



AGENDA

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

AGENDA	Ordinary Meeting of Council
Issue Date: 23 February 2022	

OUR VISION:

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

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

CONTINUOUS IMPROVEMENT:

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

Recording

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

Live Streaming

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

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1 WELCOME

2 ACKNOWLEDGEMENT AND PRAYER

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

Acknowledging Traditional Owners

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

Prayer

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

Amen

3 PRESENT

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

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.

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.

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
Attended Community Meeting at Patchewollock

Cr T Hamilton

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
- 17 February Attended Tourist Information Centre Committee Meeting in Warracknabeal
- 21 February Attended Road Management Plan and Road Hierarchy Community Consultation at Brim

22 February Attended Wimmera Mallee Tourism Meeting in Harrow

Cr C Lehmann

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 (GCWWRRG) Board Meeting via ZOOM

15 February Attended discussion with Perpetual Trustees and FRRR on Pipkorn Kelm Trusts.

Cr K Kirk

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
- 22 February Road Management Plan and Road Hierarchy Community Consultation – Sheep Hills

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.

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.

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.

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
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:

<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 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.

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 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.

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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.

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
Does this Council report recommendation c) Introduce a new policy, program and/or service; or d) 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:

<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	Maintains Residual Risk Level

	will provide a greater benefit to the municipality.	
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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.

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.

<i>Gender Impact Assessment (GIA)</i>		<i>Status</i>
Does this Council report recommendation e) Introduce a new policy, program and/or service; or f) 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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	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*.

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	2. Includes State and Federal Government panels. 4. Includes Accounting services (not including internal audit engagements). 6. Includes software as a service product, however value for money must be assessed via mandate (business case) approved the CEO. 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.
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 CEO

Section	Description
	\$150,000 (excluding GST) thresholds. An example of this section's application would be Plant and Equipment purchases.
Annexure A	<p>The amendment to this section includes changes to Financial Delegations. The Financial Delegation is to the position and acknowledges delegation to acting positions.</p> <p>Annexure A also includes financial delegation to a Coordinator / Team Leader at the CEO's discretion.</p>

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.

<i>Gender Impact Assessment (GIA)</i>		<i>Status</i>
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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The review and adoption of the policy ensures Council's compliance with the requirements of the Local Government Act 2020 . 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.

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

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.

AGENDA	Ordinary Meeting of Council
Issue Date: 23 February 2022	

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.

<i>Gender Impact Assessment (GIA)</i>		<i>Status</i>
Does this Council report recommendation		
i) Introduce a new policy, program and/or service; or		YES <input type="checkbox"/>
j) 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	Not applicable	

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	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

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.

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.

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.

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.

<i>Gender Impact Assessment (GIA)</i>	<i>Status</i>
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:

<i>Strategic Description and Residual Risk Level</i>	<i>Risk and</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
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

17 CLOSED SESSION – Reports for Decision

17.1 C305-2022 Design Construct and Install Caravan Park Cabins

17.2 C299-2022 – Design & Construct Rural Sealed Roads

18 Next Meeting

23 March 2022

CLOSE

_____ Mayor

Mav 2021-22 Rules Review

Yarriambiack Shire Council

Principles that might guide revised Rules

Council agrees with effective advocacy and influence in decision making being appropriate principles. In addition, having just completed consultation for the new strategy – it is sensible to focus on enabling its operational focus for delivery.

Rules affecting the office of the MAV President

It seems logical that the President – when elected- should be their Councils nominated representative to ensure credibility of their candidature. If they are unable to have the confidence of their Council group, it is unlikely they will have wider confidence. As such an endorsement locally should be required prior to endorsement for office of MAV President.

If the President term was four years, what provisions would exist for that term to be terminated should the President no longer have the confidence of the Board?

Council believes there should be a cap. If the term is 4 years, then one term should be the cap. If two years is the cap, then a cap of up to three terms either consecutively or in total should be in place.

If the President is from a non-participating Council, there would be credibility impacts for that role. If the President term is two years, perhaps a commitment for two years from Councils would overcome that potential disconnect occurring.

Rules affecting the MAV Board

Council considers that there may be a board that could be comprised of four regional and four metro at large board positions (with no more than one representative from a particular Council) and then two skills based board members – taking the Board total to ten.

As previously stated, two year terms to a maximum of six would be an appropriate tenure.

Council considers that a simple majority and checks & balances for the caretaker period.

A well governed Board should be undertaking regular reviews of their performance, in addition a Board member should be able to complete their term, if it is only one or two years, unless there has been a serious misconduct breach. If the term is four years, then there is a risk the member could be 'dis endorsed' by their council for a substantial length of time – again affecting credibility.

Rules affecting the State Council

Yes, the new rules should require the MAV Board to play a stronger and more focused role on matters coming before State Council and should ensure the State Council is modified to incorporate more strategic consultation mechanisms.

Motions should require a Council resolution and require conflict of interest provisions.

Member Councils should have to give notice to discontinue financial membership in time for the next financial years budget preparation or alternately- as stated above- should provide two years of commitment with a renewal 6 months before that two year period ends. Non participating Councils should not be able to access MAV services including Procurement as there needs to be a disincentive.

Neighbourhood Watch Newsletter

3 Elizabeth Av,
Warracknabeal 3393,
31-1-22,

The Director,
Regional Roads Victoria

Dear Sir/Madam,

Our Warracknabeal
organisation has identified 3 town intersections
with the Henty Highway regarding poor night-time
visibility :- these being From North to South

- 1, The Kelsall St. entrance next to the
Werrigar Truck stop with the Borung
Highway to the East.
- 2, The Lyle St. entrance opposite the
Ambulance Station.
- 3, At Gardiner St., which is the School
Bus entrance, opposite the Saleyards,
Warrack Home Furnishings and Brunt's
Truck Service Centre.

Members of our organisation will be
willing to meet with you or your staff to
further discuss this issue,

Yours Faithfully
Ken Goodwin
Sec.

Neighbourhood Watch





Warracknabeal & District Historical Society

ABN: 69 040 286 078
Inc. A 5866

P.O.Box 355 Warracknabeal 3393

www.warracknabealhistory.org.au
warracknabealhistory@gmail.com

Yarriambiack Shire Council,
P.O.Box 243,
Warracknabeal 3393

9.2.2022

To Whom It May Concern,

Member of Wheatlands Warracknabeal Agricultural Machinery Museum wish to thank Yarriambiack Shire Council for resurfacing the tarmac at the Museum. We thought it would never happen. However we are really pleased that it has been done. It looks terrific and will now be wonderful to highlight parades and displays that we have, particularly if we can hold a Rally.

Please pass on our thanks to any Shire employees who had anything to do with the resealing. We appreciate their wonderful work.

Thank you again.

Yours sincerely,

Lesley Stephan

Lesley Stephan (Secretary)

RECEIVED

11 FEB 2022

Yarriambiack Shire Council



Council Plan Performance Reporting
Quarter 2
As at 31 December 2021



Yarriambiack
SHIRE COUNCIL



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1.	Executive Summary.....
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1. Executive Summary

This report is for the period ending 31 December 2021 and outlines Council's performance in the first quarter of the 21-22 Financial Year against the Council Plan 2021/22 adopted actions.

A Vibrant and diversified economy

Action	Update
Install cabins at Warracknabeal and Hopetoun Caravan Park.	The Tender is being considered at the Council meeting on 23 February 2022.
Seek funding to implement the Minyip Caravan Park Masterplan.	Four additional powered sites have been constructed with funding. Seeking funding through the Regional Tourism Infrastructure Fund for cabins.
Install camp kitchens in Hopetoun and Warracknabeal.	Drawings have been drafted by Grampians i-design for Request for Quote procurement.
Replace the amenity building at Warracknabeal Caravan Park.	Contractor has been appointed. Electrical and demolition works to commence shortly. Building expected to be commenced in 4-6 weeks.
Create a calendar of events to assist with marketing and promotion.	New website has gone live. Events section included in new website. Council has purchased the Business and Community Directory module, which will enable Business and Community Groups to be promoted via our website.
Provide businesses concierge services and funding through a dedicated monthly newsletter	Weekly newsletter steadily increasing circulation and containing business information.
Regional Development Australia Grampians 'For Want of a Worker' Strategy initiatives actively pursued to attract and train the future workforce.	Awaiting Final Documents from Regional Development Australia.
Update the Community & Business Directory.	The directory will be moved online to the new website, to go live by June 2022.
Application for 14 affordable dwellings to be built across the Shire through State Big Build Funding.	Awaiting funding announcement of Regional Infrastructure Fund. Progressing an application for the regional round in partnership with Haven Homes.
Facilitate discussions between business owners to ensure opening hours, goods and services are suitable for consumers.	No progress to date



