



# **COUNCIL MEETING**

## **AGENDA**

**Wednesday 14 December 2022**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

**Wayne O'Toole  
Chief Executive Officer  
Buloke Shire Council**

## ORDER OF BUSINESS

### 1. COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT

#### WELCOME

The Mayor Cr Alan Getley will welcome all in attendance.

#### STATEMENT OF ACKNOWLEDGEMENT

The Mayor Cr Alan Getley will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who maybe here today.

### 2. RECEIPT OF APOLOGIES

### 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### RECOMMENDATION:

That Council adopt the Minutes of the Statutory Meeting held on Wednesday, 9 November 2022 and Council adopt the Minutes of the Council Meeting held on Wednesday, 9 November 2022.

### 4. REQUESTS FOR LEAVE OF ABSENCE

### 5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Section 130 (2) of the Local Government Act 2020 Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2020; and
- a) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

### 6. QUESTIONS FROM THE PUBLIC

NIL

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	NIL	
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#### **NEXT MEETING**

THE NEXT MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 8 FEBRUARY 2023 AT 7:00PM.

**Wayne O'Toole**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

## 7. PROCEDURAL ITEMS

### 7.1 REPORT OF COUNCILLOR ASSEMBLIES

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

#### RECOMMENDATION

That the Council note the report of Councillor Assembly Meetings held 2 and 16 November 2022.

**Attachments:** 1 [Councillor Briefing Record - 2 November 2022](#)  
2 [Councillor Briefing Record - 16 November 2022](#)

#### KEY POINTS/ISSUES

Transparency is a fundamental principle of democratic governance.

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, designed to improve public transparency in Council's decision-making processes and to assist the community in understanding the information that is accessible to them.

As per the Council Meeting Schedule adopted 9 November 2022, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefings held on 2 and 16 November 2022 is attached for public information.



## Councillor Briefing Record

*Build a Better Buloke – a healthy, connected, inclusive and prosperous community*

<b>Date:</b>	2 November 2022	<b>Time:</b>	5:00pm – 8:00pm
<b>Location:</b>	Donald District Office Council Chamber		
<b>Attendees:</b>	Cr Warren, Cr Milne, Cr Getley, Cr Hogan, Cr Pollard, Wayne O’Toole, Hannah Yu, Travis Fitzgibbon		
<b>Apologies:</b>	Cr Simpson, Cr Stewart		
<b>Conflicts of Interest:</b>	Nil		

### ITEMS

NO.	MATTER FOR DISCUSSION
<b>1.</b>	<b>Councillor Only time 5:00pm</b>
<b>2.</b>	<b>Confirmation of Councillor Briefing Notes – 5 October 2022</b>
<b>3.</b>	<b>Presentations</b>
3.1	GWMWater Annual Council Briefing – Jude Holt Board Director, Mark Williams Managing Director <b>5:30pm</b>
3.2	Old Sea Lake Landfill – Rachel Heriot SMEC & Judy Chapman <b>6:00pm</b>
3.3	Emergency Management Update – Travis Fitzgibbon, Dan McLoughlan, Sue Rondeau (Six Cs) and Mat Deans (Six Cs) <b>6:30pm</b>
3.4	Monthly Project Report – Trevor Rumbold and Dan McLoughlan <b>6:50pm</b>
3.5	Footpath Strategy Community Engagement
3.6	Rural Land Use Settlement Strategy – Rodney Hotker <b>7:10pm</b>
<b>4.</b>	<b>Discussion</b>
<b>5.</b>	<b>Councillor Matters</b>
<b>6.</b>	<b>CEO Updates</b>
6.1	Draft Statutory Meeting Agenda – 9 November 2022
6.2	Draft Council Meeting Agenda – 9 November 2022
6.3	Update of the Pool Season Preparation
6.4	Flooding Update
6.5	Council By-Election
6.6	Urban Maintenance
	<b>NEXT MEETING</b> To be confirmed at 9 Nov Stat Mtg BRIEFING FINISHED AT 8.58PM



## Councillor Briefing Record

*Build a Better Buloke – a healthy, connected, inclusive and prosperous community*

<b>Date:</b>	16 November 2022	<b>Time:</b>	5:00pm – 8:00pm
<b>Location:</b>	Wycheproof Senior Citizens Building		
<b>Attendees:</b>	Cr Getley, Cr Warren, Cr Simpson, Cr Pollard, Cr Milne, Cr Hogan, Wayne O’Toole, Hannah Yu, Travis Fitzgibbon, Dan McLoughlan, Trevor Rumbold.		
<b>Apologies:</b>	Cr Stewart		
<b>Acknowledgement of Country:</b>			
<b>Conflicts of Interest:</b>	Nil		

### ITEMS

NO.	MATTER FOR DISCUSSION
<b>1.</b>	<b>Councillor and CEO Only Time 5:00pm</b> This included a tour of the Municipal Operations Coordination Centre lead by Travis.
<b>2.</b>	<b>Confirmation of Councillor Briefing Notes</b> Confirmed.
<b>3.</b>	<b>Presentations</b>
3.1	Monthly Project Report – Trevor Rumbold and Dan McLoughlan <b>5.30pm</b>
3.2	Flood Relief and Recovery – Travis, Dan and Hannah <b>5.45pm</b>
3.3	Pool Season – Hannah <b>6:30pm</b>
<b>4.</b>	<b>Discussion</b>
<b>5.</b>	<b>Councillor Matters</b>
<b>6.</b>	<b>CEO Updates</b>
6.1	Community Meetings – Road’s Recovery Priorities
6.2	Budget 2022 – 2023 Timetable
6.3	Flood Recovery Funds – now \$1 M
6.4	Australia Day
	<b>NEXT BRIEFING:</b> 7 December 2022 at 5:00pm in the Wycheproof Supper Room

## 7.2 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** CR/13/01

### PURPOSE

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any recognition of achievement that Council has received or been awarded in the past month.

### RECOMMENDATION

That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Ali Cupper Former Member for the Victorian Legislative Assembly and her staff		Acknowledging her term and her dedicated service and professionalism representing the constituents of the State Electorate of Mildura as an Independent Candidate.
National Assessment Program	Students, Teachers, Admin and Parents over last five years for St Marys Primary School of Donald		Outstanding achievement of recently being placed third overall on the average of the last five years results for the Regional NAPLAN results.

### 7.3 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/06/06

#### PURPOSE

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

#### RECOMMENDATION

**Attachments:** Nil

#### TABLE OF CORRESPONDENCE

Council Initiative	Sent/to be sent to	Sent	Response	Purpose of Letter/Response

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** DB/14/01

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 November 2022 to 30 November 2022.

### RECOMMENDATION

That the Council note information contained in the report on Building Permits approved by staff from 1 November 2022 to 30 November 2022.

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Council Ref.	Permit No.	Address	Project Description	Date Approved
20220103	7190718903639	Mills Road, Whirily	Swimming Pool & Safety Barrier	10/11/22
20220104	2414939656230	Nullawil-Birchip Road, Whirily	Swimming Pool & Safety Barrier	10/11/22

## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** LP/09/01

### PURPOSE

This report provides information on planning applications under consideration by staff and the status of each of these applications.

### RECOMMENDATION

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA962/21		Corack Road, Donald (Lot 1&2 PS216306M)	11/11/2021	Use and development of land for a service station, construct and display a business identification sign and create or alter access to Road Zone, Category 1	Review
PPA981/22		Donald Street, Charlton (PC157596)	18/05/2022	Construction of a single dwelling	Permit Issued
PPA986/22		High Street, Charlton (Lot 1 TP 193629)	01/06/2022	Construct and display an 18.26m <sup>2</sup> double-sided, externally illuminated major promotion sign	Review
PPA993/22		High Street, Charlton (Lot 1 & 2 TP216537)	08/07/2022	Construction of a shed for domestic use	Review
PPA996/22		Tonkins Road, Jeffcott (CA 29, 30 & 31 Parish of Jeffcott)	22/07/2022	Three lot subdivision of land (boundary realignment) and removal of easement	Permit Issued

<b>Application No</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PPA997/22		Industry Drive, Donald (Lot 69 PS444989)	28/07/22	Development of land for a service station (unmanned fuel cell) and construction and display of a business identification sign	Permit Issued
PPA999/22		Donald-Swan Hill Road, Towaninny	13/08/2022	Subdivision of land (boundary realignment and dwelling excision) resulting in three lots	Review
PPA1000/22		Taverner Street, Birchip (Lot 21 LP3071)	15/08/2022	Three-lot subdivision of land and construction of two dwellings	Review
PPA1002/22		Menzies Street, Charlton (CA 3, Sec. 12, Parish of Charlton East)	09/09/2022	Construction of a verandah	Permit Issued
PPA1003/22		Warracknabeal- Birchip Road, Warmur (CA 34 Parish of Wilkur)	31/08/2022	Subdivision of land (boundary realignment)	Review
PPA1004/22		Berriwillock-Birchip Road, Berriwillock (CA 3 Sec. 12 Township of Charlton)	05/09/2022	Subdivision of land (boundary realignment)	Review
PA22001		Wright Street, Charlton (CA19 Sec. 10A, CA20 Sec. 10A, CA21 Sec. 10A)	11/10/2022	Construction of a single dwelling	Review
PA22002		Golf Park Drive, Charlton (Lot 2 PS311687)	18/10/2022	Construction of a single dwelling	Notice of application
PA22003		Richards Road, Litchfield (Lot 1 & 2 PS736055)	07/11/2022	Two lot subdivision and dwelling	Request for further information
PA22005		Stannard Road, Watchupga (Lot 1 TP219186)	09/11/2022	Construction of a farrowing shed associated with existing piggery	New
PA22006		High Street, Wycheproof (Lot 1 TP516215)	15/11/2022	Extension to a dwelling	New

<b>Application No</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
VS22002		Industry Drive, Donald (Lot 73 PS444989)	26/10/2022	Construction of open-sided shed	Request for further information
VS22003		Summerhayes Road, Berriwillock (Lot 1 TP392842)	15/11/2022	Construction of a shed	New
VS22004		Hopetoun-Sea Lake Road, Banyan (CA 45 Parish of Wortongie)	15/11/2022	Construction of a shed	New

## 7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

### PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for action and the SOA for the 9 November 2022 Council Meetings Resolutions.

### RECOMMENDATION

Council to note the Status of Action Report for Council resolutions documented on this list.

**Attachments:** 1 [↓](#) Actions Taken on Council Resolutions - On Outstanding items and 9 November 2022

### KEY POINTS/ISSUES

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with the Council's Governance Rules adopted August 2020, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding and introducing the SOA for the 9 November 2022 Council Meeting Resolutions.

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
09112022 (Stat)	Executive Office	4.1	That Council: 1. Note the report; 2. Note that Affirmation of Office completed by Cr Bernadette Hogan elect in accordance with Section 30 (2) of the <i>Local Government Act 2020</i> is recorded in the Minutes of this Council Meeting; and 3. Note the Code of Conduct declaration made by Cr Hogan elect in accordance with the Act.	DCD	Website updated.	COMPLETE
09112022 (Stat)	Executive Office	4.2	That Council, in accordance with section 26 of the <i>Local Government Act 2020</i> , elect the Mayor for a term of twelve months.	CEO	No further action required	COMPLETE
09112022 (Stat)	Executive Office	4.3	That Council elects Councillor Alan Getley as Mayor of the Shire of Buloke for the year commencing 9 November 2022 for a term of twelve months.	CEO / DCD.	Relevant organisations notified of elected Mayor.  Website updated.	COMPLETE
09112022 (Stat)	Executive Office	7.	That Councillor Daryl Warren be thanked for his service as Mayor of the Shire of Buloke for the period 23 November 2020 to 9 November 2022.	CEO	Correspondence sent	COMPLETE
09112022 (Stat)	Executive Office	8.1	That Council, in accordance with section 26 of the <i>Local Government Act 2020</i> , elect the Deputy Mayor for a term of twelve months.	CEO	No further action required	COMPLETE
09112022 (Stat)	Executive Office	8.2	That Council elects Councillor David Pollard as Deputy Mayor of the Shire of Buloke for the year commencing 9 November 2022 for a term of twelve months.	CEO	Relevant organisations notified of elected Mayor.  Website updated.	COMPLETE

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
09112022 (Stat)	Executive Office	8.3	That Council adopts the of Council Delegates for appointment for the next twelve months.	CEO / DCD	Organisations with changes of delegates notified. Delegates published.	COMPLETE  COMPLETE
09112022 (Stat)	Executive Office	8.4	That Council adopts the Council Meeting Schedule for the 2022/23 Mayoral Year.	CEO / DCD	Updated Council Meeting schedule published.	COMPLETE
09112022	Executive Office	7.2	Hon Jaala Pulford MLC - Acknowledging her retirement and her dedicated service and professionalism representing the constituents of the Western Victoria electorate in State Government.	CEO	Correspondence sent	COMPLETE
09112022	Infrastructure and Delivery	8.1.1	That Council adopt the Sale of Land Policy.	DID	Policy published	COMPLETE
09112022	Corporate and Organisational Performance	8.1.2	That Council adopt the Risk Management Policy and Risk Management Framework.	DCOP	Policy and Framework published	COMPLETE
09112022	Community Development	8.2.1	That Council considers the following funding under the Community Grants and Sponsorship program: (a) \$2,000.00 project support grant to the Sea Lake Golf and Bowls Club (b) \$459.25 project support grant to the Charlton Forum (c) \$1,000.00 project support grant to the Wycheproof Caravan Park (d) \$6,481.82 Sustainability Grant to the Charlton Park Community Asset Committee	DCD		COMPLETE

