



**Pyrenees**  
Shire Council

# Agenda

## Ordinary Meeting of Council

6:00 pm Tuesday 20 February 2024  
Council Chambers  
Beaufort Council Offices  
5 Lawrence Street, Beaufort

*Wadawurrung Country*

Members of the public may view the meeting virtually via the livestream

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**1. WELCOME**

*Welcome to this meeting of the Pyrenees Shire Council. Councillors will today deliberate and decide on a range of matters relevant to the work of Council in its communities for the welfare of the people of the Pyrenees Shire.*

**2. STREAMING PREAMBLE**

- As the meeting Chair, I give my consent for this Ordinary Council Meeting to be streamed live, recorded and published online. Anyone who is invited to read out a question or make a submission will be recorded and their voice, image, and comments will form part of that livestream and recording.
- The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances where deemed appropriate, that may include where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.
- The live stream will stop prior to the closed section of the meeting and will recommence for the conclusion of the meeting.
- The public is able to view this livestream via our website at [www.pyrenees.vic.gov.au](http://www.pyrenees.vic.gov.au).
- Should technical issues prevent the continuation of the live stream, the meeting will continue as long as a quorum can be maintained and, where possible, a recording of the meeting will be published on Council's website. Where a quorum cannot be maintained, the meeting will be adjourned until the issue is resolved or the meeting postponed to another time and date in accordance with Council's Governance Rules.

**3. ACKNOWLEDGEMENT OF COUNTRY**

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

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

**4. APOLOGIES****5. NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS****6. CONFIRMATION OF THE PREVIOUS MINUTES****RECOMMENDATION**

That the Minutes of the:

- Ordinary Meeting of Council held on 12 December 2023; and
- Closed Meeting of Council held 12 December 2023,

as previously circulated to Councillors, be confirmed.

**7. BUSINESS ARISING**

There was no business arising (items taken on notice) from the previous meeting held 12 December 2023.

## **8. PUBLIC PARTICIPATION**

### Public Participation

- Members of the community are encouraged to participate in public Ordinary Council Meetings by asking questions or presenting a submission.
- This can be done by attending in person or by submitting in writing, prior to 12.00 noon on the day of the meeting, online through Council's website, by mail or hand-delivered.
- If a question or submission is submitted in writing, this will be read by the Chair during public participation, stating the person's name and township.
- Question time will be held first, followed by public submissions.
- 30 minutes is allowed for the total period of public participation. Time extensions may be allowed at the discretion of the Chair subject to the provisions of the Governance Rules.
- A person may ask a maximum of two questions at any one meeting.
- The Chair will allocate a maximum of five (5) minutes to each person who wishes to address Council or ask question(s).
- The Chair, Councillor, or Council officer to whom a question is referred may immediately answer the question or take the question on notice for answering at a later date.
- There will be no discussion or debate with public attendees however Councillors may ask questions of the attendee for clarification.

## 9. ITEMS FOR NOTING

### 9.1. ECONOMIC DEVELOPMENT AND TOURISM

### 9.2. ASSET AND DEVELOPMENT SERVICES

#### 9.2.1. ROAD MANAGEMENT PLAN REINSTATEMENT

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

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

**Report Author:** Douglas Gowans – Director Assets and Development

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

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

#### **PURPOSE**

This report advises Council that the Pyrenees Shire Council Road Management Plan will be incrementally reinstated as flood work is completed.

#### **BACKGROUND**

In late 2022, and in accordance with section 5.3 of the Pyrenees Shire Council's Road Management Plan, formal notice of suspension of the Plan was issued due to the widespread and significant impacts on the road networks and Council resources caused by the October 2022 flood event.

A report was presented to Council in May 2023 advising of the formal reinstatement of the Road Management Plan can be reactivated to all roads and road assets, excluding those roads and road assets awaiting remedial works.

#### **ISSUE / DISCUSSION**

Although the Road Management Plan was suspended in late 2022, Council Officers have continued to undertake inspections, effectively in practice continuing the Road Management Plan excluding the significant amount of flood damaged locations.

Since the formal suspension of the Road Management Plan, secondary impact assessments have been conducted and works were planned allowing Council to transition to the recovery stage of the flood events. Specific resources were engaged to manage the Pyrenees Shire flood recovery and nearly half of the flood recovery works to the roads and road assets impacted by the October 2022 flood event are now complete.

With almost 50% of recovery works completed, Council's financial capacity and resources are increased, therefore ensuring standards can be maintained across the Pyrenees Shire road network. With a focus on delivering these standards within the timeframes set out in Council's Road Management Plan, Council can reactivate the Road Management Plan to all roads and road assets with the exemption of defect repairs works to be completed by the end of June 2025.

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

Priority 4 - Economy

4b. Invest in road infrastructure to improve connectivity for commerce and community.

4c. Encourage and invest in assets and infrastructure for commerce and community.

Enabling Principles

c. Use resources efficiently and effectively

## **ATTACHMENTS**

1. Flood Event Locations 2022 [9.2.1.1 - 14 pages]

## **FINANCIAL / RISK IMPLICATIONS**

The flood events in late 2022 caused significant damage to public and private assets and the suspension of the Road Management Plan was a necessary response in minimising Council's liability. Council has since transitioned to recovery and the reinstatement of the Road Management Plan is required for Council to complete inspections, ensuring safe and efficient road network standards are maintained across the Shire reducing risk to all members of the public.

## **CONCLUSION**

The Road Management Plan provides Council and the community assurance that roads will be maintained and repaired to agreed standards.

## **OFFICER RECOMMENDATION**

That Council notes this report.

### 9.3. CORPORATE AND COMMUNITY SERVICES

#### 9.3.1. CUSTOMER ACTION REQUESTS - JANUARY 2024

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

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

**Report Author:** Kathy Bramwell – Director Corporate and Community Services

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

**File No:** 16/24/06

#### **PURPOSE**

This report provides updates on contacts made by our community through a range of media, including the Customer Action Request System and emails, for January 2024. This report's purpose is to demonstrate ongoing efforts to improve responsiveness to customers and the community over time.

#### **BACKGROUND**

Our community contact officers through a range of means, including but not limited to:

- Customer Action Request System (CARS)
- Emails – directly to officers or via the central pyrenees@pyrenees.vic.gov.au email address
- Via telephone or face-to-face with Council's switchboard or front counters
- Complaints
- Requests for information via Freedom of Information (FOI) processes
- Social media

The Council has operated an electronic Customer Action Request System (CARS) for many 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. Requests input via the "Snap Send Solve" application must be input manually by customer service officers into the CAR (Customer Action Requests) system as this currently does not accept automatic uploads.

Service requests are received for operational issues regarding maintenance, road maintenance, pools, local laws, building maintenance and compliance matters. Complaints are received and managed separately to action requests and monthly checks are made of customer action requests to identify requests that should be managed as complaints.

Requests logged through the customer action requests system form a minority of the contacts received by Council officers monthly, however, remain an important method of identifying where problems exist that need to be addressed.

Council has noted a declining trend in customer satisfaction over the past 10 years and this report will continue to be reformatted in the future to expand information on officer response to community contact to demonstrate efforts made to reverse this trend.

#### **ISSUE / DISCUSSION - CUSTOMER CONTACT**

The following provides data on community contacts with employees, other than that recorded through the customer requests system, providing a more comprehensive view of our customer experience.



Customer contact media	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024
Emails received by organisation	59,072	59,001	53,850	63,512	61,641	46,357	46,091
Emails sent by organisation	20,346	21,495	18,343	22,429	21,708	15,338	17,816
External complaints received	3	4	2	2	4	2	3
FOI Requests	1	4	2	10	0	0	0
Requests for review of infringements	1	2	0	2	1	6	15
Website page views	17,970*	17,086	17,242	16,133	15,891	12,638	
Website users	5,472	5,570	6,017	5,556	5,893	5,000	
Website contact us page	645	614	473	542	413	354	
Website customer enquiry form	54	65	57	69	60	40	

\*under-reported due to platform changes

#### Comments:

- Final figures not included in the report will be provided at the meeting.
- No FOI requests were received over the past three months.
- 15 requests for infringement reviews were received – 11 fire hazards, 1 parking, and 3 barking dogs.

#### ISSUE / DISCUSSION - CUSTOMER ACTION REQUESTS

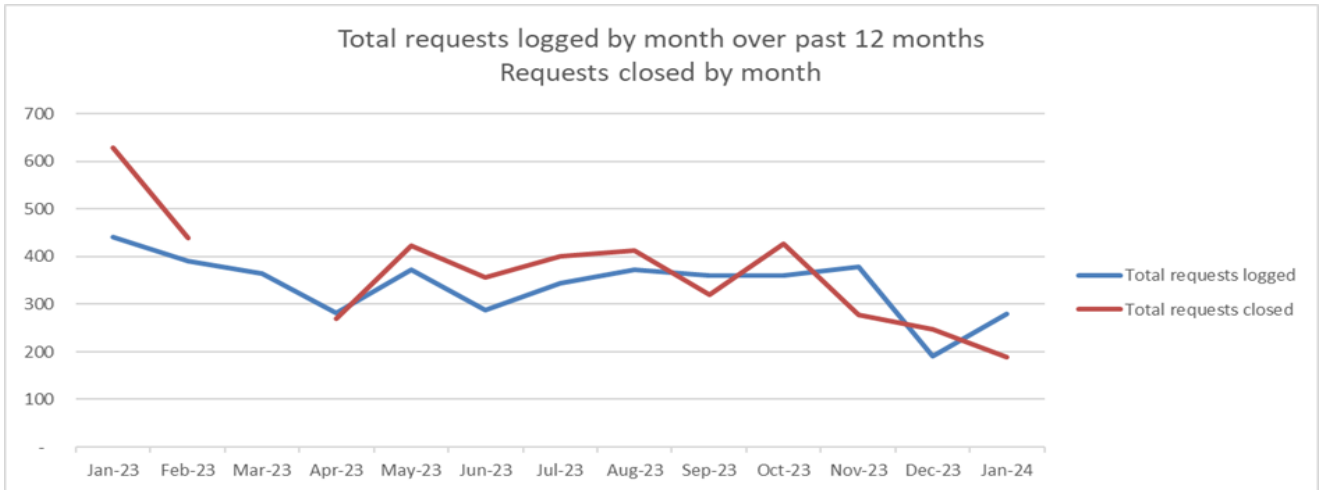
##### 1. Logged and closed requests

280 CARs (Customer Action Requests) were logged during the month, 90 more than the previous month. Of these, 75 related to telephone messages.

Work continued to resolve requests, however, with 278 requests being closed during the month.

The following charts detail the numbers of requests received over the last 12 months and the number of requests closed each month.

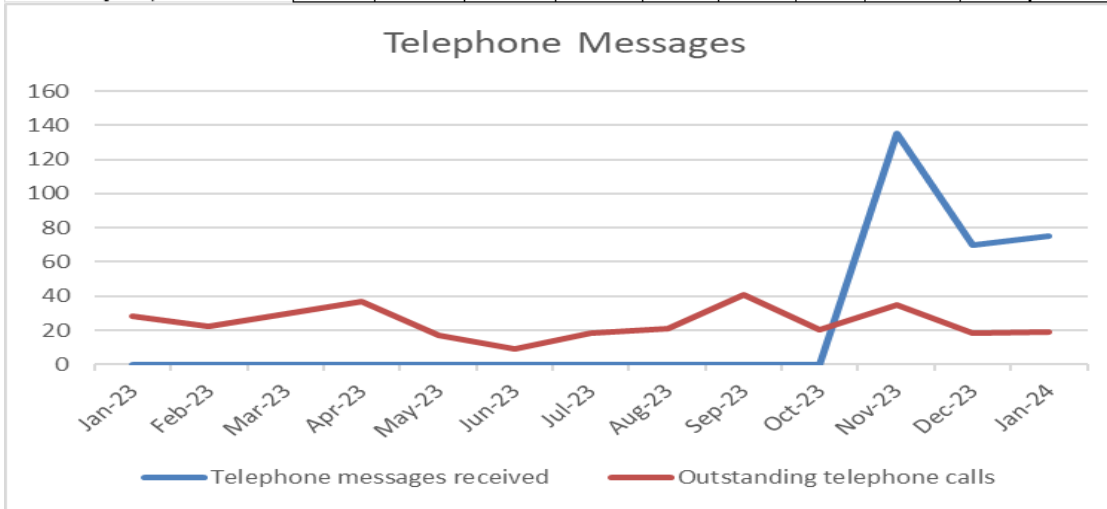
Year	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	% Change
Total requests logged	441	390	364	282	372	288	344	373	361	361	378	190	280	47%
Total requests closed	630	440		269	424	356	401	413	321	427	278	247	188	-32%



**2. Telephone requests**

75 telephone calls were transferred into requests during the month, with 19 requests remaining outstanding at the end of the month. The following charts detail the trend in telephone calls remaining outstanding at the end of each month.

	Telephone messages logged over past 12 months											
	Jan-23	Feb-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
Telephone messages received	0	0	0	0	0	0	0	0	0	135	70	75
Outstanding telephone calls	28	22	37	17	9	18	21	41	20	35	18	19



Over the year, the numbers received show no real trends in outstanding calls. From January 2024 data will be maintained on calls logged to determine correlation with peak times of resident concern – e.g., issuance of rates notices.

**3. Open Customer Action Requests**

The number of open requests is now reported differently. Some requests that have had initial contact with the customer but are unable to be resolved quickly for some reason, are now being moved to being 'on-hold' and some may be referred to budget (e.g., long term drainage issues).

At the end of the reporting month, there was a total of 236 active or open requests. These include:

- 117 which are open and assigned for action
- 81 which are on hold awaiting resolution or action scheduling.

- 5 remain referred to budget
- 33 remain in progress or being managed – meaning that they are longer term case managed issues

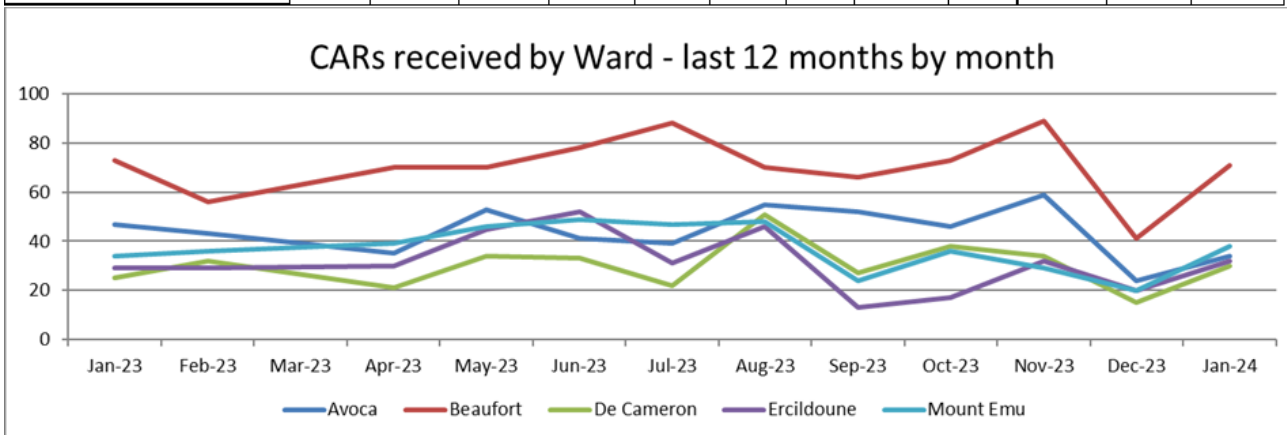
**Open requests** – the balance of this report will focus on the open requests as previously, but statistics relating to requests marked as on-hold or referred-to-budget have been included in the table.

Of the non-telephone call requests received during the month, the following represents those received and still open at the of the last month by Ward:

Request status	Avoca Ward	Beaufort Ward	DeCameron Ward	Ercildoune Ward	Mt Emu Ward
<b>Number of requests received (previous month)</b>	34(24)	71(41)	30(15)	32(20)	38(20)
<b>Requests received and closed in the same month (%)</b>	18(53%)	50(70%)	22(73%)	23(72%)	18(47%)
<b>Requests received remaining open and assigned for action</b>	10	17	6	2	18
<b>Requests received that are on-hold awaiting final works or resolution</b>	0	0	0	0	0
<b>Requests received referred to budget</b>	0	0	0	1	0
<b>Total open (assigned) requests as at the end of the month</b>	14(13)	24(15)	10(10)	9(16)	33(28)

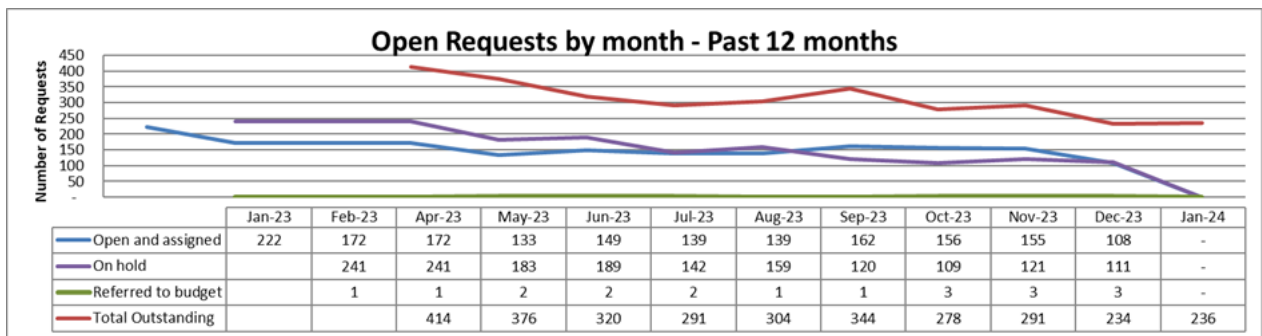
The following charts show the numbers of requests received by Ward per month for the past 12 months.

