



Yarriambiack
SHIRE COUNCIL

Agenda

Ordinary Meeting of Council

APRIL 26, 2023
COUNCIL CHAMBERS
34 Lyle Street, Warracknabeal

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE LIVESTREAM

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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

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

CONTINUOUS IMPROVEMENT

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

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.

1 WELCOME

2 STREAMING PREAMBLE

As the meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online.

Anyone who is invited to read out a question as part of item 13 – Public Questions will be recorded and their voice, image and comments will form part of the livestream and recording.

Anyone who submits a question as part of item 13 – Public Questions will have their name stated and recorded as part of the livestreaming and recording.

The Chair and/or the Chief Executive Officer have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances, where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.

The stream will stop prior to the closed section of the meeting.

The public can view this livestream via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the stream, the meeting will be adjourned until the issue is resolved or the meeting will be postponed to another time and date in accordance with Council's meeting procedures and Governance Rules.

3 ACKNOWLEDGEMENT AND PRAYER

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

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

'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'.

3.2 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

4 PRESENT

5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

| Name / Role | Description of Leave / Absence |
|-------------|--------------------------------|
| | |

6 CONFIRMATION OF MINUTES

6.1 MINUTES 29 MARCH 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 29 March 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on Wednesday 29 March 2023, as circulated be taken as read and confirmed.

6.2 MINUTES 29 MARCH 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 29 March 2023 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Council Meeting of Council held on Wednesday 29 March 2023, as circulated, be taken as read and confirmed.

7 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.

7.1 Conflict of Interest Declared

| Conflict Declared by | Agenda Item | Reason - Explanation |
|----------------------|-------------|----------------------|
| | | |
| | | |

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

8.2 ONGOING AND PENDING ACTION LIST

| Council Meeting | Recommendation Action | Action Taken |
|-------------------------------|---|--|
| 23 March 2022 | Request to upgrade sections of Nullan Road and Hemphills Road, Nullan | To be completed in the 2022/2023 budget year. |
| 28 September 2022 | Council to undertake a recycling collection service survey in October 2023 | Task added to the Council Meeting and Forum Agenda Planner 2023. |
| 26 October 2022 | Request to upgrade access to 158 Wathe Reserve Road, Lascelles to be included in the 2023-24 Capital Works Program. | To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year. |
| 26 October 2022 | Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program. | To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year. |
| 23 November 2022 Item 15.2 | Request to install wombat crossing in Scott Street, Warracknabeal. | Council to commence applying for funding opportunities to pay for the installation of the crossing. Revisit proposal in 12 months' time (November 2023) if Council has been unsuccessful in securing funding. |

9 PETITIONS

Nil

10 CORRESPONDENCE

| Outgoing | | |
|----------|-------------------------------|---|
| Date | Recipient | Details |
| 02/04/23 | Southern Mallee Kart Club | Request for Support response letter |
| 05/04/23 | Minister for Small Business | Public Holiday Show Dates 2023 – Warracknabeal and Murtoa |
| 06/04/23 | Community and Sporting Groups | Letter regarding transfer station fee waivers in accordance with the Community Assistance and Fee Waiver Policy |

| Incoming | | |
|----------|-----------|---------|
| Date | Recipient | Details |
| | | |
| | | |

11 SPECIAL COMMITTEES

Audit and Risk Committee meeting has been delayed until Monday 26 June 2023, due to the commencement of new A&R Committee members.

The proposed scheduled meeting program is as follows for the next 12 months:

| Date | Description |
|--------------------------|--|
| Monday 26 June 2023 | Ordinary Meeting, including induction program. |
| Monday 17 July 2023 | Ordinary Meeting |
| Monday 25 September 2023 | Special Meeting – Financial Statements |
| Monday 16 October 2023 | Ordinary Meeting |
| Monday 19 February 2024 | Ordinary Meeting |

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT – APRIL 2023

| Mayor Kylie Zanker – Warracknabeal Ward | | |
|--|--|---------------------------------|
| Date | Activity | Location |
| 22/03/2023 | Catch up with Cr K Kirk re Council | Warracknabeal |
| 23/03/2023 | Attended Mineral Sands networking evening hosted by Wimmera Development Association | Horsham |
| 24/03/2023 | Catch up with CEO, Tammy Smith | Warracknabeal |
| 29/03/2023 | Attended Council Meeting online | Warracknabeal |
| 31/03/2023 | Catch up with CEO, Tammy Smith | Warracknabeal |
| | Attended Longerenong Awards evening | Longerenong |
| 04/04/2023 | Attended Patchewollock Inc meeting with CEO Tammy Smith & Cr Andrew McLean | Patchewollock |
| 05/04/2023 | Attended Minyip Probus meeting with CEO Tammy Smith | Minyip |
| 07/04/2023 | Attended Art Exhibition “coming home” with Artist Abby Sleep | Warracknabeal |
| 08/04/2023 | Attended the Easter Street Parade | Warracknabeal |
| 08/04/2023 | Attended the Wheatlands Museum tractor pull | Warracknabeal |
| 09/04/2023 | Attended the live music event at Wheatlands Museum | Warracknabeal |
| 11/04/2023 | Attended meeting with Planned Activity Group Attendees Warracknabeal Campus Rural North West Health with CEO Tammy Smith and Gavin Blinman | Warracknabeal |
| | Attended the Audit and Risk committee introduction for new members online | Online |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| | Officiated two Australian Citizenship ceremonies | Warracknabeal |
| 14/04/2023 | Attended Rupanyup Probus Meeting | Rupanyup |
| 15/04/2023 | Attended the “Future History” art installation exhibition at the Warracknabeal Town Hall | Warracknabeal |
| 19/04/2023 | Undertook radio interview with FLOW FM | |
| 21/04/2023 | Catch up with CEO Tammy Smith | Warracknabeal |
| 23/04/2023 | Attended the 50 year celebration event at the Wheatlands Museum | Warracknabeal |
| | Attended the 90 year celebrations for Ben Bentleys birthday | Warracknabeal |
| 25/04/2023 | Attended Anzac day services at Sheep Hills, Brim and Warracknabeal | Sheep Hills, Brim Warracknabeal |
| | | |