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
09112022	Infrastructure Corporate and Organisational Performance	8.2.2	That Council approve the Audit and Risk Committee Charter.	DCOP	Charter published	COMPLETE
09112022	Corporate and Organisational Performance	8.2.3	That Council notes the Biannual Audit and Risk Report from the Chair of the Audit and Risk Committee.	DCOP	No further action required	COMPLETE
09112022	Corporate and Organisational Performance	8.2.4	That Council reappoint Mr Dean Sleigh as an Independent Member on the Council's Audit and Risk Committee for a further term of 3 years commencing 15 November 2022 and expiring 15 November 2025.	DCOP	Confirmation of appointment sent	COMPLETE
09112022	Corporate and Organisational Performance	8.2.5	That Council: <ol style="list-style-type: none"> <li>1. Notes the updated notes to the Financial Statements for the year ended 30 June 2022 at Note 8.5 Events occurring after balance date; and</li> <li>2. Confirms its authorisation for the Mayor, Cr Getley, and the Deputy Mayor, Cr Pollard, to sign the final form Financial Statements and Performance Statement on behalf of, and with full authority of, the Council.</li> </ol>	DCOP	Financial Statements and Performance Statement signed and submitted to the Auditors.	COMPLETE
09112022	Corporate and Organisational Performance	8.3.1	That Council receives and notes the Financial Performance Report for the month ending 30 September 2022.	DCOP	No further action required	COMPLETE
09112022	Executive Office	9.1.1	That Council write a letter of appreciation to the listed groups and businesses thanking them for their support of the Emergency Relief Centre.	CEO	Correspondence sent	COMPLETE

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
09112022	Infrastructure and Delivery	9.1.2	That the Council to advocate to the Federal Government and State Government for 'Betterment' works to be included in the Disaster Recovery Funding Arrangements funding scheme to enable Council to reconstruct assets to a more disaster resilient standard than that of its pre-disaster function.	DID		Commenced
09112022	Executive Office	9.1.3	That Council: 1. Acknowledge the efforts of Council staff during the flood event and congratulate them on their dedication and care for the Buloke community; and 2. When appropriate the Chief Executive Officer schedules a gathering for all staff to thank them for their efforts.	CEO	Letter of congratulations sent; event to be scheduled	Commenced
09112022	Community Development	9.1.4	That Council: 1. Commit to ongoing advocacy to other tiers of government, in conjunction with the Birchip Community Housing Group, to attract and secure funding to address Birchip's Rental Housing Crisis and its Economic Development Impact; and 2. In the event funding is secured for the Birchip Community Housing Group funded, consider opportunities within its Policy framework, and adopted Budget to support project delivery.	CEO / DCD	Correspondence sent in support of BCHG	Commenced
12102022	Executive Office	Letter of Congrats	Ms Louise Staley MLA - For her dedicated work and service in representing the people of the Ripon Electorate as a Member of the Victorian Parliament	CEO	Correspondence sent	COMPLETE

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
14092022	Infrastructure and Delivery	8.2.3	That Council: <ol style="list-style-type: none"> <li>Provides free access to the Council's landfill and transfer stations for the month of October for the remainder of the current Council term for the purpose of disposing green waste in preparation for annual fire seasons; and</li> <li>Authorises the Chief Executive Officer to determine an alternative period or extend the period in 2022 and future years based on forecast weather conditions.</li> </ol>	DID	Extended to end December 2022 under CEO delegation.	COMPLETE
14092022	Infrastructure and Delivery	Sale of Land 110 Sutcliff St Sea Lake	That Council: <ol style="list-style-type: none"> <li>Commence the sale of land process pursuant to section 114 of the <i>Local Government Act 2020</i>.</li> <li>Gives notice of its intention to sell surplus land at 110 Sutcliff Street, Sea Lake at least 4 weeks prior to selling or exchanging the land, including on Council's Internet site.</li> <li>Undertakes a community engagement process in accordance with its community engagement policy.</li> <li>Obtains from a person who holds the qualifications or experience specified under section 13DA(2) of the <i>Valuation of Land Act 1960</i>, a valuation of the land which is made not more than 6 months prior to the sale or exchange.</li> </ol>	DID	Submissions open to 12 noon 8 December 2022	Commenced

## Summary of Action on Council Resolutions – Commencing 8 June 2022 CM

14 December 2022

Date	Directorate	Item	Resolution	Actioning Officer/s	Status of Action	Complete or Commenced
			5. Receives a further report on the Sale of Land at 110 Sutcliff Street Sea Lake following the community engagement process.			
08062022	Infrastructure and Delivery	NOM – Proposed Culgoa Dump Point	<p>That Council temporarily remove the proposed Culgoa Dump Point from the capital works project list until the following information is received;</p> <ol style="list-style-type: none"> <li>1. A full annual operational cost of transporting the waste</li> <li>2. Determine where annual operating expend fits into budget</li> <li>3. Are there any traffic management issues to access the dump point?</li> <li>4. How many overflows happen before we receive EPA infringement not &amp; at what cost</li> <li>5. Are there any environmental issues with the proximity to the waterway (DELWP, CMA)?</li> <li>6. Is the location beside the hall the best location? Could it be shifted further from the waterway to minimise environmental issues?</li> <li>7. Design of proposed dump point</li> <li>8. Has a complete cost Benefit Analysis been prepared?</li> <li>9. When all the info available, be presented back to future open Council meeting for debate</li> </ol>	DID	Report scheduled Council Meeting to be held December 2022	Commenced



## 8. GENERAL BUSINESS

### 8.1 POLICY REPORTS

#### 8.1.1 LEASING AND LICENSING OF COUNCIL FACILITIES POLICY

**Author's Title:** Director Infrastructure and Delivery

**Department:** Works and Technical Services

**File No:** CP|22|23

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Built and Natural Environment

#### PURPOSE

The purpose of this report is to present to the Council the Leasing and Licensing of Council Facilities Policy (Policy) for adoption.

#### SUMMARY

The Policy outlines the Council's position on the Leasing and Licensing of Council facilities and provides guidance in Council decisions on matters which are to be taken into account when determining whether a Lease or License of Council property is to be pursued.

The Policy does not apply to:

- Crown Land including Crown Land for which Council is the appointed Committee of Management,
- Casual hire arrangements,
- Seasonal ground allocations, or
- Residential tenancy agreements.

#### RECOMMENDATION

That Council adopt the Leasing and Licensing of Council Facilities Policy.

**Attachments:** 1 [Leasing and Licensing of Council Facilities Policy](#)

#### DISCUSSION

The purpose of the Leasing and Licensing of Council Facilities Policy is to outline Council's policy position on the leasing of Council Facilities within the municipal district to ensure that occupancy arrangements are conducted in a lawful, transparent and equitable manner and in alignment with Council's long term strategic plans and objectives.

The Policy provides guidance to Council on the considerations which are to be taken into account when entering into a lease or license arrangement and establishes a framework for Council decision-making.

The Policy will apply to all Council Facilities, whether for community or commercial use or for retail or non-retail purposes.

The Policy does not apply to:

- Crown Land including Crown Land for which Council is the appointed Committee of Management,
- Casual hire arrangements,
- Seasonal ground allocations, or
- Residential tenancy agreements.

The primary consideration in the proposed Leasing or Licensing of Council Facilities is achieving the best outcomes for the local community by taking into account future generations and ensuring the sustainable management and ongoing use of Council's Facilities.

With respect to the leasing or licensing of Council Facilities to Commercial Tenants, it is Council's policy position to:

- maximise the use and financial return of Council Facilities that are not required for any other Council use; and
- use standardised commercial property agreements.

In order to promote good governance, Council must in the performance of its role give effect to the overarching governance principles contained within s.9 of the Act.

These principles require Council to act lawfully, to prioritise achieving best outcomes for the community and to ensure the ongoing financial viability of the Council.

The Leasing and Licensing of Council Facilities Policy was presented to the Audit and Risk Committee Meeting held Wednesday, 7 December 2022.

#### **RELEVANT LAW**

The Leasing and Licensing of Council Facilities must be undertaken in accordance with s. 115 and s. 116 of the *Local Government Act 2020*.

#### **RELATED COUNCIL DECISIONS**

Not applicable.

#### **OPTIONS**

Not applicable.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

In accordance with the Policy, Council reserves the right to undertake a public process to seek expressions of interest from prospective Tenants. Any submissions received through this process will be carefully considered by Council's Delegate and if necessary, will be referred to an assessment panel for further consideration.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

#### **COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

The income derived from the leasing or licensing of Council Facilities will be placed into Council's consolidated revenue and allocated in accordance with Council's annual budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

No Officer involved in the preparation of the Policy, or this Report has any conflicts of interest to disclose.



<b>POLICY LOCATION</b>	Infrastructure & Delivery	<b>POLICY TITLE</b>	Leasing and Licensing of Council Facilities Policy
<b>POLICY NUMBER</b>	[INSERT NUMBER]	<b>DATE ADOPTED</b>	December 2022
<b>REVISION NUMBER</b>	[INSERT REVISION NUMBER]	<b>REVISION DATE</b>	[INSERT REVISION DATE MM/YY]

### Purpose

The purpose of this Policy is to outline Council's policy position on the leasing of Council Facilities within the municipal district in order to ensure that occupancy arrangements are conducted in a lawful, transparent and equitable manner and in alignment with Council's long term strategic plans and objectives. By leasing Council Facilities, Council also aims to obtain a maximum commercial return and derive a financial benefit.

This Policy provides guidance to Council on the considerations which are to be taken into account when entering into a lease arrangement and establishes a framework for Council decision-making.

### Scope

This Policy applies to all Council Facilities, whether for community or commercial use or for retail or non-retail purposes.

This Policy does not apply to:

- Crown Land including Crown Land for which Council is the appointed Committee of Management;
- Casual hire arrangements;
- Seasonal ground allocations; or
- Residential tenancy agreements.

### Definitions

- **Act** means the *Local Government Act 2020*;
- **Commercial Tenant** means a Tenant who operates a commercial business or entity;
- **Community Tenant** means a Tenant who operates a not for profit organisation and/or sporting club;
- **Council Facilities** means land and/or buildings which are owned by Council;
- **Lease** means a formal right evidenced by an agreement in writing granted by the land owner (Landlord) to another person (tenant) which provides the tenant with exclusive



occupation of the land identified within the lease (or part thereof) for the period specified in return for rental payment paid for by the tenant;

- **Licence** means an entitlement evidenced by an agreement in writing between the owner and the licensee to occupy a part of a Council Facility on a non-exclusive basis;
- **Tenant** means a person who enters into a Lease with Council as the Landlord for the exclusive use of a Council Facility in accordance with the terms of the Lease; and
- **Term** means the period of the Lease from the commencement date to its end date, including the exercise of any options to extend.

### Policy Statement

The primary consideration in the proposed leasing or licensing of Council Facilities is achieving the best outcomes for the local community by taking into account future generations and ensuring the sustainable management and ongoing use of Council's Facilities.

With respect to the leasing or licensing of Council Facilities to Commercial Tenants, it is Council's policy position to –

- maximise the use and financial return of Council Facilities that are not required for any other Council use; and
- use standardised commercial property agreements.

### Guidelines

In order to promote good governance, Council must in the performance of its role give effect to the overarching governance principles contained within s.9 of the Act.

These principles require Council to act lawfully, to prioritise achieving best outcomes for the community and to ensure the ongoing financial viability of the Council.

### Specific Legislative Considerations

The leasing of Council Facilities must be undertaken in accordance with s.115 of the Act which provides the following -

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, and except where section 116 applies, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) A Council must include any proposal to lease land in a financial year in the budget, where the lease is—
  - (a) for one year or more and—
    - (i) the rent for any period of the lease is \$100 000 or more a year; or
    - (ii) the current market rental value of the land is \$100 000 or more a year; or



- (b) for 10 years or more.
- (4) If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

### Legislative Exemptions

Section 116 of the Act provides that Council has the power to transfer, exchange or lease any land, either with or without consideration to –

- (a) the Crown;
- (b) a Minister;
- (c) any public body;
- (d) the trustees appointed under any Act to be held on trust for public or municipal purposes; or
- (e) a public hospital within the meaning of the *Health Services Act 1988* or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society –

without having to comply with the public notification and community engagement obligations required under s.116.

Where Council transfers, exchanges or leases land to a party other than those listed above, Council is still required to comply with s.115 of the Act.

### Leasing Considerations

The following principles apply to the lease of Council Facilities:

- Council's standard Lease agreement will be used as a basis for all tenancies.
- Council reserves the right to undertake a public process to seek expressions of interest from prospective Tenants. Any submissions received through this process will be carefully considered by Council's Delegate and if necessary, will be referred to an assessment panel for further consideration.
- When considering a lease renewal or extension Council will assess the Tenant's performance over the Term and assess whether a renewal or extension is in the best interests of the community.
- A Tenant of a Council Facility must not apply for a gaming licence for that Facility.
- With respect to Commercial Tenants, the Lease must be on commercial terms and achieve an appropriate commercial return for Council.



## **Commercial Tenants**

### ***Eligibility***

- The proposed use of the Facility provides a community benefit and is aligned with Council's strategic objectives.
- The proposed Tenant is a registered legal entity of good corporate character, is financially viable, holds all lawful qualifications and meets all legislative requirements.

### ***Term***

Generally a lease term will not exceed 5 years, unless exceptional circumstances apply.

The term of the Lease with a Commercial Tenant may be negotiated where –

- (a) a demonstrated long term community benefit is evident;
- (b) The Commercial Tenant has agreed to make a substantial contribution to capital works; or
- (c) Council's commercial return is enhanced by a longer-term tenancy.

A one x 5 year option may be offered at Council's discretion.

### ***Rental***

To be determined by obtaining a commercial valuation.

## **Community Tenants**

### ***Eligibility***

- The proposed use of the Facility provides a significant community benefit which is in high demand and is aligned with Council's strategic objectives.
- The proposed use will increase social engagement, promote health and wellbeing or facilitate the delivery of an essential service for the local community.

### ***Term***

Generally a lease term will not exceed 3 years, unless exceptional circumstances apply.

The term of the Lease with a Community Tenant may be negotiated where a demonstrated long term community benefit is evident.

Two x 3 year options may be offered at Councils discretion.



### **Rental**

To be assessed based on a case-by-case basis and includes the option to pay:

- An annual peppercorn rental fee;
- A subsidised rental determined by calculating Council's projected costs associated with maintaining the Facility; or
- Any other amount agreed to between the parties.

