



AGENDA

Ordinary Meeting of Council

9:30am Wednesday 24 August 2022

VENUE:

Council Chambers
Yarriambiack Shire Council
34 Lyle Street, Warracknabeal Vic 3393

Next Meeting

Wednesday 28 September 2022

Copies of the Yarriambiack Shire Council's Agendas and Minutes
can be obtained online at www.yarriambiack.vic.gov.au

OUR VISION:

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT:

We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

Recording

Consistent with section 2.44.3 of our Governance Rules, consent given by the Chair to the recording of any Council Meeting must be obtained prior to the commencement of the Council Meeting.

Live Streaming

Council meetings will now be live streamed to allow those interested in viewing proceedings greater access to Council decisions and debate without attending the meeting in person.

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1 WELCOME

2 ACKNOWLEDGEMENT AND PRAYER

Cr K Zanker to open the meeting at 9:30am by acknowledging the Indigenous Community and offering the opening prayer.

Acknowledging Traditional Owners

'I would like to acknowledge that this meeting is being held on the traditional lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and I pay respects to their Elders, both past, present and emerging'.

Prayer

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

3 PRESENT

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

4.1 Request for Leave of Absence – Mayor Kylie Zanker

Councillor Karly Kirk has requested a leave of absence for a period of 3 months to deal with personal matters. This will include the August and September Meetings of Council.

Recommendation:

That Council resolve, in the exercise of powers conferred by s 35(1)(e) and (4) of the *Local Government Act 2020* that:

Councillor Karly Kirk be granted a leave of absence from 24 August 2022 until 19 October 2022

5 CONFIRMATION OF MINUTES

5.1 Minutes of the ordinary Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed.

Minutes of the Ordinary Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 July 2022, as circulated be taken as read and confirmed.

5.2 Minutes of the Closed Council Meeting held on 27 July 2022 be taken as an accurate record and confirmed.

Minutes of the Closed Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 27 July 2022, as circulated, be taken as read and confirmed.

6 DECLARATION OF CONFLICT OF INTEREST

Pursuant to Division 2 – Conflict of Interest, of the *Local Government Act 2020* general and material conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting.

A Councillor who has declared a conflict of interest in respect of a matter must;

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

General conflict of interest is if a relevant person has an interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty

- a) *Private interests* mean any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- b) *Public duty* means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

Material conflict of interest is if a relevant person has an interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter

- a) The benefit or loss incurred may be directly or indirectly

OR

- b) In a pecuniary or non-pecuniary form.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

7 BUSINESS ARISING**7.1 Business arising from previous Minutes****7.2 Ongoing and Pending Action List**

| Council Meeting | Recommendation Action | Action Taken |
|------------------------|------------------------------|---------------------|
| | | |

8 PETITIONS**8.1 Townscape Committee – Wombat Crossing, Scott Street, Warracknabeal**

[Attachment: Petition letter received](#)

9 CORRESPONDENCE**9.1 Letter – response Murray Basin Rail Project - Hon Jacinta Allan MP**

[Attachment: Letter response from Hon Jacinta Allan MP](#)

10 SPECIAL COMMITTEES**10.1 Audit and Risk Committee Meeting held on 21 July 2022**

[Attachment: Draft Minutes](#)

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

| | |
|-----------|--|
| 13 July | Attended Citizenship Ceremony in Warracknabeal at the Council Chambers |
| 14 July | Attended Official Opening of the Hopetoun Recreation Reserve Lighting Project |
| 15 July | Mayor / CEO Catch up |
| 21 July | Attended the Internal Audit and Risk Committee Meeting – online |
| 22 July | Mayor / CEO catch up – online |
| 1 August | Attended Hopetoun Bowling Club with CEO, Tammy Smith, Cr McLean and Cr Lehmann to discuss second round funding options |
| 3 August | Attended Feasibility Study and Business Plan inception meeting for Beulah Supermarket |
| 5 August | Invited as guest speaker to Warracknabeal Ladies Probus |
| 6 August | Attended with Cr Massey, Mayor Driscoll's funeral |
| 10 August | Attended Council Forum |
| 11 August | Attended WDA Business Seminar at Federation University Horsham Campus |
| 15 August | Attended and chaired the Warracknabeal Amateur Basketball Association (WABBA) AGM |
| 16 August | Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online) |
| 18 August | Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups Attended online discussion with CEO and Cr's regarding Social Housing |
| 19 August | Mayor / CEO catch up Attended subdivision briefing / discussion with CEO, Tammy Smith and Manager Development Services, Adam Moar |
| 20 August | Attended the official open the Mural Launch at the Warracknabeal Library Attended and officially opened the Warracknabeal Guide outdoor/camp cooking area |
| 23 August | Attended meeting / discussion with Haven Home Safe |

