



**Yarriambiack**  
SHIRE COUNCIL

# Agenda

## Ordinary Meeting of Council

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JULY 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

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, 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**

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES 28 JUNE 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 28 June 2023 be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Ordinary Meeting of Council held on 28 June 2023, as circulated be taken as read and confirmed.

### 6.2 MINUTES 28 JUNE 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 28 June be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Closed (Confidential) Council Meeting of Council held on 28 June, 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
Michael Evans	17.2 Footpath Rationalisation Assessment	Lives on a street included in the rationalisation assessment.

## 8 BUSINESS ARISING

### 8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

### 8.2 ONGOING AND PENDING ACTION LIST

Council Meeting	Recommendation Action	Action Taken
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.
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.
26 April 2023 Item 17.2	Commence public notice period to receive community feedback regarding the closure and discontinuation of Hobson Street, Rupanyup.	Commence Public Notice in accordance with legislative requirements.  If no objections received, Hobson Street, Rupanyup is to be removed from Council's Road Register.  Gazettal notice to close, discontinue Hobson Street Rupanyup was published in G23, on 08 June 2023.

## 9 PETITIONS

Nil

## 10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
18/07/21	DJ Builders	Permission for building permit and to erect pergola at Hopetoun Recreation Reserve.

Incoming		
Date	Sender	Details

## 11 SPECIAL COMMITTEES

### 11.1 AUDIT AND RISK COMMITTEE MEETING

Audit and Risk Committee Meeting was held on 26 June 2023 at Warracknabeal

[Attachment: Audit and Risk Committee Meeting Draft Minutes](#)

#### Recommended Motion:

That Council note the Draft Minutes from the Audit and Risk Committee of Council held on 26 June 2023.

The draft minutes from the meeting held on 17 July 2023 are currently being finalised and will be included as part of the August Council Meeting Agenda.

The proposed scheduled meeting program is as follows for the next 12 months for the Audit and Risk Committee:

Date	Description
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 – JULY 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
28/06/23	Conducted Citizenship Ceremony	Warracknabeal
29/06/23	FLOW FM interview	Online
30/06/23	CEO and Mayor meeting	Warracknabeal
30/06/23	Western Highway Action Committee Meeting	Ararat
30/06/23	Luncheon for Positive Ageing Team – Farewell	Warracknabeal
05/07/23	Rotary Changeover Dinner	Warracknabeal
07/07/23	CEO and Mayor meeting	Warracknabeal
11/07/23	Meeting with residents and CEO	Warracknabeal
12/07/23	Council Forum	Warracknabeal
13/07/23	Rural Councils Victoria Dinner	Echuca
14/07/23	Rural Councils Victoria Forum	Echuca
17/07/23	Audit and Risk committee Meeting	Online
19/07/23	Warracknabeal / Brim Lions Handover dinner	Warracknabeal
21/07/23	CEO and Mayor meeting	Online
25/07/23	Department of Transport Quarterly Meeting	Warracknabeal

**12.2 COUNCILLOR ACTIVITY REPORTS – JULY 2023**

<b>Cr Andrew McLean – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
12/07/23	Council Forum	Warracknabeal
17/07/23	Speed Recreation Reserve Annual General Meeting	Speed

<b>Cr Tom Hamilton – Dunmunkle Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>

<b>Cr Graeme Massey – Warracknabeal Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
12/07/23	Warracknabeal Action Group (WAG) open Meeting	Warracknabeal
12/07/23	Council Forum	Warracknabeal
25/07/23	Wimmera Mallee Tourism Meeting	Gorokey

<b>Cr Chris Lehmann – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
12/07/23	Council Forum	Warracknabeal
16/07/23	Emergency Services Golf Day	Hopetoun

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
05/07/23	Minyip Progress Association Meeting	Minyip
10/07/23	Rupanyup Progress Association Meeting	Online
12/07/23	Council Forum	Warracknabeal
14/07/23	Rural Councils Victoria Forum	Echuca
17/07/23	Audit and Risk Committee Meeting	Online

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
12/07/23	Council Forum	Warracknabeal

