a reasonable period for the Department of Treasury and Finance and council to resolve discussions about the purchase of part of the site. Should council decide to purchase part of the site for public open space, I will consider planning provisions that reflect this use of the land”

In addition to the communication with the Minister for Planning, the CEO met with officers from the Department of Treasury and Finance in July 2019 to understand the status of issues and process regarding the preparation of the government land for sale. File notes taken from that meeting have also been shared with the PS60 Committee.

The CEO has met with the PS60 Committee to share information in respect of the above and to provide comment on their plan for the site.

The Committee has over this period been working on “A Social Enterprise Plan” to establish a Multi-use Community Precinct at the site incorporating all the land and assets.

A copy of the plan has been shared with Councillors, who have discussed aspects of the proposal at Councillor Briefing sessions on 29 October 2019 and 3 December 2019.

At the time of preparing this report, it is proposed that the Committee address Council at the briefing on 10 December 2019.

ISSUE / DISCUSSION

What does the Social Enterprise Plan Propose?

The executive summary of the plan is copied below with the permission of the Committee.

“Old Beaufort Primary School 60 (BPS60) Committee has produced this social enterprise plan—Project Beaufort School 60—for former Beaufort Primary School 60, located at 7-25 Hill Street. This plan is central to our negotiations with Pyrenees Shire Council and the State Government (Department of Planning, Department of Treasury and Finance). It is the basis from which we can come together to achieve a viable community enterprise for the school site.

The vision is for a new, economically sustainable, not-for-profit multi-use precinct owned and controlled by the local Pyrenees community. Diverse community groups and associations will be allocated permanent space on the one central, easily accessible, inclusive site. The project will revitalise the township by providing a new community focus to the heart of town—an expansive community precinct, building on the social, historical, aesthetic and environmental capital of the site.

Revenue to sustain the project will largely derive from the establishment of unique accommodation within two heritage buildings on site. This accommodation will be a significant addition to the existing mix of options attracting visitors into the township.

Once the site has been secured through donation, lease or outright purchase (initially by Pyrenees Shire with community ownership in the medium to longer term?) Old BPS60 Committee will become an incorporated association and hold a public meeting to secure a wider membership to begin implementing Project Beaufort School 60. A not-for-profit Board of Management will subsequently be formed. The most suitable legal structure for the enterprise will be worked through prior to the implementation of Stage 2 of the project.

\$1.42 million is required for capital improvements for the site (\$940,000 - Stage 1 and \$480,000 -Stage 3). This money will be sought from mixed sources, including donations, crowdfunding, patient loans, local, state and federal grants, business angel networks and other means. The project will require significant community support, including substantial financial commitment from the community, and/or private enterprise. We will utilise the expertise of Pyrenees Shire Council, Beaufort Community Bank, Ballarat Foundation, as well as other community groups who have successfully brought projects to fruition (e.g. Lexton Community Hub, Avoca's Railway Station Building, Charlton Community Hub, Rainbow Oasis, Wedderburn CH&LC).

Once Stage 1 refurbishment is complete, Project Beaufort School 60 will initially start operating as a simple not-for-profit Community Hub (Stage 2), with Beaufort Community House and Learning Centre (CH&LC) occupying the Main School building and providing early onsite management.

Permanent housing in the Main School building and the Double Demountable building will be provided for other community groups, including Beaufort Municipal Band. Beaufort CH&LC will secure enhanced space resulting in an expanded program to offer the community, and with greater opportunity to pursue grants. There will be a community lounge, meeting rooms, office and storage space and a performance space. A Community Museum will be established.

Initial operating revenue for the Community Hub (stage 2 onwards) will be derived from:

- the lease of commercial space (2-4 rooms) within the Main School building*
- specific fundraising events*
- rental (sliding scale – subsistence)*

Once Stage 3 refurbishment is complete, and the accommodation within the Higher Elementary Building and Mt. Rowan School Cookery Building has been operating for four years, the whole community precinct will become fully sustainable through the addition of this revenue. Once in profit it will be possible, if necessary, to make repayments towards the purchase price of the site.

With the evolution of the site there will be increasing opportunities for youth activities, community learning, and creative arts (Creative Arts and Learning Centre, Stage 5) as partnerships and funding opportunities are pursued and secured. The overall sustainability of the project will not depend on securing these further grants.

