



Pyrenees
Shire Council

MINUTES
Ordinary Meeting of Council

6:00pm Tuesday 19 May 2020
Beaufort Council Chambers
BEAUFORT

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1. ATTENDANCE

Mayor Cr Tanya Kehoe welcomed all to the meeting.

PRESENT

Mayor: Cr Tanya Kehoe

Councillors: Ron Eason, David Clark, Robert Vance, Damian Ferrari

IN ATTENDANCE

Chief Executive Officer: Jim Nolan

Director Asset and Development Services: Douglas Gowans

Director Corporate and Community Services: Kathy Bramwell

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

Communications Officer: Kate Deppeler

2. LIVESTREAM PREAMBLE

Mayor Cr Tanya Kehoe read the livestream preamble.

3. OPENING PRAYER

The Mayor read the opening prayer.

4. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the people past and present of the Wadawurrung, Dja Dja Wurrung, and Djab Wurrung tribes, whose land forms the Pyrenees Shire.

5. APOLOGIES

Nil

6. NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS

Nil

7. CONFIRMATION OF PREVIOUS MINUTES

CR VANCE / CR EASON

That the Minutes of the:

- Ordinary Meeting of Council held on 17 March 2020; and
- Special Meeting of Council held 14 April 2020

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

CARRIED

8. BUSINESS ARISING

Responses to questions taken on notice at the previous ordinary Council meeting on 17 March 2020.

8.1. Mr Kirsanovs

Question 1: Mr Kirsanovs asked whether it would it be possible for organisation promotion signs situated in the east and west entrance signs be improved?

Response by Mr Jim Nolan: Council is happy to take the question on board with a look to have the signs improved.

Question 2: Mr Kirsanovs asked would it be possible for Council to install more frames on the east and west entrance signs, take the existing signs and the 3 bollards and place them underneath the existing frames?

Response by Mr Jim Nolan: the event signs are different. These are the framed signs at the east and west entrances which promote events. These signs, in the frames, are to inform motorists travelling into town of events that are occurring. They are the responsibility of VicRoads who is the responsible authority for Western Highway. Council is happy to consult with VicRoads as there are protocols around the signs and frames. Mr Nolan further noted that there are more events than the number of sign frames available.

8.2. Ms Read

Question: Ms Read posed a question on behalf of the CWA. Is there a possibility that a bin could be supplied for single soft plastics?

Response by Mr Douglas Gowans: Mr Douglas Gowans thanked Ms Read for her question and responded that soft plastics are difficult for recycling and to keep free from contaminants in larger quantities. He took the question on notice and noted that there are committed recyclers within Council that are looking at ways to support the community and providing avenues to recycle soft plastics.

9. PUBLIC PARTICIPATION

Mr Steven Gallina of Waubra

Question 1: To supplement the vague general answer previously given to me by Council CEO Mr Jim Nolan, will Council advise me and provide me with documents of what was the original design and constructed specifications of the Road Pavement Widths, verges/shoulders for the three Waubra Heights RLZ Roads (Mark St, Kimberley Dr & Wilcar Dr) as the Document (Shire Of Lexton Partial Private Street Construction) I received via a FOI request details details All RLZ Road pavement widths to be 6.5m which is clearly not the case?

Question 2: Will Council make this information and these document freely available to me without the need for me to resort to a formal FOI Request?

Response by Mr Douglas Gowans

Question 1:

Mr Gowans thanked Mr Gallina for his questions. In direct response to Mr Gallina's first question the seal widths for the three roads in the estate are 5.3m for Kimberley Drive, 5.4m for Mark Street and Wilcar Drive, having two segment lengths, are 5.6m and 5.2m respectively. Also in relation to the first part of the question, the current seal widths are considered acceptable seal widths and have been conveyed previously. Road construction seal widths are considered acceptable in residential streets and typically vary from 3.8m to 6.2m. Also, this estate was established in about 1979 and the

standards of the day, we can only assume, were built to the standards then. Council's current practice is that we are signed up to the Infrastructure Design Manual which would mean a similar estate would have seal widths of 6.2m. However, Council isn't in the practice of re-doing previous estate seal widths and considered that the seal widths are acceptable and have been that way for some 40 years.

Question 2:

In relation to the second part of the question, more than happy to provide documented evidence of seal widths which are considered publically available.

10. ITEMS FOR NOTING

ASSET AND DEVELOPMENT SERVICES

10.1. 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 March and April 2020.

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 February, March and April 2020 are summarised in the table below:-

Activity	February 2020	March 2020	April 2020	Financial Year to date
Applications received	9	5	10	73
Applications completed	8	40	8	86
Number of referrals	2	2	3	28
Requests for further information	5	1	3	49
Estimated cost of works	\$580,321	\$502,372	\$719,438	\$9.16 million

Enquiry Type	General Enquiries			
	February	March 2020	April 2020	Financial Year to date
Pre-purchase enquiry	26	31	36	376
Pre-application enquiry	50	41	41	608
Existing permit enquiry	17	17	15	204
Current application enquiry	27	24	17	282
All other enquiries	12	29	12	273
Total Enquiries	132	142	121	1743

STRATEGIC PLANNING

Planning Scheme Amendment C47: Lexton, Snake Valley and Waubra Framework Plans

The draft Policy and Explanatory Report has been prepared and is currently with DELWP for review. Feedback on these documents is expected to be received by mid-May. A comprehensive engagement strategy is being prepared to ensure that the community, affected land owners and other stakeholders are informed of the proposed amendment and that Council complies with its legislative consultation responsibilities. Council will be briefed on the final package of documents before the amendment is formally exhibited.

Rural Land Use Review

Scoping for the rural review project is nearing completion, with a ‘request for tender’ likely to be advertised in July 2020. Officers have been liaising with other Victorian Councils who have recently undertaken similar pieces of work, to identify and further understand some of the challenges and opportunities.

Other work

Funding received by Council through the ‘Drought Communities Program’ will allow for small projects identified within the Lexton, Snake Valley and Waubra Township Framework Plans to be delivered. These projects are currently being scoped and costed, with delivery expected to commence in August.

Following the fantastic feedback received during the ‘Beaufort Lake Foreshore’ community consultation session in February, a draft masterplan is currently being prepared. This masterplan will inform the expenditure of \$120k obtained through the ‘Drought Communities Program’ and will support applications for further funding.

Investigative work has been undertaken to further inform the delivery of elements of the Avoca Streetscape Plan. The location of utilities such as underground gas and water infrastructure will influence the location of particular elements of the project such as tree planting and drainage works. Members of the community with questions, comments or concerns around the project are urged to contact Council’s Planning department.

Officers have been participating in a forum that has been established to better understand the design and impacts of the proposed Australian Energy Market Operator – Western Victoria Transmission Line. The forum is attended by council officers from municipalities who have been identified as being affected by the project.

PART B: BUILDING

Activity

The building activity statistics as at 30/04/2020 are summarised in the table below:

CATEGORY	MARCH 2020	APRIL 2020	COMMENT
Permits issued by private Building Surveyor	18	12	
‘Property Information Certificates’ prepared and issued	18	9	
‘Report and Consent’ issued	3	0	
Building Notices	2	0	
Building Order	1	0	
Resolved Building Notices	1	1	
Resolved Building Orders	1	3	
Direction to Fix Building Work	0	0	
Building permit inspections undertaken	3	1	** Council have not issued building permits since June 2018.
Council issued permits finalised	1	2	

KEY PROJECTS & COMPLIANCE

Officers within the building department have been working with a software provider to configure and roll out a new program called 'Greenlight'. Greenlight is a cloud based program that encapsulates and guides processes whilst providing and maintaining an open communication channel between the property owner/developer and Council's officers. The program allows property owners to make a range of service requests, monitor the progress of such requests and submit supporting documentation. The program will also be integrated with an online payment portal to further simplify and accommodate transactions.

The first module of Greenlight (swimming pool and spa registrations) was made live in May. Further modules to be rolled out within Greenlight include the Essential Safety Measure program, Planning Permits and Compliance (planning and building). Managing data and producing performance reports will also be much simpler.

Private swimming pool and spa owners received preliminary information in March and a reminder notification in May 2020, advising of the mandatory requirements to register pools and spas with Council before the 1st of June 2020. It should be noted that this correspondence has only been sent to property owners where Council has knowledge of a pool or spa being at the property. It is likely that there will be further properties with pools and spas that the registration requirement applies to. All property owners who fail to register their asset by the 1st of June 2020 will be liable to fines of up to \$1652.

Council plan / legislative requirements

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

Financial / risk implications

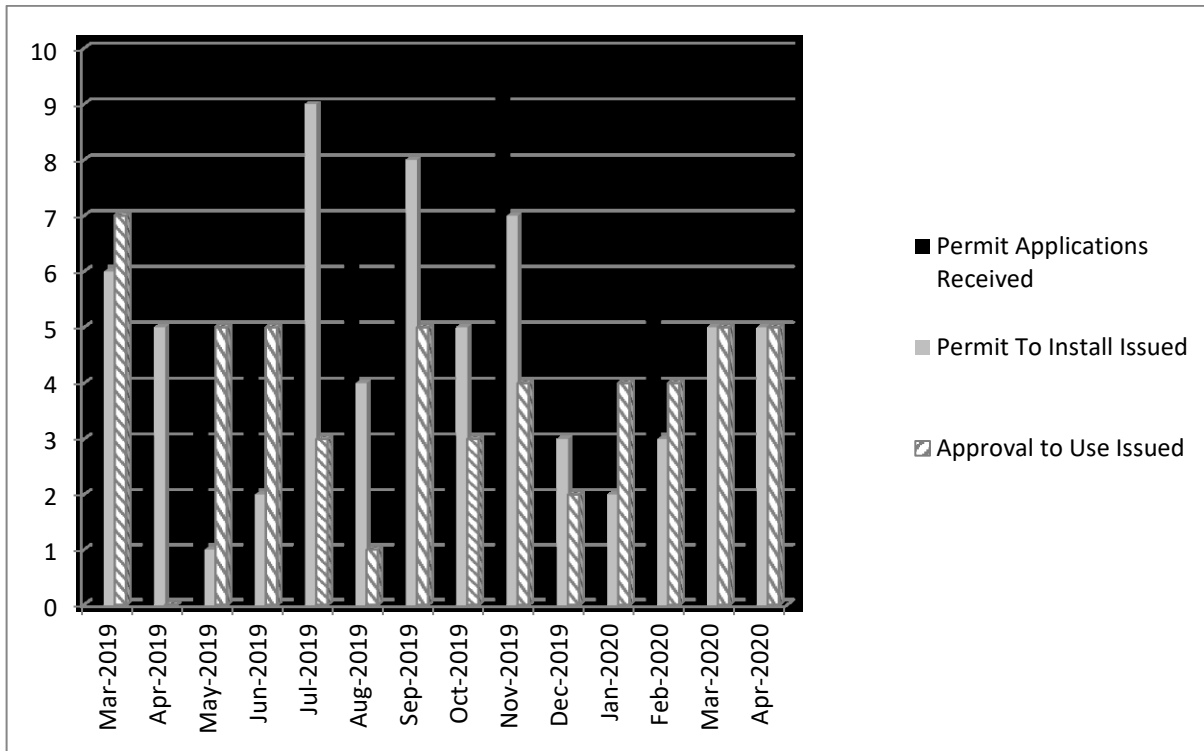
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act* 1993 or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

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 – 31st March 2020	4	5	5	\$1,560
1st – 30th April 2020	2	5	5	\$1,170

Wastewater activity statistics for March and April 2020



Monthly wastewater activity (March 2019 to April 2020)

Wastewater related tasks for March and April 2020	
Septic Tank Inspections	23
Domestic Wastewater Management Plan Inspections	19
Domestic Waste Water Service Agent Reports	14

Activity: Food, Health & Accommodation Premises

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

Period	New Premises, Transfers and Renewals	Routine Inspection, Assessments and Follow Ups	Complaints Received about Registered Premises	Food Recalls	Fees Paid
1st – 31st March 2020	0	10	2	1	\$0
1st – 30th April 2020	0	22	0	2	\$0

Mobile and Temporary Food Premises in the Shire (Streatrader)

Due to the cancellation of events and markets across the Shire, Streatrader activity was minimal during March and April. Mandatory assessments were carried out on 4 mobile premises in April.