**12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – JULY 2023**

<b>Tammy Smith</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
29/06/23	Environment Protection Authority Meeting	Online
30/06/23	Luncheon for Positive Ageing Team – Farewell	Warracknabeal
30/06/23	CEO and Mayor meeting	Warracknabeal
03/07/23	CEO Meeting	Horsham
05/07/23	CEO and Local Government Victoria Meeting	Online
05/07/23	Warracknabeal Lions Club Meeting	Warracknabeal
06/07/23	Wimmera Southern Mallee Regional Partnership Mid-Quarter Briefing	Online
06/07/23	Seymour Railway Heritage Centre Meeting	Online
06/07/23	Rural Councils Victoria and Emergency Management representatives meeting	Online
06/07/23	Wimmera Southern Mallee Development Meeting – Housing Innovation	Horsham
07/07/23	CEO and Mayor Meeting	Warracknabeal
07/07/23	Wheatlands Museum Representatives Meeting	Warracknabeal
11/07/23	Meeting with residents and Mayor	Warracknabeal
12/07/23	Council Forum	Warracknabeal
12/07/23	Wimmera Leadership Program Guest Speaker	Warracknabeal
13/07/23	LGPro CEO Forum	Echuca
14/07/23	Rural Councils Victoria Annual Forum	Echuca
17/07/23	Audit and Risk Committee Meeting	Online
17/07/23	Meeting with GWMWater	Horsham
18/07/23	Woomelang Retirement Units Meeting	Online
18/07/2023	Commonwealth Games Briefing – Regional Councils	Online
20/07/23	Wimmera CEO Meeting	Horsham
21/07/23	Local Government Women’s CEO Meeting	Melbourne
21/07/23	CEO and Mayor Meeting	Online
25/07/23	Department of Transport Meeting	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

<b>Name:</b> Council Watch	<b>Town:</b> N/A
<b>Question:</b> Can Council please advise the dollar (\$) amount of 'cost shifting from State Government' they estimate they incurred in 202/2023 Financial Year?	
<b>Respondent:</b> Tammy Smith, Chief Executive Officer	

## 14 COUNCILLOR REPORTS

This section of the Agenda includes the Mayor's Advocacy Report, Funding Updates and Notice of Motions.

### 14.1 MAYORS REPORT

***Prepared by Mayor Kylie Zanker***

#### Transfer Stations and Review of Opening Hours

As a commitment to improving our efforts in waste management and sustainability practices, and in adapting to the changes in Government legislation and community expectation, Council has allocated funds to develop a Waste Resource, Environment and Climate Change Strategy and Action Plan. The Strategy and Action Plan will provide direction to Council Officers and the Community on how we will achieve our strategic and legislative compliance obligations into the future.

Council has changed its approach to the disposal of green waste from 01 July 2023 to give residents more opportunities to dispose of green waste throughout the year. Free green waste periods will increase from two x two-week periods to six x one-week periods across the year.

Due to illegal asbestos dumping at our transfer station in Yaapect, the transfer station has been closed indefinitely and a temporary trial for community recycling and hard waste / green waste collection hub was established in Yaapect in January 2023. This trial has been a success and Council has committed to continuing with this service into the future.

Beulah has been identified as the next town that will trial the new community recycling and hard waste / green waste collection hub, where we will establish a permanent hub on Council land. If this trial is deemed successful, we may consider transitioning from a traditional transfer station model to a community recycling and hard waste/green waste collection model. However, until the trial has commenced, and stakeholder engagement is completed, no decision will be made.

We have no plans to close transfer stations at the moment, and we will work with the community on planning, consulting and working on solutions that meet the needs of our diverse communities across the shire.

We will soon be conducting a survey across Hopetoun, Warracknabeal and Murtoa to assess transfer station opening hours and days of service, with an aim to meet community needs whilst balancing sustainability.

The promotion of the survey will be undertaken via Council's Yarri Yarns newsletter, social media, newspapers and via radio announcement.

#### Early Years Plan

Councillors have reviewed the draft Municipal Early Years Plan and it is currently being prepared for Community Consultation. We thank everyone who contributed feedback to informing the plan.

#### Draft Road Hierarchy

During 2021 and 2022 Council undertook a Community Consultation process seeking feedback on our Road Hierarchy. Extensive feedback was received, and we sincerely thank the community for participating in this consultation process. We have split the review into two phases. The first phase is the review of the Draft Hierarchy, where we have streamlined categories within the document for ease of reference and reading. This

document will be available for feedback for 28 days in accordance with our Community Engagement Policy.

The second phase will commence once the Road Hierarchy is adopted. This will identify where roads will be reclassified. This phase will also undertake a community consultation process and will be widely promoted across social media, newspapers, Council's Yarri Yarns newsletter, and via radio. We will also aim to reach out to our farming community via other means, such as the CFA.

The Road Hierarchy is an important document for our community and identifies Council's service levels in relation to maintenance and inspections on roads, in accordance with their classification. We recognise that we cannot possibly maintain 4,824kms of roads across the 7,326km footprint of our Shire. This document is important in informing how Council prioritises its limited resources.