CARS by Ward received by month Rolling - Past 12 months												
Ward	Jan-23	Feb-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
Avoca	47	43	35	53	41	39	55	52	46	59	24	34
Beaufort	73	56	70	70	78	88	70	66	73	89	41	71
De Cameron	25	32	21	34	33	22	51	27	38	34	15	30
Ercildoune	29	29	30	45	52	31	46	13	17	32	20	32
Mount Emu	34	36	39	46	49	47	48	24	36	29	20	38
<b>Total by month</b>	<b>208</b>	<b>196</b>	<b>195</b>	<b>248</b>	<b>253</b>	<b>227</b>	<b>270</b>	<b>182</b>	<b>210</b>	<b>243</b>	<b>120</b>	<b>205</b>

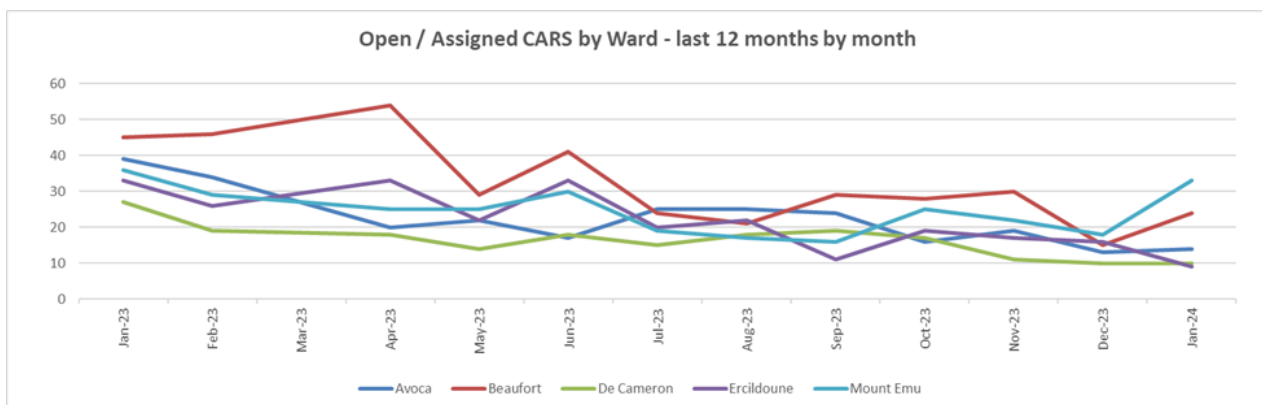


The following charts show the statistics for requests that remained open each month for the past 12 months. These charts now include requests put on hold or referred to budget.

Open requests by age													
Year	Jan-23	Feb-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	% Change
2013													
2020	-	-	-	-	-	1	1	-	-	-	-	-	
2021	-	-	2	4	3	-	-	-	-	-	-	-	
2022	131	45	19	115	114	19	19	27	29	20	13	7	-46%
2023	91	127	164	201	227	119	119	135	127	135	95	43	-55%
2024												67	#DIV/0!
<b>Open and assigned</b>	<b>222</b>	<b>172</b>	<b>185</b>	<b>133</b>	<b>149</b>	<b>139</b>	<b>139</b>	<b>162</b>	<b>156</b>	<b>155</b>	<b>108</b>	<b>117</b>	<b>8%</b>
<b>Outstanding but on hold</b>		<b>241</b>	<b>190</b>	<b>183</b>	<b>189</b>	<b>142</b>	<b>0</b>	<b>120</b>	<b>109</b>	<b>121</b>	<b>111</b>	<b>57</b>	<b>-49%</b>
<b>In progress - longer term</b>				<b>2</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>9</b>	<b>10</b>	<b>10</b>	<b>33</b>	<b>230%</b>
<b>Other outstanding</b>						<b>4</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>24</b>	<b>1100%</b>
<b>Referred to budget</b>		<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>67%</b>
<b>Total Closed</b>	<b>#REF!</b>	<b>440</b>	<b>269</b>	<b>424</b>	<b>356</b>	<b>401</b>	<b>413</b>	<b>321</b>	<b>427</b>	<b>278</b>	<b>247</b>	<b>278</b>	<b>13%</b>
<b>Total requests logged</b>	<b>441</b>	<b>390</b>	<b>282</b>	<b>372</b>	<b>288</b>	<b>344</b>	<b>373</b>	<b>361</b>	<b>361</b>	<b>378</b>	<b>190</b>	<b>280</b>	<b>47%</b>
<b>Total outstanding requests</b>			<b>414</b>	<b>376</b>	<b>320</b>	<b>291</b>	<b>304</b>	<b>344</b>	<b>278</b>	<b>291</b>	<b>234</b>	<b>236</b>	<b>1%</b>

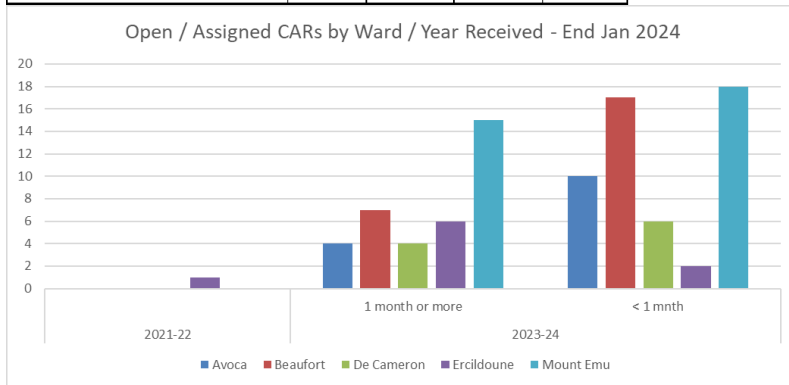


Open Assigned Requests by Ward - Past 12 months												
Ward	Jan-23	Feb-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
Avoca	39	34	20	22	17	25	25	24	16	19	13	14
Beaufort	45	46	54	29	41	24	21	29	28	30	15	24
De Cameron	27	19	18	14	18	15	18	19	17	11	10	10
Ercildoune	33	26	33	22	33	20	22	11	19	17	16	9
Mount Emu	36	29	25	25	30	19	17	16	25	22	18	33
<b>Total by month</b>	<b>180</b>	<b>154</b>	<b>150</b>	<b>112</b>	<b>139</b>	<b>103</b>	<b>103</b>	<b>99</b>	<b>105</b>	<b>99</b>	<b>72</b>	<b>90</b>



The following chart shows the open assigned requests by Ward as at the end of the month, excluding those referred-to-budget or on-hold.

Ageing CARS by Ward - Open/Assigned				
Ward	2021-22	2023-24		Total
		1 month or more	< 1 mnth	
Avoca	0	4	10	14
Beaufort	0	7	17	24
De Cameron	0	4	6	10
Ercildoune	1	6	2	9
Mount Emu	0	15	18	33
<b>Total by month</b>	<b>1</b>	<b>36</b>	<b>53</b>	<b>90</b>



The following table provides greater detail of the areas / type where outstanding requests remain, showing the functional areas and numbers of requests still outstanding as at the end of the last month. This data includes those referred-to-budget or on-hold.

	Dec-23	Jan-24	Change
Roads & Rd Maint.	64	63	-1
Streetlights	0	0	0
Drainage	9	16	7
Footpaths / Kerb&Channel	7	10	3
Park & Reserves	6	7	1
Roadside Veg	28	27	-1
Environmental Health	5	2	-3
Planning	0	3	3
Bld maint	1	0	-1
Local Laws	16	17	1
Cats	7	6	-1
Dogs	12	15	3
Livestock	3	3	0
Parking	0	1	1
Fire Hazard	1	1	0
Bld Compliance	0	1	1
Waste Management	0	0	0
Local Government Act	0	0	0
Rates	0	1	1
Natural Disasters	51	37	-14
Pools	0	0	0
Council cleaning	0	1	1
Litter	0	1	1
Design & Assets	4	4	0
GIS	0	0	0
Community	0	0	0
Rural Addressing	0	0	0
Road Naming	2	1	-1
Telephone messages	18	19	1
<b>Total</b>	<b>234</b>	<b>236</b>	<b>2</b>

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

Enabling Principles

- a. Motivate and inspire community involvement
- b. Provide transparency and accountability
- c. Use resources efficiently and effectively

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

This report did not require any community engagement or consultation, other than that provided via this report.

### **ATTACHMENTS**

Nil

### **FINANCIAL / RISK IMPLICATIONS**

All risks are discussed in the body of the report.

### **CONCLUSION**

The customer action request system remains an integral part of Council's reactive identification of issues that need attention. This report provides an update on customer action requests as at the end of January 2024. Reporting is being expanded over future months to include other media of customer contact received by officers.

### **OFFICER RECOMMENDATION**

That Council notes this report.

## 9.4. CHIEF EXECUTIVE OFFICE

### 9.4.1. PETITION - LEAVE AUSTRALIA DAY ALONE

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Jim Nolan – Chief Executive Officer

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

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

#### PURPOSE

The purpose of this report is to provide Council with details of a petition received by Council Watch Inc. requesting that Council should leave Australia Day alone.

#### BACKGROUND

Council received a petition from Council Watch Inc. Requesting the following:

*We the undersigned, petition that Council should Leave Australia Day Alone. Australia Day means different things for many. It is still a day to be proud and acknowledge the sum of all Australians. It is also a day to acknowledge those who have served, fought and died under our flag, defending our freedoms. For some Australia Day may be painful.*

*We believe that the debate about Australia Day is NOT THE ROLE OF LOCAL COUNCILS – who should be focused on local issues.*

*We ask that Council LEAVE AUSTRALIA DAY ALONE and hold community events that:  
Celebrate Australia Day  
Acknowledge Indigenous Culture  
Mark Australia Day with Citizenship Ceremonies*

A document listing approximately 4,770 names and email addresses was attached to the petition.

#### ISSUE / DISCUSSION

Before making any decision in respect of the matter, Council should have regard to the Pyrenees Shire Council Governance Rules 2022, Section 4.8.3 which states that:

- a) No motion may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented (except where it meets sub-Rule 4.9(b)) except for:
  - I. That the petition be received, and
  - II. That the petition be referred to the Chief Executive Officer or relevant Director for consideration and response, or
  - III. That the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council meeting.

It is normal practice then for Council to seek a report to be prepared by the relevant officer for a subsequent meeting addressing the merits of the issues contained in the petition. However, the petition provided does not meet the requirements of our Governance Rules (section 4.8.3) as follows:

- d) Every person presenting a petition or joint letter to Council must:
  - I. Write or otherwise record his or her name at the beginning of the petition or joint letter, and

- II. Confine himself or herself to a statement of the persons from who it comes, the number of signatories to it, the material matters expressed in it and the test of the prayer or request.

e) Every petition or joint letter presented to Council must be:

- I. In legible and permanent writing, typing, or printing,
- II. Clear and on each page the matter and action sought from Council is stated,
- III. Not be derogatory, defamatory, or objectionable in language or nature,
- IV. Note relate to matters outside the powers of Council, and
- V. Contain the request of the petitioners or signatories and be signed by at least 12 people.

Council's current practice is to celebrate Australia Day, acknowledge Traditional Owners of the land, and to undertake any Citizenship Ceremonies on the day. The matter of Australia Day is currently not a matter that is under debate at Pyrenees Shire Council.

It is suggested that, given the request does not technically meet the definition of a petition as stated in Council's governance Rules, that the request be noted.

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

Priority 1 - People

1b. Support a vibrant community arts, culture and heritage environment.

Enabling Principles

b. Provide transparency and accountability

#### **ATTACHMENTS**

1. Australia Day Petition Wording [9.4.1.1 - 1 page]

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

Financial implications will be addressed within any future report for decision.

#### **OFFICER RECOMMENDATION**

That Council notes this report.



**10. COUNCILLOR ACTIVITY REPORTS****10.1. COUNCILLOR ACTIVITY REPORTS - DECEMBER 2023 & JANUARY 2024**

<b>Cr Damian Ferrari – Beaufort Ward</b>		
05/12/2023	Councillor Planning Workshop	Beaufort
05/12/2023	Councillor Cuppa and Chat	Snake Valley
12/12/2023	Councillor Briefing and Meeting	Beaufort
13/12/2023	Beaufort Primary School Graduation	Beaufort
19/12/2023	Councillor / Exec Dinner	Beaufort
23/01/2024	Councillor Briefing	Beaufort
26/01/2024	Australia Day Celebrations	Avoca
<b>Cr David Clark – Ercildoune Ward</b>		
01/12/2023	MAV Board Meeting	Melbourne
04/12/2023	Pyrenees Primary School Cluster Graduation	Lexton
05/12/2023	Councillor Planning Workshop	Beaufort
05/12/2023	Councillor Cuppa and Chat	Snake Valley
07/12/2023	Waubra Primary School Graduation	Waubra
12/12/2023	Councillor Briefing and Meeting	Beaufort
19/12/2023	Councillor / Exec Dinner	Beaufort
23/01/2024	Councillor Briefing	Beaufort
26/01/2024	Australia Day Celebrations	Avoca
<b>Cr Robert Vance – De Cameron Ward</b>		
04/12/2023	Pyrenees Primary School Cluster Graduation	Lexton
05/12/2023	Councillor Planning Workshop	Beaufort
05/12/2023	Councillor Cuppa and Chat	Snake Valley
07/12/2023	Timber Towns Victoria Meeting	Virtual
08/12/2023	GBAC Committee Meeting	Creswick
12/12/2023	Councillor Briefing and Meeting	Beaufort
15/12/2023	Beaufort By Twilight	Beaufort
19/12/2023	Councillor / Exec Dinner	Beaufort
23/01/2024	Councillor Briefing	Beaufort
25/01/2024	Meeting with BLGC	Virtual
26/01/2024	Australia Day Celebrations	Avoca
<b>Cr Ron Eason – Avoca Ward</b>		
05/12/2023	Councillor Planning Workshop	Beaufort
05/12/2023	Councillor Cuppa and Chat	Snake Valley
12/12/2023	Councillor Briefing and Meeting	Beaufort
14/12/2023	Avoca Primary School Graduation	Maryborough
15/12/2023	Casablanca Movie Club 10 <sup>th</sup> Anniversary	Avoca
19/12/2023	Councillor / Exec Dinner	Beaufort
23/01/2024	Councillor Briefing	Beaufort
26/01/2024	Australia Day Celebrations	Avoca

<b>Cr Tanya Kehoe – Mount Emu Ward</b>		
05/12/2023	Councillor Planning Workshop	Beaufort
05/12/2023	Councillor Cuppa and Chat	Snake Valley
07/12/2023	Snake Valley Primary School Graduation	Snake Valley
12/12/2023	Councillor Briefing and Meeting	Beaufort
16/12/2023	Carols in the Valley	Snake Valley
19/12/2023	Councillor / Exec Dinner	Beaufort
23/01/2024	Councillor Briefing	Beaufort
26/01/2024	Australia Day Celebrations	Avoca

**OFFICER RECOMMENDATION**

That Council notes this report.

**11. ASSEMBLY OF COUNCILLORS****11.1. ASSEMBLY OF COUNCILLORS - DECEMBER 2023 & JANUARY 2024**

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Planning Workshop		
Meeting Date	Tuesday 5 December 2023 commenced at 9.30am and closed at 4.15pm		
Meeting Location	Beaufort Community Bank Complex		
Items Discussed	1. Financial Sustainability 2. Roads 3. Workforce Planning 4. Renewable Energy Infrastructure 5. Strategic Issues to be considered for 2024		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance Cr Damian Ferrari Cr Tanya Kehoe	Cr David Clark Cr Ron Eason	
Apologies	Nil.		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Assets and Development Services) Kathy Bramwell (Director Corporate and Community Services) Glenn Kallio (Manager Finance) item 1 Norman Prueter (Manager People and Culture) item 3 Rachel Blackwell (Manager Planning & Development Services) item 5		
Visitors	Nil.		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil.			

**MEETING INFORMATION**

Meeting Name	Councillor Briefing Session		
Meeting Date	Tuesday 12 December 2023 commenced at 1.00pm and closed at 5.40pm		
Meeting Location	Council Chamber, Beaufort		
Items Discussed	<ol style="list-style-type: none"> <li>1. Grant Funding Opportunities</li> <li>2. Western Renewables Link Update (Ausnet)</li> <li>3. Australia Day Awards and Ambassador for 2024</li> <li>4. Goldfields Recreation Reserve Masterplan (Solucio)</li> <li>5. Leaders of the pack program – graduate presentation</li> <li>6. Youth Engagement 2024</li> <li>7. Beaufort Linear Masterplan</li> <li>8. CEO Update</li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance Cr Damian Ferrari Cr Tanya Kehoe	Cr David Clark Cr Ron Eason	
Apologies	Nil.		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Assets and Development Services) Kathy Bramwell (Director Corporate and Community Services) Baylie Lang (Recreation Development Co-ordinator) item 4 Adam Boyle (Team Leader – Community Development) items 5 and 6		
Visitors	Malcolm Tinkler (Ausnet) item 2 Carlee Grant (Ausnet) item 2 Michelle Chandler (Ausnet) item 2 Ali Williams (Ausnet) item 2 Mick Harkin (Ausnet) item 2 Ben Manning (Solucio) item 4 Matt Drysdale (Solucio) item 4 Praneel Kumar - item 5 Lochlan Welsh - item 5 Zarie Tiley - item 5 Hannah Singleton (Western Bulldogs) item 5 Gabrielle Hutchins (Western Bulldogs) item 5		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil.			

