



MINUTES

Ordinary Meeting of Council

9:45am Wednesday 23 November 2022

VENUE:

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

Next Meeting

Wednesday 14 December 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

Mayor 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

Mayor Kylie Zanker Warracknabeal Ward

COUNCILLORS

Councillor Graeme Massey 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 Chief Executive Officer
 Tony Caccaviello Director Business Strategy & Performance
 Gavin Blinman Director Community Development & Wellbeing
 Michael Evans Director Asset & Operations
 Tom Huf Community & Economic Development Officer
 Belinda Penny Governance & Information Management Officer

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Councillor Karly Kirk on approved leave.

5 CONFIRMATION OF MINUTES

5.1 Minutes of the ordinary Council Meeting - Wednesday 26 October 2022

Minutes of the Ordinary Council Meeting held on Wednesday 26 October 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 26 October 2022, as circulated be taken as read and confirmed.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze
That the recommendation be adopted

Carried

5.2 Minutes of the Closed Council Meeting - Wednesday 26 October 2022

Minutes of the Closed Council Meeting held on Wednesday 26 October 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 26 October 2022, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr C Heintze Seconded Cr G Massey
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

Nil

7.2 Ongoing and Pending Action List

Council Meeting	Recommendation Action	Action Taken
23 March 2022	Request to upgrade sections of Nullan Road and Hemphills Road, Nullan	To be completed in the 2022/2023 budget year.
24 August 2022	Council Report to be presented in October on recommended actions from Wombat Crossing petition.	Council report delayed as costings being ascertained. Email sent to Warracknabeal Action Group to notify Townscape Sub-Committee that the report has been delayed until November 2022.
28 September 2022	Council to undertake a recycling collection service survey in October 2023	Task added to the Council Meeting and Forum Agenda Planner 2023.
26 October 2022	Request to upgrade access to 158 Wathe Reserve Road, Lascelles to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
26 October 2022	Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
26 October 2022	Audit and Risk Committee Minutes from meeting held on 20 October 2022 to be included as an attachment in the 23 November Council Meeting Agenda.	Audit and Risk Committee Minutes included in the 23 November Agenda.

8 PETITIONS

Nil

9 CORRESPONDENCE

Outwards:

10 SPECIAL COMMITTEES

10.1 Audit and Risk Committee Meeting held on 20 October 2022

[Attachment: Draft Minutes Audit & Risk Committee – October 2022](#)

Resolution:

That Council note the Draft Minutes from the Audit and Risk Committee Meeting held on 20 October 2022

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

26 October	Attended Yaapeet Community Meeting regarding Recycling and Waste options
28 October	Mayor / CEO weekly catch up
	Attended Election Promise announcement from Member for Lowan, Emma Kealy at the Murtoa Kindergarten
	Attended Western Highway Action Committee Meeting
	Attended Rural Councils Victoria AGM
	Attended Rural Councils Victoria Mayoral Flood Meeting / Discussion
2 November	Met with Emma Kealy, member for Lowan at ANZAC Park regarding the Masterplan and committed funding
3 November	Attended Mayors dinner in Horsham
4 November	Mayor / CEO weekly catch up
	Attended David Ward retirement dinner on behalf of Council
7 November	Attended and officially opened the Woodbine and Rural Northwest Health Art Show
8 November	Attended the West Vic Business AGM (online)
	Attended the West Vic Business General meeting (online)
9 November	Attended Council Forum
	Attended CEO review facilitated by Christine Mileham from Salcorp HR
9 November	Met with CEO, Tammy Smith and Russell Kennedy regarding lease agreement
11 November	Attended Remembrance Day Service at Warracknabeal and laid a wreath on behalf of Council
13 November	Meeting with CEO, Tammy Smith and Labor representative for Lowan for announcement of election promise to fully fund Pump Track Rabl Park Murtoa project.
14 November	Attended visiting author book launch and interviewed Fleur McDonald at the Warracknabeal Library
17 November	Attended Rural Business and Community Inc (formerly Rural financial Counselling services) AGM

- Attended Rural Business and Community Inc (formerly Rural financial counselling services general meeting
- Attended Rural Business and Community Inc (formerly Rural financial Counselling services) General Meeting
- 18 November Attended a Ministerial Roundtable discussion on aged care reforms and their impacts on Local Government delivered Commonwealth Home Support Package services with Senator Linda White and Minister for Aged Care, the Hon Anika Wells MP
- 22 November Attended the Woomelang Bush Nursing AGM

11.2 Councillor Reports

Cr A McLean

- 26 October Attended Yaapeet Waste / Recycling Community Consultation
- 27 October Attended Land Freight Systems Presentation via ZOOM
- 9 November Attended Council Forum and CEO performance review
- ~~22 November Attended Woomelang Bush Nursing Centre AGM~~

Cr T Hamilton

- 28 October Attended Election Promise announcement from Member for Lowan, Emma Kealy at the Murtoa Kindergarten
- 4 November Attended Rail Freight Meeting (online)
- 9 November Attended Council Forum and CEO performance review
- 17 November Attended Stick Shed Meeting

Cr G Massey

- 28 October Attended Election Promise announcement from Member for Lowan, Emma Kealy at the Murtoa Kindergarten
- 8 November Attended Warracknabeal Action Group (WAG) Meeting
- 9 November Attended Council Forum and CEO performance review
- 10 November Attended Meeting of Borung Highway residents to discuss drainage issues
- 11 November Attended Remembrance Day in Warracknabeal
- 15 November Attended Warracknabeal Neighbourhood House and Learning Centre AGM

Cr C Lehmann

- 9 November Attended Council Forum and CEO performance review

Cr C Heintze

- 27 October Attended Land Freight Systems Presentation via ZOOM
- 28 October Attended Election Promise announcement from Member for Lowan, Emma Kealy at the Murtoa Kindergarten
- 2 November Attended Minyip Probus 21st celebrations lunch at Senior Citizen Centre