Project Beaufort School 60 will make a significant social and economic contribution to the broader Pyrenees economy. It will be important to measure the social, economic and environmental impact of the project from implementation (Centre for Social Impact: <http://www.csi.edu.au/research/project/compass-your-guide-social-impact-measurement/>). If you support **Project Beaufort School 60** and agree that it is important to Beaufort's future, please consider making a financial pledge (details to come).

You can provide feedback to the committee about this social enterprise plan via the form at the end of this document, **Appendix E**, pp. 35-36."

In order to assist Council to come to a position on the matter, Council may wish to consider the elements of the site separately as follows:

1 Former Creek line (land containing drainage assets)

This section of land contains the underground stormwater drainage assets which Council is responsible for. It has also been identified in the Beaufort Walkability Plan as providing a north-south corridor to connect the public lands for future pedestrian and cycling access. A strip of land approximately 15m wide would cater for this purpose either as an easement on a future title or as a separate title.

2 Road

Section of Hill Street south from the Western Highway was previously contained on the school title. DTF has advised that this has subsequently been excised and in the process of being declared a road.

3 Open Space Freehold land (western section)

This area comprises the 5 freehold parcels of land where the school oval was located. The land is subject to flooding and contained within the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) within the Pyrenees Planning Scheme.

4 Open Space land between the former creek line and Hill Street

This area contains crown land and freehold portions and part of it is contained within the Land Subject to Inundation Overlay (LSIO) within the Pyrenees Planning Scheme.

5 Land containing building assets

This is crown land comprising building assets portion of which is contained within the proposed Heritage Overlay

6 Eastern section (former playing courts)

Can land in the LSIO or FO be developed

It is possible to develop this land however the planning permit is to be obtained for buildings and works. The Catchment Management Authority is a Section 55 referral for applications and works must be consistent with the local floodplain development plan. In general this provision requires works not to unreasonably interrupt the flow of flood water, and therefore development potential is limited.

What Heritage values have been identified?

The GLSAC commissioned a heritage assessment of the site which was completed in April 2018 by Lorraine Huddle. A copy of the assessment can be obtained online here:

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/2215/3196/3758/Heritage_Assessment.pdf

The recommended heritage overlay comprises some of the existing buildings and surrounding land as shown in the assessment report. Not all the existing buildings on the site are recommended to be included in the heritage overlay.

What other constraints are there?

The crown land portion of the site has been the subject of a native title claim which will need to be determined with the Eastern Maar.

What ownership Models are there?

1. The Committee's Plan proposes that Council purchase the land from the government with a restrictive covenant (for community purposes) and lease the site to the proposed NFP group.

Under this model, ultimately, Council would be responsible for the site and the activities on the site. The use of the site ongoing would need to be consistent with a community use.

2. Council may choose to seek to purchase the site via the market process when it is released for general sale without the encumbrance of a community use. This enables greater flexibility in the way the site can be used for a range of permissible uses regardless of whether they are consistent with “community use”. However these uses would still be subject to the provisions of the planning scheme and the applicable zoning.
3. The community could form a community cooperative to purchase fund and manage the activities. These activities would still need to comply with the relevant regulatory provisions. This could enable the objectives of the proposed enterprise plan to be delivered without Council’s ownership.
4. The site is purchased privately and developed with or without consideration of the proposed Social Enterprise Plan. This could include a range of adaptive reuse of the existing buildings for permissible community, residential or commercial activities.

Considering the need for additional community spaces

In consideration of the merits of the plan, Council should consider whether there is a need for the additional community spaces. Council is well aware of the cost to maintain operate and renew building assets. Existing community assets in Beaufort owned and managed by Council include the Shire Hall, Bendigo Community Bank Centre(Goldfields Recreation Reserve), Beerimpo Community Centre, Resource Centre/Library, Apex Croquet Clubrooms and Senior Citizens Community Centre.

Is there a need for additional open space in Beaufort? Areas of the school site comprising sections 1, 3 and 4 above would form part of a linear space linking open spaces to the north and south of the precinct.

Maintenance of open space areas requires ongoing maintenance and budget, particularly if it is required to be maintained to a high standard.

The site is in a prominent location.

Does the Social Enterprise Plan propose a financially sustainable model?

The plan has been prepared by a group of community volunteers who have done an excellent job of capturing the essential elements of a business plan. Like any business plan, there are a number of assumptions and risks identified.