<b>MEETING INFORMATION</b>	
Meeting Name	Councillor Briefing Session

Meeting Date	Tuesday 23 January 2024 commenced at 1.00pm and closed at 5.15pm		
Meeting Location	Council Chamber, Beaufort		
Items Discussed	<ol style="list-style-type: none"> <li>1. CEO Performance Appraisal</li> <li>2. Avoca Early Years Centre</li> <li>3. Finance Update</li> <li>4. Pyrenees Youth Advisory Proposal</li> <li>5. Land Development &amp; Housing</li> <li>6. Grant Programs</li> <li>7. Frontline Service Review</li> <li>8. Open Space Contribution Policy</li> <li>9. Prayer and Acknowledgement of Country</li> <li>10. Recruitment</li> <li>11. Township maintenance services</li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Robert Vance Cr Damian Ferrari Cr Tanya Kehoe	Cr David Clark Cr Ron Eason	
Apologies	Nil.		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Assets and Development Services) Kathy Bramwell (Director Corporate and Community Services) Glenn Kallio (Manager Finance) item 3 Adam Boyle (Team Leader – Community Development) item 4 Jerry van Delft (Manager Community Wellbeing & Partnerships) item 4 Ned Patterson (Community Wellbeing and Grants Co-ordinator) item 4		
Visitors	Phil Shanahan - item 1		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil.			

**OFFICER RECOMMENDATION**

That Council notes this report.

## 12. ITEMS FOR DECISION

### 12.1. ECONOMIC DEVELOPMENT AND TOURISM

#### 12.1.1. ECONOMIC DEVELOPMENT UPDATE

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Ray Davies – Manager Economic Development and Tourism

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

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

#### **PURPOSE**

The purpose of this report is to inform councillors on the activities undertaken by the Economic Development and Tourism team over the December 2023 quarter.

#### **BACKGROUND**

Economic Development activities during the December quarter have included:

- Southern Wimmera and Northeast Pyrenees Water Supply Project
- Beaufort Linear Masterplan
- Beaufort Lake Caravan Park development
- Shop Façade Program
- Beaufort by Twilight
- Tourism Midwest Vic Destination Management Plan and Local Area Plan

#### **Southern Wimmera and Northeast Pyrenees Water Supply Project**

A round of public meetings were held during October 2023 at Natte Yallock, Navarre and Bealiba to update landholders and community members on project progress following completion of the feasibility study and to encourage landholders to continue to submit their expressions of interest for water connections. These events were followed shortly afterwards by a series of drop in sessions across the region convened by GWMWater and the responses by those attending these events indicates there remains strong interest in the project.

Quarterly newsletter updates are also being circulated by GWM Water to landholders who have submitted expressions of interest to keep them up to date with project progress.

Consultants were engaged in September 2023 to complete the business case.

The business case is being developed using the investment frameworks of the Victorian and Commonwealth Governments to inform approaches for capital funding.

A workshop was held in Beaufort on 12 October to complete an Investment Logic Map and a Benefits Map using the Victorian Governments Department of Treasury and Finance Investment Framework.

Case studies have been compiled from stakeholders in the livestock, cropping and viticulture sectors across the SWNEP region to help inform the need for the project.

A preliminary draft of the business case was circulated to the project partners in late December. To arrive at a strong case for the projects funding, over the next three to four months the consultants will be working with GWMWater towards:

- Completing the business case
- Undertaking a Monte Carlo assessment
- Further investigating areas of environmental sensitivity
- Examining opportunities for cultural water use
- Refining the concept plans for the pipeline

### **Beaufort Linear Masterplan**

The draft Beaufort Linear Masterplan was on public display for comment by the community during November 2023.

Seven residents responded and of these, one expressed concern regarding flooding to their residence while six residents made comments relating to expansion of playground facilities at Beggs Street and wanting to see an expanded range of facilities there.

During the course of developing the masterplan there were a number of comments and suggestions relating to the playground such as adding a pump park and expanding the skate park to provide a more challenging course for experienced skate boarders. The Community Wellbeing Team are planning to engage with local youth in the coming months to more fully understand their aspirations for this active youth space.

In regard to flooding, one of the key objectives of the Beaufort Linear Masterplan project has been to examine ways to mitigate the future impact of these events and this has been taken into account during the development of the masterplan. Further to this, hydrological studies are being planned presently to assist Council and the Glenelg Hopkins Catchment Management Authority understand whether the design outlined by the masterplan will achieve the flood mitigation objectives of the project.

### **Beaufort Lake Caravan Park Development**

The project proposes a three phase development approach as follows:

1. New accommodation Facilities valued at \$1M to include:
  - a. One 2BR Disability and Discrimination Act (DDA) compliant cabin. This unit will replace an older single bedroom budget cabin.
  - b. One duplex facility comprising two 2BR units
  - c. One block of four motel rooms with ensuites
  - d. Changes to the internal road network to establish room for new powered sites
  - e. Updating the sewerage system.
2. New cabins and upgrades to ensuites valued at \$1M to incorporate:
  - a. Three new 2BR cabins
  - b. Refurbish ensuites
  - c. Change the internal road network so as to finalise the layout of the area for new powered sites.
3. New cabins, amenities and southern entry worth \$1.84M to:
  - a. Replace the existing camp kitchen and amenities block. The new facilities will be DDA compliant and incorporate an indoor recreation room overlooking the lake

- b. Instal two new 2BR cabins
- c. Improvements to the internal road network
- d. Construct a southern entry to allow direct access to the park from Skipton Rd.

A \$500,000- Regional Infrastructure Fund grant approved by the Victorian Government in October 2022 and \$500,000- Council contribution are set aside to complete phase one.

Council lodged an expression of interest to the Commonwealth Governments “Growing Regions Program” for a grant of \$1M at the beginning of August to undertake phase two of the project. As outlined above funds from the Victorian Government and Council are providing dollar for dollar matching funds.

Council was successful with its’ EOI and progressed to full application which was accompanied by a business case and submitted on 15 January.

Opportunities for funding of phase three (or elements within phase three) are currently being sought.

In the meantime, detailed designs are being developed in conjunction with Environmental, Cultural Heritage and Bushfire Management Plans and reports as part of the pathway to regulatory approvals.

### **Shop Façade Program**

The Shop Façade program was initially allocated a \$90,000- budget by Council to assist landowners and lessees to refresh the frontages to retail properties in the commercial precincts of towns across the Shire.

To date there have been:

- Seven Shop Façade applications approved in round one
- Ten applications in round two and
- Six projects totalling \$20,456- in round three of this program

Of the original \$90,000- budget, \$89,098- in funding has been approved in the three previous grant rounds and a number of premises have now been upgraded as a result.

However, with shortages of trades to undertake some of the proposed works, follow up is continuing with those applicants who have yet to finalise their project.

### **Events**

The spring and summer period has been a busy time for events and autumn is also shaping up to be the same.

The following events were conducted in the previous quarter:

- Beaufort Walkfest was held Oct 7-8
- Rotundone Road Wine and Music Festival 14 October
- Avoca Cup 21 October
- Sallys Paddock Blending workshop 22 October
- Blue Pyrenees Estate host the Bishop Brothers 22 October
- Open day tours at Mrs Bakers still House 28 October
- Pyrenees Connection at Lexton Recreation Reserve 28 October
- Beaufort Historical Day Open Day 28 October
- Lake Goldsmith steam Rally 4-5 November
- Beaufort Agricultural show 19 November
- Wild Beeripmo Run 2 December



- Beaufort By Twilight 15 December

Upcoming events include Avoca by the River, Avoca Races, Pyrenees Unearthed Wine and Food Festival, the Lake Goldsmith Steam Rally and various others.

### Beaufort by Twilight

Beaufort By Twilight returned to Beaufort on Friday 15 December 2023 with a Christmas theme. The event was supported by a range of community groups who delivered activations around the town.

- Beaufort Twilight Market - Pyrenees Community House
- Carols in the Rotunda – Beaufort Municipal Band
- Beaufort Secondary School – Scavenger Hunt & Music in projector lane
- Business 4 Beaufort – Christmas Decorations

Pyrenees Shire Council – delivered on the following event logistic and management of the event.

- All Event application and permits including Traffic Management, Local Laws, Emergency Management Plan, Risk and Site maps and Environmental Health.
- All promotional Material
- Map of participating businesses
- Roving entertainment / Facepainting / kids entertainment
- Beaufort Information Centre / Frontline services event HQ for first aid and open on the night

The event was strongly supported by the local traders with the following participating and some extending their hours of trade to take advantage of the extra visitation in town.

Beaufort Art Trax Gallery  
 Angels Café and Gifts  
 Beaufort Christmas Shop  
 Beaufort Fish and Chip Shop  
 Beaufort Hardware  
 Beaufort Hotel  
 Beaufort Information Centre  
 Beaufort Newsagent  
 Beaufort Service Group Op Shop  
 Beaufort & District Op Shop  
 Beaufort's Big Garage Sale  
 Bloomin Fresh Stuff  
 Café Fifty6  
 Flywheel Bar & Café  
 The Original Craft Shop  
 De Baere House Antiques  
 Godfreys Milk Bar  
 Golden Age Hotel  
 Grevillea Cottage  
 Magnolias  
 Preface Films – Christmas Photos

Those businesses to actively participate in marketing opportunities and financed entertainment independently enjoyed a very successful evening. Many businesses would welcome a return of Beaufort by Twilight and while those business who didn't received a direct benefit would open and welcome a return of the event. For example, while the Hardware store didn't have an increase in revenue on the night, the proprietors were delighted with the amount of foot traffic visiting due to the scavenger hunt and the large amount of comments "I haven't been here since you took over but I'll be back".

It is estimated that 1500 – 2000 people turned out on the evening. Beaufort Municipal band were delighted with the increased turn out and would welcome another event. The Beaufort Market enjoyed a successful return with over 40 stall holders and many delighted with the attendance.

This event was supported by the flood recovery program and the overall cost to deliver the event was \$13,000-.

The Tourism Impact Scenario from Remplan for the event indicates an expenditure of \$168,000- with details provided in the attached report.

### Tourism

Tourism activities since October have included:

- Consultants to Tourism Midwest Victoria undertaking research and consultation to develop a Destination Management Plan for the region together with Local Area plans for each council. Regional consultation has been concluded with completion of the strategies anticipated by early March.
- Council launched its Summer and Autumn marketing campaign "Play in the Pyrenees" to encourage visitors to come to the Pyrenees and content for websites and magazines during autumn is being developed at present.
- The Pyrenees Visitor Guide was completed towards the end of last year. The guide is distributed to Visitor Information Centres throughout the state and amongst accommodation providers across the Shire.
- Tourism Midwest have an industry function scheduled at the Flywheel Café on 13 February to inform local operators of the opportunities to leverage the support of the new Visitor Economy Partnership.

### **ISSUE / DISCUSSION**

#### **Southern Wimmera and Northeast Pyrenees Pipeline**

Further reports on this project will be provided to council once the business case has been finalised and/or other developments arise.

#### **Beaufort Lake Caravan Park**

The Growing Regions submission of \$1M was accompanied by a business case which identified that:

- The number of visitor nights to the park is expected to increase by 5,734 to 16,378 p.a. and create two new jobs
- The increased visitation will contribute an estimated \$1.9M p.a. into the local economy
- Park revenue is expected to increase from around \$250,000- p.a. to \$631,000- p.a.
- The Benefit Cost Ratio (for delivery of all three phases) is 1.34

- The \$3.84M construction phase is expected to generate 20 jobs

The Beaufort Caravan Park business case illustrates a strong case for investment, and it is recommended that further funding opportunities be sought to deliver the complete redevelopment package. Councils' contribution of \$500,000- towards the redevelopment remains intact at this time and may be used to leverage additional funds from higher levels of government.

The build phase will commence as soon as regulatory approvals have been accomplished and while delays may occur in that regard, construction is anticipated to commence in the second half of the year.

### **Beaufort Linear Masterplan**

The masterplan proposal to develop a recreational link along the course of the Garibaldi Creek Beaufort and its economic assessment is nearing completion and is anticipated by late February.

These works will be completed within budget which will allow Council to complete further investigations such as hydrological studies to model the impacts Beaufort Linear is likely to have with future floods and assist inform the detail design when funding for capital works becomes available. Negotiations to undertake this work are in progress at the time of developing this report.

The intent of the masterplan is to provide Council with a plan for future investment in infrastructure identified in the plan over a ten-year period, and be able inform applications for funding to deliver the project in stages.

### **Beaufort by Twilight**

Beaufort by Twilight is deemed to have been a success and it is recommended that Council provide seed funding to grow the event over time, due to the combination of social and economic benefits to the residents and business owners of Beaufort.

A minimum budget of \$10,000- for this purpose is recommended over the next three years, until other external sources of funds can be secured to underpin the sustainability of the event.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 1 - People

- 1b. Support a vibrant community arts, culture and heritage environment.
- 1d. Promote health, wellbeing, engagement and connection.

Priority 2 - Place

- 2b. Enhance the liveability and resilience of our communities.

Priority 4 - Economy

- 4a. Support our local businesses and help to strengthen key industries.
- 4b. Invest in road infrastructure to improve connectivity for commerce and community.
- 4c. Encourage and invest in assets and infrastructure for commerce and community.

Enabling Principles

- a. Motivate and inspire community involvement
- b. Provide transparency and accountability

## **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Extensive community engagement has been undertaken with projects outlined in this report.

Strong community support has been evident with the SWNEP Water Supply project and Beaufort Linear and the Beaufort community illustrated their interest in Beaufort by Twilight through the strong attendance at that event.

A planning application will be advertised for developments at Beaufort Lake Caravan Park in the near future to allow members of the community to comment.

#### **ATTACHMENTS**

1. REPLAN Economy Report Beaufort By Twilight [12.1.1.1 - 3 pages]

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

All projects with the exception of Beaufort by Twilight have been funded through existing budgets and reported to Council previously.

There is a recommendation in this report to allocate a sum of \$10,000- per annum over three financial years as seed funding for Beaufort by Twilight.

#### **CONCLUSION**

That Council continues to invest in projects which meet the key objectives of the Economic Development Strategy being to:

1. **Attract new residents, visitors and investment**
2. **Foster the capability of key economic sectors**
3. **Develop local business and employee capacity**

The Beaufort Lake Caravan Park business case illustrates a strong case for investment and it is recommended that further funding opportunities be sought to deliver the complete redevelopment package. Council's contribution of \$500,000- towards the redevelopment remains intact at this time and may be used to leverage additional funds from higher levels of government.

Beaufort by Twilight is deemed to have been a success both economically and socially, and a minimum budget of \$10,000- per annum for seed funding is recommended over the next three years, until other external sources of funds can be secured to underpin the sustainability of the event.

#### **OFFICER RECOMMENDATION**

That Council:

1. Notes the report
2. Considers the allocation of \$10,000 as part of its deliberations in preparation of the 2024-25 budget and the subsequent two financial years to provide the opportunity to grow Beaufort by Twilight
3. Continues to seek funding opportunities to complete the Beaufort Lake Caravan Park Development
4. Receives a further report on the Beaufort Linear Masterplan once final amendments to the masterplan and the economic assessment have been completed.

## 12.2. ASSET AND DEVELOPMENT SERVICES

### 12.2.1. BRIDGE RENEWAL PROGRAM

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

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

**Report Author:** Daniel Potter – Manager Engineering

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

**File No:** 58/08/04

### PURPOSE

This report seeks Council’s support for the funding applications to upgrade Bridge 7 on Back Cemetery Rd and the replacement of Bridge 10 on Beaufort Carngham Rd under the Federal Governments ‘Bridge Renewal Program’.

### BACKGROUND

#### Bridge 7

Bridge 7 is located on Back Cemetery Rd roughly 180m’s west of Carngham-Trawalla Rd as per the location highlighted in the below image.

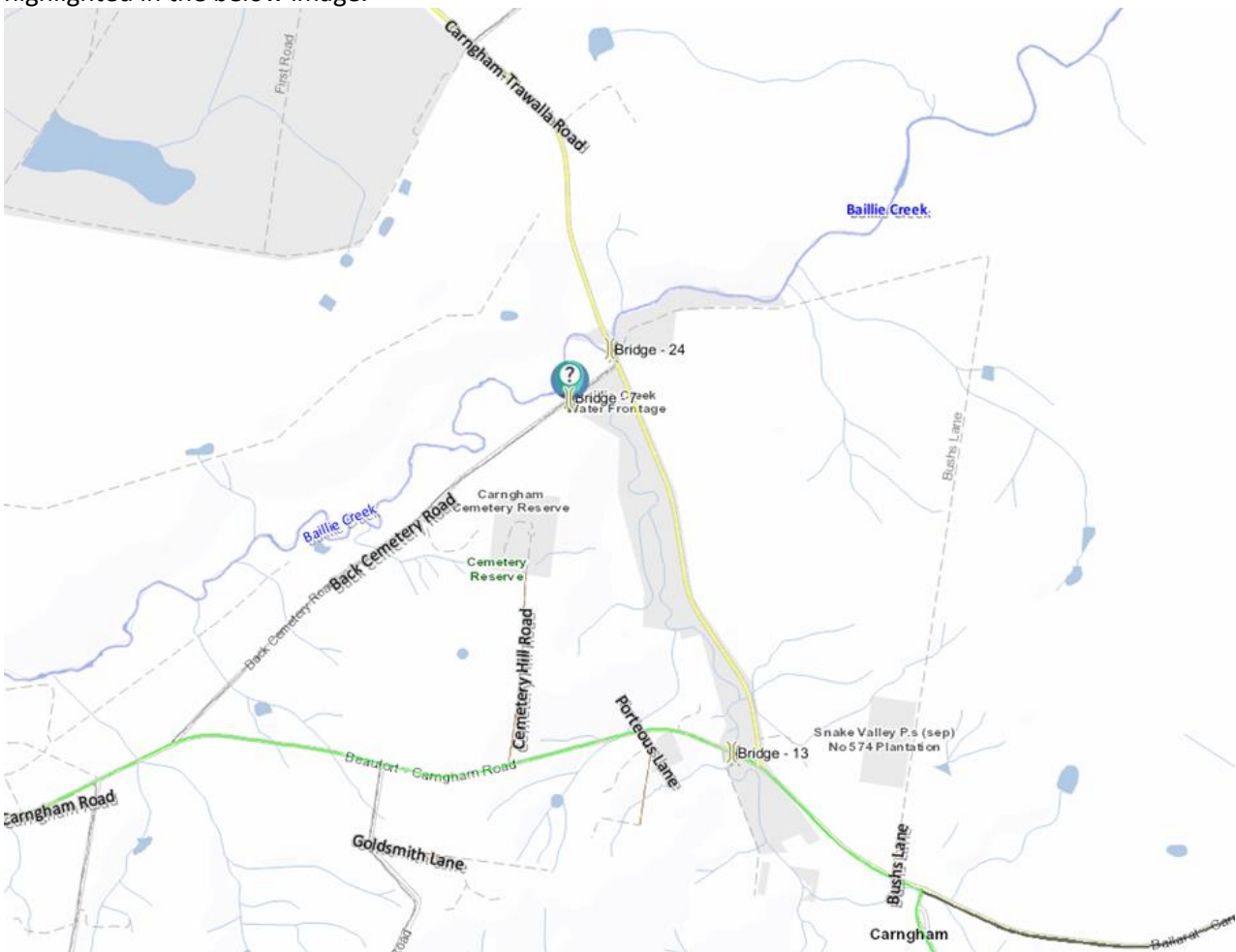


Image 1: Location of Bridge 7

Bridge 7 currently has Council funding in the 2023-24 financial year budget of \$210,000 which was planned to be used to source matching funding to complete critical works on bridge 7. These works include the replacement of the bridge deck, installation of new bridge guardrail and retaining the existing bridge substructure with minor improvements.