### Housing

With the State Labor Government's announcement of the cancellation of the Commonwealth Games, brings a welcomed commitment to Housing. In addition to their Big Housing Build – they will provide a new \$1 billion Regional Housing Fund to deliver more than 1300 new homes across regional Victoria. The commitment is for new homes, which will include a mix of social and affordable housing.

We are excited by this announcement and the opportunities it could provide across our Shire, where we have Council owned land that has been scoped and is shovel ready for housing developments in Murtoa, Warracknabeal, Hopetoun and Woomelang. We will continue to strongly advocate for our fair share of housing funding and investment in our Shire.

We were also pleased to read of the new \$150 million Regional Tourism and Events Fund supporting new events, new attractions, and more accommodation. We hope this funding commitment may provide further support to establish and fully fund our vision of a Visitor Economy Partnership, supporting the Grampians Tourism and Wimmera Mallee Tourism brands.

## 15 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

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

## 15.1 Common Seal Approval for 173 Agreements

*Prepared by Tammy Smith, Chief Executive Officer*

### SUMMARY

Through the S6 Instrument of Delegation, Council Officers have been delegated responsibility to sign off on section 173 Agreements under the Planning Environment Act 1987. Such agreements require the affixing of the Common Seal of Council, which is problematic due to the Common Seal and Conduct at Meetings Local Law requiring a Council resolution before the affixing of the seal can occur. This paper aims to address this anomaly, enabling the affixing of the common seal when a staff member has been delegated responsibility.

### RECOMMENDED MOTION:

That Council:

- a) Endorse the affixing of the Council's Common Seal to Section 173 Agreements administered under the Planning and Environment Act 1987, once the agreement has been assessed and approved by the applicable nominated Council Officer in accordance with the S6 Instrument of Delegation.

### ATTACHMENTS

Nil

### DISCUSSION

The Council's Common Seal and Conduct at Meetings Local Law 2020 was ratified by Council on 01 September 2020.

As per Part B, Section 8 (8.3) of Council's Common Seal and Conduct at Meetings Local Law – the Common Seal may only be used with the authority of a resolution of Council given either generally or specifically.

Through the S6 Instrument of Delegation to Members of Staff adopted by Council at the 26 April 2023 Meeting, the Director of Assets and Operations and the Manager Development and Environmental Services are delegated to sign off on section 173 Agreements under the Planning and Environment Act 1987.

In Victoria, section 173 of the Planning and Environment Act 1987 allows a local Council and landowner to make an agreement that restricts how the land can be used. The Agreement may prevent land from being subdivided, used for staged developments, or may require particular characteristics of the land to be retained.

While anyone can create a contract, what makes an agreement under section 173 Planning and Environment Act 1987 unique is that it can be registered on the land title. This creates very specific obligations and rights on the land. It also makes it easier for local Councils to plan how land is used as they don't have to rely on legislation, regulations or other legal requirements.

This paper seeks endorsement from Council to approve the affixing of the Common Seal to Section 173 Agreements under the Planning and Environment Act 1987, once they have been assessed and approved by the delegated Council Officer.

### RELEVANT LAW

- *Planning and Environment Act 1987*
- *Local Government Act 2020*

## COUNCIL PLANS AND POLICIES

- Common Seal and Conduct at Meetings Local Law 2020
- Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community
- Council Plan 2021-2025 Strategic Objective 3: A Robust and Thriving Environment

## RELATED COUNCIL DECISIONS

- 19.1 Section 173 Agreement – Planning and Environment Act 1987 Molyneaux Street Warracknabeal – Minutes 24 May 2023

## OPTIONS

- Councillors could choose to not approve this recommendation and require all Section 173 Agreements that require the affixing of the common seal to be approved by Council. It should be noted that this would defeat the purpose of delegating the assessment and approval process to a Council Officer via the S6 Instrument of Delegation.

## SUSTAINABILITY IMPLICATIONS

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

This paper does not identify sustainability implications.

## COMMUNITY ENGAGEMENT

Not applicable

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Reputational Risk - Residual Risk Level Low	Approving the affixing of the Common Seal to 173 Agreements enables a more streamlined approval process, mitigating reputational damage on Council for holding up approval processes.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Enabling Council Officers to affix the Common Seal to Section 173 Agreements enables Council Officers to perform their duties effectively and efficiently as delegated to them via the S6 Instrument of Delegation.	Reduces Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

## CONFLICTS OF INTEREST

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

## 15.2 Revoking Community Asset Committee - Hopetoun Recreation Reserve

*Prepared by Tammy Smith, Chief Executive Officer*

### SUMMARY

The Hopetoun Recreation Reserve Community Asset Committee of Council was established under the *Local Government Act 2020* on 25 November 2020. This paper seeks endorsement from Council to dissolve the Committee.