### **Entering into a lease**

A lease may be entered into by a member of Council staff holding the requisite delegation under s.115 of the Act, unless:

- Submissions are received in response to the proposed lease;
- The Lease Term exceeds 5 years;
- The annual rental payable exceeds \$50,000 per annum (including GST); or
- A Councillor requests that the matter be determined by Council resolution.

### **Use of proceeds from leasing of Council Facilities**

The income derived from the leasing of Council Facilities will be placed into Council's consolidated revenue and allocated in accordance with Council's annual budget.

### **References**

- Council's Community Engagement Policy
- Council Plan
- *Local Government Act 2020*
- *Retail Leases Act 2003*

## 8.2 MANAGEMENT REPORTS

### 8.2.1 COMMUNITY GRANTS

**Author's Title:** Community Development Officer

**Department:** Community Development

**File No:** GS/09/42

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

#### PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants Program.

#### SUMMARY

Presenting one application for the Sustainability Grants Program and five applications for the Community Grants program for the 2022/2023 Financial Year.

#### RECOMMENDATION

That Council considers the following funding under the Community Grants and Sponsorship program:

**\$2,000 Project Support Grant to Wycheproof Parental Advisory Group**

**\$10,000 Sustainability Grant to Birchip ELC Parental Advisory Group**

**\$2,000 Project Support Grant to Birchip Business and Learning Centre**

**\$1,850 Project Support Grant to Charlton Lions Club**

**\$1,000 Small Capital Equipment Grant to Birchip Playgroup**

**\$1,000 Project Support Grant to Wycheproof Lions Club**

**Attachments:** 1 [Down Arrow](#) December Community Grants Expenditure

**DISCUSSION**

The following applications for funding are being put forth to Council for final decision.

These applications were assessed by an assessment panel of two Council Staff from across the organisation, as per the Community Grant Guidelines as accepted by Council. The assessment Panel recommends the following grants for Council's consideration and final decision on the allocations.

A Sponsorship grant of **\$250 was awarded to Mallee Sports Assembly for their International Day of People with a Disability Function**, this was approved by CEO, Wayne O'Toole, as per the Grant Guidelines.

<b>Project:</b>	<b>Wycheproof Early Learning Centre Storage</b>
Organisation:	Wycheproof Parental Advisory Group
Grant Type	Project Support Grant
Amount Applied:	\$2,000
Funding Amount Recommended:	\$2,000
Full project cost:	\$5,280.00
Project Description:	The installation of shelving for their storage shed, to allow for more outdoor equipment to be stored in this shed, so that it is less cluttered and dangerous for staff and children accessing equipment stored here.
Project Benefit:	More equipment will be able to be stored properly in the shed, and thus will be protected from the weather, increasing the lifespan of the equipment. This will make the ELC safer for staff and children.
Assessment Panel Scoring	Average score of 17.5 out of 25 All members of the panel recommended the project be funded for the full amount requested (\$2,000).
<b>Project:</b>	<b>Ventilation and energy conservation for the Birchip Early Learning Centre</b>
Organisation:	Birchip ELC Parental Advisory Group
Grant Type	Sustainability Grant
Amount Applied:	\$10,000
Funding Amount Recommended:	\$10,000
Full project cost:	\$20,974.00
Project Description:	The project will involve the replacement of the existing fixed windows with double glazed windows that open to improve ventilation throughout the Birchip Early Learning Centre. The additional ventilation through the space will also improve the health and wellbeing of the children, staff and parents who attend the centre. As part of the project, the educators will have lessons with the students regarding sustainability and energy use and highlight the importance of conserving and sustaining our natural environment.
Project Benefit:	This project will mean that there will be an increased flow of natural air throughout the facility, conserving energy use and the double glazing will increase the insulation properties of the building, thereby reducing the rate of heat/cold loss. The addition of an education component of the project will mean that children attending the centre will learn about the importance of sustainability and protecting their natural environments.
Assessment Panel Scoring	Average score of 23.5 out of 30 All members of the panel recommended the project be funded for the full amount requested (\$10,000).

<b>Project:</b>	<b>Birchip Community Christmas</b>
Organisation:	Birchip Business and Learning Centre
Grant Type	Project Support Grant
Amount Applied:	\$2,000
Funding Amount Recommended:	\$2,000
Full project cost:	\$9,000
Project Description:	The annual Christmas Party for the Birchip and Surrounds communities. There will be carnival rides, roving performances, a community concert, and a photographic display of the Year that was 2022 in Birchip. It is estimated that around 500 people will attend this event.
Project Benefit:	The event will bring the community together to improve community connections and lift the spirits of the community after a tough few months with flooding and a difficult end to the growing season.
Assessment Panel Scoring	Average score of 21 out of 25 All members of the panel recommended the project be funded for the full amount requested (\$2,000).
<b>Project:</b>	<b>Charlton Xmas Fest</b>
Organisation:	Charlton Lions Club
Grant Type	Project Support Grant
Amount Applied:	\$1,850
Funding Amount Recommended:	\$1,850
Full project cost:	\$4,000
Project Description:	A family X-Mas Event for the Charlton Community with activities provided by a range of community groups from Charlton.
Project Benefit:	The event will bring the community together to improve community connections and lift the spirits of the community after a tough few months with flooding and a difficult end to the growing season.
Assessment Panel Scoring	Average score of 16.5 out of 25 The panel recommended the project be funded for the full amount requested (\$1,850).
<b>Project:</b>	<b>Brighter Bubs for Buloke</b>
Organisation:	Birchip Playgroup
Grant Type	Small Capital Equipment Grant
Amount Applied:	\$1,000
Funding Amount Recommended:	\$1,000
Full project cost:	\$2,015
Project Description:	The purchase of new outdoor play equipment, including scooters, balance bikes, trike bikes, sand for the sandpit and sandpit equipment, to replace the current dated play equipment. The equipment will be able to cater for all abilities of preschool aged children.
Project Benefit:	The children will benefit from the social and physical benefits that this new play equipment will give them, and it will also help to foster an outdoor space that will help the children to hone in on key skills including social, emotive, physical, and cognitive skills, through sharing, interacting with new children and moving throughout the outdoor space. The equipment would be shared with the local kinder and other playgroups, increasing the benefits the play equipment will have on the community.
Assessment Panel Scoring	Average score of 19.5 out of 25. All members of the panel recommended the project be funded for the full amount requested (\$1000).

<b>Project: Christmas Eve in the Park</b>	
Organisation:	Wycheproof Lions Club
Grant Type	Project Support Grant
Amount Applied:	\$1,000
Funding Amount Recommended:	\$1,000
Full project cost:	\$2,000
Project Description:	The Annual Wycheproof Community Event that will bring the community together through a BBQ together, and Santa coming in the fire truck to give treats to the children. The evening will be a fun and relaxed evening for the community to connect and there will be a lucky visitor prize with vouchers to local businesses to encourage attendees to shop locally.
Project Benefit:	The event will bring the community together to improve community connections and lift the spirits of the community after a tough few months with flooding and a difficult end to the growing season.
Assessment Panel Scoring	Average score of 18 out of 25 All members of the panel recommended the project be funded for the full amount requested (\$1000).

**2022/2023 Community Grant Fund grants prior to this allocation: \$12,790.75**

**2022/2023 Sustainability Grant Fund grants prior to this allocation: \$33,518.18**

#### **RELEVANT LAW**

Not Applicable

#### **RELATED COUNCIL DECISIONS**

Not Applicable

#### **OPTIONS**

Council has the option not to allocate funds as per recommended or defer for further information.

#### **SUSTAINABILITY IMPLICATIONS**

One sustainability grant presented.

#### **COMMUNITY ENGAGEMENT**

Manager of Community Services or Community Development Officer engaged with each applicant listed.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable

#### **COLLABORATION**

Not Applicable

#### **FINANCIAL VIABILITY**

These applications for the 2022/23 Financial Year from the \$20,000 allocation for Community Grants and the Sustainability Fund \$50,000 allocation.

#### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.  
Community Grant Guidelines.  
Community Engagement Policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not Applicable

**CONFLICTS OF INTEREST**

No officers involved in this report have a conflict of interest.

**Community Grants, Sponsorship & Sustainability Fund**

28/11/2022

**2022-2023**

<b>Organisation</b>	<b>Type</b>	<b>Date received</b>	<b>Amount in Application</b>	<b>Recommended \$</b>	<b>Granted by Council</b>
Birchip Playgroup	Project Support Grant	15/11/2021	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Golf Club	Sponsorship	8/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Birchip P-12 School	Sponsorship	27/06/2022	\$ 500.00	\$ 500.00	\$ 500.00
Individual	Sponsorship	14/09/2022	\$ 500.00	\$ 500.00	\$ 500.00
Sea Lake Golf and Bowls Club	Project Support Grant	29/09/2022	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Charlton Forum	Project Support Grant	8/09/2022	\$ 459.25	\$ 459.25	\$ 459.25
Wycheproof Caravan Park	Organisation Support Grant	4/10/2022	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Charlton Xmas Fest	Project Support Grant	8/11/2022	\$ 1,850.00	\$ 1,850.00	
	Small Capital Equipment				
Birchip Playgroup	Grant	15/11/2022	\$ 1,000.00	\$ 1,000.00	
MSA (approved by CEO)	Sponsorship Grant	16/11/2022	\$ 250.00	\$ 250.00	\$ 250.00
Birchip Business and Learning Centre	Project Support Grant	3/11/2022	\$ 2,000.00	\$ 2,000.00	
Wycheproof Parental Advisory Group	Project Support Grant	11/11/2022	\$ 2,000.00	\$ 2,000.00	
Wycheproof Lions Club	Project Support Grant	28/11/2022	\$ 1,000.00	\$ 1,000.00	
<b>Totals:</b>			<b>\$ 15,059.25</b>	<b>\$ 15,059.25</b>	<b>\$ 7,209.25</b>

**2022-2023**

**Sustainability Fund**

<b>Organisation</b>	<b>Type</b>	<b>Date received</b>	<b>Amount in Application</b>	<b>Recommended \$</b>	<b>Granted by Council</b>
Rex Theatre	Sustainability Grant	18/02/2022	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Charlton Park Sustainability	Sustainability Grant	5/10/2022	\$ 6,481.82	\$ 6,481.82	\$ 6,481.82
Birchip Early Learning Centre Parental Advisory Group	Sustainability Grant	23/11/2022	\$ 10,000.00	\$ 10,000.00	
<b>Totals:</b>			<b>\$ 26,481.82</b>	<b>\$ 26,481.82</b>	<b>\$ 16,481.82</b>

December Community Grants Expenditure Summary

## 8.2.2 CULGOA DUMP POINT

**Author's Title:** Capital Projects Officer

**Department:** Works and Technical Services

**File No:** SD|05|01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Built and Natural Environment

### PURPOSE

To provide further information regarding the Culgoa Dump Point project programmed for 2022/23 Annual Budget.

### SUMMARY

The Council's Annual Budget 2022/23 provided for a capital project to install a dump point facility in Culgoa. At the Council Meeting held on 8 June 2022 Council resolved that this project be temporarily removed from the capital works project list until further information about the project had been provided. This Report sets out responses to the enquiries in the notice of motion for the information of the Council and recommends the Council approve the project to continue.

### RECOMMENDATION

That Council approve the Culgoa Dump Point project to continue as a stand-alone pump out system in a location to be determined by the Culgoa community in relation to the preferred location.

**Attachments:** Nil

### DISCUSSION

The Culgoa and District Local Community Plan identifies the investigation of the installation of a caravan dump point as a key community priority. The Culgoa Dump Point project (Project) was listed as a capital works project for the 2022/23 Annual Budget.

Council resolved, at its June Council Meeting, to defer the Project until further information in relation to the Project could be considered. As part of this internal review, Council Officers sought further advice in relation to environmental health implications of the Project. It is also noted that the October 2022 flooding event may impact the proposed location of the Project.

The further advice referenced above highlighted that dump points should not be connected to septic systems due to the adverse effect some chemicals used in portable toilets can have on the ecology of the septic system. As a result, it is recommended that a stand-alone holding tank is installed which would need to be pumped out when full. A similar project completed in July 2022 was undertaken at a cost which is comparable to the budget for the Project.

Additional responses to each of the matters raised at the June Council Meeting are set out below.

1. A full annual operational cost of transporting the waste:

If Council were to proceed with a stand-alone holding tank, the estimated price per pump out is \$1000/10,000L. At this stage it is not possible to estimate the total number of pump outs required each financial year, noting that the stand-alone 20,000L holding tank at Tynan Park, Berriwillock, has been operational since July 2022 with one pump out required to date

2. Determine where the annual operating expenditure fits into Council's budget:  
Septic pump outs are an operational expense and would form part of future budgets.

3. Are there any traffic management issues to access the dump point:  
A stand-alone pump out system can be placed in a location which best suits traffic movements.

4. How many overflows happen before receipt of an EPA infringement notice and at what cost:  
The holding tank will be alarmed to automatically notify when pump out of the system is required; a visual alarm is also included if the 4G system fails. If the contractor is unavailable the point can be closed until the pump out is completed. This minimises the risk of any overflows, however it is noted that the EPA guidance states if Council does not comply with its duties and obligations under the *Environmental Protection Act 2017* or Regulations as a landowner or occupier, it may receive a penalty.

5. Are there any environmental issues with the proximity to the waterway (DELWP, CMA):  
The holding tank would be placed in a location approved by Council's Environmental Health Officer, outside of any exclusion zones.

6. Is the location beside the hall the best location? Could it be shifted further from the waterway to minimise environmental issues:  
The holding tank may be placed in any location where power is available; alternatively additional project funding may allow a solar/battery system to support the alarm system. As referenced earlier in this Report, Council may be required to revisit the proposed location due to the October 2022 flooding event.

7. Design of the proposed dump point:  
The proposed design is a concrete 20,000L holding tank installed inground with dump point and appropriate ventilation linked to a 4G/visual alarm system.

8. Has a complete cost benefit analysis been prepared:  
Council staff have made external enquiries but at this stage are unaware of any cost benefit analysis completed specifically for dump points. Council is unable to complete a cost benefit analysis internally in relation to this project.