Councillor's Reports
Cr A McLean

- 3 August Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion
- Attended meeting with Ali Cuppa MP re Beulah Supermarket update via ZOOM
- 10 August Attended Council Forum
- 16 August Attended Hopetoun Swimming Pool Committee AGM
- 18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups

Cr T Hamilton

- 3 August Met with Donald Mineral Sands (DMS) at Community Engagement Session, Murtoa
- Attended Murtoa Big Weekend Meeting in Murtoa
- 8 August Attended Rupanyup Progress Meeting in Rupanyup
- 10 August Attended Council Forum
- Attended Rupanyup Streetscape Meeting in Rupanyup
- 11 August Attended Stick Shed Meeting in Murtoa
- 12 August Attended Rail Freight Meeting in Melbourne
- 16 August Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online)
- 18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups
- Attended online discussion with CEO and Cr's regarding Social Housing

Cr G Massey

- 3 August Attended Mallee Field Days, Speed
- 9 August Attended Warracknabeal Action Group (WAG) meeting, Warracknabeal
- 10 August Attended Council Forum
- 16 August Attended Royal Flying Doctors Service (RFDS) Transport scheme meeting, Warracknabeal

Cr C Lehmann

- 3 August Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion
- 4 August Attended Mallee Field Days, Speed
- 10 August Attended Council Forum
- 12 August Attended Old Primary School, Hopetoun Meeting
- 15 August Attended Neighbourhood House AGM, Hopetoun
- 16 August Attended Hopetoun Pool AGM
- 18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups

Cr C Heintze

- 10 August Attended Council Forum
- 11 August Met with Donald Mineral Sands (DMS) at Community Engagement Session, Minyip
- 16 August Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online)

Cr K Kirk

On leave

11.2 Chief Executive Officer Report

Prepared by Tammy Smith

| | |
|-----------|--|
| 28 July | Meeting with representatives from Murtoa Racing |
| 28 July | CCTV and Lighting Murtoa Community Group Meeting |
| 02 August | Rupanyup Future Fund Meeting |
| 03 August | Meeting with Community Member in Rupanyup |
| 03 August | Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion |
| 05 August | As a member of Rural Councils Victoria Board, presented at MAV meeting online. |
| 05 August | Weekly meeting with Mayor |
| 09 August | Woomelang Retirement Unit representatives meeting to discuss Housing. |
| 10 August | Council Forum |
| 11 August | Woomelang Railway Station – VicTrack and Community walk through of building |
| 11 August | Meeting with Woomelang Historical Society |
| 11 August | Meeting with representatives from DJPR to discuss Regional Infrastructure Fund – Invest Fast Track application for Hopetoun Old School site. (Business Case and Feasibility Study) |
| 12 August | Hopetoun Old School Advisory Committee Meeting |
| 12 August | Community Group Meeting to discuss Footpath in Austin St Hopetoun |
| 15 August | Weekly Meeting with Mayor |
| 15 August | Meeting regarding Minyip Cabins with Progress Association Member |
| 16 August | Meeting with Minister Dr Anne Aly’s Office to discuss Dunmunkle Childcare Centre (online) |
| 16 August | Meeting with LGPro regarding Local Pathways program |
| 16 August | Attended Woomelang and District Development Association Meeting and Woomelang Retirement Units Meeting |
| 17 August | MAV Tech Executive Committee Meeting |
| 18 August | Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups |
| 18 August | Councillor Briefing – Housing discussion |
| 22 August | Meeting with Seymour Heritage Railway Centre |
| 22 August | Meeting with Grampians/Wimmera/Mallee Council representatives to discuss contractor management and a coordinated regional approach |
| 22 August | Attended the officially open the Mural Launch at the Warracknabeal Library |
| 23 August | Meeting with Haven Home Safe to discuss Housing |

12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

Nil

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

13.1 Camping at Rabl Park Murtoa – Murtoa Big Weekend and 150th Anniversary

Prepared by: Tammy Smith, Chief Executive Officer

SUMMARY

The Murtoa Big Weekend and 150th Anniversary Celebrations are scheduled for Friday 30 September, Saturday 01 and Sunday 02 October 2022.

RECOMMENDATION

That Council:

- a) As the Public Land Manager endorse that camping be permitted at Rabl Park Murtoa to support the increased number of visitors to our Shire and the Murtoa township for the Murtoa Big Weekend and 150th Anniversary Celebrations; and
That the camping be approved between the period of Thursday 29 September and Monday 03 October 2022 only.
- b) In accordance with Section 603 of Council's General Local Law Number 5 2015, recognise "Rabl Park Campers" as a class and activity and exempt that class and activity from the requirement to obtain a permit for the purposes of camping over the period of Thursday 29 September and Monday 03 October 2022.
- c) Endorse conditions be placed on "Rabl Park Campers" to include but not limited to, prohibiting the release of wastewater, campfires, camping in authorised zoned areas and collection and disposal of waste.