Activity: immunisations

Group immunisation sessions in Beaufort and Avoca were cancelled due to COVID-19 restrictions. Individual appointments were arranged through Council’s Maternal Child Health nurses, which included two dedicated flu clinics for children under 5. A planned Secondary School session for Year 7 students was also cancelled however some vaccinations were undertaken prior to the completion of the first school term.

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
March 2020	Clients	23	12	0
	Vaccines	58	24	0
April 2020s	Clients	59	0	22
	Vaccines	127	0	22

Immunisation activity statistics for March and April 2020

Key Projects

In response to the impact of COVID-19 on registered food, health and accommodation premises, officers made contact with all registered traders within the shire, to offer a 25% pro-rata refund of registration fees, for businesses who have temporarily closed due to the pandemic. 44 responses were received from traders, with 27 indicating that they had temporarily closed.

Mandatory inspections were undertaken for businesses who continued to operate, with officers exercising extreme hygiene and observing social distancing requirements.

Officers have been actively disseminating information and resources to all registered premises within the shire and responding to a range of enquiries and concerns regarding the COVID-19 restrictions and requirements.

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 2019
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- 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

	March 2020	April 2020	Total Year to date
Cats Registered	3	2	83
Dogs registered	0	0	7
Cats impounded	2	2	72
Cats reclaimed			
Cats Euthanised	3	3	35
Dogs impounded	2	3	24
Dogs Reclaimed	0	0	4
Dogs Euthanised/surrendered	22	2	126
Stock impounded	3	2	83

Registration and impoundment statistics

ACTIVITY - Infringements

Infringement Type	March 2020	April 2020	Total YTD (2019/20)
Domestic Animals Act	0	1	68
Local Laws	3	1	17
Road Safety Act	4	0	59
Environment Protection Act	0	0	0
Impounding of Livestock Act	0	0	0
Other	0	3	3
Total Infringements Issues	7	5	147
Prosecutions	0	0	8

Infringement statistics

Pet registrations were due in April with renewal notices being sent to pet owners in late February. A reminder notice was sent in late April and officers will now undertake property inspections to confirm pet ownership.

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

10.2. WASTE COLLECTION CONTRACT – 1 YEAR EXTENSION

Philip Diprose – Project Coordinator

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

File No: C2013/005

PURPOSE

The purpose of this report is for Council to note that the current waste contract will be extended for a one (1) year period in accordance with Annexure A of the Contract.

BACKGROUND

The kerbside collection of putrescible waste, comingled recyclable material, green waste, street litter bins and management of the transfer stations was awarded to Four Seasons in 2013. The contract is for five (5) years with three (3) one (1) year extensions. This extension will be the final one (1) year extension.

The Grampians Central West Waste & Resource Recovery Group is preparing tender documents for a new waste collection contract for the Councils participating within the group. The contract will include the Victorian Government Circular Economy Policy recommendations and be aligned with the Waste & Resource, Recovery Group Guidelines.

Council has been made aware of a proposal by the Waste Resource & Recovery Groups to seek a Ministerial exemption under Section 186 of the Local Government Act to extend municipal kerbside waste and recycling contracts to allow further opportunities for a regional shared procurement of waste collection in the near future.

There is also desire with other Central Highlands Councils to undertake a joint tender process if that is not able to be achieved by the Grampians Central West Waste & Resource Recovery Group to have in place by 1 July 2021.

ISSUE / DISCUSSION

In compliance with Item 11 Annexure A to extend the Contract for a further one (1) year term.

This will be the final one (1) year extension provided for under the C2013/005 Contract. The Contract will end 30th June 2021

The one (1) year extension will provide time:

- To prepare a separate tender for the management Council's four Transfer Stations. Transfer Station management will not be included in the Waste Resource & Recovery Group procurement.
- To provide collection points for glass through the placement of skips, throughout the Municipality until details of the new container deposit scheme are provided.
- Allow time for the Recycling industry to stabilise and the possible introduction of a Municipal Recycling Facility to be established.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

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

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

The one (1) year extension will not incur any additional service costs beyond those indicated in the draft budget.

General Management and servicing costs will not increase outside the agreed CPI index.

CONCLUSION

The one (1) year extension will allow time to understand the Victorian Government Circular Economy Policy, its recommendation's and the implications on the Waste Resource & Recovery Group procurement for the collection of waste and recycle material.

The final one (1) year extension is proposed to be implemented under delegation for the Contract C2013/005 kerbside collection of putrescible waste, comingled recyclable material, green waste, street litter bins and management of the transfer stations will continue until 30th June 2021.

OFFICER RECOMMENDATION

That Council note this report.

CORPORATE AND COMMUNITY SERVICES

10.3. CUSTOMER ACTION REQUESTS (CARS) – APRIL 2020

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 April 2020.

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 (primarily local laws, dogs and cats).

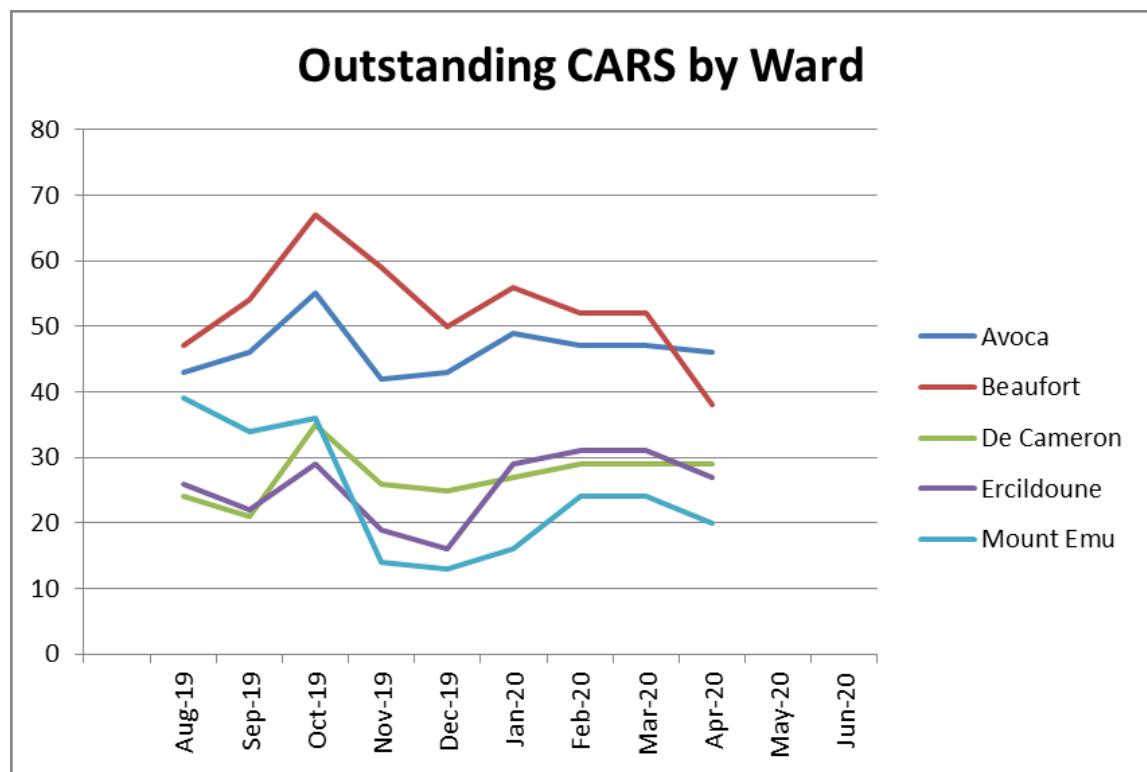
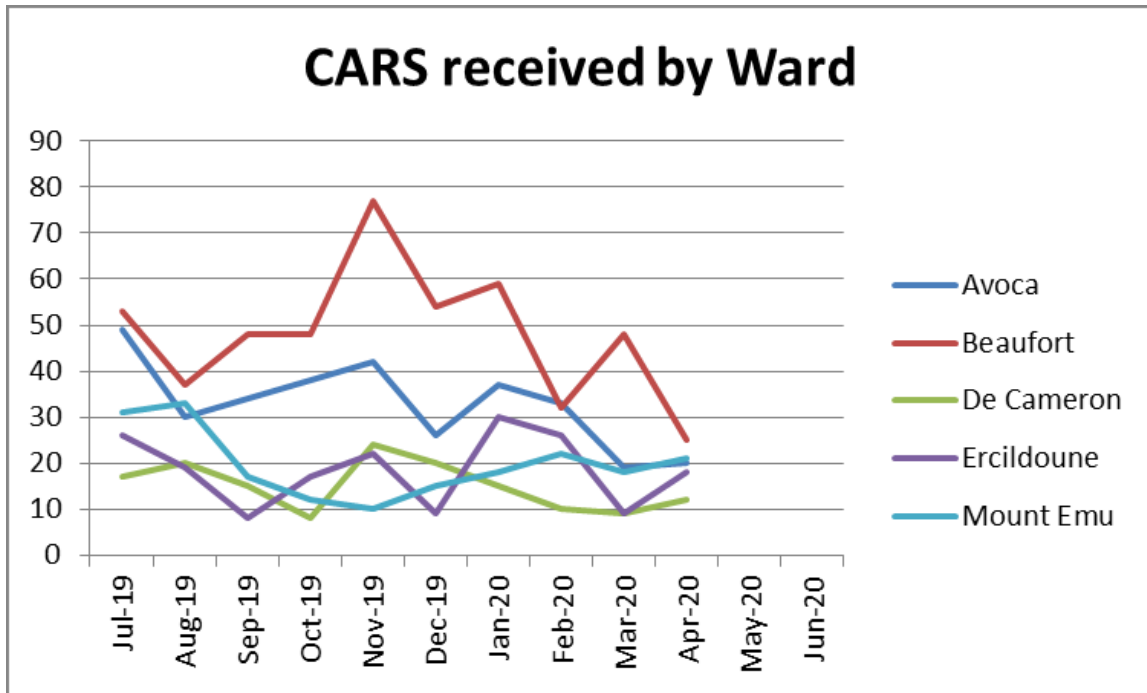
ISSUE / DISCUSSION

227 customer action requests were received in April 2020. 270 requests were closed during the month resulting in 192 outstanding. Work was undertaken in April to update requests and close where works were complete.