12.2 COUNCILLOR ACTIVITY REPORTS

| Cr Andrew McLean – Hopetoun Ward | | |
|---|---|-----------------|
| Date | Activity | Location |
| 03/04/2023 | Attended Patchewollock Inc Meeting | Patchewollock |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| 25/04/2023 | Attended ANZAC Day event | Hopetoun |

| Cr Tom Hamilton – Dunmunkle Ward | | |
|---|---|-----------------|
| Date | Activity | Location |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| 13/04/2023 | Attended Stick Shed Meeting | Murtoa |
| 19/04/2023 | Attended Murtoa Big Weekend meeting | Murtoa |
| 25/04/2023 | Attended ANZAC Service | Murtoa |

| Cr Graeme Massey – Warracknabeal Ward | | |
|--|---|---------------------------------|
| Date | Activity | Location |
| 1/04/2023 | Attended Welcome new commers Luncheon | Warracknabeal |
| 07 – 09/04/2023 | Attended Easter in the Beal events | Warracknabeal |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| 15/04/2023 | Attended Artbox Film event at Town Hall | Warracknabeal |
| 24/04/2023 | Attended Wimmera Mallee Tourism Meeting | ZOOM |
| 25/04/2023 | Attended ANZAC Day Ceremonies at Sheep Hills, Brim and Warracknabeal | Sheep Hills, Brim Warracknabeal |

| Cr Chris Lehmann – Hopetoun Ward | | |
|---|---|-----------------|
| Date | Activity | Location |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| | | |
| | | |
| | | |

| Cr Corinne Heintze – Dunmunkle Ward | | |
|--|---|-----------------|
| Date | Activity | Location |
| 31/03/2023 | Attended Wimmera Southern Mallee Transport Group (WSMTG) Meeting | Horsham |
| 3/04/2023 | Attended Minyip Memorial Hall AGM Meeting | Minyip |
| 5/04/2023 | Attended Minyip Progress Association Meeting | Minyip |
| 11/04/2023 | Attended Audit and Risk Committee Meeting | Online |
| 12/04/2023 | Attended Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| 15/04/2023 | Attended Artbox Film event at Town Hall | Warracknabeal |
| 25/04/2023 | Attended ANZAC Day Wreath Laying Service | Minyip |

| Cr Karly Kirk – Warracknabeal Ward | | |
|---|-----------------|-----------------|
| Date | Activity | Location |
| | | |

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

| Tammy Smith | | |
|-------------|---|---------------|
| Date | Activity | Location |
| 30/03/23 | All Staff Professional Development Day | Warracknabeal |
| 03/04/23 | Patchewollock Inc Meeting | Patchewollock |
| 04/04/23 | Rural Councils Victoria – Meeting with Minister Williams Advisor – discussion Mental Health funding | Online |
| 05/04/23 | Minyip Probus Meeting | Minyip |
| 05/04/23 | Meeting with Iluka representatives | Online |
| 11/04/23 | Meeting with Planned Activity Group Attendees Warracknabeal Campus RNWH | Warracknabeal |
| 11/04/23 | Audit and Risk Committee new member introduction | Online |
| 11/04/23 | Neighbourhood Watch Meeting | Warracknabeal |
| 12/04/23 | Council Forum, included visit from RNWH Chair and CEO and presentation from AusNet | Warracknabeal |
| 13/04/23 | Wimmera Regional CEO Meeting | Horsham |
| 13/04/23 | Meeting with Strategic Planning Consultant – Council Plan Review | Online |
| 18/04/23 | Rural Council’s Victoria – Housing Briefing Discussion | Online |
| 18/04/23 | DJSIR - Meeting Visitor Economy Partnership (VEP) Policy Framework | Online |
| 21/04/23 | Meeting with Mayor and CEO | Warracknabeal |
| 21/04/23 | Meeting with Rural Council’s Victoria – Finance Discussion | Online |
| 21/04/23 | Meeting with Hopetoun Old School Site Advisory Committee (informal) | Online |
| 21/04/23 | Meeting with Cr Kirk | Warracknabeal |
| 23/04/23 | Wheatlands Museum 50 Year Celebrations | Warracknabeal |

13 PUBLIC QUESTIONS

Division 8 – Public Question Time (Yarriambiack Shire Council Governance Rules)

Community Members (excluding Councillors) may submit a question to Council.