#### **RELEVANT LAW**

*Environment Protection Act 2017.*

#### **RELATED COUNCIL DECISIONS**

The Culgoa Dump Point project approved in the Buloke Shire Council Budget 2022/2023. Council resolved at its June 2022 Council Meeting to defer any further action on the Project until further information could be considered.

#### **OPTIONS**

Further information should be sought from the Culgoa community in relation to this Project to discuss preferred location.

#### **SUSTAINABILITY IMPLICATIONS**

Providing a dump point can reduce the risk of illegal dumping of waste. Council's Environmental Health Officer will be consulted at key points throughout the project to ensure compliance with EPA requirements.

**COMMUNITY ENGAGEMENT**

If an alternative location is preferred the community would be consulted.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

This style of dump point would be a first in the Shire and could prove to be a feasible option in other locations such as Council's lakeside caravan parks.

**COLLABORATION**

The Asset Department has consulted with the Environmental Health Officer to produce this recommendation.

**FINANCIAL VIABILITY**

Ongoing costs of pump outs to be considered. Tynan Park had a 20,000L holding tank installed earlier this year for approximately \$60k (\$10k associated with connection to existing system which would not be required in this instance).

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable

**COUNCIL PLANS AND POLICIES**

Not applicable

**TRANSPARENCY OF COUNCIL DECISIONS**

This Report outlines the responses to the enquiries made by the Council at the June 2022 Council Meeting.

**CONFLICTS OF INTEREST**

No Officer involved in the preparation of this Report has a conflict of interest.

### 8.2.3 WYCHEPROOF CARAVAN PARK MANAGEMENT AGREEMENT

**Author's Title:** Acting Manager Facilities and Projects

**Department:** Works and Technical Services

**File No:** PR/07/11

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Economy

#### PURPOSE

The purpose of this report is to present to Council the Wycheproof Caravan Park Management Agreement.

#### SUMMARY

- Wycheproof Caravan Park is located on the Wycheproof Recreation Reserve, which is Crown Land and Council is Committee of Management.
- Council conducted an expression of interest process for the management of the Wycheproof Caravan Park in 2019.
- Council awarded the management of the Wycheproof Caravan Park to Wyche Alive Incorporated.
- The Wycheproof Management Agreement was for a period of up to three years with no further options to extend.
- It is recommended that Council enter into a new Management Agreement with Wyche Alive Incorporated for a period of up to forty-eight (48) months commencing Thursday, 15 December 2022. All other conditions of the Management Agreement would remain similar to the previous agreement.

#### RECOMMENDATION

That Council:

1. Enter into a Management Agreement for the Wycheproof Caravan Park with Wyche Alive Inc. for up to forty-eight (48) months; and
2. Authorise the Chief Executive Officer to finalise negotiations and execute the Management Agreement on behalf of Council.

**Attachments:** 1 [Wycheproof Caravan Park Management Agreement](#)

#### DISCUSSION

Wycheproof Caravan Park is located on the Wycheproof Recreation Reserve, which is Crown Land and Council is the Committee of Management. For more than a decade Council directly managed the park via the appointment of a caretaker who serviced the amenity block and collected fees from campers and residents.

In late 2018, Council was approached by Wyche Alive Inc. the township Forum, raising opportunities for improving the management of the park. They highlighted issues such as the provision of additional

hours of site management, a booking system and general improvements that would encourage increased use, thus supporting improved economic outcomes for the Wycheproof Community through increased local spending.

Council undertook an expression of interest (EOI) process which was advertised in all three local newspapers and on Council's website. Subsequently, Council at its meeting held Wednesday 14 August 2019, awarded the management of the Wycheproof Caravan Park to Wyche Alive Incorporated.

Wyche Alive Incorporated were awarded a Management Agreement for the management of the Wycheproof Caravan Park which commenced from Monday, 16 September 2019. The Agreement was for a period of up to three years with no further options to extend. The Management Agreement has now expired, and it is recommended that Council enter into a new Management Agreement with Wyche Alive Incorporated for a period of two (2) years with an option for a further two (2) years. All other conditions of the Management Agreement would remain similar to the previous agreement.

DELWP has been consulted regarding the proposed management agreement and have confirmed support, noting that Council retains overarching control of the park.

#### **RELEVANT LAW**

There are a number of considerations as part of the future management of the caravan park, including compliance with the *Crown Land (Reserves) Act 1978*, the *Local Government Act*, DELWP's Best Practice Management Guidelines for Committees of Management Managing Caravan and Camping Parks on Crown Land 2012 and the *Residential Tenancies Act 1997*.

#### **RELATED COUNCIL DECISIONS**

Council at its meeting held Wednesday 14 August 2019, awarded the management of the Wycheproof Caravan Park to Wyche Alive Incorporated.

#### **OPTIONS**

Not applicable to this report.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable to this report.

#### **COMMUNITY ENGAGEMENT**

Council undertook an expression of interest (EOI) process in April 2019 and subsequently awarded the management of the Wycheproof Caravan Park to Wyche Alive Incorporated.

No further community consultation has been undertaken due to the operational nature of the service.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable to this report.

#### **COLLABORATION**

Not applicable to this report.

#### **FINANCIAL VIABILITY**

Council no longer budgets for both income and expenditure from the Wycheproof Caravan Park.

Council will continue to insure the main buildings and depreciate the assets.

Council may need to consider additional capital Improvements as part of future budgets and the capital works program.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Not applicable to this report.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable to this report.

**CONFLICTS OF INTEREST**

No Officer involved in the preparation of the Report has any conflicts of interest to disclose.



## WYCHEPROOF CARVAN PARK MANAGEMENT AGREEMENT

### TERMS OF REFERENCE

#### 1. BACKGROUND

- 1.1 Buloke Shire Council will establish from time to time various agreements for management of Council assets. The purpose of this agreement is to manage the Caravan Park in Wycheproof on behalf of Council in the best interests of the Wycheproof community.
- 1.2 The 'Body' has responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Organisation can manage the asset, on behalf of Council.
- 1.3 This Terms of Reference document is authorised by a resolution of Council passed on 14 December 2022.
- 1.4 This agreement may be terminated by Council with thirty (30) days' notice to the Body, where the Body has not complied with specific requirements of this agreement and/or reasonable direction from Council. Before making a decision to terminate the agreement, Council will meet with the Body and attempt to resolve and mediate any non-compliance matters with regards to specific requirements of the agreement or reasonable direction.
- 1.5 The terms of this agreement will be for up to forty-eight (48) months commencing Thursday, 15 December 2022.

#### 2. PURPOSE

The Body has been engaged for the purpose of:

- 2.1 The Body is engaged for the purpose of ensuring that the Caravan Park in Wycheproof is managed efficiently on behalf of Council, in compliance with legislative requirements and consistent with the community's expectations.

#### 3. OBJECTIVES

The objectives of this agreement are:

- 3.1 To assist Council in the management of the Caravan Park in Wycheproof:
  - 3.1.1 Identifying current and potential issues affecting the viability and economic performance of the Caravan Park.
  - 3.1.2 To undertake maintenance and management duties as required.
  - 3.1.3 Manage the permanent caravan park residents including tenancy agreements, fees and charges and communicating with Council on this usage.
  - 3.1.4 Advising on, reporting of hazards and/or risks associated with the Caravan Park and remediating any issues that arise.
  - 3.1.5 To ensure the Park is operating effectively and is resourced efficiently.



- 3.1.6 Compliance with DELWP's Best Practice Management Guidelines for Committees of Management Managing Caravan and Camping Parks on Crown Land 2012 including no longer accepting any new permanent residents.
- 3.1.7 At all times comply with the Crown Land (Reserves) Act 1978 and Residential Tenancies Act 1997.
- 3.1.8 Recognise the current permanent residents on execution of this agreement as existing rights users who may remain at the park for the term of this agreement.

#### **4. ROLES AND RESPONSIBILITY**

- 4.1 The role of the Body is:
  - 4.1.1 To manage the Caravan Park operations at Wycheproof.
  - 4.1.2 To regularly communicate operational matters to Council.
  - 4.1.3 To promote the use of the facility and support its development as a community asset.
  - 4.1.4 To finance the maintenance and upkeep (including utilities) of the Caravan Park as required.
  - 4.1.5 Maintain Public Liability Insurance to the value of \$10 million over the activities of the organisation.
- 4.2 The role of Council is:
  - 4.2.1 To maintain oversight and ownership of the built assets at the Caravan Park.
  - 4.2.2 To maintain insurance over the buildings (excluding private residences) at the Caravan Park.
  - 4.2.3 Assist with financial support for planned Capital Improvements to the Caravan Park.

#### **5. FINANCIAL MANAGEMENT**

- 5.1 The Body shall keep books of accounts and such records will be submitted to Council on an annual basis.
- 5.2 Financial responsibilities of the Body shall include;
  - 5.2.1 The setting of an annual budget,
  - 5.2.2 Expenditure consistent with the requirements to manage the park, and
  - 5.2.3 The setting of hire fees and charges for the use of the park.

#### **6. REPORTING**

The Body shall provide reports to Council of its activities, including;

- 6.1 To provide financial statements and updated facility improvement plans annually.



- 6.2 A Business Plan adjusted annually to reflect changing circumstances.
- 6.3 Where requested by Council, the Body must report its activities and performance to a meeting of Council.

**EXECUTED** by the parties on the date set out at the start of this Agreement

The Common Seal of **Wyche Alive Inc** was affixed by authority of the Committee in the presence of:

\_\_\_\_\_ Committee Member

\_\_\_\_\_ Committee Member / Public Officer of the Association

**EXECUTED BY THE COUNCIL** signed for and on behalf of the Buloke Shire Council.

\_\_\_\_\_ CHIEF EXECUTIVE OFFICER

\_\_\_\_\_ WITNESS

## 8.2.4 DRAFT AUDIT AND RISK COMMITTEE MEETING MINUTES 20 SEP 2022

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To provide Council with the draft minutes of the Audit and Risk Committee Meeting held on 20 September 2022.

### SUMMARY

The draft Audit and Risk Committee minutes are attached for the information of Council.

### RECOMMENDATION

That Council notes the draft Minutes of the Audit and Risk Committee meeting held on 20 September 2022.

**Attachments:** 1 [Draft Audit and Risk Committee Minutes 20 Sep 2022](#)

### DISCUSSION

The Audit and Risk Committee (the Committee) is a statutory committee of Council which considers matters of governance, finance and risk management. The Committee is comprised of three independent members and the Mayor. The Committee provides advice on the integrity and effectiveness of Council's financial reporting and risk management system.

At the meeting held, the Committee considered the following matters:

- Outstanding Action Items
- Audit and Risk Committee Work Plan
- Asset Management quarterly update
- Internal Audit Status Report and update
- Draft Internal Audit Strategic Plan
- Draft Procurement Internal Audit
- Draft Audit and Risk Committee Charter
- Draft Risk Management Policy, Framework and Strategy
- Audit Closing report
- Draft Audit Management Letter
- Legislative Compliance Policy and Framework
- Sale of Land Policy and Lease project update
- Draft Procurement Policy
- Draft Loan Guarantee Policy
- Draft Reserves Policy
- Community Grants Review
- Legislative Compliance Register
- Debtor write offs

- Councillor and CEO reimbursements
- Draft Financial Statements
- Draft Performance Statements
- Audit and Risk Committee Annual Assessment

**RELEVANT LAW**

Council is required under the *Local Government Act 2020* to establish and maintain an Audit and Risk Committee.

**RELATED COUNCIL DECISIONS**

The Committee was established by Council at its meeting held on 12 August 2020.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Committee provides guidance and recommendations that result in improvements to methods and systems of Council.

**COLLABORATION**

Councillors and senior staff are invited to attend, and present as required at Committee meetings. Recommendations from the Committee are communicated to relevant staff members for action.

**FINANCIAL VIABILITY**

The costs associated with the Committee are considered in the Annual Budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Audit and Risk Committee Charter was adopted by Council on 12 August 2020.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Audit and Risk Committee is considered an essential element of good governance, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and overseeing internal and external audit functions. The draft minutes are provided to Council to consider the activities undertaken by the Committee.

**CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.



# **AUDIT AND RISK COMMITTEE MEETING**

## **MINUTES**

**Tuesday 20 September 2022**

**Commencing at 10 am**

**Wycheproof Hall Supper Room  
367 Broadway  
Wycheproof**

**Wayne O'Toole  
Chief Executive Officer  
Buloke Shire Council**

## ORDER OF BUSINESS

### 1. WELCOME

The Chair opens the meeting and welcomes those present.

### 2. RECEIPT OF APOLOGIES

Travis Fitzgibbon, Cr Milne

### 3. ATTENDEES

Margaret Abbey PSM (Chair), Dean Sleigh (Member), Bernard Young (Member), Cr Daryl Warren (Mayor), Wayne O'Toole (CEO), Hannah Yu (Director Infrastructure and Delivery ), Aileen Douglas (Manager Finance), Jen Hewett (Governance), Darci Tierny (Acting Manager Facilities), Cr Simpson, Anthony Smith, Martin Thompson (Crowe), Trevor Rumbold (Acting Manager Assets), Kathie Teasedale (RSD Audit), Paul Harrison (RSD Audit).

### 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### MOTION:

That Council adopt the Minutes of the Audit and Risk Committee Meeting held on Wednesday, 11 May 2022.

The minutes were confirmed subject to confirming the value of the increase to leasing costs in the 2022-23 budget, that showed "lease cost increases of \$50m", this amount is \$50k. The minutes have been adjusted to reflect this.

**MOVED: DEAN SLEIGH**

**SECONDED: BERNARD YOUNG**

**CARRIED.**

Minutes were confirmed and signed by Chair.

### 5. CHIEF EXECUTIVE BRIEFING

Briefing by Chief Executive Officer to the Audit and Risk Committee Meeting including any legal matters.