Requests by Ward:

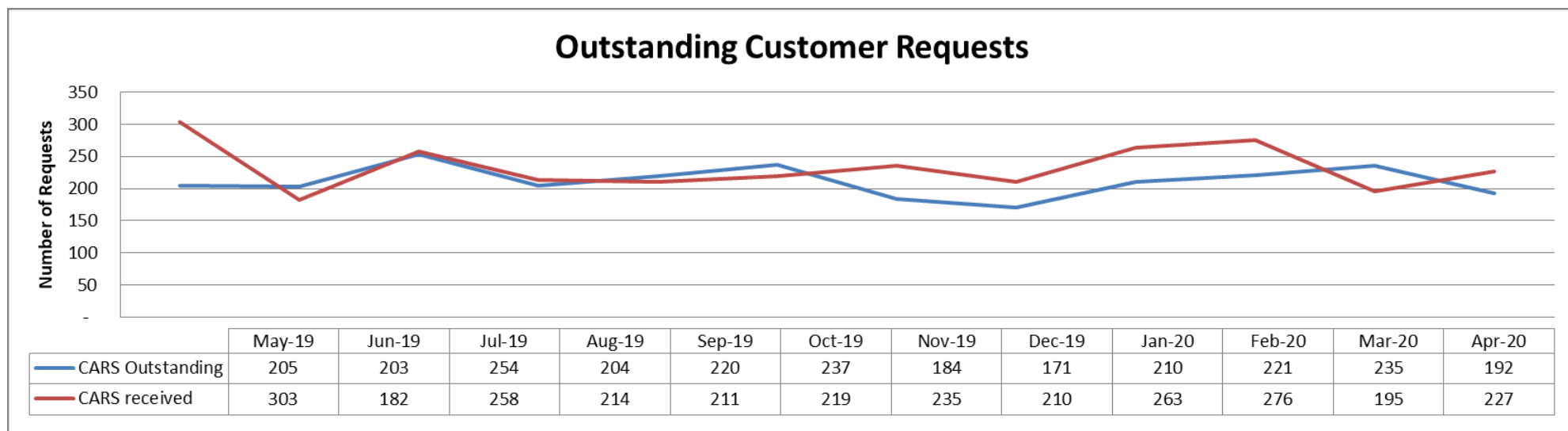
The following table shows an overview of requests received and outstanding by Ward. Requests received over and above these numbers relate to telephone messages which are not allocated by Ward.

	Avoca Ward	Beaufort Ward	De Cameron Ward	Ercildoune Ward	Mount Emu Ward
Number of Requests received in April 2020 (last month)	20 (19)	25 (48)	12 (9)	18 (9)	21 (18)
Requests received in April still outstanding	9	10	7	7	7
Outstanding requests older than 1 month	37	28	22	20	13
Total outstanding requests	46	38	29	27	20



Total Customer Action Requests:

Outstanding requests by age													
Year	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	% Change
2016	-	-	-	-	-	-	-	4	4	-	-	-	
2017	2	2	2	2	2	2	1	5	5	2	2	1	-100%
2018	17	15	16	14	13	13	6	5	5	5	5	4	-25%
2019	186	186	236	188	205	222	177	157	107	80	75	57	-40%
2020	-	-	-	-	-	-	-	-	89	134	153	130	-3%
Total outstanding	205	203	254	204	220	237	184	171	210	221	235	192	-15%
Total requests logged	303	182	258	214	211	219	235	210	263	276	195	227	-22%



Telephone messages:

As at the end of April 2020, 31 telephone messages remained open.

30 April 2020 - Open Requests - Type			
	Feb-20	Mar-20	Change
Roads & Rd Maint.	57	44	-13
Streetlights	0	0	0
Drainage	21	26	5
Footpaths	11	6	-5
Park & Reserves	10	9	-1
Roadside Veg	33	27	-6
Environmental Health	0	0	0
Planning	0	0	0
Bld maint	17	12	-5
Local Laws	20	19	-1
Cats	3	1	-2
Dogs	10	14	4
Livestock Act	0	1	1
Parking	0	0	0
Fire Hazard	2	1	-1
Bld Compliance	0	0	0
Waste Management	0	0	0
Natural Disasters	0	0	0
Pools	0	0	0
Council cleaning	0	0	0
EPA - Litter	1	1	0
Design & Assets	0	0	0
GIS	0	0	0
Community Care	0	0	0
Telephone messages	36	31	-5
Total	221	192	-29

Note:

- The item 'Roads' now represents an amalgamation of Roads, Road Maintenance, Roads Unsealed and Road Maintenance Unsealed.

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.

10.4. VISION SUPER VBI 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: 48/08/06

PURPOSE

The purpose of this report is to update Council on the current status of the Local Authorities Superannuation Fund Defined Benefits Plan.

BACKGROUND

The Local Authorities Superannuation Fund (LASF) was established by an Act of Parliament in 1947 to provide superannuation to Victorian local government and the water industry. The defined benefit scheme was set up by the Victorian Government in 1982 and was compulsory for all councils until it was closed to new members in 1993.

Defined benefit schemes provide a prescribed benefit based on how long an employee has been a scheme member and their salary at retirement. Employers, rather than employees, must shoulder investment risks.

Accumulation schemes, which are the norm today, reverse this model and when investment market returns are down, the total accumulated funds in an employee's account will also decline. Since 1 January 1994 new local government employees have only been able to join a standard accumulation plan.

Although the scheme was closed in 1993, Victorian councils must continue to make payments in respect to staff who were members of the scheme at the time of closing. The LASF Defined Benefit Plan became a 'regulated fund' under Commonwealth legislation on 1 July 1998, which required it to be fully funded. Prior to this date it was exempt from being fully funded. Other public sector (state and federal government) defined benefit super schemes continue to be exempt up to now.

In accordance with Commonwealth Regulations, Vision Super must complete an actuarial review at least every three years to ensure that assets are adequate to meet the benefits previously promised to members, now and into the future. If a shortfall arises that cannot be addressed through an investment plan, then employers may be required to make top-up contributions.

As the superannuation fund regulator, APRA monitors the financial condition of all Defined Benefit (DB) arrangements and has set a number of requirements that DB trustees must adhere to, including appointing a Fund Actuary to undertake, and report on, regular actuarial investigations into the financial position of the DB plan.

APRA issued a prudential standard (Prudential Standard SPS 160 – Defined Benefit Matters (SPS 160)) which sets out the funding requirements for a DB plan. Under this standard:

- The vested benefits index (VBI) is the measure to determine whether there is an unfunded liability; and
- Any unfunded liability that arises must be rectified within three years.

DB plans are generally required to be in a 'satisfactory financial position'. For these purposes, the value of the DB plan assets must be sufficient to cover the vested benefit liability of the DB plan.

The vested benefit liability of a DB plan is equal to the value of the total benefits that would be payable by the DB plan if all members voluntarily terminated their service with their employer at that time. Any lifetime pension benefits in a DB plan are included in the vested benefit calculations.

The VBI is used to determine if a DB plan is in a satisfactory or unsatisfactory financial position. The VBI is calculated as: $VBI = (\text{Market value of assets} / \text{Total of vested benefits})$. A VBI of 100% or greater means that the value of the assets supporting the DB plan are more than sufficient to cover the vested benefit liabilities of the plan at that date and, as such, is in a satisfactory financial position.

A VBI less than 100% means that the value of the assets supporting the DB plan are not sufficient to cover the vested benefit liabilities of the plan at a particular date and, as such, in an unsatisfactory financial position. The VBI shortfall limit, at which point a call for funds may be made upon employers, is set at 97%.

ISSUE / DISCUSSION

An update was scheduled to be provided to local government authorities on the VBI update in March 2020. However, with the spread of the Covid-19 and current market volatility, this has been delayed, with more regular updates being provided on the VBI instead.

The first of these updates was received in March 2020.

At this stage, no action is required by Council but key points within the March update include:

- The spread of Covid-19 is causing considerable anxiety and volatility in the investment markets around the world. This has resulted in falls in the ASX 200 and S&P 500 of approximately 20-25% from peaks in mid February 2020 to 13 March.

The LASF DB plan needs to take investment risk to achieve long term returns and remain well funded. The portfolio seeks to take investment risk efficiently and takes risk that is necessary to achieve the required earning rates assumed by the Fund Actuary.

As part of the Vision Super de-risking strategy, which has been progressively implemented over the last few years, the LASF DB plan has been partly sheltered from the recent and ongoing equity market movements, primarily due to:

- Strategic exposure to equities of 44.5% and actual exposure 34.4% as at 11 March 2020; and
- Payoff returns from the implementation of the tail risk hedge insurance.

The impact on the LASF DB VBI over the recent period is shown below:

As at	30.06.2019 (actual)	30.09.2019 (estimated)	31.12.2019 (estimated)	31.01.2020	28.02.2020	23.3.2020	30.03.2020
LASF DB	107.1%	107.3%	107.7%	Around 109%	Around 107%	Around 99%	Around 100%

It is expected that volatility will continue across investment markets around the world, but following the worst of the crisis, the return outlook for equity markets is likely to be very attractive.

Vision Super will continue to monitor the plan's financial position, noting that the next VBI review will be as at 31 March 2020 with a full actuarial investigation occurring as at 30 June 2020.

What if the VBI drops below the shortfall limit?

Under the superannuation prudential standards, no specific action is required when the VBI is above the plan's nominated shortfall threshold of 97% (estimated) or 100% during an actuarial investigation (next one due 30 June 2020). Where the VBI falls below these thresholds, a restoration plan to restore VBI to 100% within 3 years is required.

In the event the VBI falls below the nominated shortfall threshold (i.e. 97%) an interim investigation is required to be carried out by the Fund Actuary, unless the next scheduled investigation is due within six months. If the VBA falls below 97% in the period between now and 30 June 2020, the next scheduled investigation as at 30 June 2020 will satisfy this requirement. This investigation will be completed by 31 December 2020.

If it is likely that the 30 June 2020 VBI will be less than 100% based on the initial actuarial investigation work:

- The Trustee will develop a proposed restoration plan in consultation with the Fund Actuary, sponsoring authorities/employers, APRA and other relevant bodies. This proposed plan may include:
 - Keeping a watching brief on investment market movements
 - Higher regular contributions
 - A funding call if necessary within the three years; and
- The Fund Actuary will review the proposed restoration plan and, if appropriate, recommend that proposed restoration plan be adopted.

The above also applies if the VBI falls below 100% during the actuarial investigation.

Once the final investigation report is received, the trustee is required to:

- Provide the Fund Actuary's report to APRA within 15 days of receipt
- Approve the final restoration plan within 3 months of receiving the Actuary's report, and
- Implement the final restoration plan subject to any changes required by APRA.

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

The monitoring of the Vested Benefit Index provides Council with guidance on the performance of the Defined Benefits Fund. In the event the VBI falls below the shortfall threshold, the Fund is required under the superannuation prudential standards (SPS 160) to formulate a restoration plan to restore the VBI to 100% within three years, which may require additional funds to be sought from individual councils.

CONCLUSION

The Vested Benefit Index (VBI) is estimated to have reduced from around 109% in January 2020, to around 100% on 30 March 2020. An Actuarial Investigation is due to be undertaken by the end of 2020, based as at 30 June 2020. If the VBI falls below 97% before that investigation, or below 100% during the investigation, the Trustee will need to develop a proposed restoration Plan to bring the fund back up to the 100% within three years, which may result in a call for additional funds from individual councils. At present no action is required by Council.

OFFICER RECOMMENDATION

That Council notes the Local Authorities Superannuation Fund update report.

10.5. COUNCIL PLAN 2017-2021 INITIATIVES PROGRESS REPORT – Q2 & Q3 – OCTOBER 2019 TO MARCH 2020

Kathy Bramwell – Director Corporate and Community Services

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

File No: 16/20/06

PURPOSE

The purpose of this report is to provide Council with a progress report on actions taken in relation to the initiatives identified in the Council Plan as at 31 March 2020.