Questions must be submitted in writing, stating the name and address of the person submitting the question, on an approved or permitted form by Council. [Public Questions for Council – Yarriambiack Shire Council](#).

Questions must be submitted 24 hours prior to a Council Meeting.

The questions will be answered at a Council meeting by the Chief Executive Officer or a nominated Officer.

If questions are submitted less than 24 hours before the Council meeting, they will be answered at the meeting where possible, and if no answer can be given, then a written answer will be given to the person as soon as possible after the Council meeting.

No person can submit more than two questions at any Council meeting (unless permitted by the Chair – Mayor).

The question will not be allowed if:

- i. relates to a matter outside the duties, functions and powers of Council;
- ii. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- iii. deals with a subject matter already answered;
- iv. is aimed at embarrassing a Councillor or an Officer;
- v. relates to a personnel matter; or
- vi. contains or refers or relates to Confidential Information.

Questions and answers must be as brief as possible, and no discussion is allowed other than for the purpose of clarification.

The Name of Person and Question will be read out by either the Mayor or Chief Executive Officer, and the nominated Officer is to respond.

13.1 Questions Submitted

| Name | Question |
|------|----------|
| | |
| | |
| | |

14 COUNCILLOR REPORTS

14.1 Mayors Update

Visiting Community Groups

Over the next few months, the Chief Executive Officer and I are visiting community groups across our Shire, with the aim of informing them on what is happening at Council, in our community and discussing our key strategic priorities over the next 12 months. We have enjoyed our recent visits with the Planned Activity Groups at Rural Northwest Health, along with Probus and Lions Club.

Draft Budget

Staff are busy working on the Council Budget, with Councillors to be presented with the draft budget on 03 May 2023 during the Council Forum. After this date, the CEO and I will be undertaking a community consultation roadshow, utilising our Progress Associations or the equivalent body in each township to present our budget initiatives. We look forward to meeting with our community across the Shire.

We will also undertake a social media and newspaper / newsletter campaign highlighting our budget initiatives during the consultation process.

Container Deposit Scheme

Council has been provided with notification that the Container Deposit Scheme (CDS) will commence from 01 November 2023.

The network operator in the Yarriambiack Shire is Tomra – Cleanaway, and will be responsible for establishing and maintain a network of refund collection points across their zone.

We will keep the community updated on the roll out of the CDS as more information becomes available.

Tourism Strategy and Economic Development Strategy

Councillors are being briefed on the draft Tourism Strategy and the Economic Development during the Council Forum, scheduled immediately after the Council meeting. The CEO aims to have the draft documents out for public review by mid-May and you will be invited to provide feedback on our important strategic documents.

Rumble @Rabl Project

We are excited that construction works for the Rumble @ Rabl Project will be commencing from Monday 24 April 2023, with the foundations pad for the brand new Pump Track to be the first element constructed. We look forward to the new pump track and toddler playground being installed, capitalising on the beautiful surrounds at Rabl Park.

Hopetoun Old School Site Feasibility Study and Business Case

We are in the final stages of consultation for the development of the Feasibility Study and Business Case for the Hopetoun Former School Site. We thank Russell Hilton for his leadership not only as Chairperson for the Hopetoun Former School Site Advisory Committee, but for also ensuring the consultants are well versed and understand the communities' sentiments regarding the site. We look forward to seeing the final study and business case and discussing how we bring the vision to fruition.

Advocacy

We have reached out to the State Government Minister for Health, Health Infrastructure and Medical Research Mary-Anne Thomas seeking a meeting to discuss the challenges Rural Northwest Health is facing with their urgent care department. We are working closely with the RNWH Chair and CEO to address this issue, as we acknowledge it is important to maintain the services in our rural townships.

15 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

| Office of the CEO Responsibilities | |
|--|---|
| <ul style="list-style-type: none"> • Records (Information Management) • Governance • Occupational Health and Safety • Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System) • Leases and Licences • Councillor Support and Meetings Governance • Community Asset Committees | <ul style="list-style-type: none"> • Human Resources • Gender Equality • Freedom of Information Requests <p>Manager People and Culture delegated roles:</p> <ul style="list-style-type: none"> • Return to Work Coordinator • Freedom of Information Officer • Privacy Officer • Welfare Officer |

15.1 S6 Delegation to Members of Council Staff

Prepared by Belinda Penny, Information Management and Governance Officer

Presented by Tammy Smith, Chief Executive Officer

SUMMARY

As per the *Local Government Act 2020*, the S6 Delegation from Council-to-Council Staff was reviewed and adopted 23 November 2022.

As best practice the S6 Instrument of Delegation is reviewed biannually to ensure consistency with legislative requirements.