- Council Adopted documents since May mtg: Budget, Financial Plan, Asset Plan, Debtor Management Policy, Customer Experience Strategy, Governance Rules (amendment LGA20), Community Grant Guidelines (also reviewed against VAGO audit re fraud in LG grants)
- Occupational Violence training and pending survey + development unreasonable conduct policy (Community Development)
- Emergency recovery / relief structure and training, etc inc. pilot program update fire preparedness Wayne Wall is progressing
- Cost shifting – DELWP – community managed infrastructure (capital works + maintenance)
- Annual Plan Year 2 has been adopted by Council – there are key actions across 4 strategic items
- Community engagement currently underway for the Road Management Plan (RMP) and, Transport Asset Management Implementation Plan (TAMIP)
- Community Satisfaction Survey results
- Enterprise Agreement negotiations commenced, notice of employee representational rights distributed

- Buloke is not immune to the labour shortage being experienced across the state. Staff recruitment activities are being undertaken
- Superannuation guarantee increase to 10.5%
- Gender Equality Action Plan adopted
- Cr. Vis resignation and by-election
- Superannuation DBF - VBI as at 30 Jun 2022 102.2
- Revocation EPA Pollution Abatement Notice and SMEC proposal (to be presented to exec + Cllr briefing)
- EPA will undertake a compliance visit Donald and Birchip landfills during September

## 6. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

There were no declarations of interest. .

## 7. MATTERS FOR DECISION / DISCUSSION / NOTING

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**9. ANY OTHER BUSINESS**

**10. MEETING CLOSE**

**NEXT MEETING**

THE NEXT AUDIT AND RISK COMMITTEE MEETING WILL BE HELD IN WYCHEPROOF HALL SUPPER ROOM

367 BROADWAY WYCHEPROOF ON WEDNESDAY, 7 DECEMBER 2022 AT 10 AM.

**Wayne O'Toole**  
**CHIEF EXECUTIVE OFFICER**

**7. MATTERS FOR DECISION / DISCUSSION / NOTING****7.1 OUTSTANDING ACTION ITEMS**

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

**PURPOSE**

To inform the Audit and Risk Committee of the current status of actions from internal and external audit and relevant regulatory reports.

**MOTION:**

That the Audit and Risk Committee:

1. Notes the status of the outstanding actions
2. Approves item 9, 11, 29, 30, 31 as completed

**MOVED:** BERNARD YOUNG

**SECONDED:** DEAN SLEIGH

**CARRIED.**

**Attachments:** 1 Outstanding Actions - September 2022

**KEY POINTS / ISSUES**

Council staff are required to provide updated commentary and to advise when an action is complete. Once completed items are to the satisfaction of the Audit and Risk Committee, the action will be removed from the report.

Current comments are indicated by red font.

**DISCUSSION**

The committee noted that Council had engaged to assist finance for the development of the Long Term plant and asset replacement strategy and were informed that planned analysis is currently being worked through and the plant and fleet strategy is in the forward work program.

The Committee discuss rate payment methods in respect to Debtor Management and what was the most popular method of payment and were informed that approximately 80% of Council's revenue is paid annually via BPay. This is not reflective of the percentage of ratepayers who pay annually.

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The Committee suggested that other Councils are offering alternative instalment methods to pay rates that council may wish to investigate to see if these types of methods may be appropriate for Council.

**7.2 REVIEW OF AUDIT AND RISK COMMITTEE WORK PLAN**

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

**PURPOSE**

To provide an updated status of the Audit and Risk Committee Work Plan

**RECOMMENDATION**

That the Audit and Risk Committee note and review the work plan

**NOTED**

**Attachments:** 1 Audit and Risk Committee Work Plan Q3-22

**KEY POINTS / ISSUES**

The work plan incorporates all matters that have been considered or will be considered by the Audit and Risk Committee over a twelve-month period.

The attached annual work plan has been populated to show the status of current documents and processes, and key documents and initiatives to be considered within the 2022 meeting schedule, that are known.

The work plan is a dynamic document. It is updated quarterly to reflect reports presented to the committee.

**DISCUSSION**

The Committee noted the report.

### 7.3 ASSET MANAGEMENT QUARTERLY UPDATE

**Author's Title:** Director Infrastructure and Delivery

**Department:** Works and Technical Services

**File No:** FM/02/09

#### PURPOSE

To update the Audit and Risk Committee on recent improvement actions associated with management of the Council's assets, including an overview of emerging issues.

#### RECOMMENDATION

That the Audit and Risk Committee Meeting note the information contained in the quarterly update.

**NOTED**

- Attachments:**
- 1 Draft Road Management Plan 2022
  - 2 TAMIP Discussion Draft
  - 3 LG Capital Works CPI Aug 2022 Council Briefing

#### KEY POINTS / ISSUES

Council Officers prepare a summary of Asset Management initiatives and activities to the Audit and Risk Committee each quarter in view of the size of its asset base, and the challenges associated with sustainable management of its assets.

Since presenting the Asset Management Report to the Audit and Risk Committee at its May 2022 Meeting, the following initiatives have commenced, progressed, or concluded:

##### 1. Adoption Asset Plan

The adoption of the Asset Plan is the final stage of the transition under the LGA20, which required the Council to adopt and maintain its Asset Plan by 30 June 2022. Prior to adoption, the Plan was circulated to the Audit and Risk Committee and the Buloke community for comment, and feedback obtained from both the Committee and the community will be referenced and, where possible incorporated, into the next iteration of the Asset Plan which is programmed for revision in 2023.

##### 2. Draft Road Management Plan

The Council commenced community engagement activities in December 2021 ahead of the revision to the Road Management Plan. This community engagement process resulted in 11 recommendations, which were presented to the Council at its March 2022 Meeting. Of these 11 recommendations, 2 have been incorporated into the Draft Road Management Plan, with the remainder incorporated into the draft Transport Asset Management Implementation Plan.

The draft Road Management Plan has included a review of the hierarchy and hazard response times including for roads, footpaths, crossovers and driveways, and drainage. A final round of community engagement has commenced following endorsement of the draft Plan at the September Council Meeting. A copy of the draft Plan is attached to this report for the information of the Committee.

##### 3. Draft Transport Asset Management Implementation Plan

The Council's adopted Asset Plan provides for 4 Asset Management Implementation Plans (AMIPs) which establish key objectives and improvement activities across Transport, Drainage, Recreation and Open Space, and Building and Structure assets.

The development of the draft Transport AMIP has been prioritised in view of the progress made in the revision of the draft Road Management Plan, noting that most recommendations made in the community engagement process for the draft Road Management Plan were relevant to intended improvements to the Council's transport-related assets.

The draft Transport Plan incorporates the elements critical to effective management of transport-related assets, including roads, footpaths, kerb and channel, and bridges. It provides an overview of the Council's intended improvement plan, taking into account:

- Asset life cycle
- Long term cost-effective management strategies
- Defined levels of service and performance monitoring
- Management of risks associated with asset failures
- Sustainable use of physical resources, and
- Continuous improvement in transport-related asset management practices.

Community engagement in relation to the draft Transport AMIP has commenced following endorsement by the Council at its September 2022 Meeting. A copy of the draft Transport AMIP is attached to this report for the information of the Committee.

#### 4. Other Activities

Additional activities which have occurred or are programmed to occur to support the Council's asset management practices are outlined below:

- a. **Valuations:** road valuations and building valuations are scheduled to occur in FY23. The road valuation has been scheduled and specifications for building valuation are being prepared. Officers are preparing a valuation procedure to ensure all valuations are programmed for future years.
- b. **Local Government Inflation Review:** a recent report to Councillor Briefing highlighted Officer concerns about reports of high costs associated with delivery of infrastructure projects. More recently Maddocks have held a webinar, 'Strategies for councils to manage cost escalation and mitigate risk on infrastructure projects'. A copy of the Councillor Briefing paper has been attached to this report.
- c. **Rural Road Support Package:** the 2021/22 Victorian Budget provided for \$1.M Rural Roads Support Package, which focussed on 11 rural councils improving their road asset management practices. This program aims to improve road data collection, enhance asset management practices, and identify collaboration opportunities between councils. The report identified common challenges and opportunities across councils, and specific improvement opportunities identified for Buloke included activities in data collection and management, people and information sharing, standards and procedures, and information systems.
- d. **Road Services Review:** the 2022/23 Budget provides for road services review as one of the key recommendations from the Road Management Plan engagement activities. The Road Services Review will assess the current delivery model, including opportunities for improving the performance, cost, and effectiveness of service delivery and current and future resourcing requirements.
- e. **Rural Councils Transformation Program Round 2:** the DJPR have funded a collaborative ICT project between the Buloke, Gannawarra and Swan Hill Rural City councils to implement a total strategic asset management system, including GIS capabilities and links to customer

requests and finance systems. In addition, this funding will provide a shared Asset Data Officer for the duration of the system implementation, which has an established end date of 30 June 2024.

- f. **Strategic Project Management Framework:** a review of the Strategic Project Management Framework has commenced, and identified key improvements required to ensure project concepts are clearly connected to strategic planning processes including strategic community planning and asset management planning. Officers have commenced the development of an integrated community planning framework which will ensure projects are prioritised based on strategic objectives, established community benefit, and identified need, and include consideration of potential funding strategies.
- g. **Gender Impact Assessments (GIA):** recent training highlighted the need to further review project proposals with a gender impact assessment as well as consider accessibility and inclusivity. This requirement should also be considered when forming Project Reference Groups to ensure the correct representation is present in ongoing decision making during relevant projects. The GIA requires review of issues which exist currently and may be created because of the works, collecting evidence and statistics to make data informed decisions, and consideration of suggested outcomes and potential changes to scopes and deliverables.

## DISCUSSION

The Acting Manager Assets provided an overview of the report to the Committee.

It was noted that with respect to capital expenditure there are delays due to latent conditions and the industry as a whole is approximately 5 weeks behind. Council expects to wrap up a number of projects shortly, weather permitting.

The Committee indicated that it is important to continue to articulate what can be delivered, and getting the right messages to the community so that they can communicate back in the way that Council needs. The community expectations gap is getting wider and the issues can impact on Council responses.

Capital expenditure costs are increasing and revenue is not resulting in further gaps. The period of relative stability has been replaced with inflationary issues.

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**7.4 INTERNAL AUDIT STATUS REPORT AND UPDATE****Author's Title:** Governance Officer**Department:** Corporate Services**File No:** FM/02/09**PURPOSE**

To provide the Audit and Risk Committee with a report from Council's Internal Auditors on the status of the Internal Audit Program and provide advice on recent reports and publications that may be of interest.

**RECOMMENDATION**

That the Audit and Risk Committee note:

1. the status of the Internal Audit program,
2. report advising of recent publications of interest.

**NOTED**

**Attachments:** 1 Internal Audit - Status Report - Sep 2022  
2 Internal Audit Update Report Q4 FY2022

**KEY POINTS / ISSUES**

RSD Audit has provided a status update of the Internal Audit Program and Risk Management project that has been undertaken outside of the strategic audit plan.

A summary of recent reports and publications by government agencies and other sources that may impact on public sector agencies has also been provided.

The Internal Audit Status Report and Update Report is attached.

**DISCUSSION**

The committee acknowledged the status of the ICT audit and were assured that issue resulting in delays have been addressed and will now proceed. It was also noted that the Saleyard audit will not proceed due to several issues including obtaining advice from Saleyards users, and may be pushed into a future year. Risks associated with the Saleyard need to be reviewed in conjunction with the Saleyards Precinct local law. Council will look at other projects to replace the audit, and will circulate suggested replacement projects to the Committee.

The Committee suggested that Council could consider a project for the lifecycle management of IT assets and licencing.

The committee was also provided with an update of the Risk Management, Business Continuity and Disaster Recovery project, that is not in the scope of the Audit Program, and advised that the a Post Incident Procedure was provided to Council in 2021 and Business Impact Analysis documents for Business Continuity are pending to proceed to the next steps.

## 7.5 DRAFT INTERNAL AUDIT STRATEGIC PLAN

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

To provide the Audit and Risk Committee with the updated Strategic Internal Audit Plan 2022-24 and the Internal Audit Annual Plan for 2022.

### RECOMMENDATION

That the Audit and Risk Committee note the updated Strategic Internal Audit Plan 2022-24 and Annual Plan 2022.

**NOTED**

**Attachments:** 1 Strategic Internal Audit Plan

### KEY POINTS / ISSUES

The Strategic Internal Audit Plan 2021 – 2024 was endorsed by the Audit and Risk Committee at its meeting on 10 February 2021 and is reviewed annually. The objectives of the Internal Audit program are to provide a risk based, cyclical, strategic plan which focuses on the organisations risks and internal control systems.

The ICT General Security Controls and Department review of Saleyards have commenced.

The procurement internal audit originally planned for October 2021 was postponed until October 2022, to allow time for Council's new Procurement Policy, associated procedure, and updated manuals to be rolled out across the organisation. An audit under the updated procurement framework is viewed as being most beneficial. The Strategic Internal Audit Plan has been updated to reflect this proposed change.

### DISCUSSION

The Committee noted the status of the Audit plan and were informed that the 3 year plan will be updated to reflect the changes in the plan and will be provided to the Committee at the December Audit and Risk Committee meeting,

## 7.6 PROCUREMENT INTERNAL AUDIT

**Author's Title:** Director Infrastructure and Delivery

**Department:** Works and Technical Services

**File No:** FM/02/09

### PURPOSE

For the Audit and Risk Committee to consider an alternative scope to the scheduled Procurement Internal Audit.

### MOTION:

That the Audit and Risk Committee Meeting note the proposed alternative scope for the scheduled Procurement Internal Audit and endorse recommended approach.

**MOVED:** DEAN SLEIGH

**SECONDED:** BERNARD YOUNG

**CARRIED.**

**Attachments:** Nil

### KEY POINTS / ISSUES

The Council's adopted Internal Audit Strategy provides for a Procurement Internal Audit to commence in October 2022.