<p>Utilising the Wimmera Southern Mallee Regional Partnership Digital Strategy to identify key areas for improvement and build an advocacy platform.</p>	<p>Submission to the most recent Engage Victoria Telecommunications Blackspot Funding Round, highlighting 4 locations. Provided a letter of support to Pivotel for their 4G network blackspot initiative.</p>
<p>Advocate for equitable access in each township to the premier product for townships from the NBN multi-platform technology mix.</p>	<p>Hopetoun NBN project due for signing prior to Dec 2021.</p>
<p>Advertise the NBN Local community program – inviting NBN to attend community events to provide support and information.</p>	<p>Events are now being scheduled with Covid restrictions easing.</p>
<p>Adopt a 10 year Asset Management Plan</p>	<p>Due by June 30, 2022.</p>
<p>Partnering with Wimmera Development Association to develop a distributed housing mode which makes serviced land available for new homes to be built.</p>	<p>Active involvement with Project Control Group.</p>
<p>Review and set a new Road Management Plan including service levels for road types.</p>	<p>Commenced community consultation program in February 2022. Was delayed due to COVID-19 restrictions.</p>
<p>Apply for State or Federal funding to upgrade Heavy Vehicle routes.</p>	<p>Applications open in November 2021 for Heavy Vehicle and Bridge Renewal Funding. Joint applications with Nth Grampians and Horsham to be made also.</p>
<p>Embed the predominant land use of agriculture into the local planning policy framework through a strategic planning scheme amendment.</p>	<p>Through the Local Planning Policy Framework translation into the Planning Policy Framework process through DELWP, Council’s Municipal Strategic Statement in the Planning Scheme was changed to become the Municipal Planning Strategy. This process removed duplication through the Planning scheme and was policy neutral.</p> <p>Almost every section of the Strategic Directions in the Municipal Planning Strategy has reference to agriculture, including Settlement, Environmental and landscape values, Environmental risks and amenity, Natural resource management, Built environment and heritage, Economic development (Agriculture, Industrial, Tourism), Transport, and Infrastructure.</p>

	Planning has commenced for the review of the Yarriambiack Planning Scheme. Outcomes of the review would identify parts of the scheme that do and don't work, and potentially look at elements of the Municipal Planning Strategy where the importance of agriculture can be highlighted or strengthened.
Support the Birchip Cropping Group extension research into Indigenous planting.	Support letters provided by Council to BCG and WDA for funding applications.
Encourage value-adding as a sustainable option for existing products.	Support letters provided to WDA for home based food trail across Wimmera Mallee, awaiting outcome.
Seek funding to upgrade a second ramp at the Livestock Exchange.	Second ramp to be included in the 22-23 budget.
Trial a modified community transport model that utilises existing Council vehicles.	Successful in obtaining funding from CHSP for two years of volunteer transport. Recruitment of Co Ordinator underway.
Highlight job opportunities for working remotely to attract people to live and work in the Shire.	Promoting flexible work arrangements in all job applications.

A healthy and inclusive community

Action	Update
Expand the Warracknabeal Children's Centre to accommodate the higher demand in kindergarten and childcare.	Delays in issuing Building Permit had resulted in delays to construction. Project construction has now commenced.
Seek funding for Dunmunkle Early Years and Childcare Centre.	Council has committed \$400,000 from the 22/23 Budget. Building Better Regions Round 6 Funding application submitted. Council will be advocating for this project during the Federal Election campaign.
Re-engage with health services (post-covid) to embed intergenerational activities.	
Active involvement with the Regional Partnership Strengthening Children in Communities Program.	Continue to promote program through dedicated workshops for the community. 2 online sessions held in 21/22 to date.
Seek internal or external funding allocations to provide meaningful playgroup programs to families.	Council has secured annual funding for resources related to playgroups. The enhanced MCH funding supports Council's MCH nurses to connect families with playgroups. Council is a

	member of playgroup Vic and we utilise their resources to support groups to set up.
Encourage the use of Library facilities across the Shire for all children and youth.	School holiday programs in conjunction with library venues have had high participation rates.
Deliver short courses that assist Young people to gain employment.	Engage and Freeza funding applications submitted. Council was unsuccessful with the Engage funding bid. Will advocate to the state government for youth funding across the municipality.
Support community initiatives that raise awareness of gender equity and family violence.	
Support volunteers by coordinating their statutory requirements such as Police Checks.	
Continue to implement Council's Cigarette Sales to Minors Program to improve retailer compliance and reduce in incidence of tobacco use in our younger demographic.	
Promote awareness through social media on the signs of family violence and the support mechanisms in place available for victims	
Develop masterplans for Murtoa and Warracknabeal Recreation Facilities	Masterplan consultants have been appointed.
Seek funding for the design and development of the Murtoa Rabi Park Youth Park, Warracknabeal Pump Track and Hopetoun Skatepark upgrades.	Council has applied for Sport and Recreation Funding for Rabi Park pump track, toddler playground and walking tracks, along with Masterplan funding for Warracknabeal Recreation Precinct (Shire Office), Hopetoun Recreation Reserve and Minyip Recreation Reserve.
Develop a Participation Plan for the Beulah, Brim and Rupanyup Recreation Reserves as part of the 2020 Community Sport Infrastructure Stimulus Funding.	Plans for Beulah and Brim finalised. Rupanyup in progress. Joint LG Award winners for Tennis Vic.
Become a Local Government Authority Vic Sport Member	Council has become a member of Vicsport and will be recognised as a 2022 member.
Continue to assist Sporting Clubs and Community Organisations with funding or grant applications to support sport, active and passive recreation programs, initiatives, or infrastructure	Council is undertaking master planning of ANZAC Park and Murtoa Recreation reserve. Has applied for Sport and Recreation Funding for master planning of Warracknabeal Recreation Precinct, Hopetoun Recreation Reserve and Minyip

	Recreation Reserve. Rabl Park grant application submitted. Hopetoun Lighting project in delivery. Application submitted for Hopetoun Bowling Green renewal.
Liaise with communities to ensure all Community Action Plans are up to date	Dedicated staff member assisting communities to update their CAPs. Lascelles and Hopetoun recently completed.
Ensuring representatives from Council attend Progress Association and Consultative Meetings.	Going forward, Director Community Development and Wellbeing and Acting CEO alternate attending Progress Meetings and Consultative meetings.
Promote the Library facilities across the Shire and encourage usage of all resources.	Increased Library Facebook engagement by 11% since July 1 st .
Advocate for GP services and specific specialist services to be delivered in place, eg dialysis.	
Utilise the Words on Wheels Van for the delivery of library items and engage communities as a social interaction space.	Ongoing improvement of community library spaces with recent improvements at Rupanyup and Woomelang.
Annual roadshows with Regional Assessment officer to promote services available	Roadshow undertaken through July prior to Covid restrictions.
Provide appropriate support mechanisms and resources to successfully implement community transport model	Volunteer transport funding sourced. COVID restrictions have limited system being implemented. Advertising for volunteers was undertaken.
Implement new client management system to improve our quality of service to clients of the Commonwealth Home Support Program.	A new ICT system has been implemented to ensure client information processing.
Maintain support and promotion of Councils Access and Inclusion Plan to encourage participation and social connection for residents of all abilities.	Council's access and inclusion statement in development and to be included in the Council Plan.



A robust and thriving environment

Action	Update
Funding to deliver a glass crusher that reduces waste	Procurement of glass crushing machine finalised, MoU with partner Councils finalised. Delivery expected March 22.
Develop a Waste Management Strategy	Community consultation to take place through April - May 22.
Identify Councils resourcing requirements to implement the Victorian Governments waste reform targets	Community consultation to take place through April -May 22.
Participate in Municipal Association Victoria Procurement to group purchase green energy offsets to Council's power contracts.	Have entered into Victorian Energy Collaboration with other Councils.
Development of an Environmental Strategy	
Encourage community groups to seek funding to install solar	eRup successful with funding from Murra Wurra Community Fund.
Install solar on Council owned- Community managed buildings	
Update the Tree Policy, Tree register and ensure a risk-based approach to tree maintenance across the Shire.	Tree Policy in draft and to be advertised for community consultation.
Streetscape works targeted at reducing the heat impacts in main street districts	Beulah and Rupanyup Tree Planting to be undertaken in 21/22 year.
Continue collaboration with Catchment Management Authority for projects that encounter the environmental impacts of roadside weeds and pests	Additional funding received from Mallee Catchment Management Authority for north west Council area.
Seek additional environmental water for Minyip and Warracknabeal initiatives.	Integrated Water Management Funding applications closed Dec 21.
Design Integrated water management systems for the larger townships to ensure preservation of stormwater.	Integrated Water Management Funding applications closed Dec 21 – seek funding for Rupanyup this round. Seek design and costs for Beulah for Round 3.
Support Yarrilinks and Mallee Landcare in attracting funding to the Shire for environmental projects.	Multiple support letter provided to support Landcare funding applications.
Advocate to reduce the grid infrastructure capacity issues.	Active involvement in GNET Project Steering and community implementation committees.