5 November Attended Minyip Progress Association Meeting

9 November Attended Council Forum and CEO performance review

11 November Attended Remembrance Day wreath laying service at Minyip

Cr K Kirk

On Leave

11.3 Chief Executive Officer Report

Prepared by Tammy Smith

26 October	Yaapeet Community Consultation – Alternative to Transfer Station and Recycling Hub
27 October	Meeting with Warracknabeal Action Group Chairperson and Woodbine CEO
27 October	Land Freight Systems Presentation (online)
28 October	Election Promise announcement from Member for Lowan, Emma Kealy at the Murtoa Kindergarten
28 October	Rural Council’s Victoria AGM and Committee Meeting
31 October	Meeting with Audit and Risk Committee Chairperson
02 November	NWMA MAV Regional Grouping Review (Online)
03 November	Regional Economic Development Strategies Data Dashboard Presentation
04 November	Local Pathways LGPro Meeting, Melbourne
04 November	LGPro Womens Network Event, Melbourne
09 November	Council Forum
09 November	CEO Review with Consultant and Councillors
10 November	Attended Meeting of Borung Highway residents to discuss drainage issues
10 November	Wimmera Regional CEO’s Meeting
10 November	Local Government Roadshow Meeting – Guest Presenter
11 November	Wreath Laying Ceremony – Warracknabeal RSL Remembrance Day
11 November	Meeting with Warracknabeal Action Group Chairperson and Woodbine CEO
11 November	Rural Council’s Victoria Meeting – Roads Emergency Discussion
13 November	Meeting with Mayor and Labor representative for Lowan for announcement of election promise to fully fund Pump Track Rabl Park Murtoa project.
16 November	Regional Development Victoria Meeting
16 November	Meeting with Beulah residents regarding Advocacy document for Supermarket
16 November	Meeting with Warracknabeal Resident regarding flood levee
22 November	Donald Mineral Sands, Wimmera Development Association and Minyip Progress Association representatives meeting

12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

12.1 Community Engagement, Advocacy and Funding Update – Mayor

Dunmunkle Childcare

The Member for Lowan, and Deputy Victorian Nationals Leader, Emma Kealy announced an election commitment for \$845,000 towards the building of a Childcare Centre for the Dunmunkle region of our Shire. This announcement was held on Friday 28 October 2022 at the Murtoa Kindergarten with Councillors, Council Staff and parents present.

Council was unsuccessful with the Federal Government Building Better Regions Fund – Infrastructure Stream Round 6. This funding stream is not proceeding forward. Instead, Council has been advised that it can apply for the Federal Government Growing Regions Program that should be available shortly.

Council is continuing to advocate for funding to support the development of an integrated Early Years Centre in Murtoa.

A verbal update was provided during the meeting that Council had also secured a Labor Election promise for an integrated Early Years facility to be built in Murtoa.

Murtoa Rabi Park Pump Track Project

The Australian Labor Party candidate for Lowan, Mick Monaghan announced an election commitment to fully fund the Rabi Park Pump Track project on 13 November 2022. This announcement was held in Horsham with the Mayor and CEO present.

Hopetoun Former School Site Funding Announced

Council was successful in receiving the State Government Regional Infrastructure Fund – Investment Fast Track 2022-23 grant for \$101,250 to develop the Feasibility Study and Business Case for the Former Hopetoun School site. In conjunction with the established Hopetoun Old School Site Advisory Committee, Council will be working with a consultant to explore the feasibility of the master plan initiatives and develop a business case to support future funding applications to redevelop the site.

The Committee and Council will be exploring accommodation, housing options amongst other initiatives identified through the master planning process.

Flood Support Fund

Council is being provided with \$500,000 as part of the State Government Flood Support Fund to undertake recovery works in response to the October 2022 flood event. This funding will be utilised for activities not supported by the Disaster Recovery Funding Arrangements (DRFA).

National Disaster Recovery Funding Arrangements

Council has made notification to the commonwealth under the DRFA. This notification includes a preliminary estimate for damage to our roads and associated infrastructure from the storm and flood event, along with mitigation works undertaken.

Community Consultation and Have Your Say

Council is either currently or has undertaken the following community consultation activities:

Rupanyup Streetscape Master Plans: The plans were available on Council's website, along with a feedback form to be completed. Community consultation closed at 5pm on Monday 07 November. Council received 13 submissions.

Rupanyup Community Library Precinct Plans: The draft library plans were available on Council's website, along with a feedback form inviting comments. Community consultation closed at 5pm on Friday 04 November. Council received 5 submissions.

ANZAC Park Draft Master Plans: An extensive community consultation process has been undertaken and the final two options for the master plans are now available for community consultation and feedback. Community consultation closed at 5pm on Friday 18 November.

Murtoa Recreation Reserve Master Plans: An extensive community consultation process has been undertaken and the final two options for the master plans are now available for community consultation and feedback. Community consultation closed at 5pm on Friday 18 November.

Yaapeet Community Recycling Hub: A community meeting was held at the Yaapeet Community Centre on the 26 October 2022 to discuss alternatives to the Transfer Station. Unfortunately, the transfer station in Yaapeet has been closed indefinitely due to asbestos contamination and clean up required at the site. Alternative options were discussed, and Council will utilise Yaapeet as a pilot township to develop a Community Recycling Hub. Discussions around scrap metal, types, general waste, recycling, glass, cardboard and e-waste were held, with Council exploring the options to implement facilities to address the communities needs.

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

13.1 Advisory Committees of Council Terms of Reference

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

This report supports the development of Advisory Committees of Council that will enhance Council's community engagement activities and will assist with informing the strategic objectives and actions of Council.

RECOMMENDATION

- a) That Council adopt the Advisory Committees of Council Terms of Reference as attached to this report for the groups below:
 - a) Sport and Recreation
 - b) Children, Families and Youth
 - c) Yarriambiack Tourism
 - d) Roads and Associated Infrastructure
 - e) Positive Ageing
 - f) Waste, Sustainability and Environment
 - g) Access and Inclusion
- b) That Council endorse that the Chief Executive Officer can commence the recruitment process for the Advisory Committees in accordance with the aims and objectives of the specific Terms of Reference when it is operationally appropriate to do so.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment 1: Advisory Committee of Council Terms of Reference – Sport and Recreation](#)

[Attachment 2: Advisory Committee of Council Terms of Reference – Children, Families and Youth](#)

[Attachment 3: Advisory Committee of Council Terms of Reference – Yarriambiack Tourism](#)

[Attachment 4: Advisory Committee of Council Terms of Reference – Roads and Associated Infrastructure](#)

[Attachment 5: Advisory Committee of Council Terms of Reference – Positive Ageing](#)

[Attachment 6: Advisory Committee of Council Terms of Reference – Waste, Sustainability and Environment](#)

[Attachment 7: Advisory Committee of Council Terms of Reference - Access and Inclusion](#)

DISCUSSION

Council aims to establish Advisory Committees of Council to enhance its community engagement activities.

The aim of the Advisory Committees is to contribute towards informing the strategic vision and objectives of Council.