BACKGROUND

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

Council adopted the current Council Plan 2017-2021 at its Ordinary Meeting on the 13th June 2017. Council reviewed and adopted a revised Council Plan 2017-2021 at its Special Meeting on the 26th June 2018. The Council Plan 2017-2021 is framed around five Strategic Objectives:

1. Roads and Townships

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

2. Relationships and Advocacy

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

3. Community Connection and Wellbeing

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

4. Financially Sustainable, High-performing Organisation

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

5. Development and Environment











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

ISSUE / DISCUSSION

This report provides an update on progress made, during the second and third quarters of the 2019-2020 financial year, against the strategic initiatives included in the 2017-2021 Council Plan. The report for the second quarter of the year was delayed due to conflicting priorities in meetings arising from the COVID-19 emergency, so both quarters are included in this report.

The report has been structured for clarity, utilising symbols and brief commentary to provide a snapshot of progress. The status of the initiatives scheduled for the 2019-2020 financial year is identified against each individual item in the attached report, with a summary of performance provided below. It should be noted that some items cross multiple years.

In summary, initiatives are steadily progressing through the stages with a higher level now either at mid-stage or in final stages of delivery during this financial year.

Symbol	Progress	
	0%	2
	25%	10
	50%	17
	75%	12
	Complete	15
	Funding Required	0
	Information Required	0
	Ongoing	27
	On Hold	1
	Cancelled	0
Total		84

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

ATTACHMENTS

10.5.1 Council Plan Progress Report – Q2 & Q3 Oct 2019 to Mar 2020 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

There are no risks associated with this report.

CONCLUSION

The Council Plan progress report describes the range and status of initiatives being undertaken by the Pyrenees Shire Council during the 2019/20 financial year, as directed by the revised 2017-2020 Council Plan. The report continues to reinforce the importance of good working relationships and joint partnerships between community, Council and other levels of government.

OFFICER RECOMMENDATION

That Council receives the Council Plan Progress Report Q2 & Q3 Oct 2019-Mar 2020.

10.6. LOCAL GOVERNMENT PERFORMANCE REPORTING – HALF YEAR REVIEW 31 DECEMBER 2019

Kathy Bramwell – Director Corporate and Community Services

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

File No: 32/08/08

PURPOSE

The purpose of this report is for Council to receive the Local Government Performance Reporting half year report.

BACKGROUND

The Victorian Government established the Local Government Performance Reporting Framework (LGPRF) in 2014 to ensure that all councils are measuring and reporting in a consistent way.

The primary objective of the LGPRF is to provide comprehensive performance information that meets the needs of a number of audiences. In meeting this objective:

- Councils will have information to support strategic decision making and continuous improvement.
- Communities will have information about council performance and productivity.
- Regulators will have information to monitor compliance with relevant reporting requirements.
- State and federal governments will be better informed to make decisions that ensure an effective and sustainable system of local government.

Legislation was introduced in early 2014 which set up the requirement for councils to report on their performance through their annual report to their community. The reporting format for the indicators and measures in the annual report is prescribed by the *Local Government Acts 1989 and 2020* and the *Local Government (Planning and Reporting) Regulations 2014*.

ISSUE / DISCUSSION

To provide a comprehensive picture of council performance, four indicator sets were developed as part of annual performance reporting:

- 1. Service Performance** 40 service performance indicators across nine common service areas calculate the service performance comparison measures relating to the effectiveness and efficiency of local government services.
- 2. Financial Performance** 11 financial indicators across five sub areas, which cover key financial objectives. The indicators provide relevant information about the efficiency, effectiveness and economy of financial management in local government.
- 3. Sustainable Capacity** A council's performance can be influenced by the broad social and economic environment in which services are delivered. This indicator set acknowledges the external factors placed upon councils, including population size and socio-economic disadvantage.
- 4. Governance and Management** In light of all the legislative requirements and best practice models placed upon local government, the governance and management checklist summarises the required and recommended frameworks, policies, procedures and practices that councils can have in place to ensure strong and effective governance.

The information contained in the attached Report of Operations is for the period 1 July 2019 to 31 December 2019. Some information required for reporting purposes is only available on an annual basis and therefore is not included in the report.

As this is an interim half-year report some of the information is yet to be verified and is provided for demonstration purposes only.

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

10.6.1 Mid-Year Performance Statement – Half Year Report to 31 December 2019 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with the tabling of this report.

CONCLUSION

Local Government Performance Reporting was introduced by legislation in 2014. The Report of Operations attached is for the period 1 July 2019 to 31 December 2019. It is important to note that some data for indicators is not available for half yearly reporting and some data is only relevant for annual reporting. The purpose of this report is to demonstrate to Council that data is being collected and all statutory obligations will be met at year end.

OFFICER RECOMMENDATION

That Council notes the mid-year Performance Statement for the period 1 July 2019 to 31 December 2019.

CHIEF EXECUTIVE OFFICER

10.7. COVID-19 UPDATE

Jim Nolan – Chief Executive Officer

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

File No: 28/06/38

PURPOSE

The purpose of this report is to inform Council about matters relating to the COVID-19 Emergency.

BACKGROUND

A state of emergency has been declared in respect of the coronavirus global pandemic. As a result, legislation has been introduced to give effect to state and commonwealth directives which has impacted on Council services and on the community.

Details and links to relevant information have been published and are being updated regularly on Council's website:

<https://www.pyrenees.vic.gov.au/Community/COVID-19-Coronavirus/Coronavirus-information-COVID-19>

ISSUE / DISCUSSION

A summary of the impacts on Council services has also been communicated in various forms to the community and copied below for information:

Customer Service

Customer Service interactions with the public will be by phone and email. A secure drop box will be placed in our foyer at Lawrence Street, Beaufort for the lodgment of documents and cheque payments during business hours. Payments of rates, animal registrations and debtor statements can be made via telephone, BPAY or Australia Post. Please utilise BPAY where possible. Our website is available at www.pyrenees.vic.gov.au for information and interaction with the public.

Planning and Building

Planning and Building services will remain available via phone and via web conferencing facilities. Lodgment of applications via our website or by mail will remain. Applications will be processed as normal.

Works and Road Maintenance

Works and road maintenance will continue with staff practicing social distancing and following health guidelines. This includes parks and gardens maintenance.

Rubbish collection

Rubbish collection will continue as per normal and mitigations will be put in place should our contractor no longer be able to provide this service.

Transfer Stations

Transfer stations will remain open as normal, members of the public are advised not to attend Transfer Stations if they are unwell. Please practice social distancing.

Pyrenees Community Care

Community Care services will continue to be provided, with additional support available. Staff will follow best practice guidelines in protecting themselves and their clients from transmission of any disease. For a full list of available services, please [click this link](#).

Meals on Wheels will continue as an essential service (provided by Beaufort and Skipton Health Service and Maryborough District Health Service).

Social support activity groups have been cancelled.

Assessments and reviews for aged care services will be done by phone.

Avoca Community Car

Trips in the Avoca Community Car are restricted to urgent requirements only. Please contact the Library Services and Resource Centres Coordinator on 5349 1183 to discuss if your trip is eligible.

Environmental Health

Essential environmental health services will be maintained with adherence to social distancing practice and following health guidelines. Environmental Health Officers will provide ongoing communication to proprietors regarding COVID-19.

Community Safety and Amenity

Community Safety and Amenity Officers will continue essential work in accordance to OH&S regulations and with adherence to social distancing practice and following health guidelines.

Project delivery

Council plans to continue with delivery of projects where safely possible and while contractors remain available.

Community Engagement

Council encourages community engagement on projects and activities via digital communication, phone and written resources.

Maternal and Child Health

Mothers of new babies will be contacted by phone to arrange an appropriate appointment. Maternal and Child Health Services key ages and stages will continue on an appointment based system at this stage. The Maternal and Child Health information line is available on 13 22 29 and Nurse On Call is available on 1300 60 60 24, both are 24 hour services. Regular immunisations will continue for children.

Immunisations

Public immunisation sessions will be cancelled. Immunisations will be carried out an appointment based system.

Supported Playgroup

Council's Supported Playgroups in Beaufort and Avoca are suspended indefinitely.

Libraries

Pyrenees Libraries are allowing the loan of materials currently in the collection at Avoca and Beaufort centres with a contactless collection process. Library users are asked to reserve items via the Central Highlands Libraries webpage or via phone on 53491183. A designated pick up point and time will be arranged. Deliveries are not possible and there will be no ability to borrow from other collections.

Caravan Park

Council managed Caravan Parks (including the Beaufort Caravan Park) will close to public bookings in line with Federal Government advice. The Parks will remain available for workers and permanent residents.

Beaufort RV Park

The free campsite for recreation vehicles is closed.

Public Toilets

Public toilets will remain open as per normal. The cleaning regime has increased in our high use public toilets.

Playgrounds

Playgrounds are closed to the public in line with the Australian Government announcement on 24th March 2020. This is in response to the Government restrictions aimed at reducing the spread of the COVID-19 virus.

Skateparks

Skateparks in the Pyrenees Shire are no longer available for use in-line with the Australia Government announcement on March 29, 2020.

Exercise equipment

Permanent exercise equipment installed in Pyrenees Shire is not allowed to be used.

Public facilities

Public facilities such as barbecues are not to be used.

Boat ramps on Beaufort Lake

Boat ramps on the Beaufort Lake are closed for use.

Economic Impact and Response

The announcement of a global pandemic and the responses by the Commonwealth and Victorian governments to keep citizens within Australia and Victoria safe have had far reaching consequences for small businesses more specifically those that rely on the visitor economy.

At the time of writing this report café's, restaurants and pubs are only allowed to provide take away meals as opposed to sit down meals within venues.

Libraries and Visitor Information Centres have been forced to close under current government restrictions and as of Monday 11 May there is a fifth reason for people to be able to leave their homes albeit that if people can stay home then they are advised **they must stay home**. The five reasons include:-

- shopping for food and supplies that you need
- care and caregiving
- exercise and outdoor recreation (including bush walking, hiking and golf from 12 May)
- work and education – if you can't do it from home
- visiting friends and family – if you really need to

Mass gatherings are currently prohibited meaning that events that would normally attract people to the Pyrenees such as Lake Goldsmith Steam Rally, Beaufort Walkfest, Pyrenees Art Exhibition and Sale, Avoca Races and Pyrenees Unearthed are unable to proceed and appear to be some way off yet, most likely pending either elimination of COVID-19 in Australia or the introduction of a vaccine.

Caravan parks are presently limited to catering for residents and workers due to the limitations on Australian resident's ability to travel for leisure and prohibited interstate travel at present.

The private sector economy in the Pyrenees is predominantly founded on four key propulsive sectors as identified in the Economic Development Strategy.

These are:-

- Agriculture 589 jobs (29.4% of all jobs)
- Wine manufacturing 131 jobs (6.5%) with linkages to additional jobs for grape growing and tourism
- Construction 134 jobs (6.7%)
- Tourism 141 jobs (7%)

At this point in time local agricultural and construction activities have continued with little if any impediment due to COVID-19.

The close down of the tourism sector to contain the virus has caused a change to the business model of many businesses and had significant limitations for the accommodation sector and cellar doors. Cellar doors within the Pyrenees are closed at present although Summerfield Winery continue to sell take away meals.

On a positive note, while we understand that three cafes are closed at present, most cafes and hotels within the Shire have been able to continue operations by selling take away meals and are using social media to encourage support from the local community.