A Council that who serves its community

Action	Update
Councillor professional development through forum and peer led education.	Seven training days undertaken by Councillors to date in the 21/22 financial year.
Councillors to be kept informed about community events/issues and up to date with legislative compliance.	Regular forum attendance despite Covid restrictions.
Cultural Audit and Workforce Plan carried out to identify skill gaps and training requirements.	People Matters Survey completed with high participation and above state average results. Workforce Plan completed.
Develop a Training Matrix/Plan to deliver on skill gaps and training requirements.	Training Plans finalised for all outdoor staff members.
Action on 'People Matters Survey' to improve gender equality and culture.	Gender Action Plan incorporated into the Workforce Plan.
Ensure performance reviews reflect accountability in all staff roles.	Performance reviews to commence in March 2022, with review of all key performance indicators to be completed.
Review the risk register at an operational level.	Risk register established.
Monitor, maintain and report on Audit outcomes.	Continuous reduction of Audit items, with 15 audit actions remaining open.
Upgrade the Council's website.	New website implemented.
Strong collaboration between Council and the Audit & Risk Committee including annual interactions with Councils internal and external auditors.	



Instrument of Delegation

S5 Instrument of Delegation to The Chief Executive Officer

23 February 2022

Preamble

Instrument of Delegation

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 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 Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 23 February 2022;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL of the **YARRIAMBIACK SHIRE**

COUNCIL was affixed hereto by authority of the

Council in the presence of:

Signature of Mayor / Councillor

Signature of Councillor

Signature of Chief Executive Officer

Name

Name

Name

Date _____

Delegation Sources

- Local Government Act 2020

Positions

- CEO: Chief Executive Officer -

S5 Instrument of Delegation to The Chief Executive Officer

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 1. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 1.1 entering into a contract exceeding the value of \$##insert amount; 1.2 making any expenditure that exceeds \$##insert amount (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$##insert amount); 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days; 1.4 electing a Mayor or Deputy Mayor; 1.5 granting a reasonable request for leave under s 35 of the Act; 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; 1.7 approving or amending the Council Plan; 1.8 adopting or amending any policy that Council is required to adopt under the Act;

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			1.9 adopting or amending the Governance Rules; 1.10 appointing the chair or the members to a delegated committee; 1.11 making, amending or revoking a local law; 1.12 approving the Budget or Revised Budget; 1.13 approving the borrowing of money; 1.14 #insert any other applicable conditions/limitations; or 1.15 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; 2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution; 3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; 4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a 4.1 policy; or 4.2 strategy adopted by Council;

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or</p> <p>6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.</p>



Procurement Policy

2021-2025

Version 2

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1 Principles

1.1 Background

Yarriambiack Shire Council recognises that a procurement strategy and best practice contract and procurement principles, policies, processes and procedures will enhance the achievement of Council objectives such as socially responsible procurement, value for money, achieving innovation and providing best value services to the community.

1.2 Objectives

The objectives of this Policy are to:

- a) Set a good governance and compliance direction for Council and Council employees in undertaking procurement.
- b) Establish a procurement framework for Council to achieve value for money and continuous improvement in the provision of services for the community.
- c) Ensure that Council resources are used efficiently and effectively to improve the overall quality of life of people in the local community.
- d) Achieve compliance with relevant legislative requirements.
- e) Achieve high standards of probity, transparency, accountability and risk management.
- f) Give preference to social procurement when considering the purchase of goods, services and works.
- g) Ensure all contractors and suppliers will be afforded an equal opportunity to tender or quote.
- h) Give preference to the procurement of goods, services and works from within Yarriambiack Shire Council and surrounding municipalities where price, quality, services, standards and delivery is comparable to other suppliers.
- i) Collaborate with other Councils and public bodies in the procurement of goods and services.

1.3 Scope

This Policy provides the principles, processes and procedures that will be applied to the purchases of all goods, services and works obtained and/or undertaken by Council.

This Policy applies from when Council has identified a need for the procurement of goods, services and works and it continues through to the delivery of goods or completion of works or services.

1.4 Application of Policy

This Policy will apply to all Councillors, Council employees and all persons engaged in procurement on Council's behalf, and they will be accountable for compliance with all relevant legislative requirements and requirements of this Policy.

1.5 Legislative Compliance Standards

This Procurement Policy is made in accordance with the Local Government Act. The Act is the key legislative framework that regulates the process of all Local Government procurement in Victoria. The Act requires the Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with the key legislative requirements.

Council will adhere to the provisions within the Act for all procurement matters consistent with the Victorian Local Government Best Practice Procurement Guidelines.

2 Owner

The owner of this Policy is the Chief Executive Officer. Enquiries regarding this Policy should be directed to the Director Business Strategy and Performance.

3 Treatment of GST

All monetary values stated in this Policy are excluding GST, except where specifically stated otherwise.

4 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 2020.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information, etc. It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Contract	An agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct.
Contract Documents	Documents construed together as an instrument of contract. They may include terms & conditions, specifications, drawings, tender responses, delivery schedules and payment schedules.
Conflict of Interest	In Victorian Local Government, the law provides that a staff member holding a delegation or advising Council or a Special Committee has a conflict of interest which they must disclose in writing when they have a personal or private interest of the type specified in the legislation.
Consultant	Respondent (person, firm etc) whose tender/quotation offer has been accepted by the Council with or without modification. A Consultant is a person who provides expert professional advice.
Contractor	Respondent (person, firm etc) whose tender/quotation offer has been accepted by the Council with or without modification. A Contractor is a person or business that undertakes a contract to provide materials or labour to perform a service or do a job.
Council Staff	Includes full-time and part-time Council officers and temporary employees, contractors and consultants engaged by the Council.
Emergency	<ul style="list-style-type: none"> • Any urgent circumstance which may present a risk to public health and/or safety • The failure of a 'key service provider' • Significant damage to municipal building (where it is no longer safe)

Term	Definition
	Major business disruptions such as an extensive IT failure resulting in a loss of services to the community.
Evaluation Criteria	The criteria used to evaluate the compliance and/or relative ranking of tender responses. All evaluation criteria must be clearly stated in the request documentation.
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within government, the word "probity" is often used in a general sense to mean "good process." A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal), or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services and works.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts.
Social Procurement	Social Procurement uses procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Late Tender	A late tender is one that it is not received prior to the advertised closing date/time.
Local Content / Local Businesses	Defined as labour, materials, plant and supervision, which are sourced from within the Shire boundary.
Prepayment	A payment made for goods/services prior to any works being undertaken.
Procurement Card	A procurement card is a type of company charge card used for smaller purchases to achieve greater cost efficiency, control and convenience. Procurement cards are also known as purchasing cards, Fleet Cards. Procurement cards can be tied to either a credit card or a bank account.
Expression of Interest (EOI)	A response to an open approach, usually by public advertisement, to the market requesting submissions from prospective suppliers interested in procurement. The list of potential suppliers who have provided expressions of interest may be used as the basis for conducting a select tender process.

Term	Definition
Request for Information (RFI)	A request for information is a solicitation document used to obtain general information about products, services or suppliers and can be used to gather information to assist with making a decision on what steps to take prior to the issuing of RFQ/RFT's.
Request for Proposal (RFP)	A request for proposal is generally sent to the supplier market, designed to capture commercial information and pricing. Allows Council to assess suitability and evaluate responses against a set of pre-defined requirements.
Request for Quotation (RFQ)	A request for quotation (RFQ) is a document that an organisation submits to one or more potential suppliers eliciting quotations for a product or service. Typically, an RFQ seeks an itemised list of prices for something that is well-defined and quantifiable.
RFx (Request for..)	RFx is a term used to refer to a family of 'Request for...' documents used to solicit responses of various types from suppliers. The three most commonly used documents in this family include Expression of Interest (EOI), Request for Quote (RFQ), and Request for Tender (RFT).
Specifications	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract.
Standing Offer Agreement	A contract that sets out rates for goods and services that are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Tender	An offer in writing to supply goods and/or services, usually submitted in response to a public or selective invitation such as a Request for Tender.
Tender Process	The process of inviting parties to submit a quotation or tender by public or private advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: Non-cost factors such as fitness for purpose, quality, service and support; and cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
Variance	Is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of work.

5 Procedure and Guidance Notes

5.1 Effective Legislative and Policy Compliance and Control – Ethics and Probity

This Policy represents the principles, processes and procedures that will be applied to the purchase of all goods, services and works by Council. The scope of this Policy commences from when Council has

identified a need for procurement requirements through to the delivery of goods or completion of works or services.

This Policy will apply to Councillors, Council staff and all persons undertaking procurement on Council's behalf and they are accountable for complying with all relevant procurement legislative and Policy requirements.