Council wishes to establish the following Advisory Committees as summarised below:

Advisory Committee	Target Audience / Members	Corresponding Strategy Review and Action Plan
Sport and Recreation	<ul style="list-style-type: none"> A committee member from a sporting group, association or recreation committee within the Yarriambiack Shire. Applicable sporting body associations. 	Sport and Recreation Strategy
Children, Families and Youth	<ul style="list-style-type: none"> Parent/Guardians of young children within the Shire. Youth Council representative(s). Representative from Wimmera Southern Mallee By5 Initiative. Representative from early childhood care and service organisations. 	Youth Strategy Early Years Strategy
Yarriambiack Tourism	Businesses and Community Groups across the Shire that are aligned with Tourism. Noting this group is already established and operating. Council is formalising the Terms of Reference.	Tourism Strategy
Roads and Associated Infrastructure	<ul style="list-style-type: none"> Community members in the Agricultural, Farming and Transport industry/sector that will provide strategic insight and inform Council's funding and advocacy. Victorian Farming Federation representation. 	Roads and Associated Infrastructure Advocacy document Road Management Plan Road Hierarchy Footpath Hierarchy
Positive Ageing	<ul style="list-style-type: none"> Senior members within the community. Representatives from local health services. 	
Access and Inclusion	<ul style="list-style-type: none"> People from diverse backgrounds and experiences to contribute towards the revision of the plan. 	Access and Inclusion Plan
Waste, Environment and Sustainability	<ul style="list-style-type: none"> Members of the community that have a passion for the environment. Representatives from applicable Catchment Management Authorities. 	Resource Recovery and Waste Management Strategy Environment Strategy

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

a) Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

Good governance practices adopted in establishing and developing Terms of Reference for all Advisory Committees of Council.

b) Advisory Committee of Council Policy

RELATED COUNCIL DECISIONS

26 October 2022 – Advisory Committee of Council Policy adopted

26 October 2022 – West Vic Business Yarriambiack Chapter Advisory Committee of Council Established and Terms of Reference adopted

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

OPTIONS

a) Council could wish to consider each Terms of Reference on a case-by-case basis when appointing an Advisory Committee.

SUSTAINABILITY IMPLICATIONS

Social: The aim of the Advisory Committees is to enhance social wellbeing and connection and create opportunities for economic development within the community.

Economic: To identify initiatives across the Shire to enhance the prosperity of our region.

COMMUNITY ENGAGEMENT

Council has developed a Community Engagement Policy in accordance with the Local Government Act 2022.

Council aims to enhance its engagement practices by establishing advisory committees with specific focus areas, acknowledging that community members often have specific areas of interest in which they wish to contribute towards.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

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	Establishing Advisory Committees of Council enhances Council's stakeholder engagement activities and ensures strategic objectives are well informed and representative of community sentiment.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- [Wimmera Southern Mallee – Regional Economic Development Strategy](#) (REDS)
- [Victorian Youth Strategy 2022 – 2027](#) (State Government)
- The [Early Childhood Reform Plan](#) (State Government)
- [Visitor Economy Recovery and Reform Plan](#) (State Government)

- [Building Victoria's Circular Economy](#) (State Government)

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 Bowling Club – Insurance Claim and Commitment

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

Council has received an insurance claim pay out for storm damage to the Hopetoun Bowls Club second bowling green. This report includes a recommendation for Council to hold the funds for the specific purpose of replacing the first green at the Hopetoun Bowls Club site when it is due for renewal.

RECOMMENDATION

That Council:

- a) Endorse that the \$97,166.66 (excluding GST) be held in a Term Deposit by Yarriambiack Shire Council for the primary purpose of contributing towards the replacement of the Hopetoun Bowls Club first green; and
- b) That the interest earned from the \$97,166.66 be reinvested and included in the final balance to be made available when the first green requires replacement.
- c) Acknowledge that the Hopetoun Bowls Club recognises it is a “one green” club and that the second green will be decommissioned.

Resolution:

Moved Cr A McLean Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Letter from Hopetoun Bowls Club](#)

DISCUSSION

Background

On 28 October 2021, a large storm with strong winds and heavy rain hit the township of Hopetoun. The heavy winds dislodged sections of a building which struck the fence surrounding the Hopetoun Bowls Club second green (lawn green). The fence was constructed from asbestos material. Parts of the asbestos fence shattered and scattered onto the Bowling Clubs lawn green.

On 29 October 2021 a professional asbestos removalist was engaged promptly to assess and remove asbestos debris from the grass green. On 03 November 2021, an independent consultant, specialising in asbestos risk management, attended the Hopetoun Bowls Club site and visually assessed the ground surfaces. After the inspection he deemed that all asbestos debris had been removed from the green and a visual clearance inspection certificate allowing unprotected people to re-occupy the area was provided.

On 02 December 2021, it was identified that small fragments of asbestos debris were present surrounding the lawn green. The specialist attended the site again to inspect the area. Upon inspection the specialist found minor asbestos contamination within the bowling green ditches. These ditches contain synthetic grass strips. The strips were removed and vacuumed along with the rest of the bowling green, with an asbestos vacuum. It was the opinion of the asbestos removalist that the fragments had appeared from recent heavy rains that washed in from the fence area. Once the cleaning had occurred, a further asbestos visual clearance inspection certificate was issued, and the Bowls Club was advised they could water the green.

On 17 February 2022, the damaged asbestos fence (that had been sealed and made safe prior) was removed from the site. The specialist attended the site again and a further visual clearance certificate was provided.

The Bowls Victoria Committee Inspector visited the site on 29 November 2021, and the letter dated 03 December 2021 outlined that Hopetoun Bowling Club's lawn green was deemed "unsuitable" for pennant championship competition and all formats of social bowls.

The letter outlined that:

1. The playing surface has several holes in the grass playing surface as a result of recent storm damage.
2. A considerable amount of asbestos was on the surface as a result of the storm.
3. The width of the Ditches in the direction of play do not comply with the current "Laws of the Sort of Bowls", ie a minimum width of 200mm and a maximum width of 380mm. The width varies from 150mm to 170mm in places.
4. The Banks in most places measured were below the current minimum height of 230mm above the playing surface.

The recommendation was:

1. To remove all asbestos material to the depth required by law.
2. A new synthetic surface should be considered due to the time involved in excavating to remove all asbestos by an approved contractor and resewing the green with a Tifdwarf grass. (approximately 2 years before playable as Tifdwarf is usually sewn in November).
3. The green not be used until all of the "Health & Safety" matters have been rectified as a matter of urgency.
4. Ensure that all work (dimensions) when completed complies with the current "Laws of the Sport of Bowls" v3.2.

Council requested that Bowls Victoria reconsider the recommendations as outlined above for the following reasons:

- a) The specialist hygienist has provided a visual clearance certificate which allows unprotected people to re-occupy the area. Therefore, deeming that the health and safety matters have been rectified.
- b) The asbestos removalist has advised that if Council was to remove the lawn and dirt from the green it would not be deemed contaminated soil. Therefore, Council is questioning why the soil would need to be removed as it is not deemed to be contaminated, and therefore does not pose a risk to health and safety.
- c) That Council will undertake works to the green to meet the "Laws of the Sport of Bowls" v3.2 to address the width of the ditches and banks, and not be required to remove the soil and lawn as previously identified.
- d) Once works are completed to meet the v3.2 standard, that the lawn green be deemed suitable for pennant and championship competition.

The Council and Hopetoun Bowls Club Committee believed they have been disadvantaged by the storm and the Bowls Victoria assessment, as the lawn green was "grandfathered" due to the Laws of the Sport of Bowls being introduced after the green was established. The club would have continued to use the green for pennant championship competition if the asbestos debris had not landed on the green.

