



MINUTES

Ordinary Meeting of Council

9:30am Wednesday 23 February 2022

VENUE:

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

Next Meeting

Wednesday 23 March 2022

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

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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

CHAIRPERSON:

Councillor Kylie Zanker Warracknabeal Ward

COUNCILLORS:

Councillor Graeme Massey Warracknabeal Ward

Councillor Karly Kirk Warracknabeal Ward

Councillor Tom Hamilton Dunmunkle Ward

Councillor Corinne Heintze Dunmunkle Ward

Councillor Andrew McLean Hopetoun Ward

Councillor Chris Lehmann Hopetoun Ward

OFFICERS:

Tammy Smith Acting Chief Executive Officer

Paul Brumby Acting Director Business Strategy and Performance

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Gavin Blinman Director Community Development and Wellbeing

Mick Evans Director Assets and Operations

5 CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Council Meeting of 19 January 2022

Minutes of the ordinary Council Meeting held on Wednesday 19 January 2022 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 19 January 2022, as circulated be taken as read and confirmed.

Moved Cr T Hamilton Seconded Cr K Kirk

That the recommendation be adopted

Carried

5.2 Minutes of the Closed Council Meeting of 19 January 2022

Minutes of the Closed Council Meeting held on Wednesday 19 January 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 19 January 2022, as circulated, be taken as read and confirmed.

Moved Cr G Massey Seconded Cr C Heintze

That the recommendation be adopted

Carried

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

9 CORRESPONDENCE

9.1 MAV Rules Review submission submitted

[Attachment: MAV Submission](#)

9.2 Letter received from Neighbourhood Watch, Warracknabeal intersection concerns

[Attachment: Letter from Neighbourhood Watch](#)

9.3 Letter received from Warracknabeal and District Historical Society

[Attachment: Letter from Warracknabeal and District Historical Society](#)

10 SPECIAL COMMITTEES

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

- 27 January
 - Meet and Greet at the Court House in Warracknabeal with the Artist in residence
 - Murtoa Community Zoom discussion regarding funding for toddler park
- 28 January
 - Acting CEO and Mayor catch up meeting
- 1 February
 - Attended Warracknabeal Action Group meeting
- 3 February
 - Advocacy meeting with Andy Meddick MP and Murtoa community regarding Childcare and Skate Park funding
- 4 February
 - Acting CEO and Mayor catch up meeting
- 14 February
 - Attended Road Management Plan and Road Hierarch Community Consultation at Patchewollock
 - Attended Road Management Plan and Road Hierarch Community Consultation at Speed
 - Zoom discussions with Geoff Harry re: review of Audit and Risk Papers for continuous improvement training
- 15 February
 - Attended Neighborhood Watch lighting discussion with Ken Goodwin and James McFarlane
 - Attended the Warracknabeal Action Group action plan review community meeting
- 16 February
 - Performed Citizenship Ceremony for two new citizens at Warracknabeal Council Offices
 - Attended meeting with Woomelang Bowls club members
 - Attended Road Management Plan and Road Hierarch Community Consultation at Woomelang
 - Attended meeting with Ali Cupper MP at Woomelang
- 17 February
 - Catch up with Jason from Flow FM regarding council items
- 18 February
 - Attended Road Management Plan and Road Hierarch Community Consultation at Yaapeet
 - Attended Road Management Plan and Road Hierarch Community Consultation at Hopetoun
- 21 February
 - Attended Road Management Plan and Road Hierarch Community Consultation at Beulah
 - Attended Road Management Plan and Road Hierarch Community Consultation at Brim

11.2 Councillor's Reports

Cr A McLean

- 9 February Attended Council Forum
- 14 February Attended Road Management Plan and Road Hierarchy Community Consultation at Patchewollock
- Attended Road Management Plan and Road Hierarchy Community Consultation at Speed
- Chaired AGM of Hopetoun Racecourse and Recreation Reserve Meeting
- 16 February Attended Road Management Plan and Road Hierarchy Community Consultation at Lascelles
- Attended Road Management Plan and Road Hierarchy Community Consultation at Woomelang
- 18 February Attended Road Management Plan and Road Hierarchy Community Consultation at Yaapeet
- Attended Road Management Plan and Road Hierarchy Community Consultation at Hopetoun
- 21 February Attended Road Management Plan and Road Hierarchy Community Consultation at Beulah