5.2 Conduct of Councillors and Council Staff

Councillors and members of staff (and all persons engaged in procurement on Council's behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

In procurement matters:

- a) Treat potential and existing suppliers with equality and fairness.
- b) Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information.
- c) Members of staff must disclose a general conflict of interest and/or material conflict before providing advice or reports (or any other matter).
- d) Council officers delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest.
- e) A Councillor must avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations. Councillors and members of the Audit and Risk Committee and must disclose a conflict of interest in accordance with the Local Government Act.
- f) Councillors must comply with the Councillor Code of Conduct.
- g) Councillors must not improperly direct or improperly influence a member of Council staff in the exercise of any power on/in the performance of any duty or functions.
- h) Members of staff must comply with the Employee Code of Conduct for Council.
- i) All staff engaged in the evaluation of quotation or tender evaluation must adhere to this Policy and complete and lodge a Conflict of Interest Declaration and a Deed of Confidentiality.
- j) All Councillors and Staff must adhere to Council's Gifts, Benefits, Hospitality Policy in matters of procurement.

Councillors and Council staff must make their interests known in any situation where it could be perceived that an interest might unduly influence them.

5.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this Policy and the Procurement Management Manual, relevant legislation and relevant Australian Standards and the Act.

5.4 Conflict of Interest

Councillors and Council staff must avoid situations in which private interests' conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff must not participate in any action or matter associated with the arrangement of procurement and a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest or holds a position of influence or power in a business undertaking tendering for the work.

Councillors and Council staff must:

- a) **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council staff, plus their relatives and close associates.
- b) **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise, Council staff must make their Manager, or the Chairperson of the relevant tender evaluation panel or board aware and allow them to decide whether the officer should continue to be involved in the specific procurement exercise.
- c) **Observe** prevailing Council and Victorian Local Government guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information for personal gain.

The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

5.4.1 Council Staff - Businesses and Plant

- a) Councillors and Staff who own or have a financial interest in a business may submit a tender for goods and/or services however, they must declare the conflict of interest to the Chief Executive Officer or as part of their Tender / Offer submission.
- b) Staff who own or have a financial interest in a business cannot directly procure goods and/or services from their own business on behalf of Council.
- c) Staff must declare their financial interest in a business to the Chief Executive Officer on commencement of employment or when they acquire the interest in the business.
- c) Council will not hire, lease or contract plant and/or equipment that:
 - a staff member owns, leases, or has a financial interest in;
 - a staff member's direct family owns, leases, or has a financial interest in; or
 - a staff member's business or trust owns, leases, or has a financial interest in.

5.5 Fair and Honest Dealing

- a) All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.
- b) Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.
- c) The commercial interests of existing and potential suppliers must be protected.
- d) Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.
 - i. Unsuccessful tenderers / invitees will be notified at the conclusion of the procurement process and provided with the following information: The name of the successful tenderer / invitee.
 - ii. The award price / schedule of rates of the successful RFx.

5.6 Accountability and Transparency

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this Policy and related Council policies and procedures.

Additionally:

- a) The responsible Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council.
- b) Where necessary, brief tenderers regarding the documented decision-making process.
- c) All procurement activities are to leave an audit trail for monitoring and reporting purposes.

5.7 Gifts, Benefits and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly, solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the Officer, or in which the Council is interested.

Councillors and Council staff must not accept gifts, benefits or hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Councillors and Council staff should not visit the premises of a contractor, organisation, firm or individual uninvited unless on official business. All business negotiations in accordance with the Procurement Policy and Procurement Management Manual should be conducted on Council premises, **or via a Council initiated online meeting**.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the Chief Executive Officer or the Mayor.

5.8 Canvassing

Suppliers of goods, services or works are prohibited from engaging Councillors, employees, consultants or third-party agents to discuss any aspect of a tender, quote or contract with the nominated contact for the tender or quote. Any engagement other than with the nominated procurement representative in Council's RFX documentation may disqualify the supplier.

5.9 Disclosure of Information

Information received by Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council staff are to protect, by refusing to release or discuss information to the extent that it is, Commercial in Confidence.

This may include information disclosed by organisations in tenders, quotations or during tender negotiations:

- a) Pre-contract information including, but not limited to, information provided in quotes, tenders or subsequently provided in pre-contract negotiations.
- b) Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.
- c) Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.
- d) At no stage should any discussion be entered into with any tendering party or its representative or agent that could have potential contractual implications prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

Discussion with potential suppliers during tender or quotation evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier. Such discussions should only occur with the authorised person nominated in the evaluation process.

6 Governance

6.1 Governance Structure

The Council shall:

- a) Establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council.
- b) Ensure that Council's procurement structure is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council.
- c) Ensure that prospective contractors and suppliers are afforded an appropriate opportunity to tender/quote.
- d) Encourage competition.
- e) Ensure that policies that impinge on the purchasing policies and practices are communicated and implemented.

6.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- a) The Act.
- b) Council's policies, procedures and guidelines.
- c) The Council's Code of Conduct, (Includes Councillors Code of Conduct and Employee Code of Conduct).
- d) Local Government Best Practice Procurement Guidelines.
- e) Other relevant legislative requirements such as, but not limited to, the *Trade Practices Act*, *Goods Act* and the *Environmental Protection Act*, and the relevant provisions of the *Competition and Consumer Act 2010*. Procurement operations are consistent with prescribed rights and responsibilities and they respect the 20 fundamental rights within the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

6.3 Methods of Purchasing

The Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- a) Procurement Card (e.g. Credit Card, and Debit Card). Note all purchase via a credit card and/or debit card must be undertaken by first completing a [Credit and Debit Card Purchase Request Form](#). The form must be approved by applicable Council Officer prior to purchase being undertaken.
- b) Fleet card. Fuel can only be purchased via authorised fleet cards (Refer to Fleet Card section of Procurement Management Manual).
- c) Purchase order requisition for all goods and services (unless via procurement card, credit or debit card).
- d) Purchase order requisition following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds.
- e) Under contract following a tender process.

- f) Where Council is satisfied that Value for Money requirements have been fulfilled, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by Procurement Australia, the Municipal Association of Victoria (Vendor Panel), the State Government Purchasing Panel, and **other State and Federal Government Agency or Department Purchasing Panels (refer to section 7.5.1)**. Utilising this method would not require Council to go to market with an RFx.
- g) Where Council is satisfied that Value for Money requirements have been fulfilled in item 6.3 (f), Council may utilise that pricing to negotiate a best and final offer from a local supplier.
- h) Unless other arrangements authorised by Council or the Chief Executive Officer on a needs basis as required by abnormal circumstances ~~such as emergencies~~.

The Council may, at the Chief Executive Officer's discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the expression of interest stage.

Council may also choose to seek Requests for Information or Requests for Proposals as a precursor to the tender process.

A Council Director or Manager may determine to seek Expressions of Interest where:

- a) There is likely to be many tenderers and tendering will be costly or the procurement is complex; and Council does not wish to impose the costs of preparing full tenders on all tenderers.
- b) There is uncertainty as to the willingness and/or interest of parties or vendors to offer the potential products or services or to undertake the proposed works.
- c) The requirement is complex, difficult to define, unknown or unclear.
- d) The requirement is capable of several technical solutions.
- e) The requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

An Expression of Interest process can be undertaken where determined by the Chief Executive Officer, a Director or Manager and where Council advertises publicly:

- a) The purpose and nature of the contract.
- b) The date by which it will invite tenders.

Tenders and Expressions of Interest should not be used to compensate for a lack of understanding as to a Council's needs. If uncertain what is required; a simple Request for Information should be undertaken. A Request for Information may be undertaken for reasons which include establishing:

- a) The availability of technologies, products or services available in the market place to meet Council needs.
- b) Whether proposed terms and conditions or deliverable expectations are acceptable in the market place.
- c) Whether proposed budgets are adequate to meet non-standard procurement needs – inadequate budgets should not become apparent when tenders are opened.

A Request for Information should be used rather than a Request for Tender or Expression of Interest in order to improve understanding of needs, availability and likely costs.

A Request for Information will be undertaken similar to an Expression of Interest and advertised accordingly. Care must be taken when writing a specification for a Request for Information to ensure there is no commitment to purchase inadvertently included.

6.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegations. Council staff that breach their delegated authority may face disciplinary action in accordance with Council's Human Resource Policy and Guidelines Manual.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

7 Procurement Thresholds and Competition Requirements

Council procurement processes are based on the Value for Money Principle:

7.1 Value for Money

The benefits of the purchase are weighted against the costs necessary for the optimum result for the Council and local community. The Council is not required to accept the lowest tender. Instead, the Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to the overall objectives of the Local Government Act.

Value for Money is often mistaken for meaning the lowest price, however, in terms of the contracting process; Value for Money requires the balance of quality, price and Council objectives, with as much transparency as is reasonably achievable.