The green was deemed an important asset to the Committee, that provides for Social Bowls, bringing people together to enhance social wellbeing, connection, and engagement.

This is important for people's mental health and wellbeing, and the recovery of sporting clubs post COVID-19.

The lawn green was also a second green for the Annual Hopetoun Bowling Club Carnival, that is a weeklong event, drawing people from across Victoria to participate. This event provides an overarching economic benefit to not only Hopetoun, but the surrounding Yarriambiack Shire communities, where people come to visit, participate in the carnival, and continue to stay in our shire exploring our tourist attractions, such as our much-admired silo art trail.

Local Federal Member of Parliament, Dr Anne Webster MP and our Local State Member of Parliament, Ms Ali Cupper MP wrote letters of support to have the recommendation to remove the lawn and soil overturned.

Bowls Victoria reconsidered the recommendation and agreed that the soil and lawn did not have to be removed as long as Council reinstated the green to the Bowls Victoria standard.

To support the reinstatement of the second green Council Officers also put forward a recommendation that the contractor engaged for the Woomelang Bowling Green replacement be utilised to reinstate the Hopetoun second bowling green. This was endorsed at the closed session of Council on 26 October 2022.

One Green Club

The Hopetoun Bowls Club have undertaken a review of their operations and as per the attached Letter to this report, have identified that they are a one green club.

The Club has requested that the insurance payout of \$97,166.66 (excluding GST) arising from storm damage to the Hopetoun Bowling Green be held by Yarriambiack Shire Council for the sole purpose of being utilised to replace the first green at the Hopetoun Bowls Club when it requires replacement. A separate request has also been received that the interest on the funds be reinvested and made available for the Hopetoun Bowls Club first green replacement.

RELEVANT LAW

- Local Government Act 2020
- Occupational Health and Safety Act
- Occupational Health and Safety Regulations

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

Good governance practices adopted to identify the insurance payout amount and the commitment to utilise the funds for the future green replacement.

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Council could choose not to commit to investing the funds for the sole purpose of replacing the first green at the Hopetoun Bowls Club. The Council could wait till the green is due for replacement and consider how it will be funded when the time comes.
- b) Council could choose not to reinvest interest and enable it to accumulate for the sole purpose of replacing the first green at the Hopetoun Bowls Club.

SUSTAINABILITY IMPLICATIONS

Financial: The club has considered the operating financial costs of two greens, and with current membership and volunteer levels it was deemed the best use of their resources to invest solely in one green. Investing the insurance funds for the replacement first green ensures there is a co-contribution available to apply for funding down the track to replace the green. Reducing the financial burden on Council to contribute to the replacement.

Social: The second green was utilised for social bowls and the bowling carnival. In 2022 the second green was not available, and the carnival was held. It was deemed a success and the committee has found ways to ensure the carnival is a successful viable tournament. The club is still committed to holding the carnival and social bowls in the future.

Economic: The carnival was a success in 2022 with only one green, and the club managed to find alternative solutions and problem solve to ensure this occurred. Council has included as part of its Priority Project List exploring extending camping options in Hopetoun to support the Bowls carnival into the future.

COMMUNITY ENGAGEMENT

Council Officers have worked closely with the Hopetoun Bowls Club executive committee and representatives to explore options and solutions that best meet the needs of their club and community. Council Officers and Councillors have attended meetings, arranged politician visits and advocated for the green reinstatement.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

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	A Council Report and resolution has been provided to ensure transparency in decision making and endorse Council's commitment to ensuring the funds are available for the replacement of the first green at the Hopetoun Bowls Club. The report also outlines the treatment of asbestos in accordance with OHS legislative requirements.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The report outlines Council commitment to ensuring the funds are held for the replacement green and is a strategic decision to ensure when grant funding becomes available, there is a co-contribution amount available that can support such funding opportunities.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The investment of the funds to support the replacement of the first green at the Hopetoun Bowls Club when it falls due reduces the financial burden on the club and Council.	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.

13.3 Emergency and Reconstruction Works

Prepared by: Tammy Smith, Chief Executive Officer

SUMMARY

Yarriambiack Shire has experienced extensive rainfall and had undertaken emergency works in preparation for potential flooding in the Shire.

In October 2022, Council lodged a "Request to Notify of an Event" with the Commonwealth. The notification triggers an assessment to ascertain if Council is eligible for the Commonwealth Disaster Recovery Funding. Since that date, Council has experienced further significant rainfall impacting our road network.

RECOMMENDATION

That Council endorse that the Chief Executive Officer (CEO):

- a) Can procure goods and services for immediate emergency works that meet the eligibility criteria of the Disaster Recovery Funding Agreement and that such works are exempt from the market engagement process as outlined in the Procurement Policy.
- b) Can approve expenditure above CEO financial delegation of \$150,000 where it is directly related to the immediate emergency works being undertaken as part of the Disaster Recovery Funding Arrangement.
- c) Include a report as part of the quarterly Financial and Non-Financial Performance Report, that includes funding received and jobs completed that are approved as part of the Disaster Recovery Funding Arrangement.

Resolution:

Moved Cr G Massey Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

Natural Disaster

Delivery Agencies including Local Councils that are impacted by, or responding to an eligible disaster, are required to submit a form to the Administering Authority and the Assessing Authority, within 5 working days following the disaster. Council lodged an application on the 17 October 2022.

For a disaster to be notified to the Commonwealth, the event is required to be an eligible event for which a coordinated multi-agency response was required, under the Disaster Recovery Funding Arrangements (DRFA).

As part of the initial notification process, Council notified the State Government, of the damage and works that had been undertaken to date. This included road closures and impacted roads, the temporary levee construction, levee in fill works, caravan park evacuation, private property impacts and channel and drainage works to assist with waterflow.

Council's preliminary estimates of the rectification costs due to natural disaster damage as of 15 November are more than \$1.5million. The list and costs are growing, as damaged roads are being reported and assessed.

Council Officers are currently going through the process of lodging the Disaster Recovery Funding Arrangements (DRFA) claim for approval. Council has been advised that the following criteria must be met as part of the claim assessment process:

- a) Council requires photographic evidence before the damage and photos need to be date stamped and have the longitude/latitude coordinates contained as evidence.
- b) Council cannot claim council staff ordinary time or plant hire, therefore Council will need to engage a contractor to undertake the works and Council staff can continue with business as usual.
- c) The Council must keep record of dates of rain events - i.e. BOM reference in relation to isolated storms and total rainfall within the storm.

Emergency Works

As part of the Disaster Recovery Funding Arrangements (DRFA), Category B - Emergency Works, Council may be approved for funding for immediate restoration works. The Council will be required to complete those works within 3 months of being able to access the asset. This would include but would not be limited to bus routes.