The draft Project Scope presented to Council Officers provided for:

- Adequacy of procurement policies and procedures to ensure alignment with Government procurement policies and better practice procurement guidelines
- Adequacy and appropriateness of delegations, authority limits, thresholds, and segregation of duties
- Sample review of expenditure to ensure appropriate delegation and processes had been adhered to, including specific consideration to credit card purchases, and reimbursements to Councillors and staff
- Effectiveness of review, monitoring, and oversight of procurement engagement activities
- Adequacy and appropriateness of preferred supplier listing maintenance and utilisation.

Following an internal review of the proposed Project Scope, Officers have identified best value may be gained from the Procurement Internal Audit by directly focussing on the below issues:

- Review of application of Council's adopted Request for Tender Manual and Request for Quotation Manual
- Adequacy of procurement policy and procedure to future collaborative procurement activities, including regional tender panels

The above alternative scope is likely to provide better outcomes for the Council's current processes and future opportunities, noting the earlier decision to delay the Procurement Internal Audit was made on

the basis the above-mentioned manuals and processes were being prepared and could be tested during the Internal Audit.

With respect to the initial draft Project Scope outcomes, Officers believe testing transactions for credit cards and reimbursements may be undertaken in the Data Analysis (Fraud and Procurement) Internal Audit scheduled for May 2024. It is noted that presently the CEO debit card transactions and Councillor reimbursements are reported to each Audit and Risk Committee meeting for noting and external review.

#### **DISCUSSION**

The Committee was informed that the revised scope was to achieve the best value from auditing high risk procurement such as contract, RFQ and RFT, also consider council entering into more collaborative procurement arrangements with other Councils.

It was suggested, in developing the scope to identify the risk or risks that Council wants satisfied at the end of the audit and work backwards from there to develop the scope, also considering if it is about efficiencies, it should address procurement risk and how Council is developing its systems.

The Committee were informed that the a new draft scope will be developed and the daraf scope will be distributed to the Committee.

## 7.7 DRAFT AUDIT AND RISK COMMITTEE CHARTER

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

To provide the Audit and Risk Committee with the Revised Audit and Risk Committee Charter

### MOTION:

That the Audit and Risk Committee Meeting endorse the Draft Audit and Risk Committee Charter

**MOVED:** DEAN SLEIGH

**SECONDED:** BERNARD YOUNG

**CARRIED.**

**Attachments:** 1 Draft Audit and Risk Committee Charter - 2022

### KEY POINTS / ISSUES

The Audit and Risk Committee Charter was last adopted by the Council on 12 August 2020. The Charter must be reviewed every two years.

Council Officers propose the following changes be made to the Charter, subject to Audit and Risk Committee endorsement and resolution of the Council:

- Inclusion of the Deputy Mayor as membership of the Audit and Risk Committee, or in the absence of the Deputy Mayor, a Councillor appointed by the Mayor.
- A process for Circulated Motions has been included to gain Audit and Risk Committee endorsement on a matter within scope of the Committee's remit and it is not practicable prior to consideration by the Council. Circulated Motions may not be put for any matter relating to internal auditor or external auditor reports.

### DISCUSSION

The Committee suggested the inclusion of Fraud and Corruption monitoring in the list of Audit and Risk Committee responsibilities, to align with the responsibilities in the Risk Management Framework.

The Committee endorsed the Charter subject to the inclusion of Fraud and Risk Monitoring under the Responsibilities of the Audit and Risk Committee.

## 7.8 DRAFT RISK MANAGEMENT POLICY, FRAMEWORK AND STRATEGY

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

To provide the Audit and Risk Committee with the Draft Risk Management Policy, Framework and Strategy.

### MOTION:

That the Audit and Risk Committee Meeting endorse:

1. the Risk Management Policy
2. the Risk Management Framework
3. the Risk Management Strategy 2022-2027

**MOVED:** DEAN SLEIGH

**SECONDED:** BERNARD YOUNG

**CARRIED.**

- Attachments:**
- 1 Draft Risk Management Policy
  - 2 Draft Risk Management Framework
  - 3 Draft Risk Strategy 2022-2027

### KEY POINTS / ISSUES

An Internal Audit was conducted in 2020 to assess the status of Council's risk management function. The audit report noted there were opportunities to improve Council's risk management function including through expansion of its Risk Management Policy. The attached Risk Management policy has been developed in line with recommendations from Council's Internal Auditors.

The following changes have been included in the Policy:

- References the *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*
- Updates to the policy commitments to reflect changes in the standards
- Amended to reflect a change in approach for risk identification
- Updated responsibilities to reflect the role of the Audit and Risk Committee, and to ensure a distinction is made between the responsibilities of management and oversight bodies.

The following changes have been included in the Framework:

- Definitions for Inherent and Residual Risk have been included.
- Updated risk identification approach

- Additional discussion regarding identification and evaluation of controls
- Expanded on instruction for reviewing risks
- included introduction of KPI's in the reporting section
- included responsibilities for risk owners
- clarified the assessment of likelihood in Appendix B, by providing percentage indicators
- Update Risk Matrix – Appendix C, to make clear that it is for inherent risk.
  
- Changed Risk Matrix from high to medium when consequence is deemed insignificant.

The draft Risk Management Strategy was submitted as a reference document during the 2020 Internal Audit. The Internal Audit noted the draft Strategy provided a practical outline of actions required to ensure the Council has an effective risk management system in place.

#### **DISCUSSION**

The committee asked about the taxonomy of the Risk Categories and were informed that Council will identify the taxonomies and review the system. It was suggested that the taxonomies should be shorter rather than longer.

The committee suggested that Council identify how to measure performance where there is a low tolerance for risk and in terms of Key Performance Indicators, they were also informed that the categories for Risk will be tied to the overarching Governance Rules.

Risk reporting should report on high level risks, their controls and when they were last reviewed. A comparison of risks to organisational outcomes and how they are captured in the Risk Register, should also be included.

The committee endorsed the Risk Management Policy, Framework and Strategy.

## 7.9 AUDIT CLOSING REPORT

**Author's Title:** Manager Finance

**Department:** Office of the CEO

**File No:** FM/02/09

### PURPOSE

Victorian Auditor General's Office appointed auditor to provide report to Committee on audit findings.

### MOTION:

That the Audit and Risk Committee Meeting endorse:

1. The Audit Closing report 2021-22

**MOVED:** DEAN SLEIGH

**SECONDED:** BERNARD YOUNG

**CARRIED.**

**Attachments:** 1 Buloke Shire Closing Report - 2022

### KEY POINTS / ISSUES

Martin Thompson of Crowe is in attendance to present this report to Committee.

### DISCUSSION

Martin Thompson of Crowe addressed the meeting, providing an overview of the Closing Report.

There was discussion around the audit differences and the accounting treatments around reserves and surpluses, Mr Thompson indicated that these are a decision of management, as are Local Community infrastructure, different Councils account for these using different methods, there is no specific performance standard under grant funding.

There was further discussion around accounting for grand funding, funding received late is considered as a carry forward rather than recognise in the current year. There was some concern relating to how the adjustment will affect the performance reporting, leaving management to explain the variances in future year.

The Committee endorsed the Closing Report 2021-22

## 7.10 DRAFT AUDIT MANAGEMENT LETTER

**Author's Title:** Manager Finance

**Department:** Office of the CEO

**File No:** FM/02/09

### PURPOSE

To make the Audit and Risk Committee aware of the contents of the draft management letter relating to the 2021-22 financial year audit.

### MOTION:

That the Audit and Risk Committee Meeting endorse:

1. The Draft Audit Management Letter 2021-22

**MOVED:** BERNARD YOUNG

**SECONDED:** CR DARYL WARREN

**CARRIED.**

**Attachments:** 1 Audit Management Letter 2022

### KEY POINTS / ISSUES

The purpose of this report is for the Audit and Risk Committee to be aware of the contents of the interim management letter from Crowe, on behalf of VAGO, providing a summary of audit findings and Council's proposed responses.

### DISCUSSION

The committee considered the Audit Management Letter 2022 and noted that the issues raised in the letter are relative and can be easily fixed.

## 7.11 LEGISLATIVE COMPLIANCE POLICY AND FRAMEWORK

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

For the Audit and Risk Committee to consider and endorse the draft Legislative Compliance Policy and Legislative Compliance Framework.

### MOTION:

That the Audit and Risk Committee Meeting endorse:

1. the draft Legislative Compliance Policy
2. the draft Legislative Compliance Framework

**MOVED:** BERNARD YOUNG

**SECONDED:** DEAN SLEIGH

**CARRIED.**

- Attachments:**
- 1 Draft Legislative Compliance Policy
  - 2 Draft Legislative Compliance Framework

### KEY POINTS / ISSUES

The Legislative Compliance Policy and framework has been reviewed and updated to reflect legislative and organisational changes. The Policy has been established to promote continuous pursuit of efficiency, effectiveness and monitor legislative change.

The Framework was developed to support the policy and ensure a consistent approach which formally defines Council processes and responsibilities, and to recognise relevant obligations and requirements.

### DISCUSSION

The committee endorsed the Legislative Compliance Policy and Framework .

**7.12 SALE OF LAND POLICY AND LEASE PROJECT UPDATE.****Author's Title:** Director Infrastructure and Delivery**Department:** Works and Technical Services**File No:** FM/02/09**PURPOSE**

To provide the Audit and Risk Committee an update in relation to the review of Leases held by Council.

**MOTION:**

That the Audit and Risk Committee Meeting note:

1. The Lease Project update as at 12 September 2022
2. The Draft Sale of Land Policy

**MOVED:** DEAN SLEIGH**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** 1 Sale of Land Policy**KEY POINTS / ISSUES**

The following actions have been undertaken in relation to the leases project to ensure the Council has in place current leases and agreements.

**Policy Development**

Two policies are currently under review. The policies are:

- Sale of Land
- Leasing

The purpose of the Sale of Land Policy is to outline the Council's policy position on the sale of Council land to ensure that the process is conducted in a lawful, transparent, and equitable manner.

This Policy provides guidance to Council on the matters to be considered when determining whether the sale of Council land should be pursued and establishes a framework for Council decision-making to provide the best result, both financial and non-financial, for the Council and the community.

The Sale of Land Policy will be presented to the Council for adoption.

The Leasing Policy has not progressed as far as the Sale of Land Policy to date. Once finalised, the Leasing Policy will be presented to the Audit and Risk Committee and the Council.

### Leases and Agreements Register

Established Buloke Shire Council Lease Register for working purposes.

Obtained up to date leasing documentation and register in Councils record management system.

Documents included:

- Community Licence Template
- Community Services Lease Template
- Lease (Land Only) Template
- Retail Lease Template
- Community Use Lease Template (DELWP)
- Generic Lease Template (DELWP)
- Generic Lease Caravan Park Template (DELWP)

The lease and agreement register has been reviewed and progressively updated as additional documentation is provided or located. VicTrack has provided old agreements for inclusion in Council's record management system.

### Lease and Agreements Actions

The following leases or agreements are currently under review and actions commenced for the renewal of these agreements.

- 39A Woods Street Donald Land Lease: lease option for a further term.
- McCulloch St Donald Car Park Lease: property sold, review requirements to continue lease with new property owner.
- VicTrack Lot 17 Donald Lions Playground and Train Park Lease: potential requirement for lease amendment.
- Mural Artwork High Street Charlton: implement new agreements with property owners.
- Wycheproof Caravan Park: Management Agreement extension for a further period.
- Wycheproof Golf Course: lease renewal.
- Donald Pound Paddock (Field and Game): lease renewal as no formal arrangement in place.
- Donald Community Precinct: Management Agreement required.
- Dempsey Street Wycheproof: reviewing whether any formal arrangements are in place.
- Charles Street Wycheproof: reviewing whether any formal arrangements are in place.
- 22 - 28 Camp Street Wycheproof: reviewing whether any formal arrangements are in place.
- 42 - 52 Camp Street Wycheproof: reviewing whether any formal arrangements are in place.

### Community Asset Committees

In August 2020, Council formally established the:

- Birchip Housing Committee Community Asset Committee
- Charlton Park Community Asset Committee
- Wycheproof Recreation Reserve Community Asset Committee

under the *Local Government Act 2020*.

To assist the Council in the management of the community assets as detailed above efficiently, in compliance with legislative requirements and consistent with the community's expectations, the Council may wish to establish Management Agreements with the various Committees. Management Agreements allow for less formality and flexibility as opposed to establishing Committees which operate under the restrictions of the *Local Government Act 2020*.

### Cabins

As background information, Council has a project to establish Cabins for Tourism and short-term accommodation that involves construction of quality cabin accommodation at four of the Shire's recreational lakes; Lakes Watchem, Tchum, Wooroonook, and Green Lake near Sea Lake. The remaining three sites are in caravan parks within significant towns in the Shire: Charlton (in the Travellers Rest precinct), Sea Lake adjacent to the town centre, and Wycheproof just north of the town centre and recreational facilities.

The cabin sites for this project at Watchem, Tchum and Charlton are owned by Buloke Shire Council, while the other four sites, at Wooroonook, Wycheproof and Sea Lake are on Crown land under the management control of Buloke Shire Council. Green Lake is a locally elected Committee of Management (appointed by DELWP) and is not managed by Buloke Shire Council.

Some work has been undertaken in relation to the Cabin Project Financial Modelling. The financial modelling is to better understand the long-term cost for the replacement of these cabins at some time in the future. An annual provision would be payable by the holder of the Management Agreement for the Cabins for the future replacement of the cabins.

### **Risk Management**

In terms of risk mitigation, the following actions will also occur during the process to update or renew all leases and agreements. These include:

- Update the Lease and Agreements register with new information as its located.
- Raise rental income outstanding and review process for raising income.
- Renew leases as and when they fall due.
- Action all expired leases that have reverted to a month-by-month lease.
- Review properties that appear to be occupied that don't have any formal agreements in place.

### **DISCUSSION**

The Committee was provided an overview of the status of the project and the Draft Sale of Land Policy, they were informed that the project was for the lease and licencing of land and plant and equipment was not in scope.

The Committee noted that in relation to the Cabins, Council is considering the end of life of these assets. They also reiterated that Council needs to be clear in defining responsibilities and expectations in Asset Management Agreements and with Community Asset Committees.