In response to the COVID-19 measures put in place the Economic Development Team initiated a support plan during this phase of the lock down consisting of the following activities:-

- Individual phone contacts with businesses which currently stands at around 60 contacts to date, primarily focused on those within the visitor economy. The response to these contacts has been positive and while income in the accommodation sector is limited at present the hospitality sector has adapted quickly as mentioned earlier in this report. While most businesses have experienced a downturn some have had some pleasant surprises with demand for take away meals. Many are in survival mode and often with support of Job Keeper payments to retain staff but keeping a positive outlook.
- A Buy Local Campaign during April in which 13 businesses participated. Feedback from the participant businesses is being sought via survey with results being unavailable at the time of this report
- Distributing a fortnightly Enews to all businesses within the Pyrenees where an email address is available from the Australian Business Registrar. A tourism Enews has been in place for some time and now includes Covid19 updates specific to tourism operators
- On line promotion by Council of hospitality businesses that have adapted to provide take away meals in their business models
- Promotion of on line wine sales by local wineries
- Providing details of government support available to small business on the Council website and informing businesses through Councils Enews, Facebook, public notices in local papers and via telephone contacts
- Promoted a regional business survey that was developed to inform the State Government. This was sent to enterprises listed on the Pyrenees business database via an early edition of the ENews
- Initiated a Central Highlands economic development forum that meets every nine to ten days. This forum consists of Economic Development professionals from each local government across the region and includes Commerce Ballarat and the State Government so that information can gathered and shared. A number of initiatives have been developed by LGA's as a result of this forum and Regional Development Victoria are using these meetings to gather data and to brief LGA staff on the latest developments with the Victorian Governments \$1.7B economic survival and jobs package.

The Economic Development Unit has commenced drafting an economic recovery plan in recent weeks.

With the announcements of a three stage plan for a COVID Safe Australia announced by the Prime Minister on 8 May and proposed steps to getting people back to work by the end of July the spring period is looking positive for the Pyrenees as it will for many regional destinations. With international travel for tourism purposes being banned and individual states having locked their borders for the time being there is expected to be high demand for regional destinations in the near future.

Due to the commencement of a review of regional tourism boards by the State Government and the changes within Ballarat Regional Tourism that occurred during 2019 work commenced late last year to develop a marketing strategy specific to the Pyrenees.

The context for the strategy was updated in early April to include the impacts of COVID-19 and the document was completed at the beginning of May. The strategy will provide a foundation for recovery of the tourism sector as restrictions are eased over the coming months.

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.

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

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

The financial implications of the pandemic have been considered as part of the Draft Budget preparation.

CONCLUSION

A state of emergency has been declared in respect of the coronavirus global pandemic. As a result, legislation has been introduced to give effect to state and commonwealth directives which has impacted on Council services and on the community.

The impact and Council's response is outlined in this report for information.

OFFICER RECOMMENDATION

That Council notes this report.

11. COUNCILLOR ACTIVITY REPORTS

Cr Tanya Kehoe – Mount Emu Ward		
March		
Mon 02	CEO / Mayor Meeting	Beaufort
Tue 03	Meeting with Cr Own Sharkey	Beaufort
Mon 09	CEO / Mayor Meeting	Beaufort
Tue 10	Councillor Cuppa	Stoneleigh
Tue 10	Councillor Briefing Session	Beaufort
Tue 17	Councillor Briefing Session	Beaufort
Mon 16	CEO / Mayor Meeting	Beaufort
Tue 17	Council Meeting	Beaufort
Fri 20	Interviews – The Advocate and Businesses	Beaufort
Mon 30	CEO / Mayor Meeting	Phone
Tue 31	Councillor Briefing Session	Virtual
April		
Thu 02	MAV Mayoral Forum	Virtual
Fri 03	CHCV Mayor Teleconference	Virtual
Fri 03	Radio Interview	Beaufort
Tue 07	Councillor Briefing Session	Virtual
Tue 14	Councillor Briefing Session	Virtual
Tue 14	Special Council Meeting	Avoca
Wed 15	Municipal Emergency Management Planning Committee Meeting	Virtual
Mon 27	Beaufort Scouts ANZAC Day Meeting	Virtual

Cr David Clark – Ercildoune Ward		
March		
Wed 04	Farmer Health Programs, Lexton Fire Recovery	Beaufort
Tue 10	Councillor Cuppa	Stoneleigh
Tue 10	Councillor Briefing Session	Beaufort
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Tue 31	Councillor Briefing Session	Virtual
April		
Tue 07	Councillor Briefing Session	Virtual
Tue 14	Councillor Briefing Session	Virtual
Tue 14	Special Council Meeting	Avoca
Sat 18	Constituent Matter	Evansford
Sat 25	ANZAC Day Dawn Service	In Driveway
Mon 27	Highlands LLEN AGM	Virtual

Cr Robert Vance – De Cameron ward		
March		
Tue 10	Councillor Cuppa	Stoneleigh
Tue 10	Councillor Briefing Session	Beaufort
Fri 13	MAV Meeting	Melbourne
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Tue 31	Councillor Briefing Session	Virtual
April		
Tue 07	Councillor Briefing Session	Virtual
Tue 14	Councillor Briefing Session	Virtual
Tue 14	Special Council Meeting	Avoca
Fri 17	Rural Councils Victoria Meeting	Virtual

Cr Ron Eason – Avoca Ward		
March		
Tue 10	Councillor Cuppa	Stoneleigh
Tue 10	Councillor Briefing Session	Beaufort
Thu 12	Activate Avoca Project Meeting	Avoca
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Tue 31	Councillor Briefing Session	Virtual
April		
Tue 07	Councillor Briefing Session	Virtual
Tue 14	Councillor Briefing Session	Virtual
Tue 14	Special Council Meeting	Avoca
Thu 30	Activate Avoca Project Meeting	Virtual

Cr Damian Ferrari – Beaufort Ward		
March		
Tue 10	Councillor Cuppa	Stoneleigh
Tue 10	Councillor Briefing Session	Beaufort
Tue 17	Councillor Briefing Session	Beaufort
Tue 17	Council Meeting	Beaufort
Tue 31	Councillor Briefing Session	Virtual
April		
Tue 07	Councillor Briefing Session	Virtual
Tue 14	Councillor Briefing Session	Virtual
Tue 14	Special Council Meeting	Avoca

12. ASSEMBLY OF COUNCILLORS

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	10 March 2020 commenced at 2.30pm and closed at 6.00pm		
Meeting Location	Council Chambers, Beaufort		
Matters Discussed	<ol style="list-style-type: none"> 1. Engagement Plan 2. Annual Review of Audit & Risk Committee 3. Planning & Development Update 4. Budget Discussion 5. Agenda Review (March Council Meeting) 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	Cr Damian Ferrari Cr David Clark	
Apologies	Jim Nolan (Chief Executive Officer)		
Staff	Douglas Gowans (Director Assets and Development Services) Kathy Bramwell (Director Corporate and Community Services) Kate Deppeler (Communications Officer) – Item 1 Katie Gleisner (Manager Planning and Development) – Item 3 James Hogan (Manager Finance) – Item 4		
Visitors	Nil		
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	17 March 2020 commenced at 2.00pm and closed at 5.45pm		
Meeting Location	Council Chambers, Beaufort		
Matters Discussed	<ol style="list-style-type: none"> 1. Beaufort Scout Hall 2. Draft Budget Consideration 3. Roadside Vegetation 4. Subdivision / Infill Encouragement Project 5. COVID-19 / Coronavirus Discussion 6. Agenda Review (March Council Meeting) 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	Cr Damian Ferrari (2.10pm) Cr David Clark	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Martin Walmsley (Manager Community Wellbeing) Kathy Bramwell (Director Corporate and Community Services) – Remote attendance James Hogan (Manager Finance) – Item 2 Katie Gleisner (Manager Planning and Development) – Item 4 Ed Riley (Strategic Planning Officer) – Item 4 Helen Swadling (Statutory Planning and Building Services Coordinator) – Item 4 Claire Pepin (Planning Officer) – Item 4		
Visitors	Sandy Watkins – Item 1 Manya Ferwerda – Item 1		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Item 1	Mayor Cr Tanya Kehoe	Declared an interest in Item 1 due to children being part of the Scouts	No

MEETING INFORMATION			
Meeting Name	Councillor Briefing Session		
Meeting Date	31 March 2020 commenced at 4.00pm and closed at 6.30pm		
Meeting Location	Via Zoom		
Matters Discussed	<ol style="list-style-type: none"> 1. COVID-19 Update 2. Pyrenees Organisational Structure Review 3. Draft Budget Consideration 4. Council Plan Amendment 5. CEO Delegations 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	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) James Hogan (Manager Finance) – Item 3		
Visitors	Rob Croxford – 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	7 April 2020 commenced at 4.00pm and closed at 5.30pm		
Meeting Location	Via Zoom		
Matters Discussed	1. Draft Budget Consideration		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	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) James Hogan (Manager Finance) – Item 1		
Visitors	Nil		
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	14 April 2020 commenced at 2.00pm and closed at 4.00pm		
Meeting Location	Via Zoom		
Matters Discussed	<ol style="list-style-type: none"> 1. COVID-19 Update 2. CVGA Project Update 3. OPAN Project Update 4. Council Plan Amendment 5. Agenda Review (April Special Council Meeting) 		
ATTENDEES			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	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)		
Visitors	Nil		
CONFLICT OF INTEREST DISCLOSURES			
Matter No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			

CR EASON / CR CLARK

That the items for noting be received.
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CARRIED

13. ITEMS FOR DECISION

CORPORATE AND COMMUNITY SERVICES

13.1 QUARTERLY FINANCE REPORT – 1 JULY 2019 TO 31 MARCH 2020

James Hogan – Manager Finance

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

File No: 32/08/18

PURPOSE

The purpose of this report is to provide Council with an update of the operating and capital financial performance for the nine months from 1 July 2019 to 31 March 2020. The report compares the current budget against year-to-date actuals for each operating program and for all capital works in the 2019/20 financial year to-date.

BACKGROUND

Council at its special meeting of 25 June 2019 adopted the budget for the 2019/20 financial year. The budget was adopted based on projected completion of projects and capital works at 30 June 2019 and information available at that time.

Council, at the 17th September 2019 Council meeting, considered a report on the 2018/19 year-end financial position. At this meeting Council approved the carryover of certain projects that remained incomplete as at 30 June 2019. These projects have now been added to the original budget amounts to form the amended budget. It is the amended budget amounts that this report, and future reports, will be using for comparison purposes.

ISSUE / DISCUSSION

The financial reports are prepared in consultation with the senior leadership team.

The attached financial report comprises of the following sections:

- Working capital report
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Summary Results by Service Unit
- Detailed operating results by Service Unit
- Capital works report

The operating results show variations against the current budget.

Working capital result

At this stage of the financial year Council's overall financial result is showing a projected working capital surplus of \$1,277,000 as at 30 June 2020.

From this surplus, \$800,000 has been reserved in case of a call from the defined benefits superannuation scheme or in the event of unexpected expenditure such as a natural disaster, leaving an available projected surplus of \$477,000 for the 2019/20 financial year. Please note the reserve figure has been increased from \$639,000 due to uncertainty surrounding the current Covid-19 Pandemic.

The net working capital (working capital surplus) carried forward from 2017/18 and 2018/19 was \$514,000

Income Statement

Total YTD income is \$38,000 lower than YTD budget. This variance is driven primarily by timing differences in the receipt of grants.