As there is a timeframe for contractor engagement for emergency works the requirement to enact the exemption to the market engagement process in accordance with section 7.6 of the Procurement Policy – version 2, and section 6.2 of the Procurement Policy – version 3 is required.

Reconstruction Works

Assets damaged that are not deemed Emergency Works, are classified as public asset restoration and Council will have up to two years to complete the works. Council will undertake the procurement process in accordance with Council's Procurement Policy to source contractors to complete the works.

Road Management Plan

Once the assessment of the impacted roads and infrastructure has been completed, and Council understands the level of works that are approved as part of the Disaster Recovery Funding Arrangements (DRFA) application, the Chief Executive Officer will assess if section 2.1 Exceptional Circumstances of the Road Management Plan 2022-2025 is to be enacted. At this stage, if funding is approved, the CEO will not be required to enact this clause. Councillors will be regularly updated on the status of the claim and budget implications, if any.

RELEVANT LAW

- *Local Government Act 2020* – Section 108, Procurement Policy
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

- Road Management Plan 2022 – 2025
- Procurement Policy Version 2 adopted 23 February 2022
- Procurement Policy Version 3 to be presented as part of the Council papers on 23 November 2022 for endorsement.

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

Council could choose not to approve the CEO procuring goods, services and works in excess of \$150,000 and require that the procurement is endorsed by Council. However,

this could jeopardise Council's ability to procure a contractor and ensuring works are completed in a timely manner.

SUSTAINABILITY IMPLICATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic: Agriculture accounts for almost half of the workforce in the Shire and is the main economic industry. Council's road network is vital to ensuring agricultural produce and livestock can be brought to market.

Financial: Council will be heavily reliant on grant funding to ensure the extensive road damage is repaired.

COMMUNITY ENGAGEMENT

Not applicable

GENDER IMPACT ASSESSMENT

Not required for this report.

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	Council has applied for the Disaster Recovery Funding to enable the damaged road network is repaired in a timely manner utilising grant funding, specifically allocated for natural disasters. The grant application and funding will reduce the financial burden on Council.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	This paper ensures transparency in relation to procurement decision making relating to the expenditure to meet the Disaster Recovery Funding criteria.	Reduces Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	Applying for the Disaster Recovery Fund and procuring contractors to undertake the works will assist Council to meet its business-as-usual capital works program obligations.	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.

13.4 S5 Instrument of Delegation to Chief Executive Officer

Prepared by Tammy Smith, 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 S.5 Instrument of Delegation was reviewed in February 2022.

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

RECOMMENDATION

That Council:

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Yarriambiack Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the S5 Instrument of Delegation to Chief Executive Officer; and

1. Declares that;
 - a) The S5 Instrument of Delegation to the Chief Executive Officer (as attached) is endorsed by a Resolution of Council.
2. The S5 Instrument of Delegation to the Chief Executive Officer;
 - b) Comes into force immediately the common seal of Council is affixed to the document.
 - c) Is subject to any conditions and limitations set out in the Schedule of the S.5 Instrument of Delegation to Chief Executive Officer (as attached).
 - d) Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
 - e) Remains in force until Council resolves to vary or revoke it.
- a) That the previous S.5 Instrument of Delegation to Chief Executive Officer that was adopted on 23 February 2022 be revoked.

Resolution:

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, 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.

Council has undertaken a review of its delegations and authorisations, engaging a consultant to assist with this process. Council Officers will review delegations bi-annually

that align with the Maddocks review and updates being released. The S.5 Instrument of Delegation is to be presented to Council for review and adoption bi-annually.

RELEVANT LAW

Section 11 of the *Local Government Act 2020* - S5 - Instrument of Delegation from Council to CEO. This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some conditions and limitations, 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.

Council reviewed its S.5 Instrument of Delegation on the 23 February 2022.

OPTIONS

- b) That Council does not approve the S.5 Instrument of Delegation bringing into question the legality of decision making by the Chief Executive Officer.
- c) 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

A gender impact assessment is not required for this report.

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.

13.5 S6 Instrument of Delegation to Council Staff Members

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

As per the *Local Government Act 2020*, the S.6 Instrument of Delegation from the Council to the Council Staff was reviewed and adopted by 1 September 2020. The S.6 Instrument of Delegation was reviewed in March 2022.

As a best practice the S.6 Instrument of Delegation is reviewed annually to ensure consistency with legislative requirements.

RECOMMENDATION:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Yarriambiack Shire Council (**Council**) **RESOLVES THAT –**

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That the previous S.6 Instrument that was adopted on 23 March 2022 be revoked.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: S.6 Instrument of Delegation, Delegation to Members of Council staff](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions directly to Council Staff.

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.

Council has undertaken a review of its delegations and authorisations, engaging a consultant to assist with this process. Council Officers will review delegations bi-annually

that aligns with the Maddocks review and updates being released. The S.6 Instrument of Delegation is to be presented to Council for review and adoption bi-annually.

RELEVANT LAW

This instrument can be used by a council to delegate to members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation). If it is intended that the CEO also be able to exercise these powers, then the CEO must be named in this instrument as a delegate (notwithstanding any other delegation 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 S6 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Council reviews Instruments of Delegations on a regular basis with the S.6 Instrument most recently updated on 23 March 2022.

OPTIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

- a) That Council does not approve the S.6 Instrument of Delegation bringing in to question the legality of decision making by Council Staff.
- b) That Council approve the S.6 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.6 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

Not required for this report.

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.6 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.

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 Procurement Policy Revision

Prepared by Tony Caccaviello, Director Business Strategy and Performance

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:

- a) Adopt the Procurement Policy 2021 – 2025 (version 3) as attached, that complies with section 108 of the *Local Government Act 2020*.
- b) Revoke the Procurement Policy 2021 -2025 (version 2) adopted on the 23 February 2022.

Resolution:

Moved Cr A McLean Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Procurement Policy 2021 – 2025 \(Version 3\)](#)

DISCUSSION

Council adopted the Procurement Policy 2021 – 2025 (Version 2) under section 108 of the *Local Government Act 2020*, on 23 February 2022. A further revision of this policy has since been undertaken, with the following key changes:

- a) Realignment to the order and structure of document with respect to Procurement Management Manual.
- b) Call to attention the principles of procurement that should be applied to all purchases, irrespective of the value of complexity of the purchase:
 - Value for Money
 - Fair Honest dealings
 - Accountability and transparency
 - Risk management
 - Probity
 - Responsible Financial Management
 - Collaborative procurement
 - Other considerations such as sustainable, environmental and social procurement, local purchasing philosophy and diversity.
- c) Exemptions to market engagement updated.
- d) Additional segment detailing framework for approved panel suppliers.

The Council also has enacted a Procurement Management Manual, which supports and details the overarching procurement process. This document will be revised in alignment to version 3 of the Procurement Policy and will be 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 (considered the first version that complied with the *Local Government Act 2020* – section 108).