### RECOMMENDED MOTION:

That Council:

- a) Endorse that the Hopetoun Recreation Reserve Community Asset Committee of Council, established on the 25 November 2020, be revoked and dissolved as of 26 July 2023.
- b) Endorse that the Chief Executive Officer (or her nominated delegate) be delegated to enter negotiations to establish a Hopetoun Recreation Reserve Community Lease, between Council and Hopetoun Recreation Reserve Incorporated (Inc.).
- c) Endorse that the Chief Executive Officer is delegated to approve the lease agreement between Council and Hopetoun Recreation Reserve Inc., with the aim of establishing the lease on the same principles as the Rupanyup Recreation Reserve Community Lease endorsed by Council on 25 January 2023.
- d) Endorse the affixing of Council's Common Seal to the Hopetoun Recreation Reserve Lease Agreement, between Council and the Hopetoun Recreation Reserve Inc. in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

### ATTACHMENTS

Nil

### DISCUSSION

The Hopetoun Recreation Reserve Community Asset Committee of Council was established in accordance with the *Local Government Act 2020* on 25 November 2020.

The Committee was initially established prior to the *Local Government Act 2020* being introduced. The Committee had its own Australian Business Number; however it was not an incorporated entity. For this reason, Council could not enter into a Community Lease Agreement with the Committee to oversee the management of the Hopetoun Recreation Reserve.

Since the inception of the Community Asset Committee, the Hopetoun Recreation Reserve Committee has become incorporated on 22 June 2023. The Committee wishes to change structure, no longer being a recognised Community Asset Committee of Council, and transferring to a stand-alone entity (Hopetoun Recreation Reserve Incorporated) operating under a Community Lease arrangement.

It is recommended that Council formally approve that the Hopetoun Recreation Reserve Community Asset Committee be formally revoked and dissolved, and that Council endorse that the Chief Executive Officer (or her delegate) be authorised to negotiate and enter into a Community Lease with the Hopetoun Recreation Reserve Inc. on Council's behalf.

The lease will be developed and administered under the same principles as the Rupanyup Recreation Reserve Community Lease that was endorsed by Council on the 25 January 2023.

## RELEVANT LAW

- Section 65 of the *Local Government Act 2020*

## COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.

## RELATED COUNCIL DECISIONS

- Minutes 25 November 2020 – Appointment of Community Asset Committee of Council – Hopetoun Recreation Reserve
- Minutes 25 January 2023 – Rupanyup Recreation Reserve Lease Renewal

## OPTIONS

Council could choose to not enter into a Lease Agreement with Hopetoun Recreation Reserve Incorporated and appoint a separate Community Asset Committee of Council. Councillors would need to consider if that would be in the best interest of the community and the impact it could have on volunteerism.

## SUSTAINABILITY IMPLICATIONS

*Economic:* Community assets such as recreation reserves are vital to the economic prosperity of the Shire. Retaining workforces and sustaining a population is heavily reliant on services and facilities on offer. It is important that Council can ensure the longevity of Council owned assets where possible, and partner with volunteer groups to ensure services and facilities are maintained.

*Social:* Recreation reserves enhance the liveability, social connection, and cohesion across communities.

*Financial:* Council is heavily reliant on volunteerism across the Shire. Without volunteer groups such as the Hopetoun Recreation Reserve Incorporated, Council would be unable to provide the level of services currently on offer across our communities. There are significant benefits to not only Council, but the community, entering into Community Lease Agreements that embed sound governance structures, whilst also ensuring community services are delivered.

## COMMUNITY ENGAGEMENT

Community engagement activities have occurred directly with the Hopetoun Recreation Reserve Community Asset Committee of Council.

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Entering into a lease agreement with a Community Group to manage Council owned assets supports the delivery of Council's key strategic objectives. It ensures assets can continue to be managed and utilised providing overarching benefits to the Shire.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	A formal lease agreement provides clear details on community groups roles and responsibilities.	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 Woomelang Retirement Units Community Asset Committee of Council

***Prepared by Tammy Smith, Chief Executive Officer***

#### **SUMMARY**

The Woomelang Retirement Units Community Asset Committee of Council became effective on 01 September 2020 in accordance with Section 65 of the *Local Government Act 2020*.

In accordance with the requirements of the *Local Government Act 2020*, the Council must endorse the appointment of members to the Community Asset Committee.