Total YTD expenditure is \$1,132,000 lower than YTD budget. This variance is primarily due to timing differences in the payment of expenditure.

Annual income is forecast to be \$3,273,000 higher than the amended budget, while expenditure is forecast to be \$1,887,000 higher than the amended budget. As a result of these changes the predicted deficit is now \$1,228,000.

The below table highlights some of the major changes to the income statement:

Item	Impact on Income	Impact on Expenses	Impact on Year End Surplus	Impact On Working Capital Surplus
Skipton Hospital Straw Heating Project	+245K	+245K	Nil	Nil
Integrated Water Management Beaufort Closed Loop	+120K	+120K	Nil	Nil
Drought funding	+1M	+1.014M	-14K	-14K
Lexton Fires – Emergency Work & Immediate Reconstruction	+401K	+401K	Nil	Nil
Lexton Fires – Additional Commonwealth and State Support (variance used to fund capital works)	+400K	+300K	+100K	Nil
Additional rate revenue associated with windfarms	+171K	Nil	+171K	+171K
Increased Fire Hazard Removal Costs	Nil	+92K	-92K	-92K
Increased Private Works	\$497K	\$325K	+172K	+172K
Reduced Depreciation Expenses	Nil	-884K	884K	Nil
Impact of COVID – 19	-\$17K	\$20K	-37K	-37K
Total	\$2,817K	\$1,633K	\$1,184K	\$200K

Major (Capital) projects

Capital expenditure YTD is 37% of the full year forecast. This variance is driven by:

- Seasonal spend patterns
- Projects pending government grants

To date the only permanent savings identified in the program are \$42,000 in Transfer Station Upgrades. Only essential upgrades to Transfer Stations will be undertaken in 2019/20 to offset increased recycling costs.

The following projects have been identified as likely to be incomplete at the end of the financial year and will require a carry forward of funds:

- Vinoca Road Upgrade \$430,135
- Bridge 38 – Chepstowe Pittong Road \$344,000
- Waubra-Talbot Road \$367,000
- Snake Valley Chepstowe Road \$74,997

Balance Sheet

Assets:

- Cash and investments at 31 March 2020 total \$11.875 million which include \$2.2 million for the Long Service Leave and Annual Leave provisions.
- Trade debtors (receivables) are \$1.972 million which includes outstanding rates from prior years, current year rates and other miscellaneous debtors. Rates are invoiced in August but not generally received as lump sums.

Liabilities:

- Creditors balance is \$449,000
- Loan Liability at 31 March is nil
- Employee provisions are \$2.2 million

Cash Flow

- Cash and investments at 31 December 2019 total \$11.875 million which include \$2.2 million for the Long Service Leave and Annual Leave provisions.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

In accordance with the Section 125 of the *Local Government Act (1989)*, Council adopted its 2017-2021 Council Plan at its June 2019 Council Meeting.

ATTACHMENTS

13.1.1.1 Q3 Jul-Mar 2020 Quarterly Finance Report (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

All financial implications have been dealt with in the report.

CONCLUSION

The finance report for the period 1 July 2019 to 31 March 2020 was developed in consultation with the Senior Leadership Team. At this stage of the financial year Council's overall financial result is projected to be an available working capital surplus of \$477,000 as at 30th June 2020.

CR CLARK / CR FERRARI

That Council receives the Finance Report for the period 1 July 2019 to 31 March 2020
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CARRIED

13.2 ADOPTION OF THE DRAFT MUNICIPAL EMERGENCY MANAGEMENT PLAN

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: 28/06/04

PURPOSE

The purpose of this report is to request Council consideration and adoption of the Pyrenees Shire Municipal Emergency Management Plan 2020 and associated sub-plans.

BACKGROUND

The economic and social effects of significant emergencies within the Shire are inevitable and can include loss of life, destruction of property and dislocation of communities. Council is currently charged with responsibilities, pursuant to the *Emergency Management Act 1986* and the *Emergency Management Act 2013* to lead a joint-agency committee (the Municipal Emergency Management Planning Committee [MEMPC]) in developing plans and strategies to:

- Identify municipal emergency risks;
- Develop and document appropriate response strategies;
- Develop and document appropriate processes for the delivery of relief to impacted communities; and
- Develop and document strategies to facilitate leading our communities in recovery from a significant event.

The Plan development by the MEMPC – the Municipal Emergency Management Plan [MEMPC] – addressed the mitigation of, response and recovery from emergencies within the Pyrenees Shire. This Plan was last reviewed and adopted in December 2016 and successfully audited by the State Emergency Service [SES] in early 2017.

ISSUE / DISCUSSION

The Pyrenees Shire Municipal Emergency Management Plan, including sub-plans, is due for review and audit in 2020. The review has been conducted over the past three years, in collaboration with the agency members of the MEMPC. The MEMPC was approved by the Committee at its meeting on 15th April 2020.

The Draft MEMPC 2020 is supported by several documents (included as appendices) including, but not limited to:

- Operational Plan – Critical Incident Management Plan
- Pandemic Plan
- Municipal Fire Management Plan
- Municipal Flood Emergency Plan
- Relief and Recovery Operational Plan
- Environmental and Public Health Plan
- Emergency Animal Welfare Plan
- Heatwave Plan

The draft MEMPC 2020 is attached for Council consideration and adoption. The Plan will be audited by the SES on 23rd June 2020.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

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

The Municipal Emergency Management Plan is developed pursuant to section 20(1) of the *Emergency Management Act 1986* and the *Emergency Management Act 2013*.

ATTACHMENTS

13.2.1 Municipal Emergency Management Plan (MEMPC) 2020 DRAFT including all appendices (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Council has a legal responsibility under emergency management legislation to lead a joint-agency committee in developing a plan to identify and mitigate risks of significant emergency within the municipality; support response agencies where practicable; Provide relief services to impacted communities during an emergency; and lead community recovery back to normal. The review of the MEMPC addresses these legal obligations.

CONCLUSION

The MEMPC has reviews, updated and endorsed the MEMPC and its sub-plans in accordance with emergency management legislation and submits the Draft Plan for Council adoption.

CR EASON / CR FERRARI

That Council adopts the Pyrenees Shire Municipal Emergency Management Plan 2020.

CARRIED

13.3 EXTENSION OF LEASE - AVOCA CARAVAN PARK

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: C2004-109 and 219033550

PURPOSE

The purpose of this report is to seek Council approval to extend the current lease for the Avoca Caravan Park for a further 12 months from 6 June 2020.

BACKGROUND

The Avoca Caravan Park (Crown Allotment 14, No Section Township and Parish of Avoca and part of Crown Allotment 12, Section 39, Township and Parish of Avoca) is situated on DELWP property with the Pyrenees Shire Council acting as the Committee of Management.

The property was leased to KCA Nominees Pty Ltd from 6th June 2005 for an initial period of fifteen (15) years; with a subsequent further term of five (5) years agreed in 2015. The lease agreement ends in June 2020 with no provision within the agreement for any further term extensions.

ISSUE / DISCUSSION

The current term of lease agreement between Pyrenees Shire Council (as Committee of Management) and KCA Nominees Pty Ltd ends on 5th June 2020; for the property known as the Avoca Caravan Park. There is no provision within the existing lease agreement to further extend the term of the lease. The amount of the lease annually is less than \$10,000.

Council approval is requested to extend the existing lease for a further period of twelve (12) months – from 6th June 2020 to 5th June 2021. This request is made to enable a full review of caravan park operations and negotiation of a new lease agreement, which may or may not be with the current lessee and owner of the business.

Obligations under the Local Government Acts 1989 and 2020 are similar except for the strength of community consultation required under certain circumstances, with the relevant section of the 2020 Act not coming into play until July 2021. Under both Act versions, community consultation / engagement is only required if the lease meets the following requirements:

- If the lease is for one year or more **AND**
 - the rent for any period of the lease is \$100,000 or more per year; or
 - the current market rental value of the land is \$100,000 or more.

As the lease value is less than \$10,000 per year, public notification or engagement is not required pursuant to either of the Local Government Acts. It is considered appropriate, therefore that Council approval to extend the existing lease as detailed above would be sufficient.

Council approval of this approach and to a twelve (12) month extension of the existing lease agreement with KCA Nominees Pty Ltd is now requested.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

S115(3) of the Local Government Act 2020 does not come into force until July 2021. Until that time, S190 of the Local Government Act 1989 is in force which provides for arrangements under which Council must enter into public consultation prior to entering into a lease.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

All financial implications are included within the body of the report.

CONCLUSION

S190 of the Local Government Act 1989 proscribes when public consultation is requirement prior to entering into a lease. The annual lease rental is below the thresholds within that section and therefore community notification or consultation is not required prior to extending the lease. Council approval is sought to extend the lease of the Avoca Caravan Park for a further 12 months from 6th June 2020.

OFFICER RECOMMENDATION

It is recommended that Council approves extending the lease of the property known as the Avoca Caravan Park, between the Pyrenees Shire Council (as Committee of Management) and KCA Nominees Pty Ltd, for an additional period of 12 (twelve) months from 6th June 2020 to 5th June 2021; for the purposes of enabling Council staff to undertake a review of caravan park operations and negotiation of a new lease, which may or may not be with the current lessee.

CR VANCE / CR CLARK

It is recommended that Council approves extending the lease of the property known as the Avoca Caravan Park, between the Pyrenees Shire Council (as Committee of Management) and KCA Nominees Pty Ltd, for an additional period of 12 (twelve) months from 6th June 2020 to 5th June 2021; for the purposes of enabling Council staff to undertake a review of caravan park operations and negotiation of a new lease, which may or may not be with the current lessee, subject to the approval of KCA Nominees Pty Ltd.

CARRIED

13.4 LEGISLATIVE CHANGE 2020

Kathy Bramwell – Director Corporate and Community Services

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

File No: 16/20/35

PURPOSE

The purpose of this report is to provide Council with an overview of legislative change with a potential impact on Council operations.

BACKGROUND

The Local Government Act 2020 was proclaimed on 6 April 2020 with transition from the former Act being implemented in stages between 1 May 2020 and 30 June 2022.

A range of other legislative reform was introduced in late 2019 and early 2020, including:

- Gender Equality Act 2020
- Workplace manslaughter legislation
- FOI charges remain the same for 2020/21

ISSUE / DISCUSSION

1. LOCAL GOVERNMENT ACT 2020

The Local Government Act 2020 was proclaimed on 6 April 2020 with a gradual implementation transition on a series of dates throughout the next 12 months:

- a) Council role, powers and Constitution provisions from 6 April 2020
- b) Delegations, governance rules, meeting processes and other governance related policy from 1 May 2020
- c) The role of the Mayor and Deputy Mayor, strategic and community planning provisions, budget and annual report requirements from 24 October 2020
- d) All other provisions from 1 July 2021

Repeal of the LGA 1989

The comparable sections of the 1989 Act are repealed as the provisions with the 2020 Act come into play. Some sections within the 1989 Act have not yet been repealed, including Section 223 which will continue to apply to provisions such as the annual budget process, development of local laws etc until those provisions are replaced with new provisions in the 2020 Act.