Cr T Hamilton

- 3 February Advocacy meeting with Andy Meddick MP and Murtoa community regarding Childcare and Skate Park funding
- 9 February Attended Council Forum
- 10 February Attended Stick Shed Meeting in Murtoa
- 18 February Attended Rail Freight Alliance Meeting

Cr G Massey

- 25 January Attended Wimmera Mallee Tourism Meeting via ZOOM
- 26 January Attended Australia Day Ceremony at Warracknabeal
- 27 January Meet and Greet at the Court House in Warracknabeal with the Artist in residence
- 1 February Attended Warracknabeal Action Group Meeting
- 9 February Attended Council Forum

- 15 February Attended Warracknabeal Action Group Meeting
- 21 February Attended Road Management Plan and Road Hierarchy Community Consultation at Brim
- 22 February Attended Wimmera Mallee Tourism Meeting in Harrow
- Attended Warracknabeal Action Group (WDA) Meeting

Cr C Lehmann

- 14 February Attended Road Management Plan and Road Hierarchy Community Consultation at Patchewollock
- 21 February Attended Road Management Plan and Road Hierarchy Community Consultation at Beulah
- Attended Road Management Plan and Road Hierarch Community Consultation at Brim

Cr C Heintze

- 26 January Attended Minyip Australia Day Breakfast and Rupanyup Ceremony
- 27 January Attended Rabl Park / Murtoa Lake Committee Planning Session via ZOOM
- 28 January Attended Wimmera Southern Mallee Regional Transport Group (WSMTG) via ZOOM
- 3 February Met with Andy Meddick at Murtoa re: Murtoa Childcare and Rabl Park improvements
- 9 February Attended Council Forum
- 11 February Attended Grampians Central West Waste and Resource Recovery Group (GCWRRG) Board Meeting via ZOOM
- 15 February Attended discussion with Perpetual Trustees and FRRR on Pipkorn Kelm Trusts.
- Attended Road Management Plan and Road Hierarchy Community Consultation at Sheep Hills

Cr K Kirk

- 26 January Attended Australia Day Event at Wallup
- 9 February Attended Council Forum
- 16 February Attended Road Management Plan and Road Hierarchy Community Consultation at Woomelang

22 February Attended Road Management Plan and Road Hierarchy Community Consultation at Sheep Hills

Attended Road Management Plan and Road Hierarchy Community Consultation at Warracknabeal

22 February Attended Wimmera Development Association (WDA) Meeting

11.3 Acting Chief Executive Officer Report

Prepared by Tammy Smith

25 January	Meeting with Russell Hilton – Hopetoun Old School Site Committee
27 January	Meeting with Murtoa Progress Association and Murtoa Lake Committee of Management Representatives online via Zoom
28 January	Rural Council’s Victoria Meeting
02 February	Meeting with Ken Goodwin, Neighbourhood Watch
05 February	Minyip Progress Association Meeting
03 February	Meeting with Andy Meddick MP to discuss Rabl Park and Dunmunkle Childcare Centre
	Meeting with Kylie Newell, Sergeant Warracknabeal Police Station
04 February	Meeting with Mayor and Pivotel regarding 4G Network proposal
07 February	Meeting with Members of Wheatlands Warracknabeal Agricultural Machinery Museum
	Workshop – Federation University Wimmera Campus Vision
	Meeting with Haven Homes regarding Big Build Housing Application
09 February	Council Forum
10 February	Meeting with Members of Wheatlands Warracknabeal Agricultural Machinery Museum
14 February	Road Management Plan and Road Hierarchy Community Consultation - Patchewollock
	Road Management Plan and Road Hierarchy Community Consultation - Speed
	Rupanyup Progress Association Meeting
15 February	Hopetoun P-12 Leadership Badge Presentation
	Meeting with Neighbourhood Watch representatives and Mayor
	WAG Meeting regarding Community Action Plan
	Murtoa Progress Association Meeting
16 February	Road Management Plan and Road Hierarchy Community Consultation - Lascelles
	Road Management Plan and Road Hierarchy Community Consultation - Woomelang
	Woomelang Bowling Club Meeting
	Meeting with Ali Cupper MP and Mayor in Woomelang
	Cemetery Trust Meeting
18 February	Road Management Plan and Road Hierarchy Community Consultation - Hopetoun