ATTACHMENTS

[Attachment 1: GovMap – Rabl Park](#)

[Attachment 2: Rabl Park Title](#)

DISCUSSION

The Big Weekend Committee has identified the requirement for additional camping options being available to accommodate the increased numbers of visitors to the region attending the Murtoa Big Weekend and 150th Anniversary Celebrations.

A request has been received from the Murtoa Big Weekend Committee to consider Rabl Park being available from Thursday 29 September through to Monday 03 October 2022 for camping to accommodate the increased visitors to the town and region.

The campers would be required to be self-sufficient and remove all wastewater and waste when leaving the site. Rabl Park has a toilet block on site, and the Murtoa Swimming Pool is located within proximity. The Council will work with the Murtoa Swimming Pool Committee to support campers, making available the showers during specified periods over the weekend.

Council has developed an information sheet that will inform campers on the conditions of camping and location of available showers, toilets, wastewater disposal and emergency services.

Consideration has been made to areas proposed for camping and the location of the sprinkler systems. The information sheet contains areas available to campers for the weekend.

Council has assessed the request and identified the following:

- a) Rabl Park is located on Crown Land and Yarriambiack Shire Council is the Committee of Management (refer to GovMap report and Title as attached).
- b) Rabl Park is located in the Public Park and Recreation Zone (PPRZ). If camping was permitted it would need to be considered as a use conducted by or on behalf of a public land manager, under the relevant provisions of the *Local Government Act*.
- c) A public land manager is defined as land held by / vested in / or owned by Department of Environment, Land and Water, and other Government departments, public authorities, Commonwealth Governments and Municipalities. Yarriambiack Shire Council is considered the public land manager, as it is the appointed Committee of Management.
- d) As Yarriambiack Shire Council is the public land manager, a planning permit would not be required providing the activity is permitted under the Local Government Act.
- e) Section 71 of the *Local Government Act 2020* outlines Council has the power to make Local Laws. Council adopted General Local Law Number 5 on 23 September 2015. Section 304 identifies:

Camping in public places

- (1) A person must not, without a permit
 - (a) Occupy or use any public place for camping, or
 - (b) Keep, erect or place any tent, caravan or annexe in any public place.
- f) Part 6 – Permits, section 602 and 603 outlines the process for application and issuing of a permit. Council can issue a permit with or without conditions and exempt a class or type of applicant or activity from the requirement to obtain a permit. It would be recommended on this occasion, that Council exempt a class of people from the requirement to obtain a permit categorised as “Rabl Park Campers” for the purpose of camping at Rabl Park for the Murtoa Big Weekend 150th Anniversary Celebration.

RELEVANT LAW

Local Government Act 2020

Local Government Act 1989

COUNCIL PLANS AND POLICIES

General Local Law Number 5 issued on 23 September 2015.

Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Council could choose not to allow camping at Rabl Park over the identified period. Acknowledging that there are no alternative locations within the township for camping purposes (other than the caravan park).
- b) Council could require public notice in accordance with Section 55 and 56 of the *Local Government Act 2020*, inviting people to make a submission in accordance with Council’s Community Engagement Policy, prior to issuing the exemption for requiring a permit.

SUSTAINABILITY IMPLICATIONS

Economic: Supporting camping during the identified period will provide a direct benefit to the local economy and increase visitors to the region.

Social: Enabling camping during the period provides an opportunity for past residents and family members to return to the township and participate in the celebrations. It increases community connection, and social well-being.

Environmental: Placing conditions on camping at Rabl Park protects the environment.

Financial: Council will not charge for camping; however the Murtoa Swimming Pool Committee will be provided with the option to charge a fee for showers and raise funds that will contribute towards providing a swimming pool for the community.

COMMUNITY ENGAGEMENT

This proposal has been a community lead initiative, to support the prosperity and success of the Murtoa Big Weekend and 150th Anniversary Celebrations.

GENDER IMPACT ASSESSMENT

Not Applicable

RISK

Utilising the Risk Management Framework the following assessment has been made:

| Strategic Risk Description and Residual Risk Level | Action to Mitigate/Reduce Risk | Does Action maintain or reduce Residual Risk Level |
|---|--|---|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Enabling camping at Rabl Park increases Council's liability risk, with the increased number of people and vehicles in the vicinity. It will be important for Council Officers to work with the Community to ensure traffic management plans, zoned areas and conditions are imposed to reduce Council's liability risks. | Increases Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | Working with the community to enable camping to occur at Rabl Park demonstrates a commitment from Council to support community events and be proactive in ensuring the economic viability of the town and region. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

13.2 Hopetoun Old School Site Advisory Committee Terms of Reference

Prepared by: Tammy Smith, Chief Executive Officer

SUMMARY

At the Closed Meeting of Council on 27 July 2022 the Hopetoun Old School Site Advisory Committee was appointed for a three-year term.