Version Two Procurement Policy 2021 -2025 adopted on 23 February 2022 by Council. (Considered the second version that complied with the *Local Government Act 2020* – section 108).

OPTIONS

- c) That Council does not approve the Procurement Policy (Version 3). The Council could wait until the policy is due for review in 2025.
- d) That Council approve the Procurement Policy (Version 3) with modifications.

SUSTAINABILITY IMPLICATIONS

Sustainability consideration have been considered such as:

Economic: Economic viability of businesses within the municipality and the importance of supporting local supply (where possible) to encourage growth and prosperity within the Shire.

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

A gender impact assessment is not required for this report.

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

<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	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.

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 – October 2022

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 October 2022 and 30 October 2022

Resolution:

Moved Cr C Heintze Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits			
BP92-22	Garage	Warracknabeal	5/10/2022
BP87-22	Garage	Warracknabeal	6/10/2022
BP48-22	Detached Unit	Murtoa	12/10/2022
BP73-22	Shed	Hopetoun	27/10/2022
Planning Permits			
TP46-22	Weighbridge	Beulah	21/10/22
TP45-22	Farm shed	Beulah	21/10/22
TP42-22	Shed	Lubeck	6/10/22
TP41-22	Telecommunications facility	Lascelles	3/10/22
TP39-22	Garage	Warracknabeal	6/10/22
TP38-22	Place of assembly	Rupanyup	7/10/22
TP34-22	Residential development	Hopetoun	21/10/22
TP32-22	Office building	Warracknabeal	21/10/22
TP31-22	Shed	Rupanyup	21/10/22
Road Reserve Works Permits and Asset Protection Permits			
2022-25	Vehicle Crossover	Warracknabeal	5/10/2022

15.2 Wombat Crossing Scott Street, Warracknabeal

Prepared by Pradip Bhujel, Asset Coordinator

Presented by Mick Evans, Director Assets & Operations

SUMMARY

Council received a petition to have wombat crossings installed in Scott Street, Warracknabeal. The Townscape Committee recognises and has received feedback that the wombat pedestrian crossings and traffic control measures in Scott Street, could improve the safety of pedestrians while crossing the road. The committee has also outlined that the wombat crossing will slow down vehicle's speed, give priority to pedestrians crossing and enhance driver awareness of the sensitive area.

RECOMMENDATION

That Council:

- a) Acknowledges the petition conducted by the Townscape Committee.
- b) Notes that Council Officers conducted vehicle counts to determine the speed of vehicles along Scott Street.
- c) Supports the proposal to install Wombat Crossings in Warracknabeal, contingent on funding opportunities.
- d) Endorses the two locations of wombat crossing that were proposed that will replace existing zebra crossings at;
 - a) 140m north of Scott Street and Lyle Street roundabout, and
 - b) 100m north of Scott Street and Woolcock Street roundabout
- e) Endorses option 2a - Installing an extensive wombat crossing solution with altered kerbing, raised footpath, raised crossing, lighting, delineations and signage at an estimated cost \$180,000 (one hundred and eighty thousand).
- f) Endorses Council providing a co-contribution of up to \$90,000 (ninety thousand) to secure grant funding to install the Wombat Crossings.
- g) Endorses Council to commence applying for grant funding opportunities and revisit the project proposal in 12 (twelve) months' time if Council has been unsuccessful in securing funding.

Resolution:

Moved Cr G Massey Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

Attachment: [Wombat crossing letter to council.pdf](#)

[Attachment 2: Articles in the Warrack Herald](#)

DISCUSSION

A Petition containing 260 signatures, was received from residents.

The Petition states the following:

- The Townscape Committee is concerned for the safety of pedestrians at the two Zebra crossings located on Scott Street, Warracknabeal.

- The surveys aim was to assess the community's feelings regarding the type of crossing that would be preferred. Two preferences were proposed during the survey: Zebra crossing and Wombat crossing.
- The petition result shows 250 signatures in favour of a wombat crossing. This is 96% of the total respondents from the survey.

An article was published in the Warracknabeal Herald highlighting the need for Council to install wombat crossings at the pedestrian crossings on Scott Street.

The Townscape Committee has referred to the Victorian Road Safety Strategy 2021-2020 and safetysolutions.com.au to demonstrate that wombat crossings can lower casualty rates by over 60% and are effective at reducing vehicle speeds.

Council Officer Opinion

Council received a letter on 29 July 2022 seeking to support wombat crossings (a raised pavement zebra crossing) on Scott Street (140m north of Scott Street and Lyle Street roundabout and 100m north of Scott Street and Woolcock Street roundabout), Warracknabeal. Following receiving the letter, Council officers undertook an investigation to determine if any additional traffic management measures were warranted in those locations.

The key findings from this investigation identified:

- a) The average vehicle speed is 32 km/h at the northern crossing, 100m north of Scott Street and Woolcock Street roundabout.
- b) The average vehicle speed is 30 km/h at the southern crossing, 140m north of Scott Street and Lyle Street roundabout
- c) 0.2.% of vehicles travel at more than 50 km/h at the northern crossing.
- d) 1.2% of vehicles travel at more than 50 km/h at the southern crossing.
- e) The average daily traffic volume is 2389 vehicles passing through the northern crossing.
- f) The average daily traffic volume is 1715 vehicles passing through the southern crossing.
- g) The crash history on those sections of Scott Street shows no causality crashes recorded in the last 5 years.
- h) Platforms are appropriate to install the wombat crossings as the carriageways have a median island.
- i) Pedestrians can walk at the same level i.e., footpath level as they move from one side of the road to the other.
- j) The existing traffic control devices (zebra crossings) didn't always slow down the traffic at those locations.
- k) Consideration was made against a vulnerable population including all ages population living around the town, Warracknabeal.

Based on the key findings, the vehicle numbers driving along the crossings emphasises the areas are highly active. Shopping precincts are on both sides of the road, where drivers need to take care and stop if needed at pedestrian crossings.

Raised crossings slow traffic down and help to make pedestrians more visible to drivers. To feel safe, crossing at the existing pedestrian crossings (because of the traffic volume), a wombat crossing could be a suitable traffic calming measure, to reduce speed, along with improving pedestrian safety and amenity in this location.

In addition, wide, flat, and elevated pedestrian crossings – wombat crossings - provide greater visibility of pedestrians for approaching vehicles.