Wimmera Regional CEO Meeting

Road Management Plan and Road Hierarchy Community Consultation -
Hopetoun

21 February Patchewollock Community Planning Forum

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12 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

12.1 Council Plan 2021 – 2025 Reporting Quarterly Update

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

In order to achieve the goals of the adopted Council Plan 2021-2025, an annual Action plan is embedded into the document. This report details progress against those actions.

RECOMMENDATION

That Council notes the Quarterly Yarriambiack Council Plan 2021-2025 update as of 31 December 2021.

Moved Cr G Massey Seconded Cr K Kirk

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Yarriambiack Update on Council Plan 2021-2025 as of 31 December 2021](#)

DISCUSSION

At the 23 June 2021 Ordinary Council meeting, the Yarriambiack Council Plan 2021-2025 was adopted. Embedded in the Council Plan is an annual Action Plan to be reviewed each year of the four-year plan and to be reported on quarterly to Council to ensure that the overarching strategic objectives are met.

It is expected that the third quarterly report against the Action Plan in May will coincide with a renewed Council Action Plan.

RELEVANT LAW

The *Local Government (Planning and Reporting) Regulations 2020* sets out in the Schedule 1 Appendix that a six-monthly report of operations against the Council Plan objectives be undertaken by Council. Yarriambiack Shire Council Performance Reporting Framework sets a quarterly reporting schedule against the Council Plan for the month following the financial and non-financial quarterly report.

COUNCIL PLANS AND POLICIES

Yarriambiack Council Plan 2021-2025

RELATED COUNCIL DECISIONS

23 June 2021 Ordinary Council Meeting – the Yarriambiack Council Plan 2021-2025 was adopted by Council.

OPTIONS

Council notes the Quarterly Update with amendments.

SUSTAINABILITY IMPLICATIONS

The adopted Yarriambiack Shire Council Plan 2021-2025 includes the strategic objective for a robust and thriving environment which set out commitments to deliver improved recycling processing, water reuse projects and closer alignment with Landcare organisations across our Shire.

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COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making. In addition, the Local Government Act requires strong accountability and transparency principles. This Quarterly report provides an update on the implementation of the Actions from the adopted Council Plan which was developed following extensive Community consultation.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation a) Introduce a new policy, program and/or service; or b) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA was undertaken on the Council Plan 2021-2025
Link to Gender Impact Assessment	GIA – 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
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The regular reporting against the Council Plan Actions ensures a transparent accountability mechanism by Council.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	The quarterly reporting on the actions allows for the management of community expectations on Councils deliverables.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Yarriambiack Council Plan 2021-2025 provides for a range of regional and state plans and policies including:

- Regional Development Australia 'For Want of a Worker' Strategy
- Wimmera Southern Mallee Regional Partnership
- Victorian Government Circular Economy Strategy

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.

12.2 Sale of Dwelling at 51 Gardiner Street, Warracknabeal

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

Council consulted with the community during the month of February and March 2021 in relation to the sale of property at 51 Gardiner Street, Warracknabeal. A Council resolution was adopted on the 24 November 2021 to engage a real estate agent for the purpose of selling the property.

RECOMMENDATION

That Council:

- a) Endorse the Acting Chief Executive Officer to negotiate the sale of 51 Gardiner Street Warracknabeal; and
- b) Sign contract documentation on behalf of Council to endorse the sale of the property.

Moved Cr K Kirk Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Not applicable

DISCUSSION

In 2020 Council completed a valuation program of all Council owned buildings and land across the municipality. It was identified that the property at 51 Gardiner Street Warracknabeal was surplus to Council requirements and was leased to a private third party for market value.