**7.13 DRAFT PROCUREMENT POLICY**

**Author's Title:** Manager Finance

**Department:** Office of the CEO

**File No:** FM/02/09

**PURPOSE**

For the Audit and Risk Committee (Committee) to consider the draft revision of the Procurement Policy

**RECOMMENDATION**

That the Audit and Risk Committee Meeting note:

1. The draft revised Procurement Policy

**NOTED**

**Attachments:** 1 Draft Procurement Policy

**KEY POINTS / ISSUES**

Council adopted a Procurement Policy at the meeting held 8 December 2021. The *Local Government Act 2020* (Act) requires each council to prepare and adopt a Procurement Policy which specifies the principles, processes and procedures which will apply in respect of the purchase of goods, services and carrying out of works by the Council.

The Procurement Policy adopted reflects all expenditure threshold values to include Goods and Services Taxation (GST). This treatment of GST is inconsistent with financial reporting, budgeting and adds additional complication in financial system for monitoring. Following a survey of Local Government Authorities (LGA), Officers have identified the majority of LGA procurement thresholds are exclusive of GST.

The draft Procurement Policy is presented to update threshold values as exclusive of GST to alleviate undue complications from the previous version. The Policy complies with sections 108 and 109 of the Act.

**DISCUSSION**

The Committee noted the Procurement Policy

**7.14 DRAFT LOAN GUARANTEE POLICY****Author's Title:** Manager Finance**Department:** Office of the CEO**File No:** FM/02/09**PURPOSE**

For the Audit and Risk Committee (Committee) to consider the draft revision of the Loan Guarantee Policy

**MOTION:**

That the Audit and Risk Committee Meeting endorse:

1. the draft revised Loan Guarantee Policy

**MOVED:** BERNARD YOUNG**SECONDED:** DEAN SLEIGH**CARRIED.****Attachments:** 1 Draft Loan Guarantee Policy**KEY POINTS / ISSUES**

Council adopted a Loan Guarantee Policy at the ordinary meeting held 10<sup>th</sup> June 2020. The policy was developed and adopted to facilitate granting of loan guarantees through Councillor resolution. The policy defines eligible Community Organisations, the process for these groups to submit requests to Council, acceptable loan conditions and established a loan guarantee exposure limit of \$300,000 for Council under overarching measures against financial sustainability indicators.

Council currently provides a loan guarantee to Charlton Park 2020 Committee and has similarly supported Birchip Community Housing in the past. All loan guarantees are reported as contingent liabilities in the Annual Financial Statements at balance date. As at 30 June 2022, the contingent liability reported for loan guarantees was \$150,000 and Council's financial sustainability indicators identified by the Loan Guarantee Policy are:

Indicator	Calculation	Required in Policy	Actual 30 June 2022
Liquidity (Working Capital):	Current Assets/Current Liabilities	>1.5	3.03
Indebtedness:	Non-Current Liabilities/Own Sourced Revenue	<40%	6.41%
Debt management:	Total Debt/Rates Revenue	<25%	0%

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Debt commitment:	Finance Cost/Loan Repayments	<5%	0%
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Following a new request for loan guarantee by Birchip Community Housing, Councillors are considering an increase to the exposure limit from \$300,000 to \$500,000 and the attached draft revision of the adopted policy is provided to enact this amendment. The draft policy has also been updated to clarify the obligation of the Community Organisation to provide Council a loan balance statement biannually for external audit documentation.

**DISCUSSION**

The Committee endorsed the Loan Guarantee Policy, stating that the objectives are sound.

**7.15 DRAFT RESERVES POLICY****Author's Title:** Manager Finance**Department:** Office of the CEO**File No:** FM/02/09**PURPOSE**

For the Audit and Risk Committee (Committee) to consider the draft Reserves Policy

**MOTION:**

That the Audit and Risk Committee Meeting endorse the draft Reserves Policy

**MOVED:** DEAN SLEIGH**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** 1 Draft Reserves Policy**KEY POINTS / ISSUES**

During the 2022-23 Annual Budget preparation process, Officers recommended the creation of several general equity reserves to assist with long-term financial management. General equity reserves are an allocation of accumulated surplus kept aside for meeting contingencies, commitments and community objectives not recognised as liabilities under Australian Accounting Standards as at balance date.

The attached draft policy has been prepared to define the types, purpose, and operation of general reserves categories to be considered by Council.

The draft policy covers the reserves identified through the 2022-23 Annual Budget process which are now included in the 2021-22 Annual Financial Statements. Several unspent grants were identified as at 30 June 2022 to be kept aside for future service delivery, as agreed with funders, outside of AASB 15 and AASB1058 liability recognition. The Sustainability Fund reserve has also been reinstated from a previous Council resolution and brought up to 30 June 2022 balance.

Other reserves have been created in the 2021-22 financial year, in response to Community requests for a more agile approach to unbudgeted grants opportunities during the financial year to support capital works; by setting aside matching Council funds as well as an allocation for prompt project preparation to "shovel ready" status when called upon.

The policy allows for further reserves categories to be considered by Council in future based on a review of those engaged by other Local Government Authorities. Reserve accounting backed by liquid assets is implemented regularly in Victorian Councils and in previous financial years Buloke Shire Council has set aside \$1m in case of a call on the LGA Defined Benefit Superannuation Scheme with a flagged term deposit for funding.

Officers have prepared this policy to set out good financial management guidelines to ensure a conservative approach when identifying and meeting Council's future obligations.

**DISCUSSION**

The Committee were informed that the reserves included a Waste Reserve, in anticipation of the monitoring of landfills. Currently there are provisions in the financial statements written up as liabilities, which can be considered in the future. It is important to recognise provisions and liabilities first, then consider the reserves. Waste function is a cost recovery, but there is a need to explore landfill rehabilitation and recovery monitoring. A reserve can cover the restoration costs.

The Committee endorsed the policy.

## 7.16 COMMUNITY GRANTS REVIEW

**Author's Title:** Director Community Development

**Department:** Community Development

**File No:** GS/09/42

### PURPOSE

This report is presented to the Audit and Risk Committee to demonstrate how recommendations from a Victorian Auditor General's Office report detailing Fraud Control over Local Government Grants informed Council's review of its Community Grants and Sponsorship guidelines.

### RECOMMENDATION

That Council:

1. Note the process taken in reviewing and updating Council's Community Grants and Sponsorship Program.

**NOTED**

**Attachments:** 1 Buloke Community Grants Guidelines

### KEY POINTS/ISSUES

The Buloke Shire Council allocates \$20,000 in Community Grants and Sponsorship and \$50,000 in Sustainability grants annually, and the Community Grants Guidelines are in place to ensure that there is clarity and transparency around allocations of Community Grant funding.

In line with recommendations from a Victorian Auditor General's Office report detailing Fraud Control over Local Government Grants, and the beginning of a new Community Grants program year, we reviewed and amended key documentation relevant to the Community Grants Program. Revisions are centred on clarifying information, fraud control, implementation of a new grant stream, updating out-of-date information and strengthening information surrounding funding conditions and inclusion.

Changes made a result of the review to the guidelines were:

- Inclusion of an Acknowledgment of Country;
- **Assessment Criteria:** Clarification of the assessment criteria of the grants, and the inclusion of a rubric which outlines the scoring method that an assessment panel will undertake when assessing grants. This is to ensure that there is clarity around what Council is looking for in an application, and will assist community groups in successfully completing an application.
- **Applying for a Grant:** Inclusion of a list of who is ineligible for a community grant, further information on the management of Conflicts of Interest.
- **Budget Tables:** Addition of a requirement for expenditure over \$500 to be quoted, such that Council can make an informed decision regarding the application and its costings. Rates for in-kind contributions have been increased from \$41.72/hour to \$45/hour in line with standard in-kind contribution costings.
- **Sustainability Grants:** Addition of information further explaining what projects are eligible, including the creation of four target areas, that projects must align to. Additionally, there is a

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new stream of funding for the Sustainability grants in the 2022/2023 Community Grants program, utilisation of Sustainability Fund reserve for unspent annual allocations from prior year.

- **Council and Community Plans:** Updated links to relevant Community Plans.
- **Assessment timeline:** Modification of the assessment timeline: Grants are recommended to Council every second month, so that assessments and reporting can be undertaken more efficiently.
- **Funding Conditions:** Inclusion of funding conditions to strengthen acknowledgement of Council's contribution, and reaffirms grant funding conditions.
- **Access and Inclusion:** Addition of a section that outlines how a community group can ensure that their events are inclusive to diverse groups of people.

The updated Community Grants Guidelines were adopted at the 10 August 2022 Council Meeting and are attached to this report.

**DISCUSSION**

The Committee stated that the guideline is clear and easy to read.

## 7.17 LEGISLATIVE COMPLIANCE REGISTER

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

To provide the Audit and Risk Committee with the status of legislative compliance obligations.

### RECOMMENDATION

That the Audit and Risk Committee note the Legislative Compliance Report.

**NOTED**

**Attachments:** 1 Sep 2022-Compliance Report

### KEY POINTS / ISSUES

A Legislative Compliance Register has been developed containing items for compliance pursuant to the *Local Government Act 1989* (LGA89), the *Local Government Act 2020* (LGA20) and associated regulations.

Compliance obligations have been included in the report, taking into consideration the commencement dates of the various sections of the LGA20. Items for compliance to other legislation are being added progressively as these items are identified.

The Legislative Compliance Framework places the responsibility on individual departments to identify compliance items and to notify the Governance Team for inclusion into the Register. The subscription service provided through the compliance system provides Council with alerts when there is new or changed obligations to key legislation.

The Register provides for:

- Providing updates for new and changed legislation
- Identification of legislative obligations and assignment to staff members.
- The setting of due dates and review cycles. The system will send reminder emails to staff members when their assigned obligation is near due.
- The obligations "Not yet Assessed" are those obligations that have come from new or changed legislation and have not yet reached their first due date.

The Register is monitored to ensure that compliance obligations are met.

### DISCUSSION

The committee noted the status of Legislative Compliance.

**7.18 DEBTOR WRITE OFFS****Author's Title:** Manager Finance**Department:** Office of the CEO**File No:** FM/02/09**PURPOSE**

Advise the Committee of debts determined to be uncollectable and written off in the preceding period.

**RECOMMENDATION**

That the Audit and Risk Committee Meeting note:

1. The debtor balances written off during the reporting period as listed

**NOTED****Attachments:** Nil**KEY POINTS / ISSUES**

In accordance with Council's debtor management policy adopted 26<sup>th</sup> June 2022, the following debtor penalty interest balances were written-off under section 11. Approval to Write-off Bad Debts and/or Penalty Interest.

This write-off occurred to facilitate settlement of a long-term rates debtor through a Rural Financial Counsellor to the value of \$50,489. The settlement was received and processed by 30 June 2022 and approval for the negotiated write-off of penalty interest across the relevant properties was provided by the CEO with Director Corporate Services role vacant.

Buloke Shire Council	
Debtor Write Off 1 May 2022 to 12 September 2022	
Write Off description	Value
Reversal of Interest	- 2,410.43
Reversal of Interest	- 14.56
Interest Reductions	- 5,065.17
Reversal of Interest	- 7,327.28
<b>Grand Total</b>	<b>- 14,817.44</b>

**DISCUSSION**

The Committee noted the debts written off for the period.

## 7.19 COUNCILLOR & CEO REIMBURSEMENTS

**Author's Title:** Manager Finance

**Department:** Office of the CEO

**File No:** FM/02/09

### PURPOSE

To note the report on reimbursement of Councillor expenses in accord with section 40(2) of the Local Government Act 2020 and reimbursements to the Chief Executive Officer.

### RECOMMENDATION

That the Audit and Risk Committee Meeting note:

1. the report of reimbursements of Councillor expenses and reimbursement of CEO expenses

**NOTED**

**Attachments:** 1 COUNCILLOR REIMBURSEMENTS 1ST MAY TO 12TH SEPTEMBER 2022

### KEY POINTS / ISSUES

Section 40 of the Local Government Act 2020 requires Council to reimburse Councillors or members of a delegated committee for out-of-pocket expenses, and to provide details of all reimbursements under this section to the Audit and Risk Committee.

Council has adopted a Councillor Expenses Policy that provides information on what expenses can be reimbursed, and the conditions of the reimbursement;

- Must be a bona fide expense;
- Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

The attached report itemises all reimbursements to Councillors during the period from 1<sup>ST</sup> May 2022 to 12 September 2022. There were no reimbursements to the CEO during this period.

### DISCUSSION

The Committee noted the Councillor and CEO reimbursement.

**7.20 DRAFT FINANCIAL STATEMENTS****Author's Title:** Manager Finance**Department:** Office of the CEO**File No:** FM/02/09**PURPOSE**

To provide Audit and Risk Committee with the draft Financial Statements for the preceding Financial Year

**MOTION:**

That the Audit and Risk Committee Meeting endorse:

1. the draft Financial Statements for the 2021-22 Financial Year.

**MOVED:** BERNARD YOUNG**SECONDED:** DEAN SLEIGH**CARRIED.****Attachments:** 1 Draft Financial Statements**KEY POINTS / ISSUES**

Under s 98 of the *Local Government Act 2020* a council must in respect of each financial year, prepare an Annual Report that includes audited Statements for the financial year. These Statements must be prepared in the prescribed manner and form and be certified by the Auditor General.

This year the Victorian Auditor General's Office agents Crowe acted as Council's auditors.

The Statements are a report back to the community on Council's performance against the adopted 2021-22 Annual Budget, along with performance against measures and targets for Key Strategic Activities specified in the 2021-22 Annual Budget.

Council is required to approve, in principle, the Statements prior to receiving certification from the Auditor General. The Audit and Risk Committee must endorse the Statements prior to presentation to the Council for adoption.

**DISCUSSION**

The Committee were informed that the financial statements had been updated since the distribution of the Agenda, the changes made were to some wording and cash flow operating activity however nothing of significance to the statement.

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The statements show a \$9.1M surplus, which includes the recognition of grants (\$3m) that were not in the budget. There has been an increase of allocation of equity reserves, not used in recent times, Council has expanded on these and developed a policy.