This paper is aimed at endorsing the membership, the revised charter and recently developed operations manual.

#### **RECOMMENDED MOTION:**

That Council:

- a) Endorse the revision of the Community Asset Committee Charter for the Woomelang Retirement Units as attached to this report.
- b) Note the recently developed Operations Manual to assist with the overall governance and management of the Woomelang Retirement Units.
- c) Endorse that the Chief Executive Officer be delegated responsibility to finalise the draft Community Asset Committee Charter, in consultation with the Woomelang Retirement Units Committee, and make changes to the charter as required to achieve effective and efficient governance, in accordance with the *Local Government Act 2020* and Council's Policies, Procedures, Plans and Guidelines.
- d) Endorse the membership of the Woomelang Retirement Units Community Asset Committee of Council, as included in the Annual General Meeting Minutes held on the 31 October 2022 as follows:

President: Joe Collins, Vice President: Grant Kelly, Secretary: Brydie Kelly, Treasurer: Karen Adcock, and general committee members: Rick Johnston, Sharon Gallagher, Rachel McClelland, Jason Collins, Darrell Boxall, Sandra Mott, Gwenyth Barbary, Don Collins and Gwen Michaels.

#### **ATTACHMENTS**

[Attachment: Draft Community Asset Committee Charter – Woomelang Retirement Units](#)

[Attachment: Draft Operations Manual – Woomelang Retirement Units](#)

#### **DISCUSSION**

As a continuous improvement exercise, Council has reviewed and revised the Community Asset Committee processes to ensure compliance with the *Local Government Act 2020*.

As part of this review, it was identified a process was to be implemented to ensure Councillors, via a Council resolution, endorsed changes to the membership of the Community Asset Committee as they occur.

Council Officers also reviewed and revised governance documentation, such as:

- a) The Community Asset Committee Instrument of Delegation, which provides for delegation from the Chief Executive Officer to the Community Asset Committee in accordance with section 47 of the *Local Government Act 2020*.

- b) The Charter, which is also embedded into the Instrument of Delegation, and outlines the Community Asset Committees role and responsibilities, including financial delegation.
- c) The newly developed Operations Manual, which outlines in detail the requirements of the committee to meet governance protocols.

On 31 October 2022, the Woomelang Retirement Units Community Asset Committee of Council held its Annual General Meeting. During this meeting the following memberships were endorsed:

President: Joe Collins, Vice President: Grant Kelly, Secretary: Brydie Kelly, Treasurer: Karen Adcock, and general committee members: Rick Johnston, Sharon Gallagher, Rachel McClelland, Jason Collins, Darrell Boxall, Sandra Mott, Gwenyth Barbary, Don Collins and Gwen Michaels.

This committee membership requires formal endorsement from the Council, and this paper aims to outline the changes and endorse the revised membership retrospectively.

Going forward, after each Annual General Meeting (AGM) of a Community Asset Committee, the new membership will be formally endorsed at a Council meeting that is scheduled as soon as practicable after the AGM is held.

### **RELEVANT LAW**

- Section 65 *Local Government Act 2020* and Section 47 *Local Government Act 2020*

### **COUNCIL PLANS AND POLICIES**

- Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.

### **RELATED COUNCIL DECISIONS**

Minutes 26 August 2020 - Appointment of Woomelang Retirement Units as a Community Asset Committee

### **OPTIONS**

Council could choose to abolish the Community Asset Committee, however Council would be required to ensure adequate resources were allocated to ensuring the effective management of the units.

### **SUSTAINABILITY IMPLICATIONS**

*Economic:* Community assets such as the retirement units are vital to the economic prosperity of the Shire. Sustaining the Shires population is heavily reliant on services, facilities and accommodation on offer. It is important that Council can ensure the longevity of Council owned assets where possible, and partner with volunteer groups to ensure services and facilities are maintained.

*Social:* Providing opportunities for residents to remain longer in their own homes and communities enhance the liveability, social connection, and cohesion across communities.

*Financial:* Council is heavily reliant on volunteerism across the Shire. Without volunteer groups such as the Woomelang Retirement Units Community Asset Committee of Council, Council would be unable to provide the level of services currently on offer. There are significant benefits to not only Council, but the community, supporting Community Asset Committees to function and thrive across our Shire.

## COMMUNITY ENGAGEMENT

Community engagement activities have occurred directly with the Woomelang Retirement Units Asset Committee of Council.