Concept Design

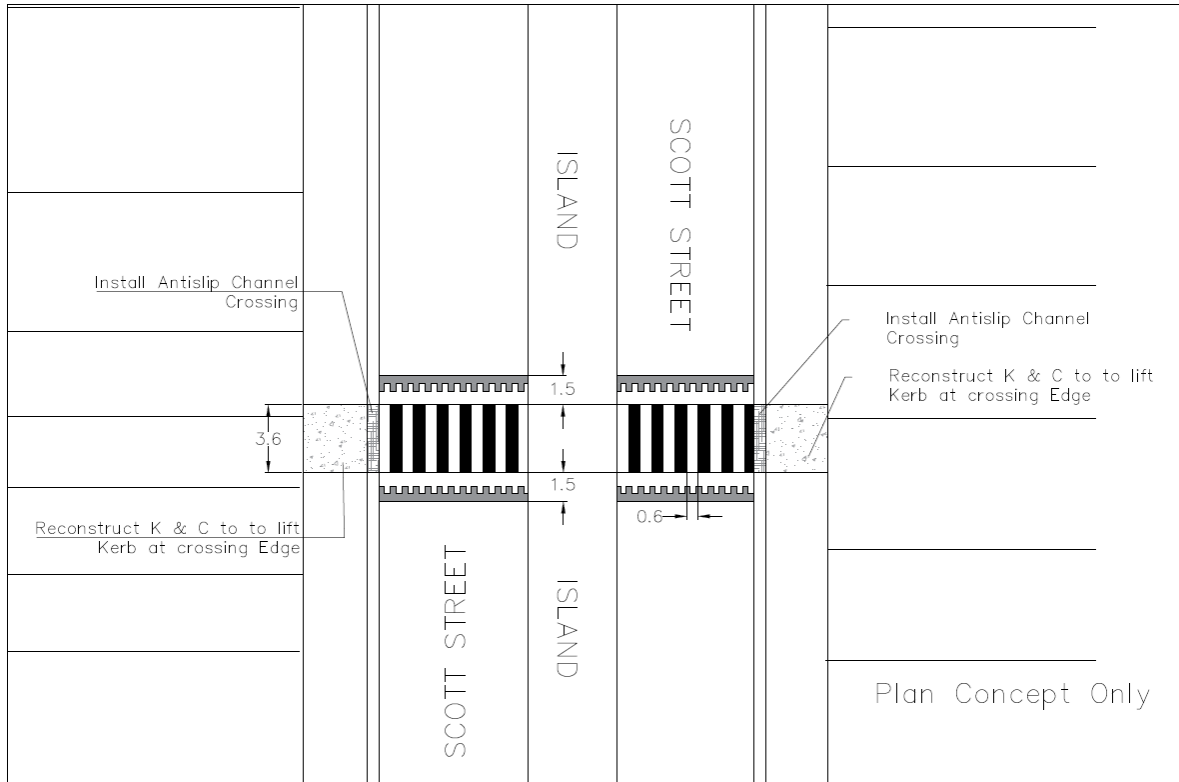


Figure 1 Wombat Crossing concept plan

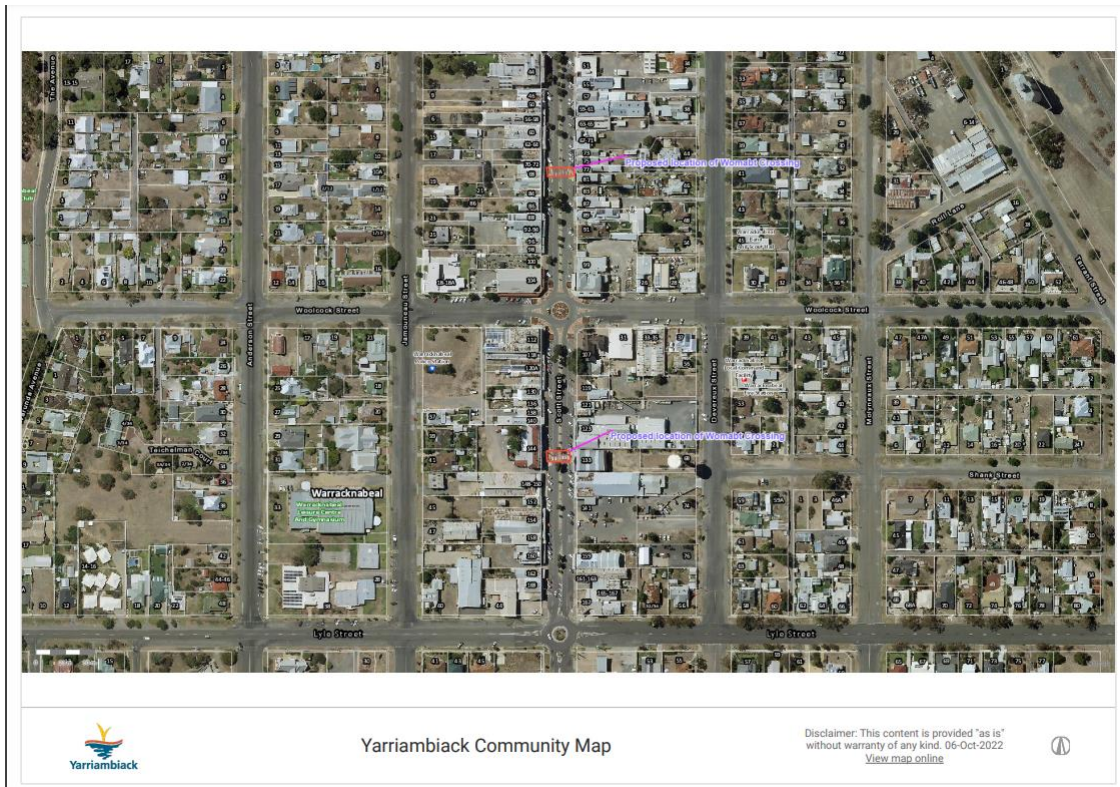


Figure 2 Location of proposed wombat crossings

With the concept design, a few parking bays would be removed from the locations. In addition, the following considerations are taken at the time of installation of the wombat crossing:

- a) The ground clearance will be minimum for light and heavy vehicles, desirable height is 100mm.
- b) Storm water drainage design, including major/minor flows.
- c) Adequate warning signs for approaching motorists.
- d) Lighting.
- e) Queuing of vehicles while giving way to pedestrians.
- f) The approach ramp grade will be 1:15 (6.7%) as per Road Design Note VicRoads – Raised Safety Platforms. This will accommodate road users, such as heavy vehicles, emergency vehicles, buses, bicycles, and low floor vehicles.

RELEVANT LAW

Section 10 of the *Local Government Act 2020* provides that subject to any limitations or restrictions imposed by the Act or any other Act, Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 strategic objectives 1 and 4 apply to this decision.

Objective 1: A Vibrant and Diversified Economy.

Objective 4: A Council Who Serves Its Community

RELATED COUNCIL DECISIONS

This type of decision to install wombat crossings is a first proposal.