The house has not been occupied by Council senior staff for several years and is need of significant modernisation investment.

Due to being surplus to requirements, consideration was made to sell the dwelling.

Council held community consultation about the sale throughout February and March 2021. One verbal query was made in relation to the sale at a Warracknabeal Council Plan community consultation session in relation to having housing to attract staff – it was explained that the house would not be suitable to attract executive staff without significant renovation investment.

A written submission was received from the tenant requesting that they be permitted to remain in the property until they could find a new property to rent or purchase. This was agreed by Council and the tenant remained in the property until October 2021. The property is now vacant, and it was recommended that it be sold.

A valuation of the property has been undertaken and a Council endorsed resolution supported a licensed real estate agent being engaged to sell the property.

An offer has been received on the property above the valuation and has been accepted by the Acting Chief Executive Officer.

RELEVANT LAW

Council is required to comply with the *Local Government Act 2020*, part 4, division 4, which came into effect from 01 July 2021 requiring deliberative community engagement on the sale of land and assets. The community consultation methodology used was similar to the

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previous Act Section 223 requirements whereby it was advertised in the locally circulating newspapers inviting submissions for consideration.

COUNCIL PLANS AND POLICIES

Council's Asset Lifecycle Policy and Procedures outlines the process Council must adhere too when selling property and land.

RELATED COUNCIL DECISIONS

27 January 2021 Ordinary Council meeting decision to advertise the potential sale of the land and invite submissions.

24 November 2021 Ordinary Council meeting decision to sell the property via a licenced real estate agent.

OPTIONS

The Council could choose to not endorse the Acting CEO to negotiate the sale of the property on Council's behalf. However, untimely decision making could delay or impact the sale of the property.

SUSTAINABILITY IMPLICATIONS

The proposed sale of the land and buildings would provide a positive benefit to the Warracknabeal community providing a social and economical benefit as there is currently limited houses available on the market within the township.

The sale of the land and buildings would provide a financial benefit to Council along with reducing the requirement to allocate staff and contractor hours and services to maintenance regimes.

Funds from the sale would be reinvested into future community housing propositions.

COMMUNITY ENGAGEMENT

Council consulted with the community by requesting feedback on the proposed sale of the property via our Website, Facebook page and newspaper advertisements.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation	
c) Introduce a new policy, program and/or service; or	YES <input type="checkbox"/>
d) Is it a review of a policy, program and/or service;	A GIA has been completed.
that directly and significantly impacts the public?	NO <input checked="" type="checkbox"/>
	A GIA is not required.
Link to Gender Impact Assessment	GIA – 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>
Financial Risk - Residual Risk Level Medium	Reducing the number of Council owned assets that no longer provide a community benefit enables resources to be directed to other initiatives that will provide a greater benefit to the municipality.	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.

12.3 S5 Instrument of Delegation to Chief Executive Officer

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

To comply with the *Local Government Act 2020*, the S.5 Instrument of Delegation from the Council to the Chief Executive Officer was adopted by 1 September 2020.

The recommended best practice is to revise this instrument of delegation at least annually.

RECOMMENDATION

That Council:

- a) Exercise their legislative power to delegate the attached S.5 Instrument of Delegation to the Chief Executive Officer.
- b) The Instrument come into immediate force upon the application of the Common Seal being affixed.
- c) That any previous S.5 Instrument be revoked.

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: S.5 Instrument of Delegation to Chief Executive Officer](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions to the Chief Executive Officer.

This enables for the effective day to day operations and administration of the Council and places conditions and limitations to ensure Council continues to make key strategic decisions.

The delegation also sets out financial delegations and limitations.

RELEVANT LAW

Section 11 of the *Local Government Act 2020* requires that a Council may Instrument delegate specific powers, duties or functions to the CEO.

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

Good governance practices adopted in the review of the S5 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Council reviewed its S.5 Instrument of Delegations on the 26 August 2020.