Implementation timelines

Timeline requirements for implementation deliverables are as follows:

By	Must be implemented
1 September 2020	<ul style="list-style-type: none">• Councillor Expenses Policy revision and adoption• Governance Rules development and adoption• Delegated Committees and Asset Committee Instruments of Delegation in place• Audit & Risk Charter adopted and Committee established• Public Transparency Policy adopted
17 September 2020	<ul style="list-style-type: none">• Candidate training completed
January to April 2021	<ul style="list-style-type: none">• Council Code of Conduct revision and adoption – January 2021

By	Must be implemented
	<ul style="list-style-type: none">• Gifts Policy revision and adoption – April 2021• Community Engagement Policy adopted – March 2021
30 June 2021	<ul style="list-style-type: none">• Councillor Induction Training – within 6 months after the Oath is taken• Budget adopted• Revenue and Rating Plan revision and adoption
31 October 2021	<ul style="list-style-type: none">• Long Term Financial Plan• Council Plan revision and adoption• Community Vision (Community Plan)• Annual report
1 January 2022	<ul style="list-style-type: none">• CEO Employment & Remuneration Policy adopted• Long-term Workforce Plan adopted• Recruitment Policy revision and adoption• Staff Code of Conduct revision and acceptance• Complaints Policy revision and adoption• Procurement Policy revision and adoption
30 June 2022	<ul style="list-style-type: none">• Long-term Asset Management Plans in place

What is Council doing?

An implementation working group has been established, led by the governance team. The working group will engage with Maddocks, Local Government Victoria and the MAV in gaining support, tools and guidance in the deliverables required as part of the new Act and delivery of education programs for Councillors and staff as implementation progresses. Specialist staff will be utilised for specific parts of the implementation, where appropriate.

Currently work is progressing on the following:

- Preparation, under VEC direction, for Council General Elections in October.
- Governance rules are being developed as guided by Maddocks and LGV and should be available for Council consideration and adoption in the near future. These will take some time as development must include community engagement.
- Council meeting procedures came into operation as from 1 May. It is recommended that Council Meeting Procedures are implemented as part of the governance rules and no longer as part of a Local Law. Maddocks have advised that local laws could be amended and retained if needed to manage community attendee behaviour, but I believe that at Pyrenees this is not required. Alternatively, Maddocks have recommended that the existing Local Law No.1 – Meeting Procedures go through a repeal process at the same time as the governance rules are being developed. By this report, Council is requested to confirm that the proposal to repeal Local Law No.1 is endorsed. Until governance rules are adopted, the local law remains in place.
- Revision of the Audit & Risk Committee Charter is underway and a draft document will be taken to the Audit & Risk Committee meeting in May for endorsement. Under the 2020 Act, the Audit & Risk Committee must be re-established and a report will come to Council in June to re-appoint the Committee and adopt the revised Charter.

- Provisions under the new Act remove the ability for Council to delegate powers and duties directly to Council staff, other than to the Chief Executive Officer. Instead, Council must delegate as appropriate to the CEO and then a further Instrument of Delegation passes appropriate delegations to Council staff from the CEO. Maddocks are preparing delegation templates in preparation for their main update in July and revisions will be prepared for adoption at the August Council meeting.
- S86 Committees have been repealed through the new Act (although they may continue until new provisions are implemented), replaced by Delegated Committees or Asset Management Committees. Guidance on re-establishing these committees has been received and new Instruments of Delegation are under preparation. Consultation and engagement with the committee members is required prior to finalisation and providing to Council for adoption.
- In consultation with Maddocks and LGV, development of all other documents required in the first tranche of implementation will be undertaken in the near future.

2. FOI CHARGES NOT TO INCREASE

FOI charges are based upon the value of a fee unit, set each by government gazettal pursuant to the *Monetary Units Act 2004*. The values for 2020-2021 were gazetted in April 2020 and were determined to remain the same as for 2019-2020. This means that fees for requests for information under the Freedom of Information Act do not increase.

3. WORKPLACE MANSLAUGHTER BILL 2019

The *Workplace Safety Legislation Amendment (Workplace Manslaughter and other matters) Bill 2019* passed Parliament on 26 November 2019 and is expected to come into effect on a day to be proclaimed or, at the latest, 1 July 2020.

When will workplace manslaughter apply?

Workplace manslaughter applies when all of the elements of the offence are proven - where:

- The accused is a body corporate or a person who is not an employee or volunteer;
- The accused owed the victim a duty of care pursuant to sections 21 to 24 or sections 26 to 31 of the *OHS Act* (this includes duties owed to employees, contractors and members of the public);
- The accused breached that duty by criminal negligence in circumstances where there was a high risk of death, serious injury or serious illness;
- The act that breached the duty of care was committed consciously and voluntarily;
- The accused's breach of the duty causes the victim's death.

Workplace manslaughter may apply even when the death of the person occurs sometime after the relevant incident. E.g. depending on the circumstances, if an employee develops an asbestos-related disease after an employer exposed them to asbestos without the use of adequate personal protective equipment.

Who can be charged with workplace manslaughter?

A person, a body corporate, an unincorporated body or association or a partnership, including government entities of these entities (but not employees or volunteers), who owes applicable duties to ensure the health and safety of another person in the workplace, can be charged with Workplace Manslaughter.

However, in certain circumstances, officers of organisations may be charged if their organisation owes applicable duties:

- Directors and secretaries of companies;
- Partners of a partnership or joint venture;
- The trustee of a trust;

- Persons who participate in the making of decisions that affect a substantial part of the organisation's business;
- Persons who have the capacity to affect significantly the organisation's financial standing.

Negligent conduct

Voluntary and deliberate conduct is 'negligent' if it involves a great falling short of the standard of care that a reasonable person would have exercised in the circumstances and involves a high risk of death, serious injury or serious illness. It is a test that looks at what a reasonable person in the situation of the accused would have done in the circumstances. The test is based on existing common law principles in Victoria.

Negligent conduct can include a failure to act.

Examples of negligent conduct may include when a person:

- Does not adequately manage, control or supervise its employees; or
- Does not take reasonable action to fix a dangerous situation, in circumstances where failing to do so causes a high risk of death, serious injury or serious illness.

Causation: the conduct caused death

It must be established that it was the accused's negligently criminal breach of the duty of care that caused the death. That is, his or her acts or omissions must have contributed significantly to the death, or been a substantial and operative cause of it. The acts or omissions must be such that an ordinary person would hold them, as a matter of common sense, to be a cause of the death. This is the existing common law test of causation.

Penalties

If convicted of workplace manslaughter, the following maximum penalties apply:

- A maximum of 20 years imprisonment for individuals
- A maximum fine of \$16.5 million for body corporates

4. GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* was enacted on 25 February 2020. The Act aims to improve workplace gender equality across the Victorian public sector, universities and local councils. It will also lead to better results for the Victorian community through improved policies, programs and services. The Act will commence on 31 March 2021.

Gender equality benefits people of all genders. The Act aims to level the playing field so that Victorians can have equal rights, opportunities, responsibilities and outcomes.

Key reforms

The Act puts tools in place to plan, measure and track progress towards gender equality. Organisations are required to develop a Gender Equality Action Plan (GEAP) every four years. GEAPs will include strategies for improving gender equality in the workplace. Organisations will report publicly every two years on their progress.

The Act establishes the Public Sector Gender Equality Commissioner who will:

- Promote and advance the objects of the Act;
- Collaborate with organisations to improve gender equality;
- Monitor progress;
- Use compliance and enforcement measures if necessary;
- Publish and share Gender Equality Action Plans and progress reports.

Promoting gender equality in the community

Your gender can affect your needs and experiences. Under the Act, organisations are required to consider and promote gender equality in the community. They will do this by thinking about how their work affects Victorians of different genders and making appropriate changes to policies, programs and services.

Meeting targets and quotas

Organisations will be required to make reasonable progress against any set targets and quotas. Targets and quotas will be set in future regulations and will be tailored to an industry or sector.

What is Council doing?

A Respect & Equity Working Group that will focus on activities required to comply with the new legislation. The group comprises of representatives from across the organisation and is led by the governance team. In addition to implementation of the Gender Equality Act, this group focuses on child safety, prevention of violence against women (Act@Work) and prevention of violence in the workplace.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

All risk implications were discussed in the body of this report.

CONCLUSION

The Local Government Act 2020 and a range of other legislative change was introduced in the recent past. This report provides an overview of the legislative change and work being done by staff to implement applicable changes.

CR VANCE / CR FERRARI

It is recommended that Council:

1. Notes this report and the detail of legislative change being implemented; and
2. Resolves that Council staff should take the steps necessary to repeal the existing Local Law No.1 – Meeting Procedure, and replace with new Governance Rules developed in accordance with the Local Government Act 2020.

CARRIED

13.5. 2019 AUDIT & RISK COMMITTEE PERFORMANCE

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 for Council to consider the performance of Council's Audit & Risk Advisory Committee for the past twelve months. A report has been received from the Chair of the Committee on its operations during 2019.

BACKGROUND

In accordance with the Audit & Risk Committee Charter, an annual review of the Committee is conducted after receiving the annual report from the Committee Chair.

The performance review of the 2019 performance of the Committee was conducted at the 18th February 2020 briefing session.

ISSUE / DISCUSSION

A key objective of Council is to ensure effective corporate governance through the implementation and application of strong and appropriate internal policies, procedures and controls which encompass all areas of risk management; Council's control framework, its external accountability responsibilities, Council's compliance with legislation and its internal and external audit activities, and in particular the implementation of audit recommendations.

To assist in the ongoing achievement of this objective Council established an Audit & Risk Committee, in accordance with the provisions of section 139 of the *Local Government Act 1989*.

The key objective of the Audit & Risk Committee is to provide independent assurance and support to the Chief Executive Office and Council on the Shire's risk, control and compliance framework, and its external accountability responsibilities.

The Audit & Risk Committee Charter requires the Committee to report regularly, and at least once per year, to the Council on its operation and activities during the year.

The Charter requires Council, after receiving and considering the Audit & Risk Committee Annual Report, to review the performance of the Committee. To facilitate this review an assessment form was created to guide Councillors and the CEO through the process.

A form detailing Council's performance assessment scores is attached to this report. Council assessed the performance of the Audit & Risk Committee as a score of 89/100. A copy of the Chairperson's Annual Report for 2019 is also attached.

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.

Legislative compliance - Under section 139 of the *Local Government Act 1989* Council is required to maintain an audit committee.

ATTACHMENTS

13.5.1 Annual Report 2019 from the Chair of Council's Audit & Risk Committee (*circulated separately*)

13.5.2 Audit & Risk Committee Performance Assessment Form February 2020 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

The Annual Report of Council's Audit & Risk Committee is attached for Councillors' information.

The Council, at its briefing session on Tuesday 18th February 2020, reviewed the performance of the Audit & Risk Committee for the previous twelve months. The review included the completion of the Audit & Risk Committee Performance Assessment Form. The assessment result was /100.

The review also included a discussion on the overall performance of the Committee and how it is discharging its responsibilities. Council expressed its confidence in the Committee and the way in which it is currently functioning.

CR EASON / CR FERRARI

That Council receives the information provided by the Chair of the Audit & Risk Committee in his annual report and, having reviewed the performance of the Committee for the past twelve months, endorses the actions of the Committee in the way it has discharged its responsibilities during 2019.

CARRIED

CHIEF EXECUTIVE OFFICER

13.6 ADOPTION OF AMENDED COUNCIL PLAN 2017-2021

Jim Nolan – Chief Executive Officer

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

File No: 16/20/06

PURPOSE

The purpose of this report is for Council to consider any submissions on the adjustments to the Council Plan 2017-2021 (including Strategic Resource Plan), and to adopt the revised Council Plan.

BACKGROUND

Section 125 (7) of the Local Government Act 1989 requires that “*at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan*”.

Councillors participated in an annual planning day in December 2019, and the need for some minor amendments was discussed at a Councillor Briefing Session held 31 March 2020. A copy of the revised Council Plan document has been circulated to Councillors.