The Committee is established as an Advisory Committee of Council, and a Terms of Reference has been drafted to outline the role and expected conduct of members.

RECOMMENDATION

That Council:

- a) Adopt the Hopetoun Old School Site Advisory Committee Terms of Reference as attached to this report; and
- b) Adopt a review period of three years, with the review to be undertaken by 24 August 2025.
- c) Endorse that changes to the Terms of Reference can be undertaken and endorsed by the Chief Executive Officer, in between the review period, to meet legislative requirements.

ATTACHMENTS

[Attachment: Draft Terms of Reference Hopetoun Old School Site Advisory Committee of Council](#)

DISCUSSION

The Hopetoun Old School Site Advisory Committee Terms of Reference (ToR) was drafted and circulated to the Advisory Committee and reviewed at their first meeting held on 12 August 2022.

Minor alternations were made to the ToR based on the Committees feedback. The ToR also includes the Conduct, Conflict of Interest and Confidentiality requirements of Members.

The ToR was recirculated to the Advisory Committee for final review on Monday 15 August 2022. No further feedback was received.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Governance Rules

RELATED COUNCIL DECISIONS

Council Resolution: Appointment of Hopetoun Old School Site Advisory Committee – 27 July 2022

OPTIONS

- a) Council could choose to include or remove clauses within the ToR.

SUSTAINABILITY IMPLICATIONS

Social: The Community is passionate about reviving the Hopetoun Old School Site. This will enhance social wellbeing and connection and create opportunities for housing within the community.

Economic: The Hopetoun Old School Site master planning identifies economic development initiatives for the site, that will enhance the prosperity of Hopetoun and the region.

Financial: The Old School Site requires a significant financial investment to bring the master planning to fruition.

COMMUNITY ENGAGEMENT

Council advertised the nominations for the Hopetoun Old School Site Advisory Committee in accordance with its Community Engagement Policy requirements.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Strategy Execution and Change Management Risk - Residual Risk Level Medium | Master Planning for the site has been undertaken. The business plan and feasibility study is required to ensure adequate funding is sourced, and that proposals are economically viable. | Maintains Residual Risk Level |
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Adopting a ToR outlines the role and responsibility of the members. This provides a governance framework for Committees to adhere too. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

| Organisational Performance Responsibilities | Corporate Services Responsibilities |
|--|---|
| <ul style="list-style-type: none"> • Human Resources • Customer Service • Executive Assistant to CEO • Records (Information Management) • Information Communication Technology • Governance • Risk • Audit and Planning • Occupational Health and Safety • Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System) <p>Manager Organisational Performance delegated roles:</p> <ul style="list-style-type: none"> • Return to Work Coordinator • Freedom of Information Officer • Privacy Officer • Welfare Officer | <ul style="list-style-type: none"> • Payroll • Accounts Payable • Procurement and Contracts • Debtors • Insurance • Rates • Corporate Planning (Performance Reporting) • Media and Communications • Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website) <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> • Principal Accounting Officer |

14.1 Governance Rules Update

Prepared by Paul Brumby – Acting Director Business Strategy and Performance

SUMMARY

Yarriambiack Shire Council Governance Rules govern the conduct of Council and Committee Meetings, availability of meeting records, election of the Mayor and Deputy Mayor, include an Election Period Policy and procedures for disclosure of Conflict of Interests, amongst other matters. These governance rules came into effect on 1 September 2020.

On 29 March 2022 Royal Assent was given to the Regulatory Legislation Amendment (Reform) Act 2022 which amends the *Local Government Act 2020*, and Part 12 – Amendment of *Local Government Act 2020*, Division 1 – General Amendments comes into effect on 2 September 2022.

An amendment to Section 61(6) of the Act will include the provision for a Councillor to attend Council meetings by electronic means.

RECOMMENDATION

That Council:

- a) Rescinds the current Yarriambiack Shire Council Governance Rules.
- b) Adopts the updated Yarriambiack Shire Council Governance Rules.

ATTACHMENTS

[Attachment: Governance Rules](#)

DISCUSSION

On 29 March 2022 Royal Assent was given to the Regulatory Legislation Amendment (Reform) Act 2022 which amends the *Local Government Act 2020*

Part 12 – Amendment of *Local Government Act 2020*, Division 1 – General Amendments comes into effect 2 September 2022. In meeting the requirements of the Act, an amendment to Section 61(6) will include a Councillor attending Council meetings by electronic means.