A key assumption is that the initial capital funds can be obtained from Council, government and other sources. The project is not currently a priority for funding by Council, and any state or commonwealth funding for the site is likely to be a competitive process including with other priorities within Beaufort. The operations are financial dependent on cash flow from lease of spaces and other activities and effort has been made to consider a range of options. There is a risk that these may not be realized.

Does the Social Enterprise Plan provide an opportunity to grow and develop Beaufort?

The Plan states that: *“The project will revitalise the township by providing a new community focus to the heart of town—an expansive community precinct, building on the social, historical, aesthetic and environmental capital of the site.”*

That the proposal represents the best long term use of the site is a matter for debate. While there are examples in other towns of similar public space areas being developed as community spaces, there are also other adapted reuse developments undertaken with private investment that can realise other significant benefits to the community. These developments may include residential or permissible commercial activities.

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

Nil

FINANCIAL / RISK IMPLICATIONS

There are significant financial implications for Council ongoing unless careful consideration is given to the issues outlined in this report.

CONCLUSION

Council is encouraged to consider the issues outlined in this report and the following recommendations are provided.

OFFICER RECOMMENDATION

That Council:

1. Confirms its intention to have control the land containing the drainage assets and described in this report as the former creek line by means of an easement or ownership of the land for drainage purposes and in order to provide a north-south access link
2. agrees to support further input into the Social Enterprise Plan in order to strengthen the long term sustainability of the proposal and seeks that a revised plan be considered at a future meeting of Council, and no later than March 2020
3. allocates no more than \$10,000 towards achieving recommendation 2 above
4. seeks to determine its position on the site at the March 2020 Ordinary Council meeting.
5. Writes to the Minister for Planning advising of Councils position and the timelines for deciding its position.

21. DROUGHT COMMUNITIES PROGRAM

Jim Nolan – Chief Executive Officer

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

File No: 32/13/08

PURPOSE

The purpose of this report is for Council to consider projects to be included into a program or works funded under the Commonwealth Government’s Drought Communities Program.

BACKGROUND

On 27 September 2019 the Prime Minister announced that the Australian Government had committed to provide an extension to the *Drought Communities Programme* which is designed to provide an immediate economic stimulus to drought-affected communities. This was confirmed as an eligibility for Pyrenees Shire Council to apply for up to \$1M in funding for eligible projects.

In November 2019, a further announcement advised that Pyrenees was eligible for an additional \$1M under the same program.

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.”*

Funding guidelines have been updated and Council has been provided with access to the online application system for applications to be made.

A copy of the guidelines and application form can be obtained at:

<https://www.business.gov.au/Grants-and-Programs/Drought-Communities-Programme-Extension>

ISSUE / DISCUSSION

A report was presented to the October Council meeting containing details of the program which are copied below:

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

Examples of local community infrastructure/facilities/spaces include:

- <i>bike paths</i>	- <i>skate parks</i>
- <i>footpaths</i>	- <i>street scapes</i>
- <i>community centres</i>	- <i>health centres</i>
- <i>recreational facilities</i>	- <i>parks</i>
- <i>sporting facilities</i>	- <i>stadiums, arenas</i>
- <i>libraries</i>	- <i>showgrounds</i>
- <i>caravan parks</i>	- <i>men’s sheds</i>
- <i>roads</i>	

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.

Projects are required to be completed by December 2020.

At a Council Briefing on 3 December Councillors considered a range of projects which look to meet the funding criteria and which can be delivered within the timeframes of the program. Projects were assessed against the funding criteria as well as other criteria including whether projects were prioritised in existing council or community plans.

A copy of the projects has been circulated to Councillors by separate circulation for consideration.

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

Nil

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 \$2M in funding through the Drought Communities Programme. Council has been invited to make application for funding of eligible projects which provide long term benefits to communities affected by drought.

Council is requested to determine which projects it wishes to make application for.

OFFICER RECOMMENDATION

That Council decides which projects it wishes to prioritise for funding application under the Drought Communities Programme.

COUNCILLOR REPORTS AND GENERAL BUSINESS

CONFIDENTIAL ITEMS

22. 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 a contractual and personnel matters.

RECOMMENDATION

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

- 23. Replacement of Cracked Crown Units on the Landsborough Elmhurst Road; and
- 24. 2020 Australia Day Awards

25. RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC

RECOMMENDATION

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

CLOSE OF MEETING

Meeting closed at

Minutes of the meeting confirmed

2019

Mayor