RECOMMENDED MOTION:

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

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

ATTACHMENTS

[Attachment: S6 Instrument of Delegation – January update](#)

DISCUSSION

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

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

Council has undertaken a bi-annual review of its delegations and authorisations that aligns with the Maddocks review and updates released. No major updates have been determined within the attached S6 Instrument of Delegation.

This update includes the following:

- a) Two minor administrative changes to wording in the conditions and limitations column advising delegates to consult with the CEO before actioning the specific provision of the Act or Regulation.
- b) Two minor administrative changes to wording in the conditions and limitations column reflecting the provision is not delegated but remains with the CEO.
- c) One addition of delegation to Manager Community Health (MCH) in S518F Residential Tenancies Act 1997.
- d) The S.6 Instrument of Delegation is to be presented to Council for review and adoption bi-annually.

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.
 Good governance practices adopted in the review of the S6 Instrument of Delegation.

RELATED COUNCIL DECISIONS

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

OPTIONS

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

- a) That Council does not approve the S.6 Instrument of Delegation bringing in to question the legality of decision making by Council Staff.
- b) That Council approve the S.6 Instrument of Delegation with modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S6 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

Not required for this report

RISK

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

| <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 S6 Instrument of Delegation ensure Council is 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.

15.2 S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Prepared by Belinda Penny, Information Management and Governance Officer

Presented by Tammy Smith, Chief Executive Officer

SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Local Laws in accordance with the powers granted to them under legislation or a Local Law.

As best practice the S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) is reviewed biannually to ensure consistency with legislative requirements.

RECOMMENDED MOTION:

That Council resolve:

1. The members of Council staff referred to in the attached Instrument of Appointment and Authorisation be adopted and authorised as set out in the Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. That the previous S11A Instrument that was adopted on 24 April 2019 be revoked.

ATTACHMENTS

[Attachment: S11A Instrument Appointment and Authorisation – January update](#)

DISCUSSION

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Local Laws in accordance with the powers granted to them under Legislation or Local Law.

Instruments of Appointment and Authorisation of authorised officers under the relevant legislation is done by the Chief Executive Officer in exercise of powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*. However, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by a Council resolution.

Council has undertaken a review of the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* and found with the implementation of the *Local Government Act 2020* reference made to section 232 in the *Local Government Act 1989* was repealed and introduced as section 313 in the *Local Government Act 2020*.

Details within the sections remain the same regarding the authorised officer to institute proceedings in the corporate name of the Council for various enforcement or recovery of rates, fees, or charges etc. with only a change in the section numbers between Acts.

To ensure business continuity when staff are on leave, the Director Assets and Operations has been added as an addition to the delegations, that were previously delegated to the Manager Development and Environmental Services.

In situations where the Manager Development and Environmental Services is on leave, Planning Applications reviewed and assessed by either the Manager Development and Environmental Services, or a Planning Consultant can be signed off by the Director Assets and Operations.

RELEVANT LAW

This instrument can be used by a Council to authorise members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation).

- *Local Government Act 1989*
- *Local Government Act 2020*

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 S11A Instrument of Appointment and Authorisation.

RELATED COUNCIL DECISIONS

Council reviews Instruments of Delegations and Authorisations on a regular basis in line with Maddocks bi-annual review and updates.

OPTIONS

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

- c) That Council does not approve the S11A Instrument of Appointment and Authorisation bringing in to question the legality of decision making by Council Staff.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S11A Instrument of Appointment and Authorisation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

Not required for this report

RISK

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

| <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 S11A Instrument of Appointment and Authorisation ensure Council is 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.

15.3 Council Plan 2021 -2025 Action Plan Quarterly Report

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

Council must adopt and prepare a Council Plan for the period of at least the next four financial years after a general election. Council must also prepare a Community Vision with an outlook of at least the next 10 years. The Council Plan 2021 – 2025 was adopted on the 25 August 2021 and incorporates the Municipal Health and Wellbeing Plan for the second time.

This report presents the Council Plan Actions, that aligns with the strategic objectives of the plan and the progress of each action.

RECOMMENDED MOTION:

That Council:

- a) Endorse the progress of the Council Plan 2021-2025 Action Report for Quarter 3 (2022-23).

ATTACHMENTS

[Attachment: Council Plan Reporting – Quarter 3 \(2022-23\)](#)

DISCUSSION

The Council Plan 2021-25 incorporating the Community Vision, Public Health and Wellbeing Plan, Long Term Financial Plan and Community Engagement Policy was adopted by Council in August 2021 after undertaking a community consultation process, in accordance with Council's Community Engagement Policy.

The Council Plan presents four overarching strategic objectives to guide Council's direction over the next four years.

The Council Plan actions have been developed based on the strategic objectives and have undertaken a community consultation process, in accordance with Council's Community Engagement Policy.

In July 2022, the Long-Term Financial Plan was removed from the Council Plan to be a standalone document.

RELEVANT LAW

The requirement for a Council Plan, 10-year Community Vision, 10-year Long Term Financial Plan are set out at Part 4, Division 1 Planning and Financial Management of the *Local Government Act 2020*. The requirement for Council to have a Public Health and Wellbeing Plan is set out in the *Public Health and Wellbeing Act 2008*.