Achieving Value for Money also requires *challenging* the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, *comparing* service provision options against all those available, *consulting* with key stakeholders and ensuring *competition* in the open market.

Achieving Value for Money must be the basis of all procurement decisions within the Council.

7.2 Minimum Spend Competition Thresholds

Any Council procurement must comply with the Local Government Act and Council's own policy, guidelines and procedures.

Financial Thresholds (AUS \$ excluding GST)	Requirements			
	Responsibility	Market Engagement	Agreement Type	Documentation
\$0 - \$100	All departments	Price Comparison	Purchase Order Requisition	Note in Purchase Order Requisition of Price Comparison
\$101 to \$5,000	All departments	1 emailed or written Quote		Quote must be Registered with Purchase Order Requisition.
\$5,000 to \$15,000	All departments	1 emailed or written Quote		Quote must be Registered with Purchase Order Requisition.
\$15,001 to \$25,000	All departments	3 emailed or written Quotes *		Quote must be Registered with Purchase Order Requisition.
\$25,001 to \$80,000	All departments	Request for Quotation	Contract	Evaluation Report
\$80,001 to \$150,000	All departments	Public Tender	Contract	Evaluation Report
> \$150,000				Evaluation Report

* A minimum of one of the three quotes **must be** obtained from a local supplier/provider wherever possible. If insufficient quotations cannot be sourced refer to Section 8.6.

7.3 Payments

Payment for works or services will be made by the Principal on submission of Tax invoices by the Contractor in accordance with Council's policies.

Payment of all claims shall be subject to review by the Council's Authorised Officer that requested the works, and the applicable Manager, Director or the Chief Executive with financial delegation. All invoices shall be submitted in accordance with the Schedule of Rates forming part of the contract. It is the responsibility of the Authorised Officer to ensure that the claim complies with the contract.

7.4 Prepayments

Prepayments for any goods/services cannot be made without the prior approval of the Manager Corporate Services or the Chief Executive Officer.

7.5 Panel Arrangements

7.5.1 Approved Arrangements

Council may procure goods, services or works without undertaking public quotation or tender process via the following supplier panels:

- a) Municipal Association of Victoria Procurement (MAV Procurement).
- b) Procurement Australia.

- c) State Purchase Contracts (SPC's) and Whole of Victorian Government Contracts (WoVGs).
- d) **State or Federal Government Agency or Department Panel of Preferred Supplier arrangements that have been established complying with legislative frameworks that have undertaken an open, competitive tendering process.**

7.5.2 Process for Purchasing via Approved Arrangements

Authorised Council Officers may purchase directly from the supplier panels as listed above in clause 7.5.1 to source goods, services or works. A supplier, consultant and/or contractor listed on an approved supplier panel has been assessed against a value for money criteria for inclusion on a preferred supplier panel arrangement.

The Council Officer is to source a quotation from an applicable supplier panel. The Council Officer is to consider how the procurement of the goods meets Council's requirements in relation to capability, capacity, price, social procurement and local supply. The Council Officer is to complete the [Value for Money Report – Procurement Panel](#), which must be considered by the Project Manager, applicable Director and a Technical Specialist, prior to being submitted to the Chief Executive Officer for approval.

Where the procurement exceeds the Chief Executive Officer's financial delegation, or a conflict of interest is declared, the procurement activity is to be approved by a resolution of Council.

7.5.3 Agency Arrangement – Council Acting as the Agent

Council may procure goods, services or works with a Council acting as the agent for a group of Council's provided that the agent Council complies with the requirements of the Act.

7.6 Exemption from RFx Process

The following circumstances are exempt from the general publicly advertised tender, quotations and expression of interest requirements:

Exemption Name	Explanation, limitations, responsibilities, and approvals
1. A contract made because of genuine emergency or hardship	Where the Council has resolved that the contract must be entered into because of an emergency (e.g., to provide immediate response to a natural disaster, declared emergency, etc.)
2. A contract made with, or a purchase from a contract made by, another government entity (including department or agency), government-owned entity or other approved third party.	<p>This general exemption allows engagements:</p> <ul style="list-style-type: none"> • With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or • In reliance on contracts and arrangements established by another government entity (including department or agency), local authority, local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA). (Refer to section 7.5.1). • This includes the Department of Treasury and Finance Construction Supplier Register, being a prequalified scheme for building and construction industry consultants and contractors; and • The Marketing Services Register, being a pre-qualification scheme for a range of creative services within advertising, communication.

Exemption Name	Explanation, limitations, responsibilities, and approvals
3. Extension of contracts while Council is at market	<p>Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected.</p> <p>This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.</p>
4. Professional services unsuitable for tendering	<p>Examples include, but are not limited to; Legal Services, Insurance, Accounting (not including internal audit engagements).</p>
5. Novated Contracts and Leases	<p>Where the initial contract was entered into in compliance with <i>the Act</i> and due diligence has been undertaken in respect to the new party.</p>
6. Information technology resellers and software developers	<p>Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software.</p> <p>Includes but is not limited to: Microsoft Licensing, Adobe Licensing, Software as a Service products.</p> <p>A mandate must be approved by the CEO where Council enters into an agreement with a SaaS provider to ensure Value for Money is achieved, whilst ensuring it aligns with Councils strategic business objectives.</p>
7. Regional Waste and Resource Recovery Groups	<p>Situations where a Regional Waste and Resource Recovery Group constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its member councils.</p>
8. Statutory Compulsory Monopoly Insurance Schemes	<p>Motor vehicle compulsory third party WorkCover</p>
9. Operating Leases	<p>Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.</p>
10. Market Failure / Limitations	<p>Where inquiries into the relevant market have revealed that there is only one supplier or provider, or one viable supplier or provider, of the goods, services or works being procured, and</p> <p>where the Chief Executive Officer is satisfied on reasonable grounds, that not going to market will produce a better, or better value outcome for Council.</p>

Refer to Council's Procurement Management Manual on the documentation process for justifying the Exemption to the Procurement Policy requirements.

7.7 Total Cumulative Spend

Care should be taken when reviewing the limits at 7.2 (above). Where significant sums are spent in aggregate with one supplier or on one service, it is necessary to structure procurement proposals (as requests for tenders, quotations or prices), in order to achieve greatest value and supplier performance by leveraging this cumulative spend, rather than treating each discrete arrangement as a separate procurement exercise. Council has determined that the cumulative expenditure to a supplier or for a specific product/service for a period of up to two years is to be taken into account unless the exemption is approved by the Chief Executive Officer.

For example, if Council is spending \$70,000 on stationery items each year and Council determines that the optimum period for obtaining value for money is two years; the indicative value of the contract is \$140,000 and it is therefore subject to the legislative requirement to seek tender proposals through a public process.

Should the Chief Executive Officer consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the thresholds set under this Policy.

8 Determining the Procurement Process

8.1 Tenders and Invitations to Supply

A public tender / invitation to supply process must be undertaken as per the thresholds contained in this Policy when:

- a) Purchase of all goods and services for which the estimated expenditure exceeds \$80,000 (excluding of GST).
- b) Building and construction works for which the estimated expenditure exceeds \$80,000 (excluding GST).

8.2 Expression of Interest

An expression of interest is a two-step process. When the thresholds are met an Expression of Interest process does not replace the need to call tenders. It simply precedes the calling of tenders and generally seeks to constrain the number of, and focus the quality and detail of tenders received.

An Expression of Interest process is generally structured with the following components:

- a) Overview of requirements.
- b) Invitation to submit.
- c) Criteria for evaluating.
- d) Form offer (respondents form).

An expression of interest should be used in circumstances where:

- a) There is likely to be many tenderers, tendering will be costly or the procurement is complex.
- b) There is uncertainty as to the interest of suppliers or vendors to offer the potential products or services or to undertake the proposed work.

8.3 Market Approach

Purchase of goods and services may be undertaken using the procurement method as described below:

8.3.1 Items with a value up to \$100

- a) A price comparison is to be undertaken, where possible, for all purchases up to and/or equal to one hundred dollars. This may include catalogue searches, internet searches etc.

b) The purchase order requisition is to be approved by the applicable Manager (as per Authorised Delegations Listing).

c) Suppliers cannot be engaged unless authorisation has been granted.

8.3.2 Items with a value \$101 to \$5,000

a) A Council Officer is required to seek as a minimum one written quote. The written quotation information is to be attached to the purchase order requisition request.

b) The purchase order requisition is to be approved by the applicable Manager (as per Authorised Delegations Listing).

c) Suppliers cannot be engaged unless authorisation has been granted.

8.3.3 Items with a value \$5,000 to \$15,000

a) A Council Officer is required to seek as a minimum one written quotation. The written quotation information is to be attached to the purchase order requisition request.

b) The purchase order requisition is to be approved by the applicable Manager (as per Authorised Delegations Listing).

c) Suppliers cannot be engaged unless authorisation has been granted.