OPTIONS

- a) That Council does not approve the S.5 Instrument of Delegation bringing in to question the legality of decision making by the Chief Executive Officer.
- b) That Council approve the S.5 Instrument of Delegation with modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S.5 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation		
e) Introduce a new policy, program and/or service; or		YES <input type="checkbox"/> A GIA has been completed.
f) Is it a review of a policy, program and/or service;		NO <input checked="" type="checkbox"/> A GIA is not required.
that directly and significantly impacts the public?		
Link to Gender Impact Assessment	GIA – 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	Review of the S.5 Instrument of Delegation ensure Council in operating within an authorised legislative framework.	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.

13 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

13.1 Procurement Policy

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

In accordance with the *Local Government Act 2020*, Council is required to prepare and adopt a Procurement Policy, which specifies the principles, processes and procedures applying in respect of the purchase of goods, services and works.

RECOMMENDATION

That Council:

Adopt the Procurement Policy 2021 – 2025 (version 2) as attached, that complies with section 108 of the *Local Government Act 2020*.

Moved Cr C Lehmann Seconded Cr K Kirk

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Procurement Policy 2021 - 2025](#)

DISCUSSION

Council adopted the first version of the Procurement Policy 2021 – 2025 (Version 6) under section 108 of the *Local Government Act 2020*, on 25 August 2021. A further revision of this policy has since been undertaken to include the following amendments:

Section	Description
5.7 Gifts, Benefits and Hospitality	Includes reference to business negotiations being held online.
5.8 Canvassing	Additional section added that specifically outlines and prohibits canvassing.
6.3 Methods of Purchasing	Includes the reference to purchasing from State and Federal Government purchasing panels that meet legislative frameworks and have undertaken an open tendering process.
7.5.1 Approved Arrangements	Include State and Federal Government panel of preferred supplier arrangements that have been established complying with legislative frameworks that have undertaken an open competitive tendering process.
7.6 Exemption from RFX Process	<p>2. Includes State and Federal Government panels.</p> <p>4. Includes Accounting services (not including internal audit engagements).</p> <p>6. Includes software as a service product, however value for money must be assessed via mandate (business case) approved the CEO.</p> <p>10. Where market failure / limitations have been identified and the CEO is satisfied, on reasonable grounds, that not going to market will produce a better, or better value outcome for Council.</p>

Section	Description
10.1.2 Decisions Reserved for the CEO	Includes where the detailed procurement has been itemised and adopted in the budget and endorsed by Council and exceeds the \$150,000 (excluding GST) thresholds. An example of this section's application would be Plant and Equipment purchases.
Annexure A	The amendment to this section includes changes to Financial Delegations. The Financial Delegation is to the position and acknowledges delegation to acting positions. Annexure A also includes financial delegation to a Coordinator / Team Leader at the CEO's discretion.

The Council also has enacted a Procurement Management Manual, which supports and details the overarching procurement process. This document was revised on 10 December 2021 and adopted by the Chief Executive Officer.

RELEVANT LAW

Council is required to have a Procurement Policy under Section 108 of the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

This policy has been developed based on best practice guidance and to manage Council's strategic and operational risks.

RELATED COUNCIL DECISIONS

Version Six Procurement Policy adopted on 25 August 2021 by Council.

OPTIONS

Option 1: Accept the procurement policy as presented.

Option 2: Request changes be made to the procurement policy.

SUSTAINABILITY IMPLICATIONS

Sustainability consideration have been considered such as:

- a) Economic viability of businesses within the municipality and the importance of supporting local supply (where possible) to encourage growth and prosperity within the Shire.
- b) Maintaining population. Supporting local supply assists with the maintenance and creation of jobs and promotes regional prosperity.

COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop this policy.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation g) Introduce a new policy, program and/or service; or h) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?		YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to 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	The review and adoption of the policy ensures Council's compliance with the requirements of the <i>Local Government Act 2020</i> . The Policy also provides an overarching framework in which Council must undertake to procure goods, services and works.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	A robust procurement policy and supporting procedure and processes ensures a transparent, accountable, and ethical system that provides value for money to our community.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Robust procurement processes ensure value for money is achieved, therefore mitigating risks of financial losses and/or excess charges.	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.