COUNCIL PLANS AND POLICIES

The Council Plan is the overarching Plan that sets the strategic objectives for Council over the four-year term. The objectives are used to drive the development of other plans, policies, services and activities undertaken by Council.

RELATED COUNCIL DECISIONS

On 25 August 2021, Council adopted the Council Plan 2021-2025.

26 October 2022 – Minutes – Council Plan Actions Year 2, Quarter 1 Report.

25 January 2023 – Minutes – Council Plan Actions Year 2, Quarter 2 Report.

OPTIONS

- a) Councillors could choose to revise the Council Plan actions and strategic priorities.

SUSTAINABILITY IMPLICATIONS

The Council Plan is the overarching document that sets the strategic direction for Council operations. It determines the priorities, how they will be resourced through finance and staff and has clear measures for success in meeting the objectives.

The Council Plan has objectives for growing the economy through diversification, strengthening the environment through a range of measures that combat emissions and waste recovery, concentrating on delivering community wellbeing services that are critical to our townships health and ensuring that Council serves the community in all aspects of governance.

COMMUNITY ENGAGEMENT

In the development of the Council Plan, extensive community consultation was undertaken with over thirty community sessions held across fourteen townships through day and evening meetings with approximately 200 residents attending.

Hard copy surveys were sent to all households and made available online with 356 responses received and collated.

Targeted online stakeholder meetings with youth, seniors, state health, education and government representatives.

Draft Council Plan pop-up sessions were scheduled across the Shire, providing municipal residents the opportunity to provide feedback on the draft Plan in person.

The draft Council Plan 2021-2025 was placed on public exhibition from 24 June to 20 August 2021 and adopted by Council on 25 August 2021.

The Year two actions were developed based on the strategic objectives of the adopted Council Plan, and were reviewed by Councillors, prior to being placed on public exhibition in accordance with the Community Engagement Policy.

No public submissions were received on the Year Two Council Plan Actions.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

RISK

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

| <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 | Council Plan Actions progress reported quarterly in accordance with Council’s Performance Management Framework and reported on by the Mayor on an annual basis as required by the new Act. | Maintains Residual Risk Level |
| Strategy Execution and Change Management Risk - Residual Risk Level Medium | Operational resources including staff and finance attributed to the Council Plan objectives so they can be achieved. | Maintains Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | Measures that are independently verified to ensure ongoing targets are being met. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Council Plan relies on a number of regional and state plans and policies including:

- Wimmera Mallee Destination Management Plan
- WDA Housing Strategy 2020
- Victorian Government Active Recreation Strategy
- Victorian Government Recycling Victoria
- Wimmera Mallee Tourism Strategy
- Wimmera Development Association Strategy
- Regional Partnerships Horizon Highway 10 Year Strategy
- Regional Economic Development Strategies (REDS)

CONFLICTS OF INTEREST

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

16 REPORTS FOR DECISION – DIRECTORATE OF BUSINESS STRATEGY AND PERFORMANCE

| Business Systems Responsibilities | Corporate Services Responsibilities | Community Strengthening and Engagement Responsibilities |
|--|---|--|
| <ul style="list-style-type: none"> • Information Communication Technology • Risk • Audit and Planning • Corporate System Administration (RelianSys – Risk and Audit) • Business Transformation • Caravan Park Management | <ul style="list-style-type: none"> • Payroll • Accounts Payable • Procurement and Contracts • Debtors • Insurance • Rates • Corporate Planning (Performance Reporting) • 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 | <ul style="list-style-type: none"> • Libraries • Customer Service • Events Support and Internal Event coordination • Business and Community Support • Economic Development • Tourism • Community Development • Housing • Stakeholder Engagement |

16.1 Financial and Non-Financial Performance Report Quarter 3

Prepared and presented by

Tony Caccaviello, Director Business Strategy and Performance

Anita McFarlane, Manager Corporate Services

Joel Turner, Manager Infrastructure and Works

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.

RECOMMENDED MOTION:

That Council:

- a) Adopt the quarterly Financial and Non-Financial Performance Report, that includes the six-monthly Local Government Performance Reporting, as of 31 December 2022 as attached to this report.

ATTACHMENTS

[Attachment: Financial and Non-financial Reporting Report Quarter 3](#)

DISCUSSION

Schedule 1 of the Local Government (Planning and Reporting Regulations) 2020, identifies that Council must produce the following reports within identified time frames as below:

- a. Quarterly Budget Reports, comparing actual and budgeted results and an explanation of any material variations must be completed.
- b. Risk Reports, 6-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies.
- c. Performance Reports, 6 monthly reports of indicators measuring financial and non financial performance, including the performance indicators referred to in section 98 of the Act.

The Management Team has adopted a holistic approach to meet the requirements of the *Local Government Act* and Regulations, by compiling a Quarterly Financial and Non-Financial Performance Report.

The report incorporates budget, risk and performance reporting. The Council's risk appetite has been utilised to develop non-financial performance indicators for reporting purposes.

For this quarter, the report has been presented to the Management Team and at Council Forum on 12 April 2023.