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The establishment and support of the Community Asset Committee of Council, aligns with Council Plan 2021-2025 – Strategic Objective Two: A Healthy and Inclusive Community. Where a key priority is identified to partner and advocate for the delivery of social, affordable and aged care housing across our Shire.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Revising the Asset Committee Instrument of Delegation, Charter and the development of the Operations Manual supports good governance practices.	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.

## 15.4 Community Satisfaction Survey 2023

*Prepared and presented by Tammy Smith, Chief Executive Officer*

### SUMMARY

Council participates in the Local Government Community Satisfaction Survey each year. This report provides an update on the 2023 results.

### RECOMMENDED MOTION:

That Council:

- a) Note the 2023 Local Government Community Satisfaction Survey for Yarriambiack Shire Council.
- b) Endorse that the Survey is published on Council's website.

### ATTACHMENTS

[Attachment: 2023 Local Government Community Satisfaction Survey Yarriambiack Shire Council](#)

### DISCUSSION

#### **Background**

Council participates annually in the Local Government Community Satisfaction Survey each year. The survey is conducted by the Department of Government Services on behalf of participating Councils. A minimum of 400 local residents and ratepayers in each municipality over 18 years of age are selected at random.

Council moved to a quarterly data capture process, opposed to an annual process for the 2023 year.

Interviews were undertaken across Yarriambiack Shire Council. These interviews were conducted on a quarterly basis, via a telephone survey which collected direct feedback from the community about Council. It covered:

- council's overall performance
- community consultation and engagement
- customer service
- overall council direction

#### **Performance Across the Sector**

The low performing service areas across the state were related to roads, including unsealed road maintenance, roadside slashing and weed control. It was noticed that residents in the large rural council group were most critical of council performance in these areas.

The condition of sealed local roads recorded the equal largest performance decline from 2022 and remains the area most frequently mentioned as requiring improvement. This is expected after the significant rain event and floods during October 2022, which has resulted in extensive damage to Council road networks.

Planning and building permits each experienced declines, greater than previous year.

Parks and Gardens, Customer Service and Recreational/Sporting Facilities were amongst the top three identified best things about Councils across the state.

### **Performance Across Yarriambiack Shire**

Specific to Yarriambiack Shire Council, it was identified that the top three performing areas were recreational facilities, elderly support services and business/community development/tourism. The top three lowest performing areas were sealed local roads, lobbying and community decisions. It should be noted that lobbying was less than 2022 (54 down from 57), but greater than the small rural Shire average of 52 and state wide average of 51. Community decisions was less than prior year (57 down from 60), but was greater than small rural shire average of 52 and state wide average of 51.

Yarriambiack Shire Council's overall performance was 59, greater than the Small Rural Council average performance of 55, and the statewide average of 56.

Council's overall performance decreased by 1 from a rating of 60 in 2022.

### **Improvement Areas**

The 2023 report identified key areas of improvement as outlined below:

Service	YSC	Rural	State	Comments
Sealed local roads	35	44	48	<p>YSC maintains and manages one of the largest networks of roads across the state - 4,824kms. This has been problematic for Council during the significant rain event that caused damage across the network during October 2022.</p> <p>Council has undertaken works as part of the Disaster Recovery Fund Arrangement to repair the road network.</p> <p>It is important to note that Council is heavily reliant on grant funding to maintain, upgrade and renew our road network.</p>
Waste management	62	66	66	<p>YSC was one of the first rural Shires to roll out the glass bin and collection service from July 2022. Council is working to improve its waste management services and practices across the Shire.</p>
Elderly support services	65	66	63	<p>Council has recently transitioned out of the Commonwealth Home Support Program and delivery. Transport for our elderly and vulnerable residents particularly within the Northern end of our Shire continues to present challenges. Council is strongly advocating and working with service providers to expand a community transport model into the northern end of our Shire.</p>
Customer service	65	65	67	<p>Customer service is on par with small rural Shires, but less than the</p>

Service	YSC	Rural	State	Comments
				state average. Council is currently working to implement a new Customer Request Management system that will communicate with residents via SMS and email, providing updates on service requests. Council is also working to enhance community engagement activities via our Words on Wheels Van, and CEO and Councillor attendance at community committee meetings.

**RELEVANT LAW**

*Local Government Act 2020*

**COUNCIL PLANS AND POLICIES**

- Council Plan 2021-2025

**RELATED COUNCIL DECISIONS**

Not applicable

**OPTIONS**

Not applicable

**SUSTAINABILITY IMPLICATIONS**

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

There are no sustainability implications identified in this report.

**COMMUNITY ENGAGEMENT**

The survey is conducted annually by the Department of Government Services on behalf of participating councils. A minimum of 400 local residents and ratepayers in each municipality over 18 years of age are selected at random.