Having considered that only minor changes were needed, the document was amended, and further considered at the Council Briefing on 14 April 2020.

At the Special Council Meeting on the 14 April 2020, Council resolved:

That Council having reviewed the Council Plan 2017-2021, and determined that minor adjustments are needed:

- 1. gives public notice in accordance with section 223 of the Local Government Act and invite submissions to be made on the adjustments to the Council Plan 2017-2021.*
- 2. considers any submissions at a Council Meeting to be held on Tuesday 19th May 2020.*

A public notice was placed on Council’s website on Wednesday 15 April 2020 and in the Pyrenees Advocate on Friday 17 April 2020 advising that Council had undertaken a review of the Council Plan and inviting any person, wishing to do so, make a submission in writing to the Chief Executive Officer, and that any submission must be received up until 5pm on Wednesday 13 May 2020.

The notices also advised that because of the COVID-19 virus and the closure of Council’s public offices, the document could not be viewed at the normal locations. However, residents could request a copy directly from the Council office.

At the time of preparing this report, no submissions have been received. Should any submissions be received up until 5pm on Monday 18 May 2020, it is intended that Council consider those prior to deciding on the adoption of the revised Council Plan.

ISSUE / DISCUSSION

The minor changes to the plan include:

- The layout of the Plan and the inclusion of initiative numbering to assist in reporting.
- Inclusion of a number of new initiatives including initiatives relating to:
 - Impact and response to COVID-19.
 - 2020 Council election.
 - Implementation of the transition provisions for the new Local Government Act 2020.

- Key capital projects including Correa Park, Lexton Hub, Snake Valley and Avoca projects, road projects and Drought Communities Program.
- Organisation development including implementation of transformation program, and the Frontline Services Review.
- Commitment to long term planning such as Pyrenees Futures, Housing strategy and Rural Land use strategy.

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.

While the Local Government Act 2020 received Royal Assent on 24 March 2020, the Transitional Arrangements provide for the new Act to be proclaimed in four stages over 2020 and 2021. The provisions relating to the review and amendment of the existing Council Plan are to be dealt with under the 1989 Act.

Section 125 of the Local Government Act 1989 requires that:

- (7) *At least once in each [financial year](#), a [Council](#) must consider whether the current [Council](#) Plan requires any adjustment in respect of the remaining period of the [Council](#) Plan.*
- (8) *Subject to subsections (9) and (10), a [Council](#) may make any adjustment it considers necessary to the [Council](#) Plan.*
- (9) *A [person](#) has a right to make a submission under section 223 on a proposed adjustment to a [Council](#) Plan which relates to a matter specified under subsection (2)(a), (2)(b) or (2)(c).*
- (10) *If a Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan.*
- (11) *A copy of the current Council Plan must be available for inspection by the public at—*
 - (a) *the Council office and any district offices; and*
 - (b) *any other place required by the regulations.*

Section 125 (11) states that a copy of the current Council Plan must be made available for inspection by the public at the Council office and any district offices. Due to the COVID-19 virus and the closure of Council's public offices, the document will not be able to be viewed at the normal locations. A copy will be placed on Council's website and residents may request a copy directly from the Council office.

ATTACHMENTS

13.6.1 Council Plan 2017-2021 containing proposed adjustments (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

The proposed adjustments to the Council have been considered in the draft 2020-2021 Council budget.

CONCLUSION

Having considered that the Council Plan 2017-2021 requires minor changes be made, and in accordance with the provisions of the Local Government Act 1989, the following recommendation is made.

CR CLARK / CR VANCE

That Council, having reviewed the Council Plan 2017-2021 in accordance with Sections 125 and 126 of the Local Government Act, having determined that minor adjustments were needed, and having given public notice and considered any submissions in accordance with Sections 125 and 223 of the Local Government Act:

1. Adopts the revised Council Plan 2017-2021 (including Strategic Resource Plan).
2. Places a copy of the current Council Plan 2017-2021 on Council's website in accordance with Section 125 (11) of the Act.
3. Provides a copy of the revised Council Plan 2017-2021 to the Minister in accordance with Section 125(10).

CARRIED

13.7 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 to inform Council about the approved list of works contained in the Commonwealth Drought Communities Program Round 1 and Round 2, and to seek endorsement from Council about necessary changes to the works.

BACKGROUND

In 2019 Pyrenees Shire Council was invited to make applications for funding of eligible projects up to a total of \$2m under the Australian Government’s Drought Communities Programme.’

The Programme 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 economy spending*
- *Use local resources, businesses and suppliers*
- *Provide a long-lasting benefit to communities and the agricultural industries on which they depend.*

These projects are intended to provide an immediate economic stimulus to drought-affected communities.

At the December Ordinary Meeting, Council approved the projects identified below for applications of funding under the Drought Communities Programme.

1. Water supply infrastructure; renew and improve pumps, bores, standpipes and related assets for emergency and stock and domestic (S&D) supply across the Shire, including at Beaufort Golf Club
2. Construction and upgrade of existing footpaths to a higher standard at locations across the Shire
3. Renewal of Community Hall infrastructure and minor improvements incentive scheme at locations across the Shire
4. Tree planting program for street trees in various townships Shire wide
5. Recreational facilities improvement program for the upgrade and renewal of recreation and sporting assets at locations across the Shire
6. Improve access and amenity at caravan parks and RV facilities including Beaufort, Avoca and Landsborough
7. Place making in small towns; landscaping, tree planting, public seating, signage and other minor amenity improvements to implement priority works identified in the Pyrenees Futures Plans at locations including Snake Valley, Waubra and Lexton
8. Linear Park landscaping, paths, etc. in addition to the skate park at Snake Valley
9. Lake and Linear parklands, paths, tree planting, landscaping and amenity improvements at Beaufort

Following the Council direction, formal applications were lodged with the Commonwealth and approval of Round 1 and 2 projects has been received in recent weeks. An extension of time has also been granted for works up until 31 March 2021.

Works on several components of the program are well advanced including community engagement, survey and design and procurement.

ISSUE / DISCUSSION

One of the specific projects proposed is for a new cabin to be installed at the Landsborough Caravan Park where \$130,000 has been granted for works there. Investigations have identified that limitations to the underground septic system mean that this cabin is not able to be installed as planned. Council is requested to provide direction for the reallocation of the funds to other works. The following options are provided for consideration:

1. Improved swimming pool infrastructure at Landsborough Avoca and Beaufort to address new pool standards for fencing, to improve amenities and renew mechanical infrastructure.
2. Improve associated infrastructure at the Landsborough caravan park including access road and landscaping.
3. Improvements to other public infrastructure in Landsborough including at the Community Hall.
4. Improvements to the amenities blocks at the Beaufort Caravan Park.
5. Improvements to other community halls across the shire including cladding at the Raglan Hall.

It is recommended that Council endorse the reallocation of funds that were intended for the additional cabin at the Landsborough caravan park on a combination of options 1,2,3,4,and 5 with at least \$65,000 being allocated for works within Landsborough.

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

Nil

FINANCIAL / RISK IMPLICATIONS

Nil

CONCLUSION

Council was successful in applications for Round 1 and 2 of the Drought Communities Program for works up to \$2M.

Works are well underway, however investigations have found that additional cabin at the Landsborough caravan park cannot be delivered due to limitations on the existing septic system and Council direction is sought for the reallocation of those funds which will be subject to the approval of the funding body.

CR CLARK / CR EASON

1. That Council endorses the reallocation of funds provided through the Drought Communities Program that were intended for the additional cabin at the Landsborough caravan park to be spent on a combination of options 1,2,3,4 and 5 contained in the report above with at least \$65,000 being allocated for works within Landsborough
2. That the reallocation of funds be conditional on agreement with the funding body.

CARRIED

14. COUNCILLOR REPORTS AND GENERAL BUSINESS

Cr Eason

- It has been a quiet time with very little going on in the community. People are staying home which is very good news. Pyrenees Shire has not had any COVID-19 cases which we should be very happy about. The community needs to remain vigilant.
- Staff are to be commended on how they are continuing services.

Cr Clark

- Fantastic start to season. Farmers are very happy.
- Lexton farmers are happy with the work that has been undertaken so they can return to a sense of normality after the fires. Council has played a significant role, behind the scene, to help the community.
- ANZAC Day was held a little differently this year with people paying tribute at the end of their driveways. It was about personal reflection.

Cr Ferrari

- Meeting requests have been reduced due to the current situation. Joined a few meetings, by virtual means, and it is good to find we can meet in a different way.
- Spoken to Beaufort business owners who have expressed angst about how business will look after COVID-19. The angst would most likely apply across the municipality. It will be a busy time supporting businesses once restrictions are reduced.
- Like to congratulate staff on how they have adapted to keep services running.

Cr Vance

- Congratulations to the Mayor with keeping the public up to date with messages.
- ANZAC Day was very sombre this year. We are in a different period and the way forward will rely on people's attitudes.
- Congratulate staff on accepting changes and for the work done to date. Will be a different world going forward.
- Had two meetings, virtually. The first was the Timber Towns meeting. We must not lose sight of the bushfire devastation in the North East and East of the State. The backlash of the fires seems to have been put on backburner due to COVID-19. It is pleasing that the community are on the road to recovery following the Lexton fires. Thank you to Council staff for their help in the recovery efforts.
- The second meeting was with Rural Councils Victoria.

Mayor Cr Kehoe

- Thank you to staff and fellow Councillors for their work during the pandemic. Have received calls from appreciative residents who have been contacted by Community Care staff to see how they can be supported. Council staff have gone above and beyond what was expected.
- There has been a lot of Council messaging in response to COVID-19. Thank you to Council's Communications Officer for working tirelessly. Messaging shows that Council are there for the community.
- Joined a Central Highlands Councils Victoria meeting. Discussion was about support businesses and residents who have lost income. Need to point out the importance of banding together to help with mental health.

- Also joined the Municipal Association of Victoria’s Mayors meeting. The focus was on bushfire relief, recycling and the impact of the pandemic. Need to lobby for as much financial support as possible in particular for the areas of focus and also business support and the flow on affects to community.
- The ‘Shop Local’ campaign seems to have caught on and is a good to support local businesses.
- There are great little projects running by community groups and businesses. These initiatives show just how resilient our community is.
- Farmers have had a great season so far. .
- It was a beautiful way to celebrate ANZAC Day with paying tribute at the end of driveways.
- Sending a big thank to the public. Through being safe we are getting through this and it shows with not having a COVID case. Be safe out there and remember #pyreneescan

15. CONFIDENTIAL ITEMS

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 confidential matters.

CR CLARK / CR FERRARI

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

15.1 Outstanding Rates and Charges

15.2 Land Purchase Avoca

CARRIED

The livestream was stopped to consider the confidential items.

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

CR EASON / CR FERRARI

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

CARRIED

The livestream recommenced and the Mayor chose to report on the matters discussed in Closed Council which are noted below:

Resolution 1

A recommendation carried that Council receives the Outstanding Rates and Charges report as at 24th March 2020 and requests a further report on the outstanding Rates and Charges at the end of financial year.

Resolution 2

That Council:

1. Provides in principle support for securing the GrainCorp land for future community use.
2. Authorises the Chief Executive Officer to continue discussions with GrainCorp representatives and the Arts and Gardens Group to progress the purchase.
3. That a further report be brought back to Council before and final decision is made involving the purchase.

17. CLOSE OF MEETING

Meeting closed at 7.30pm

Minutes of the meeting confirmed _____

2020

Mayor