## 7.21 DRAFT PERFORMANCE STATEMENTS

**Author's Title:** Manager Finance

**Department:** Office of the CEO

**File No:** FM/02/09

### PURPOSE

To provide Audit and Risk Committee with the draft Financial Statements for the preceding Financial Year

### RECOMMENDATION

That the Audit and Risk Committee Meeting note:

1. the draft Performance Statements for the 2021-22 Financial Year.

**NOTED**

**Attachments:** Nil

### KEY POINTS / ISSUES

Under s 98 of the *Local Government Act 2020* a council must in respect of each financial year, prepare an Annual Report that includes audited Statements for the financial year. These Statements must be prepared in the prescribed manner and form and be certified by the Auditor General.

This year the Victorian Auditor General's Office agents Crowe acted as Council's auditors.

The Statements are a report back to the community on Council's performance against the adopted 2021-22 Annual Budget, along with performance against measures and targets for Key Strategic Activities specified in the 2021-22 Annual Budget.

Council is required to approve, in principle, the Statements prior to receiving certification from the Auditor General. The Audit and Risk Committee must endorse the Statements prior to presentation to the Council for adoption.

**\*\*Note the attachment for this report will be provided separately on Monday.**

### DISCUSSION

The Committee noted the draft Performance Statements.

## 7.22 AUDIT AND RISK COMMITTEE ANNUAL ASSESSMENT

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** FM/02/09

### PURPOSE

The purpose of this report is to advise the Audit and Risk Committee of the proposed Annual Assessment Survey questions and the timing of the survey.

### RECOMMENDATION

That the Audit and Risk Committee endorse the questions and the proposed timing for the survey.

### DISCUSSION

**NOTED**

**Attachments:** 1 Annual Assessment Survey Questions

### KEY POINTS / ISSUES

The Annual Assessment survey is conducted in accordance with s54(4)(a) of the *Local Government Act 2020* (Act) and the Audit and Risk Committee Charter. The Act provides that an Audit and Risk Committee must undertake an annual assessment of its performance against the Audit and Risk Committee Charter. The survey is an opportunity for the Audit and Risk Committee to provide feedback to Council in areas that can be improved.

Councillors and relevant officers will be provided with the option to respond to the survey.

The list of questions proposed for the survey is attached to this report. The questions follow the responsibilities of the Audit and Risk Committee as defined in the Charter.

An email will be sent to invite recipients to complete the survey. Councillors and officers will also receive an invite; however, it is optional for them to complete. The email containing the link to the survey will be sent in October 2022. The surveys need to be completed by the 12 November 2022 so that the responses can be consolidated, and a report be tabled at the December Audit and Risk Committee meeting.

### DISCUSSION

The committee noted the Assessment Survey Questions and encourage Councillors and staff to also complete the survey.

**8. ANY OTHER BUSINESS**

No other business

**9. MEETING CLOSE**

The meeting was closed at 12:20pm

**8.3 FINANCIAL REPORTS**

Nil

## 8.4 ORGANISATIONAL REPORTS

### 8.4.1 BULOKE SHIRE COUNCIL RECOVERY PLAN

**Author's Title:** Director Community Development

**Department:** Community Development

**File No:** DR/19/21

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

#### PURPOSE

The purpose of this report is to adopt the Buloke Shire Council Recovery Plan.

#### SUMMARY

As a result of the major rain event that occurred in October 2022, river catchments including the Avoca River and Richardson River experienced heavy falls.

The Avoca River peaked at Charlton Town on Monday 17 October 2022 at a level of 7.87 metres, which caused over the floor flooding to occur over 3 properties in the town of Charlton.

The Richardson River at Donald peaked at 3.76 metres and remained within the levees.

Other waterways including the Tyrell, Cooropajerup, and Lambert creeks, caused flooding in Culgoa and surrounding areas.

The State Emergency Management Plan states that Council is responsible for the municipal recovery coordination. The Recovery Plan will be supported by a Flood Recovery Operation Plan.

#### RECOMMENDATION

That Council adopts the Recovery Plan and publishes it on its website and promotes the plan via its media channels.

**Attachments:** 1 [Buloke Shire Council Recovery Plan](#)

#### DISCUSSION

A major rain and flood event occurred in many parts of Northern and Western Victoria on and around mid-October 2022. Substantial rain fell in the Avoca and Richardson catchments that led to flooding occurring throughout Buloke Shire.

Mitigation works included but were not limited to:

- The construction of 5 earthen levees to protect the towns of Charlton, Donald and Wycheproof.
- A large sandbag operation with CFA, VicSES, DELWP, and members of the community across Charlton, Donald, Wycheproof and Culgoa
- Blocking of storm water drains within Charlton town.

An Emergency Relief Centre was opened for a period of 11 Days at the Wycheproof P-12 School and had an average attendance of 18 people requiring accommodation and support.

A Municipal Operations Coordination Centre at the Wycheproof Supper Room.

Five community meetings were held across Buloke Shire at various times in preparation for the flood events in each locality.

The floods caused significant damage and road closures to the Buloke Shire and Vic Roads Road assets, including minor and major roads, road reserves and supporting road infrastructure.

Significant damage from flood waters has and will continue to have a major impact to the agricultural community that includes losses of crops throughout the shire that will cause financial and mental health concerns within the community.

Numerous community events were required to be cancelled throughout the shire during the floods, including but not limited to the Wycheproof Cup Horse Racing, Wycheproof Stock sale, Birchip B&S Ball, Charlton Show as well as a range of local community.

It is anticipated that there will be significant infrastructure, economic, agricultural, and social impacts to the community in Buloke.

Council will continue to support the Buloke community through their recovery and are already engaging heavily with the community in relation to road reopening and restoration.

Disasters can deeply impact people's lives and livelihoods, and helping communities recover from disasters can be challenging and complex. Every community is unique and will have its own history, values, and experiences. They will also have their own distinct challenges.

Council's role in recovery is to support and build capacity; to remove barriers, to enable, and to use local knowledge and strengths. We can help a community recover from the sense of loss and uncertainty they experience, so they can live a life they value.

Working with communities recovering from disasters is complex and challenging. To guide our efforts, our approach, our planning, and our decision-making Buloke Shire Council has adopted the National Principles for Disaster Recovery.

#### **RELEVANT LAW**

Nil.

#### **RELATED COUNCIL DECISIONS**

Nil.

#### **OPTIONS**

Council can resolve to not adopt this Recovery Plan.

#### **SUSTAINABILITY IMPLICATIONS**

The Recovery Plan addresses many recovery outcomes, including elements around natural environment, business and industry, cultural considerations, utilities and transport routes, agriculture, residential property, and public infrastructure.

#### **COMMUNITY ENGAGEMENT**

Once adopted this Recovery Plan will be published on Council's website and promote via Council's usual media channels.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

This is not the first flood disaster faced by our community. To ensure that recovery is the best it can be, as we work alongside community and other agencies, Council will be guided by our values:

- Transparency in decision making
- Accountability by actions
- Taking responsibility
- Working collaboratively with partners
- Being responsive and timely
- Showing care and respect

The National Principles for Disaster Recovery will also be adhered to to guide our efforts, approach, planning, and decision making:

- Understand the CONTEXT
- Recognise COMPLEXITY
- Use COMMUNITY LED approaches
- COORDINATE all activities
- COMMUNICATE effectively
- Recognise and build CAPACITY

**COLLABORATION**

Successful execution of the Recovery Plan will be heavily reliant on collaboration with the Federal and State Governments, community, and other stakeholders.

**FINANCIAL VIABILITY**

Council works closely with Federal and State Government agencies to ensure that it has access to all natural disaster funding appropriate for the delivery of the Recovery Plan.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

*Emergency Management Act 2013*

State Emergency Management Plan

National Principles for Disaster Recovery

Emergency Management Victoria Resilient Disaster Strategy

Bushfire Recovery Victoria Recovery Framework

**COUNCIL PLANS AND POLICIES**

Municipal Emergency Management Plan

Municipal Flood Emergency Plan

Municipal Health and Wellbeing Plan

Long-Term Community Vision and Council Plan 2021-2025

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

No office involved in the preparation of this report has a conflict of interest.



# RECOVERY PLAN

*The Buloke Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk people and the Dja Dja Wurrung people as the traditional owners of parts of the land now known as Buloke.*

A major rain and flood event occurred in many parts of Northern and Western Victoria on and around mid-October 2022. Substantial rain fell in the Avoca and Richardson catchments that led to major flooding occurring throughout Buloke Shire. Mitigation efforts from Council, agencies and community lessened the impact for a majority of residential and commercial properties and critical infrastructure assets, however, significant impacts were still felt by the community, particularly our farming community. Council will continue to support the Buloke community through their recovery.

## OUR VALUES:

Throughout recovery Council will continue to uphold our values:

- Transparency in decision making
- Taking responsibility
- Working collaboratively with partners
- Showing care and respect
- Accountability by actions
- Being responsive and timely

## NATIONAL PRINCIPLES FOR DISASTER RECOVERY:

Disasters can deeply impact lives and livelihoods. These principles guide our efforts, our approach, our planning and our decision making.

- Understand the **CONTEXT**
- Recognise **COMPLEXITY**
- Use **COMMUNITY LED** approaches
- COORDINATE** all activities
- COMMUNICATE** effectively
- Recognise and build **CAPACITY**

# SUCCESSFUL RECOVERY

Planning and delivery of recovery efforts will be organised around five lines of recovery with the community at its heart to achieve truly community-led recovery outcomes.



## RECOVERY OUTCOMES:

- People are safe and secure
- People are healthy and well
- Communities are cohesive and people connected
- Aboriginal culture is valued and respected
- Aboriginal trauma is addressed and healing is supported
- Aboriginal cultural safety is promoted
- Aboriginal participation and ownership is promoted
- Natural environments are healthy, resilient and biodiverse
- Natural environments have high levels of amenity
- Natural environments are productive and accessible
- Industries and Businesses recover and are stronger
- Employment opportunities are accessible
- Local businesses and communities are resilient
- Utilities and transport routes are restored and resilient
- Commercial and agricultural infrastructure is rebuilt and improved
- Residential property is rebuilt and improved
- Public infrastructure is relevant and of high quality

**8.5        REPORTS FROM COUNCILLORS**

Nil

## 9. OTHER BUSINESS

### 9.1 NOTICES OF MOTION

#### 9.1.1 AUSTRALIA DAY AMBASSADOR PROGRAM

**Author's Title:** Councillor Warren

**Department:** Office of the CEO

**File No:** RC/03/04

#### PURPOSE

That Council advocates to the relevant Victorian Government Minister to revert the Australia Day Ambassador Program to a similar model to recent years.

#### SUMMARY

Australia Day Victoria has successfully run the Australia Day Ambassador Program for a number of years, giving councils the opportunity to express their interest in having ambassadors come to communities on Australia Day to give a keynote speech and involve themselves in the celebration of our national day.

Buloke Shire has had a wonderful experience with this program, having been able to have ambassadors come to the Shire to support community celebrations as well as our Australia Day Eve event on multiple occasions.

On Wednesday 30 November 2022 Council received an email from Australia Day Victoria stating that the program had changed, without consultation, and that councils would now be responsible for identifying and nominating ambassadors.

#### RECOMMENDATION:

That Council write to the Premier Daniel Andrews and Member for Mildura Jade Benham MLA to advocate for the Australia Day Ambassador Program to revert to a similar model to recent years to support councils and communities to conduct meaningful Australia Day Events.

**Attachments:** Nil

#### DISCUSSION

Buloke Shire Council has enjoyed a wonderful relationship with Australia Day Victoria in delivering the Australia Day Ambassador Program in recent years.

At a time when most councils across Victoria are responding to a flooding disaster and a global pandemic, with resources so thinly spread, this program that once supported councils so well, is now creating a large amount of work and terribly short notice.

Community events are so vital at the best of times, but now, even more so for our health and wellbeing as we recover from this flooding disaster.

Attendance at community Australia Day events by the ambassadors complemented the other activities and speakers put together by organising committees for the betterment of the experience.

## 9.1.2 ROADS OF STRATEGIC IMPORTANCE FUNDING - CALDER AND SUNRAYSIA HIGHWAYS

**Author's Title:** Councillor Milne

**Department:** Office of the CEO

**File No:** GO/09/01

### PURPOSE

Council to advocate to the Federal Government to express its extreme disappointment and disapproval to the recent announcement of the withdrawal of the Roads of Significant Importance (ROSI) funding, noting the significant impact this will have on the essential upgrades and repairs required for Calder and Sunraysia Highways, particularly following the recent flood event.

### SUMMARY

The Federal Government in its October 2022 budget cut \$248 million from forward estimates for the Victorian ROSI program, which will severely compromise the safety of all road users on the Calder and Sunraysia Highways.

### RECOMMENDATION

That Council write to the Hon Catherine King MP, Federal Minister for Infrastructure, Transport, Regional Development and Local Government urging the Federal Government to reconsider its decision to reduce the funding for the Roads of Significant Importance program as planned in the October 2022 Budget.

**Attachments:** Nil

### BACKGROUND

The Calder Highway connects Melbourne to Bendigo through to Mildura, and Sunraysia Highway connects Ouyen to Ballarat.

Both highways are significant traffic corridors for Wimmera and Mallee primary producers, secondary and tertiary industry operators, tourists, residents, to name a few.

The Calder Highway is currently recognised as one of Victoria's most dangerous roads, and both Highways have been severely impacted from the recent heavy spring rains and flood events.

The Federal Government's decision to reduce the funding only exacerbates the existing problem of agricultural, wholesale and retail business transport drivers having to transport their stock via heavy road trains on extremely substandard, hazardous highway systems.

Council has an obligation to all users of the Calder and Sunraysia Highways to advocate to the Federal Government to urge them to have the user's safety to be considered first and foremost when the Government reconsiders its decision to cut the ROSJ Program funding.

**9.2 QUESTIONS FROM COUNCILLORS**

Nil

**9.3 URGENT BUSINESS**

Nil

**9.4 ANY OTHER BUSINESS**

**9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC**

Nil

**10. MEETING CLOSE**