The Governance Rules have been amended to include the following new clause under section 2.4

"A Councillor may attend and be present at a Council meeting by electronic means of communication. This will allow hybrid meetings to take place with some Councillors being physically present in the Council Chamber and others being 'in attendance' and 'present' electronically."

"Section 6, Miscellaneous, 6.1 – Informal meetings of Councillors" in the current Governance Rules relates to the requirement to include a summary of matters discussed at informal meetings of Council in the Council Minutes. This section has been removed in order to align the updated Governance Rules with the current Council process.

RELEVANT LAW

Local Government Act 2020

Regulatory Legislation Amendment (Reform) Act 2022

COUNCIL PLANS AND POLICIES

Governance Rules

RELATED COUNCIL DECISIONS

26 August 2020 – Adoption of Governance Rules

OPTIONS

No other options exist with this matter, as this amendment is required by the Regulatory Legislation Amendment (Reform) Act 2022.

SUSTAINABILITY IMPLICATIONS

Not Applicable

COMMUNITY ENGAGEMENT

Section 60(4) of the *Local Government Act 2020* states that "a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules."

Community consultation on the proposed changes has been undertaken in accordance with Council's Community Engagement Policy, with the invitation for community feedback period closing at 5pm on Friday 19 August 2022.

At the time of writing this report, no community feedback on the proposed changes to Council's Governance Rules had been received.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework, the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|---|---|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Implementing the amendment as per the Act | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The updated Governance Rules meet the requirements of the amended Section 61 of the *Local Government Act 2020*.

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

14.2 Motor Vehicle Policy, Fleet Ownership Procedure, Operating Use Procedure, Private Use Procedure

Prepared by Paul Brumby – Acting Director Business Strategy & Performance

SUMMARY

On 27 May 2020 Council adopted its current Motor Vehicle Policy. This Policy has been revised, updated and simplified in order to create the following four documents:

- Motor Vehicle Policy
- Motor Vehicle Fleet Ownership Procedure
- Motor Vehicle Operational Use Procedure
- Motor Vehicle Private Use Procedure

RECOMMENDATION

That Council:

- a) Rescind the Motor Vehicle Policy adopted on 27 May 2020.
- b) Adopts the:
 - Motor Vehicle Policy
 - Motor Vehicle Fleet Ownership Procedure
 - Motor Vehicle Operational Use Procedure
 - Motor Vehicle Private Use ProcedureAs attached to this report.

[Attachment 1: Motor Vehicle Policy](#)

[Attachment 2: Motor Vehicle Fleet Ownership Procedure](#)

[Attachment 3: Motor Vehicle Operating Use Procedure](#)

[Attachment 4: Motor Vehicle Private Use Procedure](#)

DISCUSSION

Council owns 22 motor vehicles and leases 30 operational motor vehicles.

In order to effectively manage our motor vehicle assets and define standards of acceptable use of our motor vehicle fleet, a comprehensive suite of motor vehicle policy and procedure documentation has been developed.

The purpose of the Motor Vehicle Policy is to establish a framework that guides:

- a) The life cycle of Council's fleet of motor vehicles.
- b) Usage of Council's motor vehicles.
- c) Private use of a Council motor vehicle as part of an employment agreement.

The purpose of the Motor Vehicle Fleet Ownership Procedure is to guide the selection, purchase or leasing, and disposal of Council motor vehicles.

The purpose of this Motor Vehicle Operating Use Procedure is to guide drivers of Council motor vehicles on the appropriate use of those vehicles.

The purpose of this Motor Vehicle Private Use Procedure is to guide the use of Council motor vehicles where staff have been assigned private use as part of an employment agreement.

The proposed motor vehicle document suite represents a major revision of the 2020 Motor Vehicle Policy. The major changes between the two document suites are as follows:

- The removal of the procedures embedded in the 2020 Motor Vehicle Policy, and the creation of three separate motor vehicle procedures.

- Recognition of motor vehicles other than those powered by internal combustion engines.
- Movement from a fixed employee contribution model towards private use of Council motor vehicles, to an employee contribution based solely on a combination of the purchase price of the motor vehicle and the fuel economy of the motor vehicle.
- Greater emphasis on reducing greenhouse gas emissions.
- Recognition of public transport as part of the Council officer and Councillor travel mix.
- Including a clear definition of how travel reimbursements are calculated.
- Increased focus on occupational health and safety, particularly fatigue management.
- Specific recognition of working from home agreements.

RELEVANT LAW

Occupational Health and Safety Act (2004)

COUNCIL PLANS AND POLICIES

- a) Council Plan: 2021-2025
Key Objective 4: A Council Who Serves its Community
- b) Employee Code of Conduct
- c) Councillor Code of Conduct

RELATED COUNCIL DECISIONS

27 May 2020 Council Meeting

That Council:

- a) Adopt the Motor Vehicle Policy which is to be reviewed every three years.
- b) Approve the review of the Motor Vehicle Policy Appendix A by the Chief Executive Officer annually.