8.3.3 Items with a value \$15,001 to \$25,000

a) The Council Officer is required to seek as a minimum of three written quotations.

b) A minimum of one of the three quotes **must be** obtained from a local supplier/provider wherever possible.

b) The quotation selected must represent the principles of value for money.

c) The purchase order requisition is to be approved by the applicable Manager (as per Authorised Delegations Listing).

c) Suppliers cannot be engaged unless authorisation has been granted.

8.3.4 Items with a value \$25,001 to \$80,000

a) Council is to receive up to three written quotations by issuing a Request for Quotation which may be accompanied by a Public Notice.

b) Details of the suppliers contacted and their quotations must be recorded in the Councils' records management system.

c) The quotation selected must represent the principles of value for money in accordance with the Evaluation Plan (refer to Procurement Management Manual).

d) The purchase order requisition is to be approved by the applicable Director and/or the CEO (as per Authorised Delegations Listing).

e) Suppliers cannot be engaged unless authorisation has been granted.

8.3.5 Items with a value above \$80,001 and above

a) Council requires that items with a value above \$80,001 are to be publicly advertised, via a public tender / invitation to supply / expression of interest process. (Refer to Section 8.1 of this Policy and the Procurement Management Manual).

b) Details pertaining to the process must be recorded in the Councils' approved records management system.

c) Suppliers cannot be engaged unless authorisation has been granted by the CEO and/or Council and a Contract/Agreement has been signed and executed by both parties.

8.4 Statutory Payments

The Chief Executive Officer has authority to approve statutory and compliance payments to Government and legislated authorities and/or organisations that are in excess of the Chief Executive Officer delegation recorded in this Policy.

8.5 Public Advertising

Quotations may be advertised at the discretion of the Directors and CEO in addition to the methods above. This may occur when a field of potential suppliers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices.

8.6 Insufficient Quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements.

This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded and an appropriate comment recorded.

There may be occasions when only one quotation may be received. Such occasions would require approval of the Chief Executive Officer and would generally be considered under the following circumstances:

- a) In the event of emergency works for safety reasons.
- b) When there is only one known and reputable supplier.
- c) Where it can be demonstrated that multiple quotations were actively sought and responses were not forthcoming.

Where such circumstances occur, an [Internal Memo - Justification Exemption to Procurement Policy](#) must be completed, signed by the Chief Executive Officer and submitted with the Purchase Order requisition.

9 Evaluation Criteria

The evaluation criteria for the Tender, Invitation to Supply, Expression of Interest and Request for Quotation process is outlined in the [Procurement Management Manual](#).

10 Delegation of Authority

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender, invitation to supply and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and construction works, the acceptance of quotes, tenders and offers and for contract management activities.

Refer to [Appendix A](#) for a list of Authorised Delegations Listing.

10.1 Delegations

10.1.1 Council Staff

The Council shall maintain a documented scheme of procurement delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and construction works on behalf of the Council and their respective delegations contained in Authorised Purchasing Levels (*Appendix A*) and the Procurement Management Manual:

- a) Acceptance of tenders and offers.
- b) Acceptance of quotes.
- c) Contract term extensions (within authorised budget).
- d) Contract amendment (non-financial).
- e) Contract amendment (financial).
- f) Appointment to register of pre-qualified suppliers.
- g) Credit Card and Debit Card purchases.
- h) Procedural exceptions.
- i) Variations and Contract term extensions.

10.1.2 Decisions Reserved for the Chief Executive Officer

- a) All contracts with expenditure equal to or less than \$150,000 (excluding GST) for Goods, Services and Works must be approved by the Chief Executive Officer or his or her delegate.
- b) Variations and Contract term extensions requiring additional budget that exceeds the Chief Executive Officer delegations must be approved by Council. The projects accumulative spend must be taken into consideration when assessing budget, contract extension and variation approvals. (E.g. Project approved by CEO for \$140,000. Variation to project scope for \$10,000 was approved by CEO. Total project is \$150,000. Further variation is required of \$20,000. This would increase the total accumulative spend on project to \$170,000 which is outside of the CEO's delegation. The Council would be required to assess and approve the budget, variation and contract changes.)
- c) **Where the detailed procurement has been itemised and adopted in the Budget and endorsed by Council and exceeds the \$150,000 (excluding GST) threshold. This could include purchases of itemised plant and equipment.**
- d) Where the Chief Executive Officer has a declared Conflict of Interest, the RFx recommendation is to be presented to Council for final approval.

10.1.2 Decisions Reserved for the Council

Commitments and processes which exceed the Chief Executive Officer's delegation and which must be approved by the Council are:

- a) Initial signing and sealing of contract documents above the Chief Executive Officer's delegation or where the Chief Executive Officer declares a conflict of interest.
- b) Tender recommendations and contract approval for all expenditure over \$150,000 (excluding GST) for Goods, Services and Works, **unless it meets the condition outlined in 10.1.1 (c).**
- c) Variations and contract term extensions outside of the Chief Executive Officer's delegation.
- d) If a decision is made to exercise the contract extension clause of a contract where Council was required to sign and seal the original contract documents.

10.2 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- a) More than one person is involved in and responsible for, each procurement transaction.
- b) Transparency in the procurement process.
- c) A clearly documented audit trail exists for procurement activities and functions.
- d) Appropriate authorisations are obtained and documented.
- e) Systems are in place for appropriate monitoring and performance measurement.
- f) Maintain all records relevant to administering this Policy in accordance with the *Public Records Act 1973 (Vic)*.

Council will develop and maintain a Procurement Management Manual to provide guidance to staff on all operational aspects of procurement. The manual will include all checklists and forms required in Council's procurement process.

11 Tender / Contract Management

11.1 Risk Management

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

Council will manage all aspects of its procurement processes in accordance with its adopted Risk Management Policy and in such a way that all risks, including occupational health and safety, are identified, analysed, evaluated, treated, monitored and communicated to the standard required by the law, in accordance with Australian Standards and Council Policy.

11.2 Health and Safety

To ensure the health and safety of our workers and visitors, procurement will be undertaken in accordance with requirements set out in the Yarriambiack Shire Council's Health and Safety Management systems and approved policies and as required by legislation.

11.3 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- a) Standardising contracts to include current, relevant clauses.
- b) Requiring security deposits where appropriate (bank guarantee and/or retention).
- c) Referring specifications to relevant experts.
- d) Implementing a robust, systematic and unbiased tender / offer evaluation and due diligence process.
- e) Requiring contractual agreement before allowing the commencement of work.
- f) Use of or reference to relevant Australian Standards (or equivalent).
- g) Effectively managing the contract including monitoring and enforcing performance.

11.4 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the Chief Executive Officer.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the Chief Executive Officer.

11.5 Endorsement

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to the Chief Executive Officer.

11.6 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the risk of legal action.

11.7 Contract Management

The purpose of contract management is to ensure that the Council and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- a) Establishing a system monitoring and meeting the responsibilities and obligations of both parties' under the contract.
- b) Providing a means for the early recognition of issues and performance problems and the identification of solutions.
- c) Adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

11.8 Variances

During the course of a contract there may be valid reason(s) when the contract needs to be varied; this variance to the contract normally comes with a cost. All claims for variances must be requested via a Variation Form and approved by the Officer with delegated authority as set out in Clause 10. All Variation Orders must be recorded on a Variation Register.

12 Demonstrate Sustained Value and Integration with Council Strategy

The Council procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- a) Feeling safe.
- b) Living in a clean and pleasant environment.
- c) Receiving good quality and well managed Council services that provide value for money.

12.1 Achieving Best Value for Money

The Council's procurement activities will be carried out on the basis of obtaining Best Value for Money.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of Best Value for Money.

12.2 Approach

This will be facilitated by:

- a) Developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle.
- b) Effective use of competition.
- c) Using aggregated/centralised contracts and Standing Offer Agreements where appropriate.
- d) Identifying and rectifying inefficiencies in procurement processes.
- e) Developing cost efficient tender processes including appropriate use of e-solutions (e.g. e-Procure).
- f) Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements.
- g) Working with suppliers to create relationships that are professional and productive and are appropriate to the value and importance of the goods, services and works being acquired.

12.3 Collaboration

Collaborate with other Council's and public bodies in the procurement of goods and services to achieve Best Value for Money.

This will be achieved by:

- a) Participate in networking opportunities and special interest groups within the region.
- b) Develop partnerships with small rural shires to facilitate regional training and professional development opportunities.
- c) As procurement opportunities arise, consult with local Council's and governing bodies to assess if there is an opportunity for joint procurement activities.

13 Role of Specifications

Specifications used in quotations, tenders, invitations to supply and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- a) Ensures impartiality and objectivity.
- b) Encourages the use of standard products.
- c) Encourages sustainability.
- d) Eliminates unnecessarily stringent requirements.
- e) Wherever possible specifies technical standards and requirements that are within the capabilities of local and other suppliers.