RELEVANT LAW

Local Government Act 2020 – Section 97 Quarterly Budget Report

Local Government (Planning and Reporting) Regulations 2020

COUNCIL PLANS AND POLICIES

- Annual Budget 2022-2023

- Performance Reporting Framework
- Risk Management Manual

RELATED COUNCIL DECISIONS

Minutes 29 June 2022 – Adoption of the Annual Budget 2022-2023

26 October 2022 – Minutes – Financial and Non-Financial Performance Report Quarter 1.

25 January 2022 – Minutes – Financial and Non-Financial Performance Report Quarter 2

OPTIONS

The option presented in this report is to provide Council with a quarterly report encompassing both financial and non-financial performance reporting, provides enhanced governance and oversight, and promotes transparency in decision making.

Options to be considered:

- a) The Report is presented in a combined overarching report format that is presented quarterly.
- b) The Reports could be separated into three distinct reports, opposed to a combined overarching report that is presented quarterly.
- c) The Risk Report and Performance Reports could be moved to 6 monthly in line with the Local Government Act requirements, with the Budget Reports being quarterly only.

SUSTAINABILITY IMPLICATIONS

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

Financial: Yarriambiack Shire Council is heavily reliant on operational and capital grants as a source of revenue funding. This poses a significant financial risk to Council. Councils' ability to raise source revenue is restricted by the annual rate cap and is at risk to decrease or increase that are lower than cost inflation.

COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop the Performance Reporting Framework.

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

The financial and non-financial performance indicators are utilised as a tool for decision making to achieve good governance.

Council adopted a Community Engagement Policy which is applied when developing and consulting with the community in relation to the Annual Budget development and adoption. The quarterly report outlines Council's financial position against the adopted budget.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

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

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|---|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | The quarterly report incorporates the reporting requirements as outlined in the Local Government (Planning and Reporting) Regulations 2020 Schedule 1. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The quarterly report includes Budget v Actual reporting, which enables management, Audit and Risk Committee and Councillors to monitor the financial performance of Council and assess and address risks as they arise. | Maintains Residual Risk Level |
| Program and Project Risk - Residual Risk Level Medium | The quarterly report incorporates detailed project reporting, providing enhanced oversight on the performance of projects. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

17 REPORTS FOR DECISION – DIRECTORATE OF ASSETS AND OPERATIONS

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

17.1 PERMITS ISSUED BY ASSETS AND OPERATIONS DIRECTORATE

RECOMMENDED MOTION:

That Council:

Note the permits issued by Council between 1 March and 31 March 2023

| Reference No | Description | Address | Date of Issue |
|---|-----------------|-------------|---------------|
| Building Permits – March 2023 | | | |
| BLD20230329 | Demolition | Hopetoun | 09/03/23 |
| BLD20230330 | Demolition | Rupanyup | 09/03/23 |
| | | | |
| Planning Permits – March 2023 | | | |
| | | | |
| | | | |
| Road Reserve Works & Asset Protection Permits – March 2023 | | | |
| 03-2023 | Roadside Vendor | Sheep Hills | 27/03/2023 |
| | | | |

17.2 Closure of Hobson Street, Rupanyup

Prepared by Pradip Bhujel, Assets Coordinator

Presented by Michael Evans, Director Assets and Operations

SUMMARY

This report seeks to receive “in-principle” approval from the Councillors to dispose and discontinue Hobson Street in the township of Rupanyup. The action has resulted following the request from the Landowner to discontinue the street that has been registered inside the private land and remove it from Council’s Road register.

RECOMMENDED MOTION:

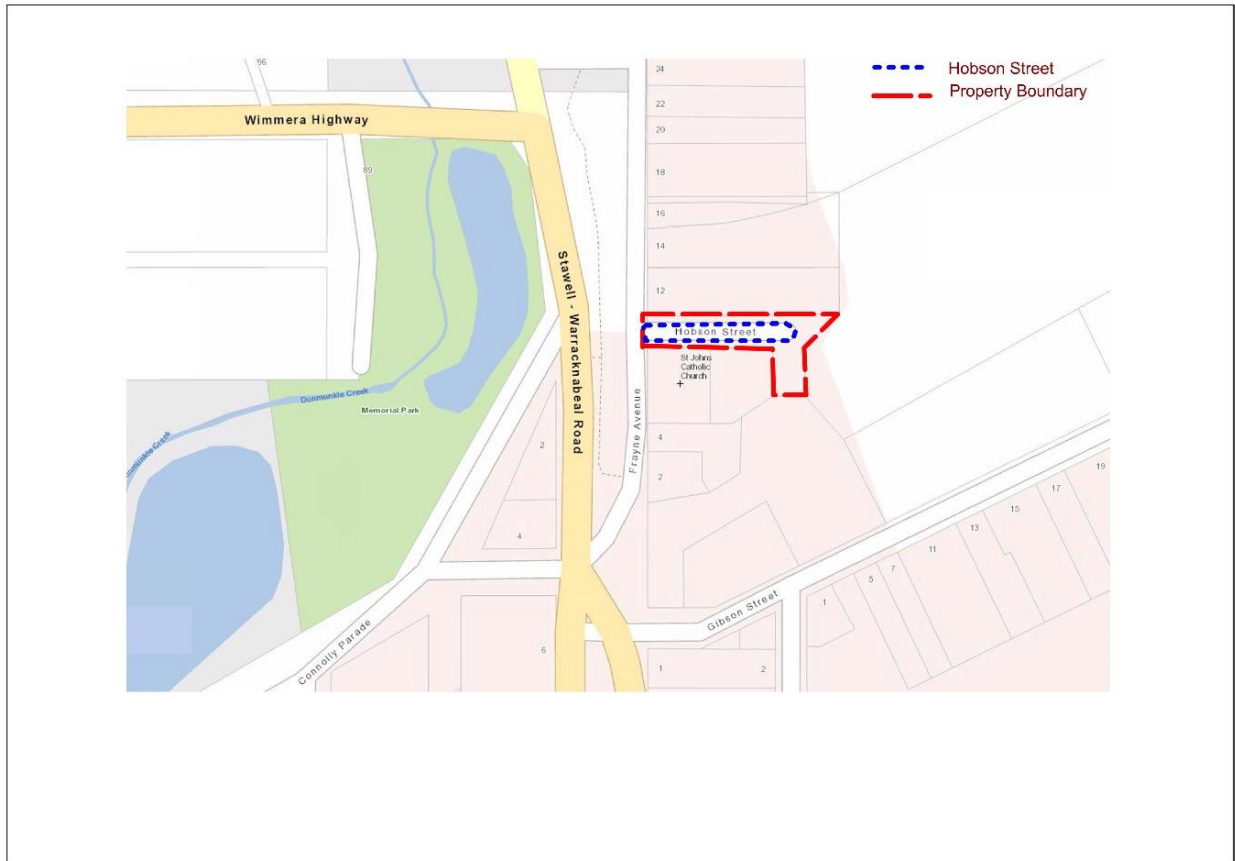
That Council endorse:

- a) Hobson Street Rupanyup being closed and discontinued by;
 - i. Commencing the Public Notice period in accordance with legislative requirements.
 - ii. If there are no objections, commence the gazettal process for the closure and discontinuation of Hobson Street Rupanyup.
 - iii. At the completion of the process, remove the road name (Hobson Street Rupanyup) from Council’s roads register.

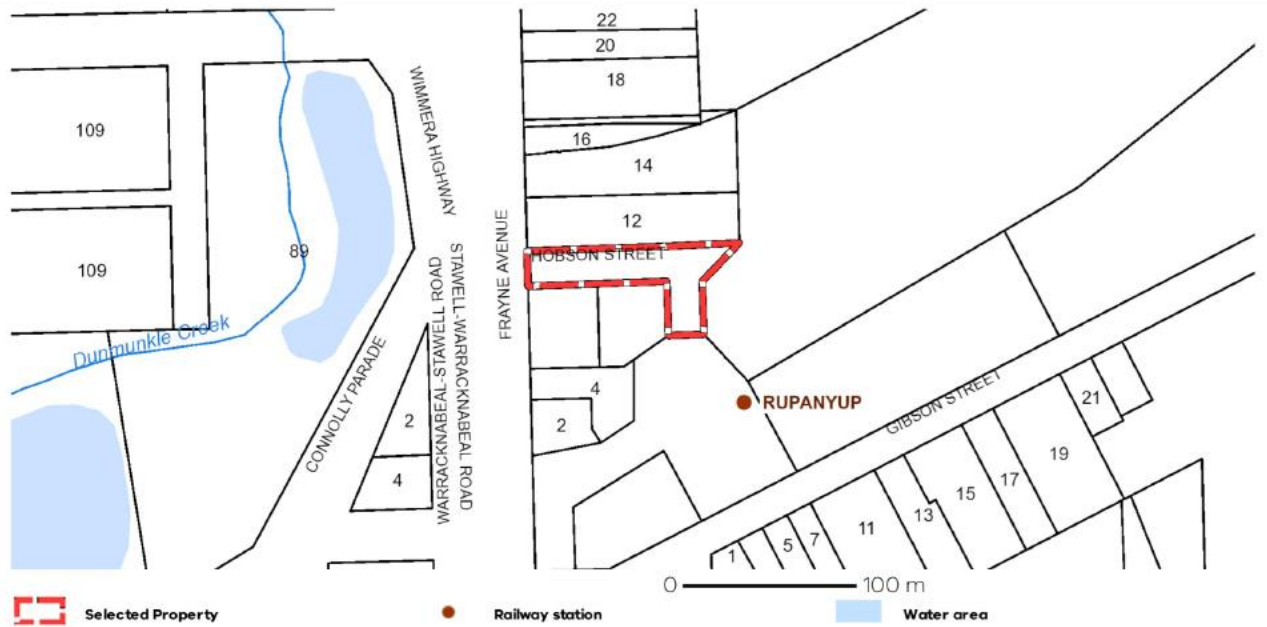
ATTACHMENTS



The Landholder owns all 3 properties around the stated property segment as shown above.