Moved Cr H Ballentine Seconded Cr J Wise

Carried

OPTIONS

Council could choose not to adopt the suite of motor vehicle policy and procedure documentation that has been developed, as the current Motor Vehicle Policy is not due for a scheduled review until May 2023.

SUSTAINABILITY IMPLICATIONS

Environmental: Possible reduction in the level of greenhouse gas emissions generated by Council motor vehicles.

COMMUNITY ENGAGEMENT

When developing this policy and procedures the Council's Employee Code of Conduct and the Victorian Public Sector Motor Vehicle Policy was utilised.

Council is required to set clear frameworks around the acceptable use of Council assets, which are transparent, accountable and assist to prevent corruption and misconduct from the misuse of Council assets.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework, the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Reputational Risk - Residual Risk Level Low | The policy and procedures create a clear process for decision making, which is readily available to community members, Councillors and staff. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The policy and procedures aim to ensure that Council motor vehicles are owned and used in the most cost-effective manner possible. | Maintains Residual Risk Level |
| Environmental Sustainability Risk - Residual Risk Level Medium | The policy and procedures aim to reduce the level of greenhouse gas emissions generated by Council motor vehicles. | Maintains Residual Risk Level |
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | The policy and procedures aim to manage compliance and risks relating to the ownership and use of Council motor vehicles. | Maintains Residual Risk Level |
| Talent Management Risk - Residual Risk Level Low | The policy and procedures aim to support talent management by the provision of Council motor vehicles with private use entitlements where appropriate. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

| Operations Responsibilities | Assets Responsibilities | Development Services Responsibilities |
|---|---|---|
| <ul style="list-style-type: none"> Town Maintenance Capital Works & Maintenance Programs- Roads, footpaths, kerb & Channel, Bridges & Culverts Parks & Gardens Gravel Pits Plant & Equipment Transfer Stations | <ul style="list-style-type: none"> Aerodromes Technical Services Asset Engineer Asset Inspectors GIS Caravan Parks | <ul style="list-style-type: none"> Planning Building Projects Sustainability & Environment Transfer Station Compliance |

15.1 Permits issued by Assets and Operations Department – July 2022

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 July 2022 and 31 July 2022

| Reference No | Description | Address | Date of Issue |
|-------------------------|---------------------------|---------------|---------------|
| Building Permits | | | |
| BLD20220274 | Garage | Hopetoun | 15/7/2022 |
| BLD20220283 | Storage Shed | Minyip | 01/7/2022 |
| BLD20220292 | Shelter | Yaapeet | 20/7/2022 |
| BLD20220293 | Garage | Warracknabeal | 29/7/2022 |
| BLD20220297 | Pergola | Warracknabeal | 01/07/2022 |
| BLD20220299 | Dwelling | Warracknabeal | 28/07/2022 |
| BLD20220302 | Verandah | Warracknabeal | 25/07/2022 |
| Planning Permits | | | |
| TP11-22 | Carport and Alfresco area | Warracknabeal | 11/07/2022 |
| TP19-22 | Garage | Warracknabeal | 06/07/2022 |
| TP06-22 | Extension to warehouses | Brim | 06/07/2022 |
| | | | |
| | | | |
| | | | |
| | | | |

15.2 Tree Management Policy Update

Prepared by Adam Moar – Manager Development Services

SUMMARY

The Tree Management Policy (the Policy) has been developed to ensure the future management of tree assets of the Yarriambiack Shire Council.

Council placed the Policy on public exhibition during May and June 2022 for comments from the public. One submission was received which suggested additional species to consider for street trees.

RECOMMENDATION

That Council:

- a) Adopts the Tree Management Policy with the following additions to the suitable plants lists:
 - i. Illawarra Flame Tree- *Brachychiton acerifolius*
 - ii. Dwarf *Corymbia*'s of various species.
 - iii. With Consideration to be given to any native plant to the ecological vegetation class of the location.
- b) Rescind the Tree Policy adopted by Council on 14 December 2011.

ATTACHMENTS

[Attachment: Tree Management Policy](#)

DISCUSSION

The Policy provides a practical and balanced approach to tree management which seeks to maximise the abundance and health of trees on Council land while ensuring public safety and allowing controlled development. It acknowledges that trees sometimes come into conflict with other elements of the streetscape, particularly hard structures and services, but recognises that all are essential components of a pleasant and functional landscape.

The policy attempts to maximise community support for a well treed environment through prudent management of all trees for which Council is responsible.

The major areas of concern to residents as they relate to tree management are tree planting, tree removal, tree pruning and damage caused by trees. This policy seeks to address the issues underlying these concerns and provide clear guidelines for Council officers as they respond to tree related enquiries from residents.