OPTIONS

1. Reject the petition and seek an alternative solution for pedestrian safety. This could be removing the existing parking bay on the approach of each side for greater visibility and installation of flashing pedestrian crossing lights.
2. Accept the proposal made by the Townscape Committee to install a wombat crossing at the two proposed locations utilising one of the following options:
 - a) Install an extensive wombat crossing solution with altered kerbing, raised footpath, raised crossing, lighting, delineations and signage.
Estimated cost \$180,000
 - b) Install a moderate wombat crossing solution, blend existing approaches into a raised hot mix asphalt crossing, delineations, lighting, and signage.
Estimate cost of \$70,000
 - c) Install a simple option of renewed line marking and flashing pedestrian crossing signage.
Estimated cost \$25,000
 - d) Renew line marking and renew signs under maintenance activities as the vehicle data doesn't strongly support any action to take place.
Estimated cost under \$5000 (through maintenance activities)

SUSTAINABILITY IMPLICATIONS

Economic: The proposed crossing could encourage increased economic activity, providing a safer Scott Street shopping precinct.

Social: Improve safety at both locations. Enhancing the social health and wellbeing of people visiting and shopping in Scott Street Warracknabeal.

Financial: There is a financial overburden for council if the funding opportunities are not available during the budget process for delivering such a project. The report recommends that Council makes available an initial \$25,000 - \$90,000 to give 1:1 funding. The estimated cost for the construction of the various options ranging from \$25,000 up to \$180,000. It is likely that there will be additional costs while the details scope statement is set during the project planning phase.

COMMUNITY ENGAGEMENT

Townscape Committee made a survey in June 2022 and received 96% positive feedback to install the wombat crossings on Scott Street, Warracknabeal. Three preferences were asked in the survey:

- Option1: Zebra Crossings
- Option 2 Wombat crossing
- Option 3 Don't care

The survey result was submitted to the council to seek the support for installation of wombat crossings.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

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 wombat crossings are clearly marked and impossible to miss and serving as a reminder to motorists to slow down when pedestrians are using such crossings.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	The crossings help pedestrians to enjoy the health and social benefits of visiting the main shopping precinct.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The raised safety platform (wombat crossing) at Scott Street will create a gateway feature to the area and provide a safer crossing environment for people of all ages crossing the road.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The project would require a co-contribution and grant funding to deliver the project.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

These traffic control treatments will be installed with the requirements set in the relevant Australian Standard(S) and VicRoads notes.

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 - October 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 October 2022 and 30 October 2022.

Resolution:

Moved Cr G Massey Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
Firewood collection Permits			
	Roadside Wood Collection permit	Murtoa	17/10/2022
	Roadside Wood Collection permit	Hopetoun	31/10/2022
Septic Tank Permits			

16.2 Priority Projects Framework

Prepared by Tom Huf, Community and Economic Development Officer

SUMMARY

The Priority Project Framework outlines the process for how Council recognises and prioritises Council and Community projects across the Shire.

RECOMMENDATION

That Council:

- a) Adopts the Priority Projects Framework, as attached to this Council report; and
- b) Endorse the review period of three years.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Priority Project Framework](#)

DISCUSSION

The Yarriambiack Shire Council Priority Projects Framework has been developed to ensure it supports, prioritises and/or delivers community projects that:

- a) Align with Council and external stakeholder strategic objectives, occupational health and safety and other legislative requirements.
- b) Consider wider community strategic objectives, needs, interests and viewpoints.
- c) Are properly planned and delivered, including project design, budgeting, project delivery and compliance.

The Framework steps through the process of how projects are:

- a) Identified both internally and externally.
- b) Prioritised.
- c) Supported; and
- d) Funded.

The aim of the document is to have a robust framework that provides for a transparent and equitable process for how projects are supported and funded across the Shire.

Without a robust framework, Council exposes itself to the risk of project delivery complications, supporting or delivering projects that don't have community support, delivering too many projects, or trying to deliver projects that aren't a priority for Council or its funding partners.

RELEVANT LAW

Local Government Act 2020 – Section 58 Public Transparency Principles

COUNCIL PLANS AND POLICIES

- Procurement Policy
- Community Assistance and Fee Waiver Policy

RELATED COUNCIL DECISIONS

Council Budget 2022-23 – adopted on 29 June 2022.

OPTIONS

- a) Council could choose not to endorse the Priority Project Framework and request additional information be included in the document.

SUSTAINABILITY IMPLICATIONS

The Priority Project Framework supporting Project Mandate document (Business Case) identifies a projects strategic alignment to Council’s plans and strategies, along with its alignment with regional and state plans and strategies. The aim of the strategic objectives is to improve the financial sustainability, social health and wellbeing outcomes, economic outcomes, and environmental outcomes for the Yarriambiack Shire community.

COMMUNITY ENGAGEMENT

Council is in the process of establishing Advisory Committees of Council with the aim of enhancing community engagement across the Shire.

Council also engages with the identified Progress Associations (or equivalent) in each township, to identify projects that are strongly supported and aligned with each community’s vision.

GENDER IMPACT ASSESSMENT

Not applicable for this Report. Each project will have a Gender Impact Assessment conducted as part of the Project Mandate process.

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	The Priority Project Framework ensures Council projects have an alignment with the strategic direction of Council and the community.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Priority Project Framework ensures projects are planned and funded that support the wider strategic objectives of Council and the community.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Providing a framework that outlines decision making and prioritisation, ensures transparency in decision making.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Regional Economic Development Strategies – Wimmera Southern Mallee Partnership

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 COUNCILLOR MATTERS

Cr Chris Lehmann

Hopetoun Swimming pool footpath construction is a great job completed. Congratulations.

Question: Use of street sweeper in Shire towns not being utilised enough

Response: Street sweeper is on a fortnight rotation of towns throughout the length of the Shire.

Cr Corinne Heintze

Thanks to the Shire for getting done what can be done with road maintenance at the moment. It's been good to see roads that have been fixed up are now passable again.

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

Carried

18 CLOSED (CONFIDENTIAL) SESSION

18.1	West Vic Business – Yarriambiack Chapter Advisory Committee of Council – Additional Members
<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 contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); 2. This ground applies because the Agenda Item concerns personal information about the nominated representatives, that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i>. 	
18.2	Exemption to External Private Works Policy – Maintaining a Private Road
<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 contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); 2. This ground applies because the Agenda Item concerns personal information about the nominated representatives, that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i>. 	

Moved Cr T Hamilton Seconded Cr C Heintze that Council move back into Open Session at 10:36am

Carried

18.1 West Vic Business – Yarriambiack Chapter Advisory Committee of Council – Additional Members

Prepared by Tammy Smith, Chief Executive Officer

RECOMMENDATION

PART 1

That Council:

- a) Appoint the following additional Community members to the West Vic Business Yarriambiack Chapter Advisory Committee for a term of three years as follows:

Colleen McPherson (Brim) and Monica Outen (Woomelang)

PART 2

That Council:

- a) Determines, pursuant to section 125(2) of the *Local Government Act 2020*, that the Resolution(s) made in relation to Agenda Item 18.2 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

19 Next Meeting

14 December 2022

CLOSE 10:36am

_____ **Mayor**