14 Performance Measure and Continuous Improvement

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the Council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- a) Highlight trends and exceptions where necessary to enhance performance.

- b) Improve the internal efficiency of the procurement process and where relevant the performance of suppliers.
- c) Facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

15 Sustainability

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on, or contribute to the environment, including but not limited to:

- a) Waste management.
- b) Recycling.
- c) Energy management.
- d) Emission management.
- e) Water conservation.
- f) Green building design.

15.1 Sustainable Procurement

Sustainable procurement is the acquisition of necessary goods and services that have least impact on the environment and human health, within the purchaser's capacity to do so.

The Yarriambiack Shire Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, services and works.

In addition, the Yarriambiack Shire Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- a) Considering the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services.
- b) Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured.
- c) Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner.
- d) Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products.
- e) Selecting products / services that have minimal effect on the depletion of natural resources and biodiversity.
- f) Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy.
- g) Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured.

15.2 Environmental Purchasing

Environmental purchasing is the inclusion of environmental factors in decisions on the purchase of products and/or services. It is sometimes called "green", "sustainable" or "environmentally preferable" purchasing. The aim of considering environmental factors is to buy products or services that have less impact on the environment and human health than otherwise comparable products or services. Environmental purchasing can achieve several benefits:

- a) Reduce energy and water consumption (which can reduce costs).
- b) Improve resource use efficiency.
- c) Reduce waste (which can reduce waste disposal costs).
- d) Reduce environmental health impacts of products and services.
- e) Reduce pollution.
- f) Provide markets for new environmentally preferable products.
- g) “Close the loop” on recycling, improving the viability of recycling.
- h) Provide leadership to the community.
- i) Encourage industry to adopt cleaner technologies and produce products with lower environmental impacts.

15.3 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council’s commitment to the local community and environment on which it impacts. This means the Council maximising the benefits of the services they provide across the community and minimising the negative aspects of their activities.

The Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

15.4 Social Procurement

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. For Local Government, social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities. Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

Yarriambiack Shire Council supports social procurement when engaging local suppliers, contractors and/or service providers and would seek Ministerial Exemption when the required works provide Value for Money to Council and would be advantageous to any of the following:

- a) Employment of disadvantaged groups.
- b) Employment of Apprentices.
- c) Employment of recognised Youth Traineeships.
- d) Employment of Youth labour.
- e) Benefits to local community.

16 Support of Local Business

Council is committed to buying from local businesses where such purchases may be justified on Best Value for Money principles.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Yarriambiack Shire Council boundary. Council will also seek from prospective suppliers/contractors where applicable, what economic contribution they will make to the Yarriambiack Shire Council municipality. All quotes should include a ten percent (10%) evaluation allowance for local businesses, depending on the type of procurement being sourced.

Council must endeavour to obtain a minimum of one quote from a local supplier where possible. In the event that this is not possible, the Accountable Officer will advise the Corporate Services Department so that supply gaps can be tracked and matched with future business opportunities.

A local supply weighting will be built into the evaluation criteria for all RFX Evaluation Plans as outlined in the Procurement Management Manual.

17 Diversity

Promoting equality through procurement can improve competition, Value for Money, the quality of public services, satisfaction among users and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

18 Apply a Consistent and Standard Approach

The Council will provide effective and efficient commercial arrangements for the acquisition of goods and services.

19 Standard Processes

The Council will provide effective commercial arrangements covering standard products and provision of standard services across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- a) Pricing where relevant.
- b) Processes, procedures and techniques.
- c) Tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements).
- d) Reporting requirements.
- e) Application of standard contract terms and conditions.

20 Performance Indicators

A list of performance indicators will be developed to measure procurement performance. They will include criteria such as:

- a) The proportion of spend against corporate contracts.
- b) User and supplier satisfaction levels.
- c) Knowledge and skill of Council staff in procurement processes.
- d) Level of compliance and understanding of Council procurement policies.
- e) Measuring the success of procurement initiatives e.g. procurement cards.

21 Management Information

The Council seeks to improve its' performance by capturing and analysing procurement management information in a variety of areas, including:

- a) Volume of spend.
- b) Number of transactions per supplier.
- c) Compliance.

- d) Supplier performance.
- e) User satisfaction.
- f) Category management.
- g) Environment spend.

The Council will also use external sources of management information to assist with the procurement decision making process including:

- a) Benchmarking data.
- b) Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia.
- c) Supplier reports.

22 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

22.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers and is committed to the following:

- a) Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered.
- b) Maintaining approved supplier lists.
- c) Developing new suppliers and improving the capability of existing suppliers where appropriate.

22.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations, offering business diversity include:

- a) Local businesses.
- b) Environmental suppliers.
- c) Small to medium sized enterprises.
- d) Social enterprises.
- e) Ethnic and minority business.
- f) Voluntary and community organisations.
- g) Local Content.

22.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- a) Size of spend across Council.

- b) Criticality of goods / services supplier, to the delivery of Council's services.
- c) Availability of substitutes.
- d) Market share and strategic share of suppliers.

22.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will provide:

- a) Information about Council and how to become an approved supplier.
- b) A list of existing and forthcoming contract opportunities, projected over a number of years.
- c) Guidelines for doing business with Council.
- d) Standard documentation used in the procurement process.
- e) Links to other relevant sites.

22.5 Continual Improvement

Council is committed to continuous improvement and will review the Procurement Policy on an annual basis to ensure that it continues to meet its wider strategic objectives.

22.6 Compliance Responsibility

- a) Council staff.
- b) Councillors.
- c) Special Committees.
- d) Contractors.

22.7 Charter of Human Rights Compliance

Council will ensure that all of its procurement operations are fully consistent with the prescribed rights and responsibilities and that they respect the fundamental rights within the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic).

23 Review Process

The policy will be reviewed every three years and in accordance with the *Local Government Act 2020 requirements*.

24 Supporting Documents

- a) Yarriambiack Shire Council's Authorised Delegations Listing.
- b) Yarriambiack Shire Council's Procurement Management Manual.
- c) Motor Vehicle Policy

Annexure A

**Authorised Delegations Listing as Delegated by the Chief Executive Officer
 Date: Valid for Four Years (2021-2025)**

The Delegation is to the Position in Council. This includes when staff and labour hire contractors are appointed to an Acting role, authorised by the Chief Executive Officer.

Position	Delegation Limit (excluding GST)	Procurement Delegations Description
Chief Executive Officer	\$150,00.00	Approval of the purchase of Goods, Services and Works. Approval of and acceptance of RFx as per delegation limit.
Chief Executive Officer	\$150,000.00 \$150,000.00	Contract Term extension within authorised budget and financial delegation. Contract amendments within financial delegation (financial and non-financial). Procedural exceptions. Variations and contract term extensions within financial delegation, taking into account accumulative spend. Appointment of Pre-qualified Panel of Suppliers. Approval of purchasing for items in excess of \$150,000 that are itemised and adopted by Council in the annual budget.
Director Business Strategy and Performance	\$50,000.00	Approval of the purchase of Goods, Services and Works.
Either the Chief Executive Officer or Director Business Strategy and Performance (nominated by the CEO at their discretion)	\$2,500	Corporate Debit Card for the purchase of SaaS product subscriptions only.

Position	Delegation Limit (excluding GST)	Procurement Delegations Description
Director Community Development and Wellbeing	\$50,000.00	Approval of the purchase of Goods, Services and Works.
Director Assets and Operations	\$50,000.00	Approval of the purchase of Goods, Services and Works.
Manager Corporate Services	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Organisational Performance	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Community Development	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Community Health	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Development Services	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Operations	\$25,000.00	Approval of the purchase of Goods, Services and Works.
Manager Assets	\$25,000	Approval of the purchase of Goods, Services and Works..
Coordinators / Team Leaders (at the CEO's sole discretion, based on position requirements)	\$5,000	Approval of the purchase of Goods, Services and Works..
Payroll / Accounts Payable Officer	\$2,500	Corporate Credit Card

Local Government Performance Reporting – Report of Operations

Six monthly report to December 2021.

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Aquatic Facilities: To provide a safe, accessible and well utilised facilities</i>					
<i>Service Standard</i> Health inspections of aquatic facilities	0	0	0	0	No authorised Council Officer inspections were undertaken during June - December 2021.
<i>Utilisation</i> Utilisation of aquatic facilities	0.51	0.35	0.49	0.19	Total visits to the Council owned Hopetoun Swimming Pool from 29 November to 31 December 2022 was 1,263. Calculation represents number of visits to Hopetoun Pool divided by population.
<i>Service Cost</i> Cost of outdoor aquatic facilities	<i>New in 2020</i>	\$14.75	\$10.98	\$14.32	Direct cost of operating Hopetoun Swimming Pool less income received (to Council), divided by number of visits to the service.