The Policy was put on public exhibition during May and June 2022 with one submission being made indirectly via the Rupanyup Streetscape consultation. The submission suggested the following species to be considered:

- a) Native Frangipani – *Hymenosporum Flavum* as it flowers for over a month with a intoxicatingly beautiful perfume that permeates the entire area
- b) Jacaranda Tree – *Jacaranda mimosifolia* as it is a spectacular street tree
- c) Illawarra Flame Tree- *Brachychiton acerifolius* as it is a spectacular street tree
- d) Crepe Myrtle – *Lagerstroemia indica* as it is a spectacular street tree
- e) Dwarf *Corymbia*'s of various species.

In reviewing the list of suggested species and an online search of the qualities of the species, it would be recommended that the Illawarra Flame tree and the Dwarf Corymbia's be added to the list of suitable trees.

The list has been prepared to use as many native plants as practically possible. The native frangipani is identified as a rainforest tree native to Queensland and New South Wales, with the potential that it wouldn't be suitable for our climate. The other trees nominated are species from South America or Asia.

Following the public notification of the Policy an additional line has been added to the suitable plant lists to allow for any other native plant from the relevant ecological vegetation class of the area. By using one of these species, it has a higher chance of surviving as they are native to the location.

RELEVANT LAW

Nil

COUNCIL PLANS AND POLICIES

Council Plan

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Adopt the Tree Management Policy with the recommended additions.
- b) Adopt the Tree Management Policy as it was exhibited without changes.
- c) Not adopt the Tree Management Policy.

SUSTAINABILITY IMPLICATIONS

The Policy aims to provide a framework for the removal and replanting to trees and shrubs on Council controlled land. The Policy includes species that are suitable to the area based on climate, drought tolerance, habitat potential and minimal maintenance required. Incorrectly chosen species will require additional maintenance of the plants, require additional watering, and potentially discourage native animals and birds from living in the area.

COMMUNITY ENGAGEMENT

This policy undertook a community engagement process as outlined in our Community Engagement Policy for the period of May and June 2022.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|--|--|---|
| Environmental Sustainability Risk - Residual Risk Level Medium | The selection of suitable vegetation will reduce costs for maintenance and may increase positive environmental outcomes for diversity of wildlife. | Reduces Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The selection of suitable vegetation will reduce costs for maintenance. | Reduces Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

16 REPORTS FOR DECISION – DIRECTORATE COMMUNITY DEVELOPMENT AND WELLBEING

| Community Health Responsibilities | Community and Economic Development Responsibilities |
|--|--|
| <ul style="list-style-type: none"> Local Laws (including infringement and animal management) Sale Yards Environmental Health Sports and Recreation Positive Ageing (Commonwealth Home Support Program, Brokered & Packaged care) Leisure Centre Kindergartens Playgroup Maternal Child Health (including enhanced services) Immunisation Program | <ul style="list-style-type: none"> Libraries Economic Development Community Development Tourism Housing Youth Stakeholder Engagement |

16.1 Permits Issued by Community Development and Wellbeing Department - July 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 July 2022 and 31 July 2022.

| Reference No | Description | Name / Location | Date of Issue |
|------------------------------------|---|-----------------|---------------|
| Local Laws Permits | | | |
| 06-22 | Keeping of more than 5 dogs in rural area | Murtoa | 25/7/2022 |
| 11-22 | Street Trade Permit – Street Stall | Warracknabeal | 19/7/2022 |
| 12-22 | Street Trade Permit – Busking | Warracknabeal | 20/7/2022 |
| Firewood collection Permits | | | |
| | Roadside Firewood Collection | Minyip | 1/7/2022 |
| | Roadside Firewood Collection | Warracknabeal | 1/7/2022 |
| | Roadside Firewood Collection | Hopetoun East | 11/7/2022 |
| | Roadside Firewood Collection | Lah West | 18/7/2022 |
| | Roadside Firewood Collection | Goyura West | 19/7/2022 |
| | Roadside Firewood Collection | Rupanyup | 22/7/2022 |
| | Roadside Firewood Collection | Cannum | 22/7/2022 |
| Septic Tank Permits | | | |
| | | | |

16.2 Keeping of Bees Permit application - 33 Brock Street, Woomelang

Prepared by Craig Byron – Local Laws Officer

SUMMARY

On 7 July 2022 the owner of 33 Brock Street Woomelang applied for a permit to keep bees at their property (shown outlined in red on the aerial image below).



RECOMMENDATION

That Council:

- c) Approve the permit application under Council's Local Law for the keeping of one beehive at 33 Brock Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- d) Require the beehive to be positioned with a minimum setback of ten metres from the property boundary with Bailey Lane.
- e) Require the applicant to provide their Beekeeping Registration documentation within 14 days of being notified of Council's decision.