13.2 Local Government Performance Reporting

Prepared by Tammy Smith, Acting Chief Executive Officer

SUMMARY

In accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020, Council is required to have an integrated approach to strategic planning with the requirement that monitoring and performance reporting is to be adopted.

Schedule 1 – Annual Report Governance and Management Checklist in Report of Operations contained within the Local Government (Planning and Reporting) Regulations 2020 requires Performance Reports to be prepared six monthly to monitor Council’s financial and non-financial performance.

RECOMMENDATION

That Council:

- a) Adopt the Local Government half yearly Local Government Performance Report as presented to Council.

Moved Cr G Massey Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Local Government Performance Report – Half Yearly Report](#)

DISCUSSION

The half yearly report as attached provides the results and commentary as of 31 December for the Report of Operations. The report is a guide to assessing and monitoring organisational performance based on the half yearly results.

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

This report ensures Council meets its compliance obligations in accordance with the *Local Government Act 2020* and supporting regulations.

RELATED COUNCIL DECISIONS

Quarterly Financial and Non-Financial Performance Report adopted at the Council Meeting on 19 January 2022.

OPTIONS

Not Applicable.

SUSTAINABILITY IMPLICATIONS

Council must give effect to the overarching governance principles in section 9 of the *Local Government Act 2020*, when considering sustainability implications.

This report does not identify sustainability implicants for consideration.

COMMUNITY ENGAGEMENT

MINUTES	Ordinary Meeting of Council
Issue Date: 23 February 2022	

Community Engagement is not applicable.

In accordance with section 9 of the *Local Government Act 2020*, Council must in the performance of its role give effect to the overarching governance principles.

The financial and non-financial performance indicators are utilised as a tool for decision making to achieve good governance, which provides an overarching community benefit.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation i) Introduce a new policy, program and/or service; or j) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to 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	The half yearly report meets the requirements as outlined in Schedule 1 – Annual Report Governance and Management Checklist in Report of Operations contained within the Local Government (Planning and Reporting) Regulations 2020. The half yearly Local Government Performance Report compliments Council's Financial and Non-Financial Performance Report, presented to Council quarterly.	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.

14 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 	<ul style="list-style-type: none"> Aerodromes Technical Services Asset Engineer Asset Inspectors Waste Services GIS Caravan Parks 	<ul style="list-style-type: none"> Planning Building Projects Sustainability

14.1 Permits issued by Assets and Operations Department – January 2022

RECOMMENDATION:

That Council:

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

Moved Cr K Kirk Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits			
BP115-21	Construction of Garage	Warracknabeal	4/01/2022
BP135-21	Sport Shelter	Brim	20/01/2022
BP134-21	Sport Shelter	Rupanyup	20/01/2022
Planning Permits			
Road Reserve Works & Asset Protection Permits			
2022-01	Vehicle Crossing	Murtoa	10/01/2022
2022-02	Vehicle Crossing Layback	Warracknabeal	25/01/2022
2022-03	Roadside Exploration Pilot Drilling	Murra Wurra	27/01/2022
2022-04	Water Main Replacement	Brim	27/01/2022

15 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

15.1 Permits Issued by Community Development and Wellbeing Department October 2021

RECOMMENDATION

That Council:

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

Moved Cr T Hamilton Seconded Cr K Kirk

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
02/2022	Street Activity Permit	Services Australia / Warracknabeal & Hopetoun	25/01/2022
Firewood collection Permits			
Septic Tank Permits			

15.2 Permit application for keeping more than the allowed number of animals

Prepared By: Craig Byron, Local Laws Officer

SUMMARY

On the 4 January 2022 Council received a permit application from 35 Main Street Minyip; to keep a Rooster at the same address. This was in response to a Notice to Comply that was issued to the resident, after a complaint was received regarding the Rooster.

RECOMMENDATION

That Council:

Reject the permit application to keep a Rooster in a township area.

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Permit Application Objection](#)

DISCUSSION

On the 22 December 2021, a complaint was received from a Minyip resident regarding a Rooster crowing through the night and into the early hours of the morning. This Rooster was allegedly being kept at 35 Main Street Minyip.