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Animal Management: To protect the health and safety of animals, humans and the environment</i>					
<i>Timeliness</i> Time taken to action animal requests	1.24	1.04	1.17	1.17 days	Number of days between receipt and first response action for all animal management requests divided by the number of animal management related requests.
<i>Service Standard</i> Animals reclaimed	57%	50%	91%	55%	Percentage of collected registerable animals under the Domestic Animals Act 1994 reclaimed. Calculation represents number of animals reclaimed divided by number of animals collected.
<i>Service Standard</i> Animals rehomed	<i>New in 2020</i>	71%	45%	38%	Percentage of collected registerable animals under the Domestic Animals Act 1994 rehomed. Calculation represents number of animals rehomed divided by number of animals collected.
<i>Service Cost</i> Cost of animal management service per population	\$15.38	\$17.13	\$13.80	\$7.60	The direct costs of the animal management service per municipal population.
<i>Health and safety</i> Animal management prosecutions	<i>New in 2020</i>	0	100%	0%	Percentage of animal management prosecutions which are successful.

					No animal prosecutions occurred in this reporting period.
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Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Food Safety: To protect public health by preventing the sale of unsafe food</i>					
<i>Timeliness</i> Time taken to action food complaints	3	1	3	2.86	Average number of days it takes for Council to action food complaints received from members of the public about the safety or handing of food for sale.
<i>Service Standard</i> Food safety assessments	51%	71%	53%	38%	Percentage of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment.
<i>Service Cost</i> Cost of food safety service	\$802	\$1,029	\$195.05	\$113.57	The direct cost of the food safety service per food premises registered by Council, or for which Council has received notification during the year.
<i>Health and Safety</i> Critical and major non-compliance notifications	100%	100%	100%	0%	Percentage of critical and major non-compliance outcome notifications that are followed up by Council. The food safety service protects public health by preventing the sale of unsafe food. Council has had no reports for the first half of the year.

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Governance: To make and implement decisions in the best interests of the community</i>					
<i>Transparency</i> Council decisions made at meetings closed to the public	15%	12%	21%	21%	Number of decisions made in a closed session relate to Request for Tender evaluations being considered.
<i>Consultation and engagement</i> Community satisfaction rating out of 100 with community consultation and engagement.	63	59	62	N/A	Reported annually.
<i>Attendance</i> Council attendance at Council meetings	83%	89%	92%	98%	Councillors represent the views of their constituents and allow decisions to take place by attending meetings. The percentage represents the attendance of Councillors at Council Meetings.

<i>Service Cost</i> Cost of elected representation	\$32,429	\$34,179	\$37,305	\$17,767	Direct cost of delivering Council's governance service per Councillor.
<i>Decision making</i> Community satisfaction rating out of 100 for satisfaction with Council decisions.	63	58	61	N/A	Reported annually.

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Libraries: To provide accessible and well utilised print and digital resources</i>					
<i>Utilisation</i> Physical library collection usage	1.28	1.01	0.51	.36	Number of physical library collection item loans per physical library collection item. This aims to identify if the library services are well utilised. Numbers are down, due to COVID-19 restrictions and access to library services.
<i>Resource Standard</i> Recently purchased library collection	40%	41%	42%	47%	Percentage of the library collection that has been purchased in the last 5 years.
<i>Participation</i> Active library borrowers in municipality	9%	10%	8%	7.03%	Percentage of the population that are active library borrowers in the last three financial years.
<i>Service Cost</i> Cost of library service per population	\$28.57	\$31.14	\$31.07	\$15.65	Operating expenses directly related to the delivery of the library service (including library programs).

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Maternal & Child Health: To promote healthy outcomes for children and their families</i>					
<i>Service Standard</i> Infant enrolments in the MCH service	98%	103%	101%	100%	Percentage of infants enrolled in the MCH services. This is ascertained by number of infants enrolled in MCH services divided by the number of birth notices received.
<i>Service Cost</i> Cost of the MCH service	\$122	\$169	\$102	\$96.65	Is operating expenses directly related to the delivery of the MCH service. This includes expenses such as nurses' salaries and oncosts divided by total hours MCH Nurses worked.
<i>Participation</i> Participation in MCH service	93%	91%	86%	137%	Percentage of children enrolled who participate in the MCH service. This identified the number of children who attend the MCH service at least once in a financial year divided by the

					number of enrolled children in the MCH service.
<i>Participation</i> Participation in MCH service by Aboriginal children	100%	94%	90%	94%	Percentage of Aboriginal Children enrolled who participate in the MCH service. This identified the number of Aboriginal children who attend the MCH service at least once in a financial year divided by the number of enrolled Aboriginal children in the MCH service.
<i>Satisfaction</i> Participation in 4-week key age and stage visit	<i>New in 2020</i>	98%	98%	80.56%	Percentage of infants enrolled in MCH services who receive the 4-week key age and stage visit.

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Roads: To provide a sealed local road network that is safe and efficient</i>					
<i>Satisfaction of use</i> Number of sealed local road requests	3.82	13	33	51.15	Number of sealed road requests received per 100km of sealed local road.
<i>Condition</i> Sealed local roads maintained to condition standards	98%	80%	100%	99%	Percentage of sealed local roads that are below the renewal intervention level set by Council and are not requiring renewing.
<i>Service Cost</i> Cost of sealed local road reconstruction per square metres	\$25	\$61	\$94		Reported annually
<i>Service Cost</i> Cost of sealed local road resealing per square metres	\$5	\$7	\$18		Reported annually
<i>Satisfaction</i> Community satisfaction out of 100 with sealed local roads	42	40	39	N/A	Reported annually

Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Statutory Planning: To make planning application decisions which are consistent with the local planning scheme</i>					
<i>Timeliness</i> Time (days) taken to decide planning applications	16	18	18	21	Median number of days between receipt of a planning application and a decision on an application.
<i>Service Standard</i> Planning applications decided within required time frames	88%	102%	98%	80%	Percentage of planning application decisions made within the relevant required time.
<i>Service Cost</i> Cost of statutory planning service	\$1,731	\$2,423	\$4,725	\$4,787	Operating expenses directly related to the delivery of the statutory planning service, excluding enforcement, divided by the number of statutory planning applications.

<i>Decision Making</i> Council planning decisions upheld at VCAT	0%	0%	0%	0%	Percentage of planning application decisions subject to review by VCAT and that were not set aside.
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Performance Measure	2019	2020	2021	June to Dec 2021	Comments
<i>Waste Management: To maximise the amount of kerbside waste diverted from landfill</i>					
<i>Satisfaction</i> Kerbside bin collection requests	31	51	7	17	Number of kerbside bin collection requests per 1000 kerbside bin collection households.
<i>Service Standard</i> Kerbside collection bins missed	1.44	.32	.64	.19	Number of kerbside collection bins missed per 10,000 scheduled kerbside collection bin lifts.
<i>Service Cost</i> Cost of kerbside garbage collection service	\$169	\$179	\$191	\$53.02	The cost of the kerbside garbage bin collection service per kerbside garbage collection bin.
<i>Service Cost</i> Cost of kerbside recyclables collection service	\$164	\$96	\$137	\$62.66	The direct cost of the kerbside recyclables collection service (including the contract cost of collection) per kerbside recyclables collection bin.
<i>Waste Diversion</i> Kerbside collection waste diverted from landfill	25%	19%	22%	16.23%	Percentage of recyclables and green organics collected from kerbside bins that is diverted from landfill.



Local Law No. 5- General Local Law.

OBJECTION TO PERMIT ISSUE

COUNCIL WISHES TO ADVISE THAT IT HAS RECEIVED THE FOLLOWING PERMIT APPLICATION.

PERMIT FOR:

ADDRESS OF ACTIVITY:

ANIMALS TO BE KEPT:

Keep more than the allowed number of animals.
35 Main Street, Murrumbidgee
1 x Silver Hamburg Rooster

IMPORTANT INFORMATION

If you wish to object to the issue of this permit please complete all the sections below and return this document to Council **within 14 days.**

Your failure to return this document within the specified time shall indicate to Council that you have no objections and are agreeing to the issue of this permit.

PLEASE WRITE IN BLOCK LETTERS.

Your Name: [Redacted]

Address: [Redacted] Ph: [Redacted]

Please state your objection in block letters.

ROOSTER IS LOUD AND HAS ~~KEPT~~ KEPT MY FAMILY AWAKE THROUGH THE NIGHT AT TIMES AND WAKES US UP AT 5am REGULAR THROUGHOUT SUMMER AND IS EXTREMELY LOUD AND DOESN'T ALWAYS STOP, OR RE STARTS AGAIN. FOR SOMEONE WITH SLEEP ISSUES, IT CAUSES GREATLY ON OUR LIVES!

NOTE: If an objection is received the permit application shall go before Council and all information from the applicant and the objector shall be given full consideration.

Signed: [Redacted]

Date: 28 01 2022

[Redacted Signature]