These works were proposed mainly due to the condition of the guardrail & bridge deck U-slab beams which can be seen in the below photos:



Image 2: Bridge 7 - View from Carngham Trawalla Rd looking west



Image 3: Bridge 7 Cracking of the U-Slab beams from the underside of bridge

Several options were considered during the 23-24 budget process for this bridge. These options included:

- 1) Closed road and remove bridge creating a turnaround point near the bridge – estimated at \$150k
- 2) Remove bridge and create a floodway (excessive earthworks & potentially issues with vertical alignment grades of the road) – Estimated at \$250-350k
- 3) Replace bridge deck & install new guardrail. Repairing & reinforcing/strengthening the existing abutments and piers – Estimated at \$420k (**preferred**)
- 4) Full bridge replacement – Estimated at \$800k based of bridge 32 & 139 replacements in 22/23 FY

Option 3 was selected as it offered the best value for a long term outcome without long term loss of service and due to the road class, available short detour around the bridge, and the low traffic volumes.

Option 3 was also preferred as a closure is estimated to have negative community feedback/reputational risk and the floodway option has considerable construction/design risks with vertical grades of the road/batters for the excavation required.

Bridge 7 also has a current 20 tonne load limit which will be changed to a 15 tonne load limit once signage is installed in the next couple of months. This change of load limit is due to the condition of the bridge.

#### Bridge 10

Bridge 10 is located on Beaufort Carngham Rd roughly 930m's north of Mena Park Rd near bridge 11 which was replaced in 22-23 FY, as per the location highlighted in the below image.



Image 4: Location of Bridge 10

Bridge 10 on Beaufort Carngham Rd is on a key strategic route and is one of Council's highest traffic roads.

This bridge is currently the last bridge on this route which limits B-double access along the route between Western Hwy & Carngham-Streatham Rd due to a 30 tonne load limit. The 30 tonne load limit is applied due to the configuration of the bridge and mainly as the bridge length/U-Slab bridge deck beams cannot support large loads.

The bridge is in good condition with minimal cracking and has an estimated useful life of around 30-40 years from a Moloney's Level 2 Bridge inspection completed in Nov 2018.

Several options for upgrade are also considered for bridge 10 which were investigated as part of an Asset Improvement Report funded by the National Heavy Vehicle Regulator (NHVR) in September 2021. These options included 4 strengthening options and bridge replacement options.

As part of the NHVR report, it is recommended the bridge be replaced, versus a strengthening option. The replacement of this bridge is estimated to cost around \$1.7 million based off the replacement of similar bridges in the 22-23 FY including bridge 11.

#### **ISSUE / DISCUSSION**

As a part of round 7 of the 'Bridge Renewal Program' both Bridge 7 & bridge 10 were submitted for funding in Jan 2024. The request for funding was for 80% of the project costs including design and project management. It is expected that notification of successful application will occur in Apr-May 2024.



A breakdown of the requested funding is included in the below table:

<b>Bridge</b>	<b>Total Project Cost</b>	<b>Australian Government Funding</b>	<b>Council &amp; Other Funding</b>
Bridge 7 – Back Cemetery Rd	\$420,000	\$336,000	\$84,000
Bridge 10 – Beaufort Carngham Rd	\$1,700,000	\$1,360,000	\$340,000

Bridge 7 was originally planned to seek funding for a 50/50 funding split in the 23-24 council budget process but as funding requirements for rural councils have changed, an 80/20 funding split was allowed and submitted. If successful in receiving funding for bridge 7, the remaining \$126,000 will be used for either the matching council funding component of bridge 10 or for other bridge capital improvements as per the 10-year asset management plan.

The works on bridge 7 are also in line with Council's 10 Year Asset Management Replacement Plan which is based off overall condition.

The seeking of funding for the upgrade of bridge 10 is in line with Council's Plan to increase the B-double access network in Pyrenees Shire Council.

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

Priority 2 - Place

2b. Enhance the liveability and resilience of our communities.

Priority 4 - Economy

4b. Invest in road infrastructure to improve connectivity for commerce and community.

#### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Community engagement and consulting is not required at this stage. If successful in receiving funding, the Federal Government may require additional community notification. This community notification generally involves the installation of project signage.

Typical community notification will occur before any construction is completed.

#### **ATTACHMENTS**

Nil

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

There is current matching council funding for Bridge 7 of \$210,000. If the submission for bridge 7 is successful, \$84,000 of the current \$210,000 funding will be used for the matching funding component and the remaining \$126,000 will be reallocated to other bridges on the 10-year plan. If unsuccessful in receiving the additional BRP funding, the current council budget will be carried over to the following year (24-25 FY) with additional funding sourced either externally or through Council's budget process.

For bridge 10, if successful, the matching funding of \$340,000 is proposed to be sourced from Council's typical yearly capital works budget of around \$400,000 and programmed into the 2024-25 budget year.

#### **CONCLUSION**

The applications for funding of bridge 7 and bridge 10 align with the asset management 10-year plan and Council's Plan regarding the increase of B-Double access network. The funding will provide a significant boost to the Council's Bridge Budget and provide an economic benefit within Pyrenees Shire Council.

**OFFICER RECOMMENDATION**

That Council:

1. Supports the application for bridge funding under the Federal Government's 'Bridge Replacement Program' for bridges 7 & 10.
2. Supports Council Officers to continue to seek funding for bridges and roads to further expand Council's heavy vehicle network.

**12.2.2. NEW GUIDELINES FOR ALLOWABLE WASTE RECYCLING AND RESOURCE RECOVERY SERVICES**

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

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

**Report Author:** Douglas Gowans – Director Assets and Development

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

**File No:** 68/04/02

**PURPOSE**

The purpose of this report is to inform Council of the receipt of the Minister's Good Practice Guidelines for Service Rates and Charges and the potential impacts on Council revenue if the Guidelines are to be fully implemented.

**BACKGROUND**

A Local Government Bulletin was released on 22 December 2023 containing the Minister's Good Practice Guidelines for Service Rates and Charges.

The Guidelines were released to provide clarification on what constitutes good practice when using the Service Rates and Charges for the collection of kerbside waste and recycling from properties.

The Minister's Good Practice Guidelines for Service Rates and Charges are due to take effect from 1 March 2024 and are attached for reference.

**ISSUE / DISCUSSION**

The objectives of the Good Practice Guidelines are stated as follows.

To ensure that Service Rates and Charges:

- Are only used to recover the reasonable costs of providing a direct service to an occupancy;
- Are calculated and declared in a fair and transparent manner; and
- Subject to public engagement in accordance with a council's Community Engagement Policy

The guidelines discourage councils from using property value as the primary basis for a Service Rate in kerbside waste collection as the amount is primarily determined by the value of the property and not the cost of the service rendered.

Further the Guidelines indicate that good practice should only be used where the Service Rate or Charge directly impacts an individual residence but can reflect the costs of the subsequent management of this waste collection inclusive of transport, storage, processing, disposal and associated infrastructure covering the full cost of the service.

The Minister's Good Practice Guidelines for Service Rates and Charges state is it not good practice for a council to levy a Service Rate or Charge to fund services that do not provide a direct benefit to the resident. The Guidelines then proceed to provide the following examples of services that provide benefit to the whole municipality and therefore should be funded by council through revenue sources other than a Service or Rate Charge:

- Litter and waste collection from public spaces and the provision of public bins;
- Street, footpath and drain cleaning;
- Graffiti removal;
- Municipal tree planting and maintenance;
- General and/or municipal environmental activities such as park maintenance, public education and advocacy.

If Council is forced to implement the Minister's Good Practice Guidelines for Service Rates and Charges the implications are significant, particularly the inability to include any charges that are not directly attributable to a rateable property in the waste charge. The Guideline does not provide any clear advice relating to the operation and costs relating to transfer stations nor the restoration and monitoring of former landfill sites. However, the principles of the Guideline could be read to infer that transfer stations are not directly attributable to an individual resident and therefore would not meet the good practice principles. The possible exclusion of transfer station costs, the provision and collection of public bins and other items listed above would need to be met outside of the current waste charge impacting negatively on Council's financial position. The only possibility is for Council to transfer these costs into its general rate revenue charge which is already capped so therefore it is very difficult to transfer the costs.

Council officers have consulted with neighbouring Councils and there is a high level of concern over the lack of consultation with local government prior to the Guidelines being released.

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

Priority 2 - Place

2b. Enhance the liveability and resilience of our communities.

Enabling Principles

c. Use resources efficiently and effectively

### **ATTACHMENTS**

1. LG service rates and charges [**12.2.2.1** - 6 pages]

### **FINANCIAL / RISK IMPLICATIONS**

The financial impact of the implementation of the Minister's Good Practice Guidelines for Service Rates and Charges is considerable. The incapability of Council to charge an inclusive service rate for municipal waste management would place a substantial financial burden upon small rural councils that are already impacted by limited financial resources.

For the 2023/24 financial year the total waste costs were \$2.465 million. Part of these costs, Council currently incurs approximately \$100,000 of public litter bin and street cleaning costs that has been highlighted not be included in the calculation of the waste charge.

The new guidelines are silent on several costs and on whether these can be included in the calculation of the waste charge. These being:

- Waste disposal expenses           \$188,000
- Transfer station expenses         \$610,000

### **CONCLUSION**

It would be prudent to seek advocacy through peak bodies including the Municipal Association of Victoria (MAV) and Regional Councils Victoria for the Minister's Good Practice Guidelines for Service Rates and Charges to be revised with a greater regard for the impacts on the sector.

## OFFICER RECOMMENDATION

That Council:

1. Advocates for a deferral of the implementation of the Minister's Good Practice Guidelines for Service Rates and Charges until sufficient consultation with the sector and consideration of the significant financial impact for councils.
2. Continues to leverage waste charges including the cost of transfer station provision and street collections until the Guidelines are reviewed.
3. Utilise local government peak bodies to seek to revise the Minister's Good Practice Guidelines for Service Rates and Charges.

### **12.2.3. PLANNING & DEVELOPMENT UPDATE**

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

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

**Report Author:** Rachel Blackwell – 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

#### **PURPOSE**

This report has been prepared to provide the Council with a summary of activities within the Planning and Development department, for July, August, and September 2023.

The Planning and Development team is responsible for administering a range of regulatory functions identified within the following Acts, Regulations, Codes and Standards:

- Local Government Act 2020
- Planning and Environment Act 1987
- Planning and Environment Regulations 2015
- Building Act 1993
- Building Regulations 2018
- National Construction Codes
- Environment Protection Act 2017
- Water Act 1989
- Public Health and Wellbeing Act 2008
- Food Act 1984
- Tobacco Act 1987
- Domestic Animals Act 1994
- Domestic Animals Regulations 2015
- Country Fire Act 1958
- Impounding of Livestock Act 1994
- Road Safety Act 1986
- Protection of Cruelty to Animals Act 1986
- General Local Law 2019

PART A: PLANNING

PLANNING PERMIT DATA	OCTOBER	NOVEMBER	DECEMBER	FINANCIAL YEAR TO DATE
Permit applications received	9	6	1	40
Permits Granted (94.87% of applications decided within statutory time frame)	6	10	6	45
Permits refused	0	0	0	0
Time extensions granted	8	2	1	15
Secondary consents approved	9	3	0	17
Estimated cost of works	\$665,036.00	\$2,223,285.00	\$1,081,000.00	\$11,935,237.00

**Planning Enquiries October – December 2023**

The Planning Department received 270 calls for the October to December Quarter. Of these calls 103 related to current planning permit applications or existing planning permit enquiries. 167 calls related to pre-purchase or pre-application enquiries.

**Planning Team Resourcing**

The Planning Department has seen several staff movements within the quarter with the departure of the Coordinator of Planning Services.

Recruitment was undertaken in August for a planning officer and Ella Durniam was the successful applicant, commencing with the team in October 2023. Recruitment was also undertaken in December and late January for a Coordinator of Planning Services and a Senior Planning Officer. This recruitment process has not yet been finalised.

**VCAT (Victorian Civil and Administrative Tribunal)**

A VCAT objector appeal has been lodged in relation to PA23031, a matter which came to Council for consideration in November. A compulsory conference has been scheduled at VCAT for the 6 June 2024 and if that matter cannot be resolved then it will be heard in August 2024.

**Better Approvals**

The Planning Department is currently implementing the Better Approvals Program which provides best practice resources for Councils to streamline local planning processes. This will include implementing several internal processes and incorporating the better approvals program best practice information and other resources on our website to assist customers with the planning process.

### Digital Planning Grants

The Digital Planning Grants Program which seeks to support the improvement of digital planning services in local Councils is nearing completion. The Planning Department have been working with EVIS (Greenlight) and our ICT Team to deliver several new modules to our Greenlight planning permit processing system to improve both the internal and external interface.

### Creative Community Strategy

The Creative Community Strategy discussion paper was released to the public in December 2023 with workshops arranged for the 1st and 3rd of February 2024. The workshops aim to bring together interested community members, producers, and artists alongside representatives from venues, creative businesses, and community organisations to collaborate on a new Creative Community Strategy for Pyrenees Shire Council.

### Strategic Planning Program

The 2023-24 strategic planning program includes:

- Amendment C47Pyrn, which proposes to incorporate the Snake Valley, Waubra, and Lexton framework plans into the Pyrenees Planning Scheme. This amendment has been progressed and will come to council soon for consideration to progress a formal exhibition of a planning scheme amendment from the Department of Transport and Planning.
- Council has undertaken a review of the Pyrenees Planning Scheme to ensure it contemporariness and satisfaction against Councils legislative requirement under S12B of the Planning and Environment Act 1987. We will be consulting with Councilors in the coming months to seek Council views on the draft review before it is adopted at a future council meeting.
- Council officers are preparing an amendment to incorporate several completed flood studies into the Pyrenees Planning Scheme. The Team is meeting with DTP (Department of Transport and Planning) and DEECA (Department of Energy, Environment and Climate Action) to progress the amendment and pursue potential external funding options.
- The Strategic Planning Team is also involved in technical reference and consultation groups relating to state renewables projects such as the Western Renewables Link, Wind Farms, Ararat Synchronous Condenser etc.

### PART B – BUILDING

<b>BUILDING ACTIVITY</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>Financial YTD</b>
Private Building Permits	19	16	10	<b>85</b>
'Property Info Cert' issued	20	14	7	<b>99</b>
Building Notice/Order issued	3	1	2	<b>13</b>
Building Inspections	10	6	9	<b>45</b>

A small second dwelling has been delivered to Snake Valley property without the relevant permits in place, building action is in progress.

Russell Kennedy Lawyers are representing Council on two matters.



- A dwelling constructed over easement in Beaufort.
- Prosecution for failure to provide a Certificate of Barrier Compliance Carngham.

### PART C – ENVIRONMENTAL HEALTH

	October	November	December
<b>Wastewater</b>			
Application to Install or Alter system	7	3	3
Permit to Install or Alter issued	4	2	0
Approval to Use issued	3	10	0
Wastewater inspections	11	8	4
Domestic Wastewater Management Plan inspections	0	18	0
Domestic Wastewater Service Agent reports	16	2	2
Wastewater related complaints	0	0	0
Fees Paid	\$6515.90	\$3368.90	\$1645.30
<b>Public Health</b>			
New Premises or Transfers	0	1	0
Registration Renewals	0	0	53
Premises Closures	2	4	3
Routine and Follow Up Inspections	36	10	6
Complaints about Registered Premises	1	1	1
Food Recalls	6	3	3
Mobile/Temporary Food Applications	31	17	12
Mobile/Temporary Food Inspections	4	5	0
Mobile/Temporary Food Statements of Trade	9	9	12
Fees Paid	\$1083.00	\$6335.10	\$20461.50

#### **New Environmental Health Officer**

Roy Russell has started with Environmental Health from November replacing Anthony Komives.

Roy has an extensive amount of experience in all aspects of environmental health, including being the Team Leader of Environmental Health at Ballarat city Council for over a year, and being an EHO at Melton City Council for over a decade prior to that.

**Routine Inspections**

All of the required statutory inspections were completed for the 2023 year, with the exception of one food business and one prescribed accommodation business. As there were several attempts via phone, email, letter and site visits throughout the year and the inspection could not be completed, the food business was closed from Council's systems and is required to re-apply to register with Council if they wish to recommence trade.