Area Map



DISCUSSION

Council received a request via email on 14 July 2022 from the land owner to close and discontinue Hobson Street, Rupanyup and remove it from Council's Road register. The request stated that the land has been registered in a private name since 1897 and is zoned as a part of the township. Further, VIC register search statement (title search) report shows no road reserve inside the parcel 1/TP917460.

In Council's Road register, Hobson Street has been recorded as 115m in total length, earth surface, and class as Urban Access (UA6).

As a coordinating road authority, Yarriambiack Shire Council has the authority to close and or discontinue a section of road or a road in a road reserve under the *Lands Act 1958*, the *Local Government Act 1989*, and Section 12 of *Road Management Act 2004*.

Following the "in-principal" approval from the Council, a public notice will be issued to receive any community feedback regarding the closer and discontinuation of Hobson Street, Rupanyup. If no objections are received, Council will then commence the gazettal process to formally close and discontinue the stated road. The road reserve will then be classed as 'no longer reasonably required for general public use' pursuant to clause 17(4) of the *Road Management Act 2004*. Further, the road will be removed from Council's Road register including from the asset register.

Once the process has been carried out the landholders will be able to continue the process of claiming adverse possession.

RELEVANT LAW

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- *Planning and Environment Act 1987*
- *Land Act of 1958*

COUNCIL PLANS AND POLICIES

Strategic Objectives 1: A Vibrant and Diversified Economy

Strategic Objective 4: A Council who Serves its Community.

RELATED COUNCIL DECISIONS

The following roads are previous decisions to close and discontinue:

- a) Council Meeting Minutes 13 June 2012 – Item 11.4 – Request for Road Closure, Brim Lane No. 2
- b) Council Meeting Minutes 27 September 2017 – Item 11.3 request for the Transfer of land (formerly known as) Hopetoun Lane 12
- c) Council Meeting Minutes 10 April 2013 – Item 11.3 – Proposal for the Closure of Warracknabeal Laneway 24
- d) Council Meeting Minutes 25 August 2021 - 14.2 - Boroopka Lane, Lascelles & Meral Street, Lascelles Closure

OPTIONS

Option 1: The Councillors can choose to accept the Officer's recommendation; or

Option 2: Deny the request.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implication arising from the recommendation to close this road.

COMMUNITY ENGAGEMENT

Community engagement will commence once Council approves to proceed with the public notice process to close the road.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | By following due process, as per the legislative requirements and Council approval, the road closure and discontinuance will remove an unmade road from Council’s Road register. | Maintains Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | Council has followed due diligence and the legislative process of closing and discontinuing a road, upon receiving a written request. | Reduces Residual Risk Level |
| Innovation Risk - Residual Risk Level Low | By following due process and removing the road from the roads register, a reduction in road maintenance will occur and removes any risks associated with a road. | 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.

18 REPORTS FOR DECISION – DIRECTORATE OF COMMUNITY 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 and Packaged Care) Leisure Centre Immunisation Program | <ul style="list-style-type: none"> Early Years Supported Playgroup Maternal Child Health (including enhanced services) Youth School Readiness |

18.1 PERMITS ISSUED BY COMMUNITY AND WELLBEING DIRECTORATE

Recommended Motion:

That Council:

Note the permits issued by Council between 1 March and 31 March 2023

| Reference No | Description | Name / Location | Date of Issue |
|---|----------------------------|-----------------|---------------|
| Local Laws Permits – March 2023 | | | |
| | | | |
| | | | |
| Firewood collection Permits – March 2023 | | | |
| | Roadside collection permit | Warracknabeal | 10/03/2023 |
| | Roadside collection permit | Murtoa | 22/03/2023 |
| | Roadside collection permit | Warracknabeal | 31/03/2023 |
| Septic Tank Permits – March 2023 | | | |
| | | | |

19 URGENT BUSINESS

Business cannot be admitted as urgent business, other than by resolution of Council. Council must only admit business as urgent if the business:

- a) Cannot safely be deferred until the next Council meeting; or
- b) Involves a matter of urgency, as determined by the CEO.

Councillors may ensure that an issue is listed on an Agenda by submitting a Notice of Motion in accordance with Governance rules, item 2.13.

If the CEO rejects the Notice of Motion, she must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

20 CLOSED (CONFIDENTIAL) SESSION

20.1 C320-2023 Kerb and Channel Works

This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:

1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

20.2 Exemption Non-Compliance to Procurement Policy – Master Plans Brim, Beulah and Rupanyup Recreation Reserve

This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:

1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

20.3 Waste Contract C190-2015 and Recycling Contract C189-2015 Extension

This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:

1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

20.4 C313 – 2023 Design and Construct Two Bedroom Units in Murtoa and Woomelang

This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:

1. Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
2. This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

20.5 Chief Executive Officer Annual Review

This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:

1. Because it is personal information, being information which if released would result in unreasonable disclosure of information about any person (section 3(1)(f)); and
2. This ground applies because the Agenda Item concerns human resource information about the Chief Executive Officer, that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the *Privacy and Data Protection Act 2014*.

21 NEXT MEETING

24 May 2023

22 CLOSED

Meeting closed at _____