**GENDER IMPACT ASSESSMENT**

Not applicable

**RISK**

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Reputational Risk - Residual Risk Level Low	Council has reflected on the results of the Community Satisfaction Survey and will work to address each of the areas identified as lower than either the state or rural average.	Maintains Residual Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Nil

**CONFLICTS OF INTEREST**

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

**15.5 Local Roads Community Infrastructure Program (LRCI) Phase 4 Part A & B**

*Prepared by Tammy Smith, Chief Executive Officer*

**SUMMARY**

Council has been successful in receiving Local Roads and Community Infrastructure Funding Part A and Part B. This report outlines how the funds are to be allocated.

**RECOMMENDED MOTION:**

That Council:

- Endorse the allocation of the Local Roads and Community Infrastructure Funding Part A and Part B in accordance with Table 1 below, included in this report.

**ATTACHMENTS**

Nil

**DISCUSSION**

Council received notification on 13 February 2023 that it would be allocated \$1,322,974 in LRCI funding as part of the Phase 4 – Part A allocation. Since receiving this funding, Council has generally allocated majority of the funds to our road network, with the aim of decreasing the renewal gap.

On the 03 May 2023, Council received further notification that it would receive an allocation of \$763,121 for LRCI Phase 4 - Part B. The additional funding was provided to Council to spend on road projects classified as rural, regional or outer-urban.

Due to the timing of receiving the additional funding, the budget grant/cash contribution on pages 41 to 48 of the 2023-24 Budget had not been revised to reflect the changes. Council Officers included the projects to align with the additional funds in the budget, however the allocation of funding to projects had not been confirmed until after the budget was finalised and adopted.

Due to the funding announcement, Council was able to commit to the delivery of the projects identified in Table 1, which otherwise it may not have been able to.

An additional \$200,000 was committed to footpaths in alignment with Council's adopted Footpath Hierarchy and Budget 2023-24. The footpaths were not listed in the budget and are now finalised and outlined in Table 1.

Council Officers have identified a small contingency allocation to account for variations on projects identified within the table.

**Table 1: LRCI Part A and Part B allocation**

Southern Resheets	KINSELLAS ROAD	\$59,520	LRCI4 - PART B
Northern Resheets	DESERT ROAD	\$60,000	LRCI4 - PART B
	YAAPEET KENMARE ROAD	\$77,400	LRCI4 - PART B
	WHITES ROAD NORTH	\$57,840	LRCI4 - PART B
	GREGORS ROAD	\$40,080	LRCI4 - PART B
Shoulder Resheet	RUPANYUP ROAD	\$65,760	LRCI4 - PART B
	ROSEBERY RAINBOW ROAD	\$139,200	LRCI4 - PART B
Rural Rehab	RUPANYUP ROAD	\$280,000	LRCI4 - PART B
	<b>PART B TOTAL</b>	<b>\$779,800</b>	
Southern Resheet	DAVEYS ROAD	\$141,360	LRCI4 - Part A
Footpath list for the option 2 - LRCI4 fund	KERNOT STREET	\$9,000	LRCI4 - Part A
	DALTON STREET	\$15,000	LRCI4 - Part A
	SAWNN STREET	\$10,000	LRCI4 - Part A
	FOUNDRY STREET	\$30,000	LRCI4 - Part A
	LIVINGSTONE STREET	\$30,750	LRCI4 - Part A
	LALOR STREET	\$17,250	LRCI4 - Part A
	DODGSHUN STREET	\$30,000	LRCI4 - Part A
	MILBOURNE STREET	\$28,500	LRCI4 - Part A
	DEGENHARDT STREET	\$16,500	LRCI4 - Part A
	STEWART STREET	\$19,500	LRCI4 - Part A
Kerb & Channel	WERRIGAR STREET	\$260,000	LRCI4 - Part A
	CONRAN STREET	\$130,000	LRCI4 - Part A
Community Assets	Public Amenities Block Scott Street Warracknabeal	\$242,000	LRCI4 - Part A
	Caravan Park Amenities Block Warracknabeal	\$313,000	LRCI4 - Part A
	Contingency for Roads/Assets	\$13,435	LRCI4 - Part A
	<b>PART A TOTAL</b>	<b>\$1,306,295</b>	
		<b>\$2,086,095</b>	

**RELEVANT LAW**

Not applicable

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025 – Objective 1: A Vibrant and Diversified Economy

**RELATED COUNCIL DECISIONS**

Minutes

**OPTIONS**

- a) Councillors could choose alternative projects to fund, however Council would have to consider current budget commitments which include the funding allocated and assigned projects. A revision of the budget would be required.