**Renewals**

Renewal paperwork and invoices were all sent out in November, with slight changes to the process being implemented following legal advice. The wording on the renewal invoice stated that payment of the fee indicated intent to renew the premises, and returning of the signed paperwork is only required in the event that details have changed.

This has resulted in significantly less administrative work being required to follow up with businesses that have paid but did not return their signed paperwork.

Proof of trade inspections are to commence shortly for the businesses which have not paid their renewal fees, with potential action to be taken against those businesses that are still operating unregistered.

**Complaints**

Three food complaints were received by Environmental Health in the October – December period, which ranged from premises cleanliness, an alleged food poisoning complaint, and animals being permitted into food dining area. Each complaint was investigated in a timely manner including contacting the complainant and conducting food premises inspections, with follow-ups completed to address any non-compliances.

**Food Sampling**

All the required routine food sampling numbers for the 2023 year were completed, with all unsatisfactory samples followed up. There was a total of 1 unsatisfactory food sample throughout the year, which resulted in the food business removing that product from sale. This is to be monitored during future inspections.

**Tobacco Test Purchasing**

The second round of tobacco test purchasing for the 2023/24 financial year is due to be completed on the 17<sup>th</sup> of January 2024. There will be one more round of test purchasing to be completed following this for the remainder of the financial year in either the autumn or winter school holiday period.

**DWMP Inspections**

A total of 14 DWMP inspections were completed this quarter with another 4 attempted but officers were unable to access the properties. There is still a poor response rate from property owners from letters, phone calls or calling cards to allow access to their properties for inspections.

Due to this, new strategies are being put in place to increase the return rate of surveys and to ensure that officer time is maximised out in the field completing inspections and not following up unreturned surveys.

### ODWM (Onsite Domestic Wastewater Management) Plan

The council's Domestic Wastewater Management Plan has been reviewed and a draft new Onsite Domestic Wastewater Management plan has been prepared. Consultation will take place shortly with Water Authorities and Catchment Management Authorities to finalise the details of the plan which will then go out for external engagement with stakeholders.

### PART D – COMMUNITY SAFETY AND AMENITY

#### ACTIVITY - Animals

	Oct 2023	Nov 2023	Dec 2023	Total FYTD
<b>Cats Registered</b>	518	520	520	-
<b>Dogs registered</b>	2229	2251	2274	-
<b>Cats impounded</b>	17	7	0	<b>154</b>
<b>Cats reclaimed</b>	1	3	0	<b>6</b>
<b>Cats Euthanised</b>	15	3	0	<b>133</b>
<b>Dogs impounded</b>	2	1	2	<b>18</b>
<b>Dogs Reclaimed</b>	2	1	2	<b>16</b>
<b>Dogs Euthanised</b>	0	0	0	<b>0</b>
<b>Stock impounded</b>	1	0	2	<b>24</b>

#### ACTIVITY – Infringements

Infringement Type	Oct 2023	Nov 2023	Dec 2023	Total FYTD
Domestic Animals Act	6	5	1	<b>38</b>
Local Laws	9	3	2	<b>25</b>
Road Safety Act	1	5	1	<b>11</b>
Environment Protection Act	0	0	0	<b>0</b>
Impounding of Livestock Act	0	0	0	<b>0</b>
CFA Act	0	0	40	<b>40</b>
Other	0	0	0	<b>0</b>
<b>Total Infringements Issued</b>	16	13	44	<b>114</b>
Prosecutions	0	7	5	<b>20</b>

#### Fire Prevention Season

The fire danger period was declared on the 20th of November 2023, a little earlier this season due to the lack of rain through spring and weather conditions drying grass out quicker.

Road-side slashing started on the 7th of November 2023 and was completed by the first week of January. Council received lots of positive feedback from the community regarding the great job the contractor did which has been passed on.

Officers started fire hazard inspections on the 7th of November 2023 looking for properties with long grass and fire hazards. A total of 549 notices were sent to individual owners of 405 properties. Of these properties, 348 complied. Non-compliant properties owners have been issued infringements and contractors engaged to clear hazards.

### **Footpath Trading Permits**

Renewal notices were sent out to business owners in September 2023. Overdue notices were then sent out in October 2023. This was then followed up with an inspection in November and Notice to Comply' s being issued to a small number of businesses that had still not renewed. A further round of inspections was then conducted resulting in two businesses being issued infringements.

### **Animal Care and Protection**

Public feedback is sought on the draft Animal Care and Protection Bill and its supporting regulations. Consultation has been released to Council and the public for feedback on Engage Victoria. Council will review the proposed legislation and may make a submission.

If the draft Bill is passed by the Victorian Parliament to become an Act, the new Animal Care and Protection Act would replace the current Prevention of Cruelty to Animals Act 1986 (the POCTA Act).

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

Priority 1 - People

1e. Improve social outcomes.

Priority 2 - Place

2a. Sustain and enhance unique character of our communities.

2b. Enhance the liveability and resilience of our communities.

2c. Promote responsible development.

Priority 3 - Environment

3a. Continue being an environmentally progressive organisation.

3c. Encourage community care of biodiversity and natural values.

Enabling Principles

b. Provide transparency and accountability

c. Use resources efficiently and effectively

### **ATTACHMENTS**

Nil

### **OFFICER RECOMMENDATION**

- |   |
|---|
| <p>1. That Council notes the contents of this report.</p> |
|---|

#### **12.2.4. PUBLIC OPEN SPACE CONTRIBUTIONS POLICY**

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

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

**Report Author:** Emma Poyser – Executive Assistant to the Directors

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

**File No:** 66/18/02

#### **PURPOSE**

The purpose of this report is for Council to consider the adoption of the Public Open Space Contributions Policy.

#### **BACKGROUND**

Council was briefed by officers in September 2023 in relation to the need for preparation and adoption of a Public Open Space Contributions Policy. It was agreed at this briefing that a policy be prepared, and this policy was to be considered and adopted by the Council.

Under the Subdivision Act 1988, the Shire collects Public Open Space Contributions, and manages these funds in accordance with the Act. These Contributions provide an important source of revenue to fund capital improvement and acquisition of Public Open Space to meet the needs of the new population to be accommodated by the subdivision.

The Subdivision Act 1988 enables councils to collect a rate not exceeding 5% of the site value of land in a subdivision as required by Clause 53.01 of the Pyrenees Planning Scheme. Local Governments can vary this where justified.

Public Open Space as defined in the Subdivision Act 1988 is:

- Land set aside in a plan or land in a plan zoned or reserved under the planning scheme.
  - for public recreation or public resort;
  - or (b) as parklands;
  - or (c) for similar purposes.

Contributions are used to pay for the provision of new and/or improved public open space land and infrastructure needed by the future community that results from subdivided land. In this way, open space contributions are a form of 'user payment' for public infrastructure.

This might be a public park in a new multi lot subdivision, or a contribution paid to the council for a new multi dwelling development/subdivision to provide for the provision or improvement of existing open spaces. It can be informed by an Open Space Strategy. Public open space contributions or delivery of open space is required prior to the statement of compliance being issued for the subdivision.

#### **ISSUE / DISCUSSION**

The purpose of the Public Open Space Contribution policy is to:

- Provide a framework for managing the collection and spending of Public Open Space Contributions in an equitable, transparent, and accountable way;
- Provide guidance for the determination of how public open space contributions are received.
- Ensure an adequate provision of high standard Public Open Spaces that contribute to Pyrenees Shire being a more liveable community.

This newly drafted policy is underpinned by the principles of transparency, accountability, accessibility, nexus, and equity ensuring that the collection of contributions and the use of the Reserve to fund projects adheres to these principles. A scaled contribution has been put forward in the policy that has the benefit of encouraging small lot subdivisions. The contribution rates within the policy are as follows:

- The Shire will collect a Contribution Rate of 5% for all subdivisions of 5 or more lots.
- The shire will collect a contribution rate of 4% for all subdivisions of 4 lots;
- The shire will collect a contribution rate of 3% for all subdivisions of 3 lots.
- A 2 lot subdivision is exempt from this requirement unless it is determined that the land can be further subdivided in which case a 2% contribution rate will be collected.
- Social housing proposals will be exempt from public open space contributions.

The policy further outlines the commitments that the Pyrenees Shire Council will make when using the Reserve funds, the specified contribution rates, withdrawal process and roles and responsibilities.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 1 - People

1d. Promote health, wellbeing, engagement, and connection.

14 Support Communities to have access to high quality assets, facilities, and programs to provide passive and active recreation.

Priority 2 - Place

2b. Enhance the liveability and resilience of our communities.

6 provide services for towns.

8 provide and maintain appropriate infrastructure to ensure a high level of amenity accessibility and safety.

Enabling Principles

b. Provide transparency and accountability

c. Use resources efficiently and effectively

**ATTACHMENTS**

1. Draft policy Jan 2024 [12.2.4.1 - 5 pages]

**FINANCIAL / RISK IMPLICATIONS**

The funds received from the public open space contribution must be reserved for the allowable purposes contained in the policy.

**CONCLUSION**

A Public Open Space contribution will contribute to providing good quality open space experiences for growing communities. The policy provides a fair, equitable and transparent approach for potential developers. The draft Public Open Space Contribution Policy is submitted to Council for adoption.

**OFFICER RECOMMENDATION**

That Council adopts the Public Open Space Contribution Policy.

### 12.2.5. ROAD REGISTER INCLUSION

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

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

**Report Author:** Tim Day – Manager Assets

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

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

#### **PURPOSE**

Council is requested to consider the inclusion of the road identified in this report on its Register of Public Roads.

#### **BACKGROUND**

It is proposed to add a road to Council's Register of Public Roads to formalise access to properties with unique access from a road reserve between Amarant Road and Stawell-Avooca Road, Navarre.

All properties within the municipality should have legal access to the road network. However, not all properties have constructed roads within road reserves that link to the constructed road network. A road reserve without a road is sometimes referred to as a "paper road". These road reserves may be impassable to a vehicle due to terrain, vegetation or surface conditions but equally may already have a track that can be traversed by a vehicle.

Council's Register of Public Roads defines the hierarchical classification of the road, and the associated level of service and maintenance Council provides under its Road Management Plan.

#### **ISSUE / DISCUSSION**

Council has received a request regarding access to a property fronting an unnamed road reserve linking Amarant Road and the Stawell-Avooca Road, Navarre. The property currently uses an unmade road or vehicle track within this road reserve. This unmade road is not on Council's register of public roads.

There is no dwelling on the property and therefore there is no requirement for this to be an all-weather road suitable for emergency vehicle use. As a consequence, it is proposed that the classification of the road will be Local Access 3.

Local Access 3 roads are a class of roads that can be described as dry weather tracks, fire tracks, 4WD tracks or 2 wheel tracks providing access to properties without dwellings or to crown land reserves. Local Access 3 roads will generally be natural surface tracks, though may have some formation and gravel pavement. Council does not routinely inspect Local Access 3 roads and would only undertake maintenance at its discretion.

The cost of the construction and maintenance will remain with the property owner. The property owner will also be responsible for obtaining permissions to remove vegetation and pay any fees, charges and offsets associated with vegetation clearance.

Where a dwelling is proposed to be constructed at a future date, it would become a requirement of the development application to construct an all-weather road suitable for emergency vehicle usage. The cost of this work would also be the responsibility of the developer. Council would thereafter take responsibility for maintenance of the road in accordance with its Road Management Plan.

It is proposed to bring this new road onto Council's register of public roads to enable the process of road naming to commence. The location of the road is indicated by the red line on the plan below from point A1

heading north from Amarant Road to A4 on the Stawell-Avoca Road, a total length of approximately 2240 metres.



**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 1 - People

1c. Improve accessibility and inclusivity.

Priority 2 - Place

2b. Enhance the liveability and resilience of our communities.

Under the *Road Management Act 2004 s19* a road authority is required to keep a register of public roads which defines those roads for which they are the coordinating road authority. The register must include amongst other things: (a) the name of the public road, or if unnamed, a description which enables the particular road to be easily identified; (b) the date on which the road became a public road; and (c) the classification of the public road.

**COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Engagement with adjoining property holders will be undertaken when road naming is commenced.

**ATTACHMENTS**

Nil



### **FINANCIAL / RISK IMPLICATIONS**

When a road is added to Councils Road Register it is assigned a road hierarchy type which determines the service level, maintenance inspection frequency and construction standard. For a Local Access 3 road the service level is natural surface without formation and there would be no obligation on Council to maintain the road. For a Local Access 2 road the service level would be all-weather access suitable for emergency and waste management vehicles. Construction would typically involve the grading and compaction of 100mm depth of approved gravel with associated roadside drainage. Ongoing maintenance would entail ensuring the standards of the Road Management Plan are met.

### **CONCLUSION**

Council is asked to consider adding this road to its register of public roads and approve the commencement of the road naming process.

### **OFFICER RECOMMENDATION**

That Council:

1. Includes the Unnamed Road in the locality of Navarre as detailed in this report in its register of public roads with a classification of Local Access 3.
2. Approves commencement of the process of road naming.

## 12.3. CORPORATE AND COMMUNITY SERVICES

### 12.3.1. RATE CAP 2024-2025

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

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

**Report Author:** 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:** 52/04/20

#### PURPOSE

This report is to advise the Council on the Rate Cap set and to seek the Council's determination as to whether an increase should be sought on the rate cap for the 2024-2025 financial year.

#### BACKGROUND

The Victorian Government introduced rate capping in the 2015/16 financial year under the Fair Go Rates system. In previous years, the rate cap was set at a maximum of 2.5%, with the rate cap for the current 2023/24 financial year set at 3.5%

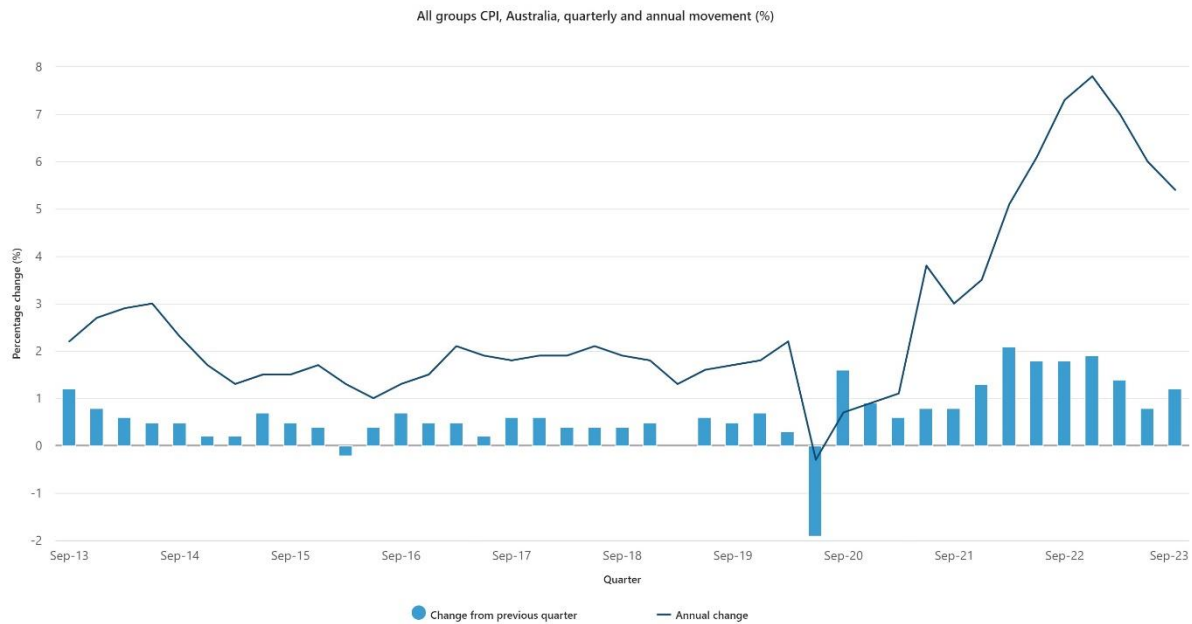
Where appropriate, councils may apply for higher rate cap consideration subject to meeting certain criteria. The Pyrenees Shire Council successfully applied for increases in the rate cap in 2015/16, 2016/17, and 2017/18:

- 2015/16 - additional 1.33% making a total rate cap of 3.83%
- 2016/17 - additional 1.5% making a total rate cap of 3.5%
- 2017/18 - additional 1.25% making a total rate cap of 3.5%

Financial sustainability was the key driver for Council seeking a higher rate above the rate cap imposed for these years and all the additional revenue raised was quarantined for road renewal works.

CPI (Consumer Price Index) is Australia's key guide to inflationary pressures, measuring household inflation and statistics about price changes for categories of household expenditure.

Annual CPI inflation was 5.4% in the September 2023 quarter, lower than the 6.0% annual rise in the June 2023 quarter. This marks the third consecutive quarter of lower annual inflation and down from the peak of 7.8% in the December 2022 quarter. Monthly results seen in November 2023 show a further drop to 4.3%.



Source: Australian Bureau of Statistics, Consumer Price Index, Australia September Quarter 2023

The Essential Services Commission publishes guidance for councils seeking to make a higher rate cap application<sup>1</sup> which must be made by 31 March of each year. The application must include:

- The proposed higher cap for each specified financial year,
- The reasons why the council is seeking the higher cap,
- How the views of ratepayers and the community have been considered in proposing the higher cap,
- How the higher cap is an efficient use of council resources and represents value for money,
- Whether other funding options have been considered and why those options are not adequate,
- That the assumptions and proposals in the application are consistent with the council’s long-term strategy and financial management policies.

**ISSUE / DISCUSSION**

**Rate Cap**

A rate cap of 2.75% has been set for all Victorian councils applicable for the 2024/25 financial year.

At just 51% of the current inflation rate, the rate cap set for the next financial year will continue to limit Council’s capacity to increase revenue and reinforces its dependence on external grants to achieve target asset renewal rates and a continued lack of capacity to increase staff numbers.