The following day, an inspection at 35 Main Street, Minyip was conducted where the Rooster was kept (at the back of the Commercial Hotel). The resident was notified that under the Yarriambiack Shire Council Local Law the resident would need to apply for a permit to keep the Rooster.

The resident explained that he had the Hamburg Rooster since he lived at his previous residence a few years ago, and that the rooster was kept for breeding purposes. He only brought the one rooster with him, when he moved to Minyip last year.

RELEVANT LAW

Yarriambiack Shire Council General Local Law No.5 Clause 416 – Keeping Bees & 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.

COUNCIL PLANS AND POLICIES

Not applicable

RELATED COUNCIL DECISIONS

Minutes from Ordinary Council Meeting held on 25 February 2021 - Council rejected the permit application to keep roosters at 7 Main Street Minyip due to two objections from neighbours citing noise complaints from existing roosters being kept at the property.

OPTIONS

- a) To grant the permit to keep a Rooster in a township area, but with set conditions.

SUSTAINABILITY IMPLICATIONS

Social – Noise from Rooster affecting residents' quality of life.

MINUTES	Ordinary Meeting of Council
Issue Date: 23 February 2022	

Environmental – Noise complaints from nearby residents.

COMMUNITY ENGAGEMENT

Permit Application objection forms were sent to 9 nearby residents of 35 Main Street Minyip in January 2022. Only one objection was received, the same original complainant.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation k) Introduce a new policy, program and/or service; or l) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Not applicable

RISK

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

Strategic Description Residual Risk Level	Risk and	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Reputational Risk - Residual Risk Level Low		Allowing roosters to be kept in townships can lead to community dissatisfaction, whilst also impacting quality of life and sleeping conditions. Rejecting the application mitigates this risk.	Reduces 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.

16 OTHER BUSINESS

16.1 Questions from Councillors

A McLean - Dumped mattresses at Rosebery. Is there any further information around this?

Response: T Smith took the question on notice and will report back out of session.

K Kirk - Suggest for some public information around the weed bindii's.

Response: Media release has been done to inform how to best treat and remove the pest weed.

Moved Cr C Heintze Seconded Cr K Kirk that Council move into Closed Session at 10:00am

Carried

Moved Cr G Massey Seconded Cr K Kirk that Council move back into Open Session

Carried

Moved Cr K Kirk Seconded Cr C Heintze that Council bring the recommendations from Closed Session items in the Open Session

Carried

17 CLOSED SESSION – Reports for Decision

17.1 C305-2022 Design Construct and Install Caravan Park Cabins

RECOMMENDATION

That Council award the contract C305-2022 to WTU Pty Ltd based on their tendered price submission of \$396,000.00 (ex GST) for Design, Construct and Install Caravan Park Cabins, Warracknabeal & Hopetoun contract. It is also recommended that a contingency amount of 10% be included in the total cost of the project rounded up to \$435,600.

The recommendation is made on the following conditions:-

- (1) Professional Indemnity Insurance must be obtained and proof provided by way of a Certificate of Currency; and
- (2) Council's People and Safety Officer will be implementing additional OHS requirements for the contractor to comply with during the on-site construction phase of the contract.

Moved Cr T Hamilton Seconded Cr K Kirk

That the recommendation be adopted

Carried

17.2 C299-2022 – Design & Construct Rural Sealed Roads**RECOMMENDATION**

1. That Council accepts the recommendation to award contract C299 – 2021/22 Road Design and Construct Rural Sealed Roads to Willmore Contractors of Horsham for the contract price of \$850,000.00.
2. Council sign and seal contract C299 – 2021/22 Road Design and Construct Rural Sealed Roads.
3. Council approves the rollover of one of the two rehabilitation jobs into the next financial year 2022/23. The 2 road jobs have been priced by the contractor to equal \$425,000.00 each.

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Councillors A McLean, T Hamilton, G Massey, C Lehmann, C Heintze voted for the recommendation

Councillor K Kirk voted against the recommendation

Carried

18 Next Meeting

23 March 2022

CLOSE 9:57am

_____ **Mayor**