ATTACHMENTS

[Attachment 1: Permit Application – 33 Brock St, Woomelang](#)

[Attachment 2: Objection notice to keeping bees](#)

[Attachment 3: Reference May 2011 Apiary-Code-of-Practice.pdf \(vicbeekeepers.com.au\)](#)

DISCUSSION

The applicant has advised that they are a registered Victorian Beekeeper and has provided their registration number; and that the beehive is being kept in accordance with the Code of Practice for bee keeping. The applicant has stated that the beehive isn't for commercial purposes and is purely for self-sustainability and to pollenate the flowering gums and natives on the property.

An inspection of the beehive at 33 Brock Street Woomelang revealed that the beehive is currently being kept well away from the fence line of the adjacent laneway (Bailey Lane). There were no bees swarming outside of the hive at the time of inspection.



Permit objection forms were sent out to surrounding neighbours, and only one objection was received. The objector stated that the rear of their property joins onto Bailey Lane, and that the bees represent a danger to the objector and users of Bailey Lane. Further, the objector stated in an email to Council that the objector and two of their children are allergic to bees, and that "should the applicant get their permit I'd like the bees moved further away from the rear fence line of the public lane".

The Yarriambiack Planning Scheme provides a list of uses and buildings and works that do not require planning permits. Included in this list is *the use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met*. In this case the relevant section of the Apiary Code of Practice relates to hive density. In the Residential, Industrial, Commercial and Special Purpose zones the following density limits apply:

| Tenement size | No. of hives |
|--|--------------|
| 500 m ² or less | 1 |
| 501 m ² to 1000 m ² | 2 |
| 1001 m ² to 2000 m ² | 5 |
| 2001 m ² to less than 4000 m ² | 10 |
| 4000 m ² to less than 1 ha | 60 |
| 1 ha to 2 ha | 100 |
| Larger than 2 ha | No limit |

The area of 33-35 Brock Street is approximately 3,238.12 m² so is permitted to have a maximum of ten beehives without planning permission. Therefore, the applicant is complying with the density limit requirements under the Apiary Code of Practice.

RELEVANT LAW

- State the specific legislative power which Council is exercising
General Local Law No.5 Clause 416 Keeping of Bees or Roosters
 - (1) A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme.
 - (2) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.
- State whether there are any limitations or restrictions to the exercise of that power.

COUNCIL PLANS AND POLICIES

Not applicable

RELATED COUNCIL DECISIONS

April 2017 – Murtoa Beehive Permit

Recommendation That Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

Cr K Zanker seconded Cr C Heintze that Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

That the recommendation be adopted Carried

Cr T Hamilton & Cr H Ballentine objected to the above motion.

March 2022 – Woomelang Beehive Permit #1

That Council:

- a) Approve the permit application under Council’s Local Law for ten (10) hives on the combined area of 26 and 28 Church Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- b) Advise the property owner that keeping any additional hives, including temporary hives, will require a planning permit application to be submitted to Council for further consideration.
- c) That Council require the property owner to provide his Beekeeping Registration documentation within fourteen (14) days of being notified of Council’s decision.

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted Carried

March 2022 – Woomelang Beehive Permit #2

That Council:

d) Approve the permit application under Council’s Local Law for four beehives at 31 Brock Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.

e) That Council require the resident to provide his Beekeeping Registration documentation within 14 days of being notified of Council’s decision.

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted Carried

OPTIONS

- a) That Council reject the permit application to keep bees at 33 Brock Street Woomelang, due to the risk posed by bees to nearby residents being considered too high.

SUSTAINABILITY IMPLICATIONS

Social: Possible impact on the local community, in restricting outdoor activities in close proximity to the beehives.

COMMUNITY ENGAGEMENT

Eight Objection to Permit forms were sent to nearby residents of 33 Brock Street Woomelang, with only one objection being received by Council.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework, the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Environmental Sustainability Risk - Residual Risk Level Medium | By putting in place hive density limits in compliance with the Apiary Code of Conduct and the Yarriambiack Planning Scheme supports the pollination process. | Maintains Residual Risk Level |
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Utilising the Apiary-Code-of-Practice provides a sound framework to support the decision-making process. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

17 OTHER BUSINESS

17.1 Questions from Councillors

18 CLOSED (CONFIDENTIAL) SESSION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for consideration of the following confidential item:

| | |
|--|--|
| 18.1 | Report for Decision – Sale of Relocatable Building – 62 Lascelles Street Hopetoun |
| <p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> 1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and 2. This ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. | |
| 18.2 | Report for Decision – Minyip Wetlands Cabins |
| <p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> 1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and 2. This ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. | |

19 Next Meeting

28 September 2022

CLOSE

_____ **Mayor**