Mid-2023 saw a successful end to enterprise bargaining negotiations with the annual salary increases for the 2024/25 financial year set at 3.00%. Once again, the rate cap is set at a level below negotiated increases (a deficit of 8.3%) impacting many of Victorian councils who negotiated agreements during a period of high inflation.

In addition to inflation, there are other factors impacting on Council’s long-term financial sustainability that demonstrate the need for additional revenue in order to maintain current service levels including: low unemployment rates impacting ability to recruit and retain skilled workers, construction sector costs continue to rise, cashflow impacts of flood restoration works and potential rates non-payments, ever-

<sup>1</sup> [Guidance for councils applying for a higher cap | Essential Services Commission](#)

increasing legislative obligations imposed upon local government, and limited ability to raise revenue through alternate means.

### **Application for higher rate cap**

Councils may apply to the Essential Services Commission for a higher rate cap, with the application required by 31 March of the year prior to the relevant financial year.

Council must take the Essential Services Commission (ESC) guidance on higher cap applications into account when determining whether to apply for a rate cap increase for 2024/25. In the past, an important consideration for the Council has also been the financial impact on the community and the ability of ratepayers to pay.

Relevant factors regarding any decision to apply for a higher rate cap include:

- The continued difference between rate cap percentages and CPI further widens the financial sustainability gap for councils.
- Affordability of ratepayers to pay increased rates combined with risk of default/impacted ability to achieve timely reimbursement under new legislation.
- Informed views of the community and ratepayers – it would be necessary for council to conduct a sufficiently rigorous deliberative engagement process to understand community views and demonstrate an appropriate level of acceptance.
- Consideration of alternative options available to raise revenue such as the use of debt.
- The additional administrative cost associated with the application and ongoing acquittal and reporting obligations.

Council officers have deliberated on the above factors with the following conclusions and recommendations for the Council:

1. Notwithstanding the very real widening of the financial sustainability gap for Council over the next 12 months, it is not likely that the community view would support a rating level in 2024/25 of higher than the 2.75% rate cap set because our community and ratepayers are also subject to the strictures and impacts from the current cost of living crisis, reducing their affordability to pay.
2. An increase in financial assistance grants in 2023/24 from the Commonwealth.
3. As the forecast inflation rate slowed towards the latter half of 2023 which may continue in 2024: some financial benefit from the higher rate cap may be seen by Council in 2024.

If Council chooses not to proceed with an application for a rate cap variation, it is recommended that Council continues its advocacy effort with government to ensure other means of funding to address the sustainability challenges outlined in this report.

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

Enabling Principles

- b. Provide transparency and accountability
- c. Use resources efficiently and effectively

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

No engagement proposed.

### **ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

The Council's long-term financial sustainability has been identified as a risk for the Pyrenees Shire Council and is clearly demonstrated in the long-term financial plan. The rate cap of 2.75% set for 2024/25 increases this risk as Council faces increasing expenditure at a rate higher than this with CPI currently running at 5.4%, a further 0.5% superannuation increase to be implemented, and the 2024/25 wage increase set at 3.00%.

**CONCLUSION**

The annual rate cap for 2024/25 has been announced at 2.75%. This remains below inflation levels and annual expenditure increases forecast for the financial year, adding to the Council's long-term financial sustainability risk. It is recommended not to apply for an increased rate cap for 2023/24 for the reasons discussed in the body of the report.

**OFFICER RECOMMENDATION**

That Council:

1. Notes the 2.75% rate cap declared for the 2023/24 financial year,
2. Having considered relevant reasons for raising additional revenue to meet the service and asset needs of the community, the requirements set by the Essential Services Commission, and other issues raised in this report, do not make application to the Essential Services Commission for a higher rate cap for the 2024/25 financial year.

### 12.3.2. COMPLAINT - OBJECTION TO INCLUSION OF PRAYER AND ACKNOWLEDGE OF COUNTRY AS PART OF COUNCIL BUSINESS

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

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

**Report Author:** Kathy Bramwell – Director Corporate and Community Services

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

**File No:** 16/24/17

#### PURPOSE

This report is to bring to the Council's attention a complaint received regarding the inclusion of the Opening Prayer and Acknowledgement of Country as part of the general business of a Council meeting and to seek direction on action and response, considering legal advice received on the matter.

#### BACKGROUND

The Opening Prayer is traditionally read towards the start of a Council Ordinary Meeting as follows:

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

The reading of the Prayer by the Mayor is a long-standing practice, and all attendees are requested to stand during the reading.

The Opening Prayer is followed by an Acknowledgement of Country as follows:

*We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, Eastern Maar and Wotjobaluk tribes, whole land forms the Pyrenees Shire.*

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

The inclusion of the Opening Prayer is not included within the Governance Rules as a formal requirement within the agenda and order of business.

The inclusion of the Acknowledgement of Country is included as an agenda requirement within section 4.4.4 of the Governance Rules.

Section 8(1) of the Local Government Act 2020 stipulates that the role of a council is to provide 'good governance in its municipal district for the benefit and wellbeing of the municipal community' which informs the scope of s 60(1) and can be said that the Governance Rules provide for activities at a meeting related to good governance:

- a. giving Councillors an opportunity to reflect on the connection of Council's municipal district with traditional Indigenous cultures and histories, and
- b. allowing Councillors to pay respects to Indigenous members of the community.

Section 60(1) of the Local Government Act 2020 determines the CEO setting of the agenda – on the advice of the Mayor – as part of Council's implementation and observation of the Governance Rules, and the matters which are required by legislation to form part of those Governance Rules.

Section 60(2) of the Local Government Act 2020 states that the Governance Rules must provide for Council to:

- a. Consider and make decisions on any matter being considered by the Council fairly and on the merits, and
- b. Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

Section 60(4) of the Local Government Act 2020 requires the Council to enter into community engagement when proposing a change to its Governance Rules.

### **ISSUE / DISCUSSION**

Under the Charter of Human Rights and Responsibilities, an individual can raise a complaint about human rights directly with any public authority through their internal complaint handling procedures.

Individuals may also make a complaint to an independent body including: the Victorian Ombudsman, Independent Broad-based Anti-Corruption Commission or the Victoria Attorney-General's Office.

At the Pyrenees Shire Council, complaints are managed through a documented complaints management system compatible with that recommended by the Victorian Ombudsman.

#### **1. The Complaint**

A complaint has been received by a non-resident of the Pyrenees shire. The same complaint was circulated to 76 out of 79 Victorian councils. It is believed, but not formally confirmed, that the complainant has attended Ordinary Meetings of the Pyrenees Shire Council via live streaming in the past.

The complaint was addressed to the Chief Executive Officer and reads as follows:

*Recently several councils removed all forms of prayer and religious practices from their Council Meetings.*

*This is due to legal advice that such practices imposed upon staff, councillors, and community members could be in breach of Human Rights legislation.*

*Councils are no place for any specific religious / spiritual / cultural belief being IMPOSED on community members / staff / councillors.*

*This is a FORMAL complaint against your organisation in relation to any prayer, religious, spiritual, or cultural practice being included in any formal meeting or informal meetings of council. (not an advertised event that a person can choose not to attend – such as a specific religious event).*

*I write in relation to the following items in the Charter of Human Rights and Responsibilities Act 2006.*

*I, as a person, have the right to:*

- *Freedom of thought, conscience, religion, and belief – including the right to NO religion or belief (Section 14).*
- *The right to peaceful assembly (Section 16).*
- *The right to take part in public life (that includes attending Council public events and reading Council literature) (Section 18).*

*These rights give me the express right to participate in public life in a manner that is FREE from any discrimination and without any requirement to participate or have the imposition of any other person's religious beliefs / spiritual practices or culture, upon me, on order to participate in public life. (Such as attending a Council meeting open to the public.*

*Essentially, I believe that many councils are aware that they may have to remove ALL religious prayers and practices from Council meetings upon legal advice.*

*I also include any and all forms of Welcome to Country, Spiritual Acknowledgements or statements about the beliefs and practices of indigenous cultures.*

*In my view, I do not hold these beliefs or customs personally. I have no issue at all with any other person holding those beliefs.*

*I reiterate I do not hold these beliefs or views personally, and I reject being subjected to ANY belief I do not hold. My Human Rights protect my right to participate in Council meetings (in person and online) without any of these being FORCED upon me.*

*I call on the Council to cease all Prayers, religious practices, ideological statements, Welcome to Countries, all smoking ceremonies, all healing ceremonies, and ANY other cultural or religious ceremonies that give risk to impose any practice or belief upon me in order to attend, participate, view, or read information. (Other than an advertised religious event.)*

*I specifically seek council to remove these from:*

- *Formal council meetings*
- *Informal meetings of council*
- *Committee meetings*
- *Delegated committee meetings*
- *Ward meetings or community information meetings*
- *Planning consultative meetings or the like*
- *Staff meetings*
- *Staff events*
- *Community consultation meetings*

*I also seek an undertaking from Council that they will do same within 14 days of this complaint.*

The following media article links were provided in support of the complaint:

- [Melbourne council ditches Christian prayer after concern about potential human rights breaches | Melbourne | The Guardian](#)
- [Boroondara council halts Christian prayer after legal warning \(theage.com.au\)](#)
- [Many local councils still officially pray to God. Here's why this may be unlawful and should be abandoned \(theconversation.com\)](#)
- ['Very disappointing': Boroondara Council axes prayer before councillor meetings | Sky News Australia](#)
- [Advocates welcome end of council prayer at Boroondara | Maurice Blackburn](#)

This complaint has been acknowledged with no commitment made as to potential action or inaction.



## 2. The Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities (the Charter) is a Victoria law that sets out the basic rights, freedoms, and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves.

The Charter requires public authorities, including local government, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. 20 fundamental human rights are protected in the Charter.

In certain circumstances, some rights may be limited. However, this must be necessary and reasonable and there must be clear reasons for the decision.

The Charter recognises that all rights come with responsibilities, including the responsibility to respect other people's rights.

The rights cited within the complaint include:

- Freedom of thought, conscience, religion, and belief: this right has two components:
  - The right to freedom of thought, conscience, religion, and belief – under the Charter, an individual has the right to think, feel and believe what you want, and the right to share your thoughts and beliefs publicly, whether individually or as part of a community, and
  - The right to not be prevented from practising your religion or belief – under the Charter, an individual cannot be coerced or restrained to stop you practising your religion or beliefs.
  
- The right to peaceful assembly:
  - Democracy relies on people being able to gather peacefully to share their beliefs and opinions.
  - Under the Charter, you have the right to assemble peacefully. Often this right is connected to the idea of protest or demonstration, but it also applies to people gathering for social, cultural, religious, and professional purposes – whether that is in private or in public.
  
- The right to participate in public affairs:
  - Being able to participate in public life and vote in elections is an important part of democracy.
  - Under the Charter, an individual has a right to take part in public life. This right applies to a wide range of activities such as state and local politics and public administration. This includes attending a public forum to help make decisions on local issues or attending a meeting of your local council.
  - The Charter specifies that you have not just the right to participate, but also that you must be given the opportunity.

The complainant has interpreted these rights as giving them *“the express right to participate in public life in a manner that is free from any discrimination and without requirement to participate or have the imposition of any other person’s religious beliefs / spiritual practices or culture, upon me, in order to participate in public life. (Such as attend a Council meeting open to the public or observed online.)”*

## 3. The Opening Prayer

Although not enforced by Council's Governance Rules, Council has read the Opening Prayer at Council meetings since the first election of Councillors in the current local government format in 1996. This long-standing practice is consistent with those applied by other councils, the State and Commonwealth Governments.

When reading the Opening Prayer, the meeting Chair (generally the Mayor) requests that those attending the meeting in person stand to receive the Prayer.

The Prayer is based on Christian beliefs.

Council officers sought and received legal advice on whether the inclusion of the Prayer in the Council meeting agenda was lawful and/or a breach of the Charter of Human Rights and Responsibilities. The advice received is summarised below:

- a. Inclusion of the Prayer in the agenda is possibly unlawful and interferes with the preservations of equality between those who hold religious beliefs and those who do not.
- b. It was considered that the Charter of Human Rights and Responsibilities is contravened each time that the agenda is set as this is incompatible with a human right and/or does not give proper consideration to a relevant human right.
- c. It would not be any different if the Prayer was non-denominational as this would still discriminate against the rights of someone without religious belief.

The legal advisor has recommended that the Council should determine as to whether it will continue to include the Prayer on the agenda for Council meetings, noting that in their view it cannot do so without unlawfully infringing on Charter rights.

The legal advice recommended that the Prayer ought not to be included on the agenda for, or read at, future Council meetings.

The advice also states that, including in the agenda some sort of non-religious moment of reflection or recitation of something emphasising the importance of the deliberations that will take place in the meeting would not be in breach of The Charter.

#### **4. Acknowledgement of Country**

The inclusion of the Acknowledgement of Country as part of the agenda order of business for an Ordinary Council meeting is required by section 4.4.4 of the Governance Rules and is a commitment by Council as part of its Reconciliation Action Plan. The Governance Rules do not allow for this to be at the discretion of the meeting chair.

Any decision of the Council to cease including the Acknowledgement of Country in Council meeting agendas would require community engagement pursuant to section 60(4) of the Local Government Act 2020.

Section 8(1) of the Local Government Act 2020 provides that the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Definitions within the Local Government Act 2020 includes traditional owners of land in the municipal district of the Council as members of the municipal community.

Council officers sought and received legal advice on whether the inclusion of the Acknowledgement of Country was lawful and/or a breach of the Human Rights and Responsibilities. The advice received is summarised below:

- a. Inclusion of the Acknowledgement of Country is lawful and would withstand legal challenge.
- b. It was considered that there was no basis on which these matters could be credibly impugned as giving rise to a breach of human rights or being otherwise invalid or unlawful.

The legal advisor stated that Council can lawfully continue with the Acknowledgement of Country at Council meetings.

The legal advisor recommended that the Council should determine as to whether it will continue to give the Acknowledgement of Country at the commencement of Council meetings.

It was noted that this does not offend the Charter to do so and that this supports good governance on behalf of the Traditional Owners within the Pyrenees shire as members of the municipal community (as defined within the Local Government Act 2020).

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

Priority 1 - People

1c. Improve accessibility and inclusivity.

Enabling Principles

- a. Motivate and inspire community involvement
- b. Provide transparency and accountability

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

This reports forms part of notification to the community on Council statutory compliance and decision-making. It is not considered that direct community consultation is required for Council to make resolutions in accordance with the officer recommendations below.

### **ATTACHMENTS**

1. CONFIDENTIAL REDACTED - Advice to Pyrenees SC - 30 Jan 2024(42330945.1)- Copy [12.3.2.1 - 13 pages]

### **FINANCIAL / RISK IMPLICATIONS**

Risks identified within the body of this report relate to statutory compliance relating to the Victorian Charter of Human Rights and Responsibilities (s 38(1) states that it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.).

Risks identified within this report include reputational risks potentially arising from continuing the Prayer and infringing human rights and, conversely, not continuing a long-standing and accepted practice.

### **CONCLUSION**

A complaint was received alleging that the reading of the opening Prayer and Acknowledgement of Country as part of a council meeting agenda is unlawful and an infringement of their human rights regarding religious freedom as stated within the Victorian Charter of Human Rights and Responsibilities. Legal advice was sought and received, which is summarised within the body of this report. The full legal advice received was provided as a confidential attachment to Councillors. Based on the legal advice received, recommendations have been made for Council consideration and resolution.

## OFFICER RECOMMENDATION

That Council:

1. Resolves to discontinue including or reading an Opening Prayer as part of council meeting agendas, noting that continuing to do so would unlawfully infringe on the rights contained within the Victorian Charter of Human Rights and Responsibilities (the Charter).
2. Resolves to continue making an Acknowledgement of Country as part of council meeting agendas and in accordance with its Governance Rules, noting that this does not offend the Charter to do so.
3. Directs officers to respond to the complainant advising that Council:
  - a. agrees with the complainant's characterisation of the Prayer and will cease the practice of reading it at council meetings, and
  - b. does not agree with the complainant's characterisation of the Acknowledgement of Country and will continue the practice of giving it at council meetings.

### **12.3.3. GOLDFIELDS RECREATION RESERVE MASTER PLAN**

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

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

**Report Author:** Baylie Lang – Coordinator Recreational Development

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

**File No:** ED24 - 001562

#### **PURPOSE**

Following review of community feedback submitted on public exhibition of a draft Goldfields Recreation Reserve Masterplan, this report provides recommendation for Council to adopt the final Masterplan.

#### **BACKGROUND**

The Goldfields Recreation Reserve is a highly valued and used asset in Pyrenees Shire. The site is the major sport and recreation precinct for the Beaufort township and is home to multiple sporting and leisure clubs including:

- Beaufort Football Netball Club,
- Beaufort Cricket Club,
- Beaufort Tennis Club,
- Beaufort Little Athletics,
- Beaufort Agricultural Society,
- Wimmera Axemans Association, and
- Pyrenees Arts Council.

Several community events are hosted from the site including the Beaufort Agricultural Show, Beaufort Truck and Car Show and the weekly Beaufort Park Run program. The site is used heavily for passive leisure use, including those accessing the Beaufort Lake and surrounds and to those guests using the adjacent Beaufort Caravan Park.

The site has a mixed management approach through both the Pyrenees Shire Council and the Beaufort Community Bank Complex Community Asset Committee. The adjacent Beaufort Secondary College has access to the site under a Joint Use and Development Agreement.

Council officers, along with reserve tenants, identified the need to formally review existing conditions and identify opportunities to improve the future function and use of the Reserve.

Council employed the expertise of Solucio Advisory and Consulting Group to undertake the project on behalf of Council. Solucio employed a comprehensive methodology in the plan's development including a comprehensive consultation program, gender impact assessment, management model assessment and an iterative design process to refine options, designs, and feasibility.

The masterplan, as presented at Attachment One, will act as a guide for future detailed planning and development of the Reserve.

#### **ISSUE / DISCUSSION**

The Goldfields Recreation Reserve Masterplan project objectives were to:

- Develop a Master Plan through a needs assessment to inform development options and best longer-term use of space.
- Develop a vision within a notional 10-year timeframe for infrastructure provision, and concept plans for the Reserve, with cost estimates.

- Develop a Governance Framework to provide a clear structure for the management of the Reserve and ensure all responsibilities are properly allocated.

The Plan has documented a range of categorised opportunities including but not limited to:

1. Accessibility and Circulation:
  - Improve the layout, signage, and circulation of the site entry.
  - Improve layout/designation of car parking and drop-off zones.
  - Investigate opportunities to consolidate temporary building and storage structures.
  - Investigate options to improve emergency vehicle access.
  - Convert current Caravan Park entry to a temporary access point (once the new Caravan Park entry is established).
2. Public Amenity and Safety:
  - Redevelop the Secondary School border fence.
  - Increase indigenous vegetation.
  - Investigate opportunities to increase public toilet provision.
  - Provide greater play spaces for children.
  - Improve and implement shaded spectator areas.
  - Landscaping improvements, such as tree planting/removal, land levelling, soil/grass maintenance, and lighting provision.
3. Sporting Planning and Provision Improvements:
  - Investigate opportunities to enable a second competition standard netball court.
  - Investigate alternative governance options for Reserve management, user-group tenancy arrangements, capital improvements, bookings and ongoing maintenance.
  - Implement recommendations from turf and hard-court assessments (from other consultant reports).

The Masterplan provides a shared vision for the Reserve by all asset stakeholders. The Masterplan will be used to guide future investment as funds permit over an estimated timeframe of ten years.

In partnership with our community, Council now has a strategic evidence base. This provides formal justification to implement a progressive work program for identified projects.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

### Priority 1 - People

- 1c. Improve accessibility and inclusivity.
- 1d. Promote health, wellbeing, engagement and connection.
- 1e. Improve social outcomes.

### Priority 2 - Place

- 2b. Enhance the liveability and resilience of our communities.

### Priority 4 - Economy

- 4c. Encourage and invest in assets and infrastructure for commerce and community.

### Enabling Principles

- c. Use resources efficiently and effectively

## COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES

The project was developed through a comprehensive community engagement methodology. This saw initial engagement including:

- Pyrenees Shire Council staff consultation sessions.
- In-depth interviews with 10 stakeholders, including all reserve tenant clubs.
- An interview with Wadawurrung Traditional Owners Aboriginal Corporation.
- An online survey.

Following this engagement, an initial Plan was placed on public exhibition for community feedback via an online survey and a Community Drop-In session. The survey received 66 responses and direct feedback from user groups. All feedback was considered in formulating the next incarnation of the Master Plan which was distributed and further workshopped with a meeting attended by site user groups.

A formal draft masterplan was exhibited to the community for 6 weeks from Monday 2 October. At the exhibition period's close, 8 submissions were received. These have been summarised at Appendix C of the attached Masterplan. All submissions were considered and integrated into the final Masterplan (or will be accommodated in future detailed design processes). Two suggestions in submissions were not accommodated in the final plan:

1. One of these was a recommendation to underground existing overhead power cables. Given the limited community outcome for the cost associated with such a project, the Plan recommends not committing to this proposal at this stage.
2. The second was feedback to retain the current tennis pavilion, which was indicated for removal. The consulting team has expressed concern on the long-term structural integrity of the asset and its functionality. Further investigation of the current asset and potential replacement options will be explored in support of future tennis use.

Further consultation will be undertaken throughout the design and construction of the identified master plan priority projects.

At the time of preparing this report, officers were seeking any final feedback from Sport and Recreation Victoria regional officers with a view to making any minor amendments to the Masterplan should that be considered necessary.

## ATTACHMENTS

1. Solucio - Goldfields Reserve Final Master Plan [12.3.3.1 - 44 pages]

## FINANCIAL / RISK IMPLICATIONS

The Plan outlines the future options and directions for the reserve and identifies where resources are required to be focused to achieve the plan's outcomes.

The Plan provides a cost estimate for delivery over a 3 stages implementation plan (short, medium, and long term), which has a combined capital value of more than \$5 million. This is proposed to be sourced through various sources. Final unique capital costs will be determined via future detailed designs, and quotations and or quality surveyor reports.

The recommendation to adopt the Master Plan does not have any financial or budgetary implications for Council, other than the direct costs associated with officer time. However, the future implementation of the recommendations will be subject to individual detailed investigations and funding allocations as part of adopting future annual budgets and grant bid.

## **CONCLUSION**

The masterplan provides a collaborative vision between the key stakeholders and users of the reserve, the community and council on the strategic future development of the Goldfields Recreation Reserve.

The Goldfields Master Plan has been subject to a community consultation process, including releasing the draft for public comment. Council officers have responded to feedback received and are satisfied that no changes or updates are required to the final Master Plan.

## **OFFICER RECOMMENDATION**

That Council:

1. Adopts the Goldfields Recreation Reserve Master Plan with or without any minor amendments as deemed necessary.



### 12.3.4. DECEMBER 2023 QUARTERLY FINANCIAL REPORT

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

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

**Report Author:** Glenn Kallio – 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 the Council with an update on the financial performance for the period 1 July 2023 to 31 December 2023.

#### BACKGROUND

The provision of regular reports of Council's financial performance ensures that Council's financial management and associated processes are accountable, transparent, and responsible.

The attached financial report for the period 1 July 2023 to 31 December 2023, is a component of ensuring the accountability of the Council's operations. In line with good governance, it forms part of the public accountability process and reporting and includes the following Financial Statements.

- Comprehensive Income Statement
- Balance Sheet
- Cash Flow Statement; and
- Statement of Capital Works
- Capital Works Program

#### ISSUE / DISCUSSION

1. Year to date results record that the cash position is \$4.6 million less than the budgeted position.

This position has been impacted by:

• Rates outstanding	\$ 807,000
• Flood Event	\$1,663,659
• Lower levels of creditors	\$2,862,000

It is expected that all the issues except for outstanding rates will be resolved by June 30.

2. Rate Debtors tracking behind expected recovery rate. Concern regarding the possible increase in outstanding rates at year end. This will be further hampered by new rating legislation that places restrictions on Council to recover rates.
3. Council is currently cash flowing works for the October 2022 event totalling \$1.7 million. To date Council is in the financial position to cover this cashflow position however, this may be a cause of concern in the 2024/25 budget with a number of additional budgeting impacts that will take effect in the next financial year.

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

Enabling Principles

- b. Provide transparency and accountability
- c. Use resources efficiently and effectively

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Enter community engagement / consultation activities (community cuppas, engagement hub activities etc.)

### **ATTACHMENTS**

1. Dec 2023 Finance Report - Council [**12.3.4.1** - 31 pages]

### **FINANCIAL / RISK IMPLICATIONS**

All financial implications are within this report and the attachment.

### **CONCLUSION**

The review of financials for the period ending 31 December 2023, there is no requirement for Council to prepare a revised budget. The review has ascertained that the financials for the 2023/24 year are operating within Council's 10-year financial plan.

### **OFFICER RECOMMENDATION**

That Council:

1. Receives and notes the Financial Performance report for the period 1 July 2023 to 31 December 2023, and the projected forecasts for the year, and
2. Notes the CEO declaration that pursuant to section 97(3) of the Local Government Act 2020, there is no requirement that the Pyrenees Shire Council prepare a revised budget.

### 12.3.5. ROAD NAMING CORRECTION - DJINYAP LANE

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

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

**Report Author:** Dean Miller – Manager Governance and Performance

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

**File No:** 58/02/08

#### PURPOSE

The purpose of this report is to seek a Council resolution to correct a spelling error in the name of Djinyap Lane.

#### BACKGROUND

Djinyap Lane is a short lane off the Frenchmans – St Arnaud Road in Barkly. It was named at the Council meeting in November 2023, but was spelt incorrectly as Djinyup Lane with a “u” instead of an ‘a’.

The spelling error was identified when the gazettal notice was checked before informing the affected residents of the change. Not only had the Council officer made a spelling error, but Geographic Names Victoria (GNV) also made an error by incorrectly spelling the name “Djinup”, leaving out the “y” altogether.



#### ISSUE / DISCUSSION

This is essentially an administrative error that requires a Council resolution because the original decision to name the road was made by Council resolution. Council officers do not have any authority to override Council resolutions even if the decision is defective because of an administrative error.

There is no need for a Rescission Motion under Council’s Governance Rules because the intent of the original Council decision has not changed. GNV made an administrative error when it Gazetted the name, and that organisation is in the process of correcting that error. The relevant land owners have not been

officially notified of the new name yet. The appropriate way to deal with this matter is governed by Clause 4.6.3 of Council's Governance Rules, which is as follows:

**4.6.3 Motions to Amend Something Previously Adopted**

A motion to Amend Something Previously Adopted is used to make a change to a resolution made at a previous meeting, either by making a simple change or two or by substituting something else in its place.

(a) A Councillor may propose a motion to amend something adopted at a previous meeting, provided:

- they do not interrupt a speaker who has the floor,
- the motion must offer an amendment to substitute for the original resolution,
- the motion is seconded by another Councillor,
- is able to be debated,
- the resolution has not been acted on, and
- the resolution can be amended.

Council Policy: Principles on Road Naming

Geographic Place Names Act 1998

Road Management Act 2004

Standards Australia AS/NZS 4819:2011 Rural and urban addressing.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 2 - Place

2a. Sustain and enhance unique character of our communities.

**ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

Nil

**CONCLUSION**

There are no legal impediments as to why the recommendation below cannot be adopted to correct an administrative error contained in a previous Council resolution.

**OFFICER RECOMMENDATION**

That Council, in accordance with Clause 4.6.3 of Council's Governance Rules, amend the Council Resolution that was made at item 13.3.5 at the November 2023 Ordinary Meeting by adopting 'Djinyap Lane' (Dja Dja Wurrung for Sulphur Crested Cockatoo) as the road name for the road accessing properties consisting of CA 18B, 18D, 18E, 18F and 18G Sec 3 Parish of Barkly.

### 12.3.6. FLOOD RECOVERY UPDATE

**Jane Bowker – Flood Recovery Coordinator**

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

**File No:** 28/14/50

#### **PURPOSE**

This report is an update to the Council and community on recovery activities arising from the October / November 2022 flood events. This report is on activities between October 2022 and January 2024.

#### **BACKGROUND**

The Council approved the Pyrenees Flood Recovery Plan at its meeting on 21 February 2023. The Plan was developed to coordinate the flood recovery operation and provide an implementation framework and reporting mechanism. It was designed to evolve over time and has the community at its core. Oversight of the implementation of the actions and tasks in the plan is the responsibility of the Flood Recovery Team with support from Council staff and other recovery agencies.

#### **ISSUE / DISCUSSION**

Recovery is continuing with a strong focus on supporting community recovery and building resilience. It is important recovery is community-led and incorporate the needs and desires of the broad and diverse communities. Whilst there is still individual support being provided to residents, community-led initiatives are being planned and held. Supporting community recovery also includes the rehabilitation of the infrastructure network including roads, culverts and floodways. It is important that the community can access homes, places of work, schools and community activities so repairing infrastructure is also a high priority for Council.

The attached Flood Recovery Plan Summary of Review details the status of recovery actions and some of the key outcomes since the last report are:

- Works are progressing well to repair Council roads, floodways, bridges, and culverts. Following a strategic review of the initial list of damaged infrastructure, having regard to the large administrative task associated with claiming reimbursement at each individual site, a large number of the “smaller value” sites have been removed from the list with the view to these works being incorporated into Councils ordinary road maintenance program or addressed as part of a resheeting or other periodic maintenance works activity. In summary the number of sites to be undertaken under the flood recovery program has been reduced from approximately 1373 originally identified to approximately 800, and then further reduced to 666. The total estimated value of the works reduced from \$7,318,761 to \$6,352,705. As of 31 December 2023, \$2,939,597 has been completed. Regular updates on the works appear on the Council’s website, in the Noticeboard and in the Flood Recovery Newsletter.
- The Flood Recovery Newsletter continues to be distributed quarterly with the next newsletter due to go out in March 2024.
- Further work to restore the wall and repair drainage at the Lions Park in Avoca has been completed. Plantings will occur when the weather is more suitable.
- Some recovery/resilience events were held across the municipality such as the Waubra Community Day and Landsborough Bush Dance. More events are being planned for 2024.
- Council staff providing outreach support at places such as the Beaufort Agricultural Show and Avoca Market.

Other notable matters include:

- Council’s application for a second advance payment of approximately \$1,332,698.75 was approved and received in January 2024. The first advance payment of \$1.5M was received during 2023.

- There is a significant time lag between lodging claims for reimbursement and claims being assessed for payment. At the time of preparing this report, a total of nine claims have been made with just one being assessed and approved.
- Following a new provision for betterment, Council officers have been incorporating appropriate additions to a small number of projects for betterment claims to enable more resilient assets under future flood events.
- Council officers met with the CEO of Emergency Recovery Victoria (ERV) in Avoca recently. ERV is the body that has now assumed responsibility for administering DRFA claims. This was an opportunity to discuss and advocate on a range of matters relating to claims process and emergency recovery generally. ERV advised that a review of the claims process is scheduled for 2024.

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

#### Priority 1 - People

1a. Prepare for emergencies and ensure community safety.

#### Priority 2 - Place

2b. Enhance the liveability and resilience of our communities.

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Residents, farmers, sporting/recreation groups, community organisations and business owners have been contacted either by Council or Windermere Services (on behalf of Council) as part of providing recovery support.

There has been ongoing engagement with government agencies and organisations in planning and coordinating the response, relief, recovery, and resilience efforts. Consultation and engagement will continue for how long it requires ensuring the community is fully supported in their recovery.

### **ATTACHMENTS**

1. 20.02.2024 - PSC 2022 Flood Recovery Plan Status Report [**12.3.6.1** - 17 pages]

### **FINANCIAL / RISK IMPLICATIONS**

There has been a significant risk to public safety caused by the October and November flood events. In addition, there was widespread damage to public and private assets, and substantial personal hardship caused to individuals, community organisations and businesses. The Council faces significant financial risk if the recovery effort is not managed carefully and within mandated time constraints.

### **CONCLUSION**

Substantial progress has been made in key recovery areas as detailed in the report. Council officers are actively continuing with recovery and resilience-building initiatives.

Council officers would like to thank all the community members, businesses, and organisations that have helped with the recovery efforts so far. Recovery is a big task and takes time, and efforts have been appreciated.

### **OFFICER RECOMMENDATION**

That Council :

1. notes the progress made against required flood recovery works and
2. Continues to advocate for a more efficient claims management process for reimbursement of costs for infrastructure restoration works.

### 12.3.7. RATE DEBT

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

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

**Report Author:** Glenn Kallio – 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 on the status of outstanding rates.

#### BACKGROUND

Council is currently experiencing a growth in the outstanding rate debt. This report provides a comparison of the rate debt between December 2022 and December 2023 to illustrate the growth this financial year.

The report will discuss the factors impacting the ability to collect the debt and the impact on Councils financial situation.

#### ISSUE / DISCUSSION

1. The rate debt analysis includes the current and arrears rates, the figures exclude interest, waste charges, fire service levy and excess receipts.
2. Currently 1,842 assessments out of a total of 6,247 assessments are paid by instalments. The total collected by instalments is \$3.412 million; being 36% of the total rates due.
3. Total outstanding as at 31 December 2023:

Description	2023 Current	2022 Arrears	2023 Outstanding	2023 Outstanding %
Vacant Land <2Ha	178,094	37,298	215,392	3%
Vacant Land Between 2Ha and 40Ha	529,011	59,788	588,799	8%
House Flats etc	1,505,791	139,179	1,644,970	24%
Commercial	63,050	3,800	66,850	1%
Industrial	96,123	7,370	103,493	1%
Farms	4,077,738	57,686	4,135,424	59%
Rec & Cult	9,678	953	10,631	0%
Vacant Land Greater than 40Ha	193,871	17,728	211,598	3%
Undevelopable Land	127	-	127	0%
<b>Total</b>	<b>6,653,482</b>	<b>323,802</b>	<b>6,977,284</b>	

## 4. Total outstanding as at 31 December 2022:

Rate Code	Description	2022 Current	2021 Arrears	2022 Outstanding	2022 Outstanding %
1	Vacant Land <2Ha	176,699	20,455	197,154	3%
2	Vacant Land Between 2Ha and 40Ha	484,912	45,187	530,100	8%
3	House Flats etc	1,461,187	119,968	1,581,155	25%
4	Commercial	56,498	7,723	64,222	1%
5	Industrial	37,112	3,203	40,316	1%
6	Farms	3,748,078	39,866	3,787,943	59%
7	Rec & Cult	5,985	-	5,985	0%
8	Vacant Land Greater than 40Ha	149,250	10,669	159,919	3%
9	Undevelopable Land	150	-	150	0%
		<b>6,119,872</b>	<b>247,071</b>	<b>6,366,944</b>	

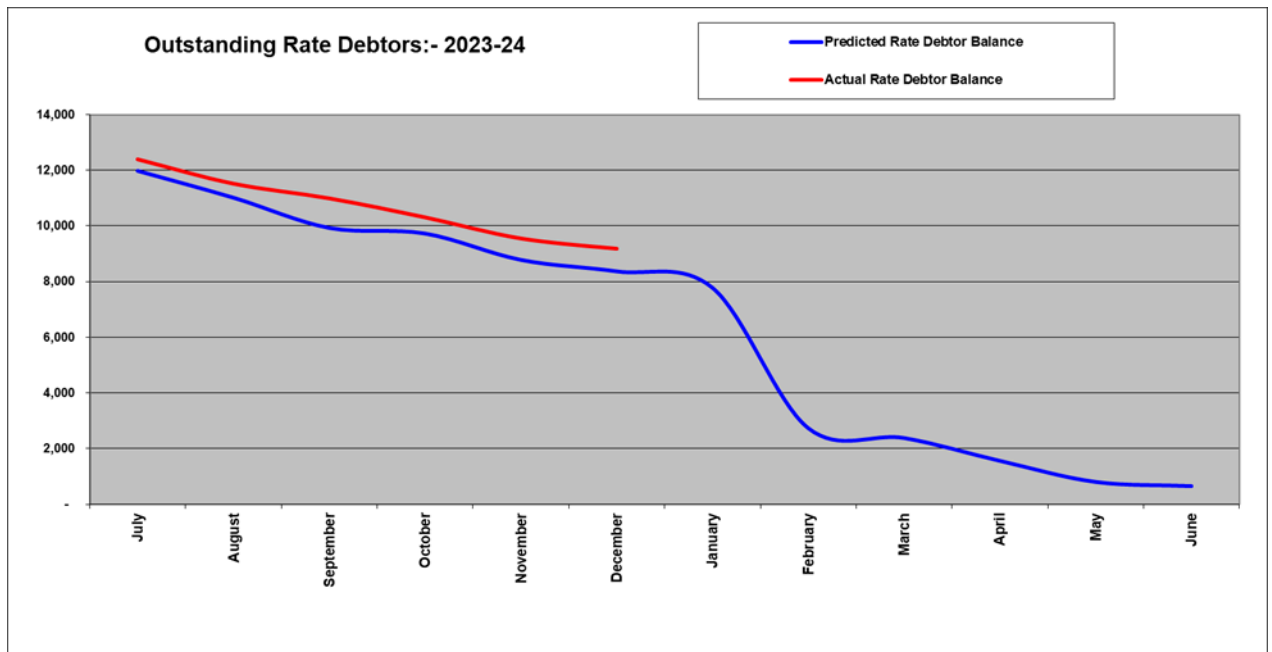
5. Over the last 12 months the total outstanding has increased by 10%.

6. Individual changes over the last 12 months are:

Description	Growth %
Vacant Land <2Ha	9%
Vacant Land Between 2Ha and 40Ha	11%
House Flats etc	4%
Commercial	4%
Industrial	157%
Farms	9%
Rec & Cult	78%
Vacant Land Greater than 40Ha	32%
Undevelopable Land	-15%
Total	10%



7. The monthly collection trend for all rate charges is:



8. The increase in the debt level for rates is thought to be impacted by the state of the economy.

9. New rating legalisation could impact the timing for the collection of the rates and require increased resources to recover those debts due to the new rating legislation.

10. The new rating legislation states that Council must:

- a. Issues a notice notifying the ratepayer of the arrears
- b. Advise the ratepayer of payment options including deferrals
- c. Council must not commence any proceedings under section 180(1) of the act for an unpaid rate for a period of 24 months.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Enabling Principles

- b. Provide transparency and accountability
- c. Use resources efficiently and effectively

**COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Not applicable

**ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

The current growth in the rating debt, combined with changes to the rating legislation is expected to result in the delay in recovery rates, subsequently an increase in the amount owed to Council relating to rates. This will have a negative impact on the budget due to less funds available for the delivery of services to the community.

## **CONCLUSION**

The growth the in the rate debt will have a negative impact on the 2023/24 financial position and will put another increase on the formulation of the 2024/25 budget.

## **OFFICER RECOMMENDATION**

That Council:

1. Receives and notes the Rate Debt report for the period ending 31 December 2023.
2. Undertakes communication about the importance of rates for Council to deliver critical community services to inform the community about the range of works and services that Council provides.

## 12.4. CHIEF EXECUTIVE OFFICE

### 12.4.1. WADAWURRUNG PEOPLE NATIVE TITLE CLAIM

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Jim Nolan – Chief Executive Officer

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

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

#### PURPOSE

The purpose of this report is to notify Council of the Wadawurrung People Native Title Claim VID693/2022.

#### BACKGROUND

The Wadawurrung People Claim VID693/2022 has been filed in the Federal Court. The Claim covers approximately 12,511sq km of land located in the area surrounding Geelong and Ballarat, including parts of Bass Strait and Port Phillip Bay.

The Native Title Claim Group is the Wadawurrung peoples, being all persons who:

- a) Are biological descendants of apical ancestor, John Robinson (also known as John Robertson); and
- b) Identify as, and are accepted as a Wadawurrung person in accordance with Wadawurrung traditional laws and customs.

The following Native Title Rights & Interest were entered on the Register on 24/07/2023:

13. Subject to paragraph 14, the native title claim group based on customary law, traditions and practices coming down from the ancestors, the predecessors in title, claim the following rights and interests (including the right to engage in the following activities in exercise of those rights and interest carried out in the past, and which are practiced and performed without interruption to this day and time) in respect of the Claim Area:

b. over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interest:

- i. the right of access to the Claim Area;
- ii. The right to camp on the Claim Area;
- iii. The right to erect shelters on the Claim Area;
- iv. The right to live on the Claim Area;
- v. the right to move about the Claim Area;
- vi. The right to hold meetings on the Claim Area
- vii. The right to hunt on the Claim Area;
- viii. The right to fish on the Claim Area;
- ix. The right to conduct ceremonies on the Claim Area;
- x. the right to participate in cultural activities on the Claim Area;
- xo. The right to maintain and protect places of importance, significance or special significance under traditional laws, customs and practices in the Claim Area; and

14. The native title rights claimed are subject to:

- a. the valid law of the Commonwealth of Australia and the State of Victoria;
- b. the rights (past or present) validly conferred upon persons pursuant to the laws of the Commonwealth of Australia and the State of Victoria; and

The traditional laws and customs of the native title claim group.

Any party or person that wishes to join as a party to the Federal Court proceeding must do so by 26 March 2024. Council received notice that Wyndham City Council has engaged the services of Holding Redlich (HR) to act on its behalf and to register as a respondent party to join the proceeding. An invitation has been made to other councils in the Claim area to express interest in joining with HR as a respondent party to the Claim which will enable Council to participate in the resolution of the Claim and ensure that any interest that Council may have in the Claim area are protected.

### **ISSUE / DISCUSSION**

If Council elects to do so, Council is required to give instructions to HR to join by 19 March 2024.

HR has advised that they are happy to provide on a complimentary and 'no obligation' basis further information about the Claim process and how they can assist Council, if requested.

The extent to which Council's interest may be affected by the Claim are somewhat unknown, and there would be merit in seeking to better understand the claim and the possible implications.

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

Priority 1 - People

1b. Support a vibrant community arts, culture and heritage environment.

Priority 2 - Place

2a. Sustain and enhance unique character of our communities.

Enabling Principles

b. Provide transparency and accountability

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

There has been no community engagement undertaken on the matter to date. The matter has had some discussions with regional LGA CEOs and with DEECA representatives.

### **ATTACHMENTS**

1. Extract from Schedule of Native Title Applications [**12.4.1.1** - 4 pages]
2. Claim Map [**12.4.1.2** - 2 pages]

### **FINANCIAL / RISK IMPLICATIONS**

Should it be necessary to register to join the proceedings as a respondent parity with Holding Redlich representation, it is expected the costs associated with the representation will be shared between the participating councils. The costs are currently unknown.

### **CONCLUSION**

It is suggested that Council look to engage with Wyndham City Council and with the CEO of Wadawurrung as well as with Holding Redlich to better understand the Claim and its possible implications.

## OFFICER RECOMMENDATION

That Council:

1. Authorises the Chief Executive Officer
  - a. to engage with relevant councils to better understand the Wadawurrung People Native Title Claim, and
  - b. To express interest in joining Wyndham City Council and other councils by engaging Holden Redlich to represent the interests of Pyrenees Shire Council as a respondent party to the Claim subject to and after consideration of the relevant costs and risks associated with the Claim.

#### **12.4.2. LOCAL GOVERNMENT REFORMS 2024 - CONSULTATION PAPER**

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Jim Nolan – Chief Executive Officer

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

**File No:** 44/10/02

#### **PURPOSE**

The purpose of this report is for Council to consider the Local Government Reforms 2024 Consultation Paper.

#### **BACKGROUND**

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms in 2024 to support improved governance and integrity across the local government sector ahead of the 2024 council general elections.

A Consultation Paper has been released providing an overview of the proposed reforms organised around three key reform areas:

- Reforms to strengthen council leadership, capability and councillor conduct.
- Reforms to improve early intervention and effective dispute resolution.
- Reforms to strengthen oversight mechanisms.

Local Government Victoria (LGV) invites comments about the proposed legislative reforms outlined in the Consultation Paper. Following this initial invitation to provide feedback, LGV will undertake a separate consultation process with the local government sector to inform the development of regulations that will give effect to reforms outlined in the Consultation Paper.

#### **ISSUE / DISCUSSION**

The consultation is for the local government sector to provide comment and feedback on the proposed reforms, specifically:

1. Whether the individual proposed reforms are supported or not supported; and
2. Any operational matters that should be taken into consideration in finalising the reforms, including to ensure that the proposed legislative changes can be implemented effectively by councils.

Local Government Victoria (LGV) has invited feedback and comments from councils and peak bodies on the proposed reforms by 29 February 2024.

To facilitate this, the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and the Local Government Professionals Inc (LGPro) will actively seek feedback and comments and submit this to LGV by the closing date.

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

Priority 1 - People

1d. Promote health, wellbeing, engagement and connection.

Enabling Principles

b. Provide transparency and accountability

c. Use resources efficiently and effectively

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

The Consultation paper has been released for comment. Council has not engaged with the community on this matter.

### **ATTACHMENTS**

1. Local Government Reform Consultation Document - January 2024 v 2 [**12.4.2.1** - 15 pages]

### **FINANCIAL / RISK IMPLICATIONS**

There is no financial or other risk associated with a decision to provide feedback on the consultation paper.

### **CONCLUSION**

The matters contained within the consultation paper have been the subject of discussion within the sector and with peak bodies including MAV and VLGA. Given the closing date for submissions, the following suggestion is made.

### **OFFICER RECOMMENDATION**

That Council:

1. Notes the proposed reforms detailed in the Consultation Paper
2. Continues to provide any information to peak bodies representing the sector in support of any submission.
3. Not make an individual submission to the Consultation Paper.

### 12.4.3. RECONCILIATION ADVISORY COMMITTEE - ANNUAL REPORT

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Jim Nolan – Chief Executive Officer

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

**File No:** 16/19/04

#### **PURPOSE**

The purpose of this report is to provide Council with an update on the Reconciliation Advisory Committee (RAC).

#### **BACKGROUND**

Pyrenees Shire Council endorsed the 2021-2024 Reconciliation Plan in February 2019, following adoption of the plan, a Reconciliation Advisory Committee was formed.

The purpose of the Reconciliation Advisory Committee is to support the successful implementation of Pyrenees Shire Council's Reconciliation Plan and in doing so, work towards realising Pyrenees Shire Council's Reconciliation Vision.

Pyrenees Shire Council's Reconciliation Plan states the following vision of reconciliation for the Council:

Council is committed to reconciliation and aspires to be a leader within the broader community to advance reconciliation locally with other stakeholders. Council's vision for reconciliation involves the following enduring commitments:

- A holistic, whole of organisation approach that engages all staff in reconciliation including increasing knowledge of Aboriginal and Torres Strait Islander culture.
- Strong healthy relationships between Council and Aboriginal and Torres Strait Islander residents and Traditional Owners that support continual dialogue to inform decision making.
- Taking a leadership role, to drive the identification and implementation of reconciliation issues and actions across our municipality. To build engaged and inclusive communities that embrace diversity and ensure First Nations community members thrive.
- The implementation of relevant and quality actions based on evidence, involving the evaluation of effectiveness and accountability to the Aboriginal and Torres Strait Islander community.
- Increasing the cultural inclusion and subsequent participation of Aboriginal and Torres Strait Islander residents in Council functions, programs, events and services.

Membership on the Reconciliation Advisory Committee is as follows:

- The CEO
- Manager Community Wellbeing and Partnerships
- Manager People and Culture
- Staff from units responsible for a significant number of actions or whose actions are complex and will benefit from cross directorate support.
- Representatives from the municipality's Traditional Owners.
- Aboriginal and / or Torres Strait Islander community members who are supportive of the Council's Reconciliation Plan and can provide advice on organisational reconciliation.
- Representatives from relevant organisations within the municipality that are supportive of the Council's Reconciliation Plan and can provide advice on organisational reconciliation
- Representatives of the community who have experience in being actively involved in this space, or looking to be more involved in positive community change.



Meetings of the RAC occur twice annually, as a minimum.

### **ISSUE / DISCUSSION**

The Reconciliation Action Committee comprises of 14 external members and 7 internal staff members. Two meetings of the RAC were held in 2023.

At the August 2023 RAC meeting it was resolved to call for expressions of interest for membership on the RAC. EOI's are currently open with expressions of interest closing on 1 March 2024. Further information is available on Council's website: <https://www.pyrenees.vic.gov.au/About-Pyrenees-Shire-Council/News-Media/EOI-Reconciliation-Advisory-Committee>

A letter has also been sent to existing members inviting them to continue participation.

The last Reconciliation Plan 2021-2024 progress report was presented to the RAC at the August 2023 RAC meeting and is attached to this report.

It is proposed that the next meeting of the RAC will be held late March / early April 2024.

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

Priority 1 - People

1d. Promote health, wellbeing, engagement and connection.

### **COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

Enter community engagement / consultation activities (community cuppas, engagement hub activities etc.)

### **ATTACHMENTS**

1. 2023.08 - PSC Reconciliation Plan 2021-2024 - Progress Report August 2023 [**12.4.3.1** - 12 pages]

### **OFFICER RECOMMENDATION**

That Council:

1. Notes the information contained within this report, and
2. Supports the actions of the Reconciliation Advisory Committee by providing up to \$5,000 in the 2024/25 budget towards implementation of the Plan.

#### 12.4.4. GRANT OPPORTUNITIES

**Presenter:** Jim Nolan - Chief Executive Officer

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

**Report Author:** Jim Nolan – Chief Executive Officer

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

**File No:** 32/13/02

#### PURPOSE

The purpose of this report is to seek Council support to make application for a number of grant opportunities currently available.

#### BACKGROUND

There are several grant opportunities available to Council and this report outlines those where officers consider appropriate having regard to

- the relevant alignment with the Council Plan,
- Council's financial constraints and relevant financial implications of each application
- the needs of the community
- The relevant guidelines for each grant
- The extent of reporting and administration associated with the application and delivery
- Likelihood of a successful application

#### ISSUE / DISCUSSION

Applications under the following programs are listed for Council consideration

##### Growing Regions Fund (Commonwealth)

Following a successful Expression of Interest, a full application (for \$1M) has been lodged for stage 2 of the Beaufort Caravan Park leveraging funds previously secured for stage 1 from the state and committed by council.

##### Regional Worker Accommodation Fund (state)

An application is being prepared for stage 1 of the Burke Street Residential development. Applications are invited for projects up to \$5M. Final details of the application are being prepared for submission by 24 February 2024. The application is seeking approximately \$3M for housing construction, leveraging a contribution from Council in the order of \$900,000 towards service infrastructure to be recouped on sale of property should council choose to do so.

##### Council Support Fund (state)

Following consultation with Regional Development Victoria on various priority projects, it is proposed to make application for up to \$100,000 for walking paths in Beaufort to extend and link with recently completed footpaths as part of Council's objective to improve walkability in Beaufort. There is no co-contribution requirement for this fund.

##### Regional Sports and Infrastructure Fund (state)

An application is currently being investigated for upgraded infrastructure at the Waubra Recreation Reserve. Applications close on 27 March 2024, and a further report will be provided to Council at the March Council Meeting if there is an intent to pursue this application.

Officers have also discussed with Sport and Recreation Victoria officers the possibility of an application for upgraded swimming pool facilities, however this project is currently not considered ready for application. Should we seek to proceed with this application, a report will be brought to the March Council Meeting.

Bridges Renewal Fund (Commonwealth)

A separate report to the Council meeting provides details of applications to this fund.

Enabling Tourism Fund (state)

An application is currently being considered for funding to undertake necessary planning and investigation for the Avoca Rail Precinct as an arts and events precinct. Applications under this round are not for infrastructure, but for master planning, business case, design etc. With no mandatory co-contribution. Applications are due 28 March 2024.

Council is also looking to support other parties to make applications under this program.

Tiny Towns Fund (state)

Council Community Development staff are assisting community groups / organisations to make applications directly for various projects under this fund. It is not proposed that Council lodge any application under this fund.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 4 - Economy

4c. Encourage and invest in assets and infrastructure for commerce and community.

Enabling Principles

- b. Provide transparency and accountability
- c. Use resources efficiently and effectively

**COMMUNITY ENGAGEMENT / CONSULTATION OUTCOMES**

It is intended that relevant stakeholders be consulted and involved in the preparation of applications outlined above.

**ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

Applications have regard to limits on Council co-contribution fund availability, and the long-term cost of maintenance and renewal of any new assets.

**CONCLUSION**

Council support is sought to pursue the grant applications outlined above.

**OFFICER RECOMMENDATION**

That Council:

1. Provides in principle support for applications outlined in this report.

**13. COUNCILLOR REPORTS AND GENERAL BUSINESS**

**14. CONFIDENTIAL ITEMS**

**CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

That, pursuant to the provisions of Section 4.1.1(c) of Council’s Governance Rules, and Section 66 of the Local Government Act 2020, the meeting be closed to the public in order to consider confidential items.

**RECOMMENDATION**

That the meeting be closed to members of the public in accordance with Section 4.1.1(c) of Council’s Governance Rules, and Section 66 of the Local Government Act 2020, in order to discuss the confidential reports listed below:

15.1 – CEO Performance Review 2023

**15. CLOSE OF MEETING**

The Ordinary Meeting of Council closed at

Minutes of the meeting confirmed

.....  
2024

Cr Robert Vance, Mayor