**SUSTAINABILITY IMPLICATIONS**

*Economic:* The LRCI funding is being utilised to enhance road assets, kerb and channel and public amenities which all support economic prosperity within the region.

*Social:* The upgrade of the Warracknabeal Scott Street amenities block will provide an inclusive facility, that will enhance and support social health and wellbeing.

*Financial:* The LRCI funding enables Council to upgrade and build new assets which reduces the financial burden on Council's own source revenue.

### COMMUNITY ENGAGEMENT

Projects have been identified that have undertaken a community consultation process. This has been via the Council Plan development and review and the Footpath Hierarchy and Implementation Plan review and adoption.

### GENDER IMPACT ASSESSMENT

Not applicable

### RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Financial Risk - Residual Risk Level Medium	Projects listed are funded via Grant Funding. This reduces the financial burden on Council to allocate own source revenue to ensure renewal gaps are closed or met.	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	LRCI funding has been allocated to projects that align with Council's overarching strategic priorities via the Council Plan and Footpath Hierarchy and Implementation Plan.	Reduces Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	LRCI funding has been utilised to undertake and/or support the delivery of identified priority projects.	Reduces Residual Risk Level

### REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

### CONFLICTS OF INTEREST

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

## 15.6 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 4 (2022-23).

### ATTACHMENTS

[Attachment: Council Plan Reporting – Quarter 4 \(2022-23\)](#)

### 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.

Council has recently reviewed the Council Plan strategic priorities, and the revised plan is currently undertaking a community consultation process.

### 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.

26 April 2023 – Minutes – Council Plan 2021-25 Action Plan Quarterly Report

## OPTIONS

- a) Councillors have chosen 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.

The revision for Year Three and Four is currently undertaking a community consultation process.

## 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:

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
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
- Wimmera Development Association 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.

## 15.7 Rabl Park Bridges

*Prepared by Tammy Smith, Chief Executive Officer*

### SUMMARY

Council is the custodian of Rabl Park Murtoa, as the appointed Land Manager, by the Department of Energy, Environment and Climate Action, and is responsible for the overall management, including maintenance and safety of assets at the site.

It has been identified that the wooden footbridges located at Rabl Park are unsafe and pose a risk to the public's health and safety. The bridges have been closed indefinitely.

This paper seeks for Councillors to decide on the future of the bridges.

### RECOMMENDED MOTION:

That Council:

- a) Endorse that the Rabl Park wooden bridges be closed and removed as soon as possible to reduce the risk to public health and safety.
- b) Endorse that Council Officers commence a community engagement process as soon as practicable to discuss options for the replacement of the bridges.
- c) Undertake an assessment of the walking track surrounding Rabl Park and assess if any upgrades or maintenance work can be undertaken to enhance accessibility in the interim.
- d) Endorse the issuing of a media release outlining Council's decision and next steps to inform the community.
- e) Endorse a progress report on the status of the Rabl Park wooden bridges be presented at the next scheduled Council meeting.

### ATTACHMENTS

Not applicable.

### DISCUSSION

Council was alerted to safety concerns regarding the wooden footbridges in Murtoa, and an assessment was conducted by a qualified Limited Building Inspector and a qualified Level 2 Bridge Inspector.

The Level 2 Bridge Inspection identified numerous safety issues such as (but not limited too):

Southern Bridge	
Railing / Barrier Timbers / Safety Rails	Large gaps, splintering, nails protruding – poses a significant and urgent risk.
Span Beam	Twisted / snapped due to bridge twisting. Poses a significant and urgent risk.

<b>Northern Bridge</b>	
Railing / Barrier Timbers / Safety Rails	Large gaps, splintering, nails protruding – poses a significant and urgent risk.
Span Beams	Major split in beams, opening as weight is applied to span. This poses a significant, urgent and critical risk.
Pier	Pier 2 was on major lean/twist. Required urgent attention and poses a significant and urgent risk.
Deck/Deck Boards	Excessive gaps between deck boards. Poses a high risk of injury to pedestrians/pets.

The assessment was reviewed by a Limited Building Inspector who in summary advised that due to the extent and nature of the works required, it would not be feasible to undertake maintenance on the bridges. The bridges require demolishing and replacement.

It was also identified that the original Cooper Chrome Arsenic (CCA) treated timber material used to construct the bridges originally can no longer be incorporated into public use structures.

On assessment of the reports, both the Northern and Southern Rabi Park wooden bridges were closed indefinitely.

It is recommended that the bridges be removed as soon as possible to prevent members of the public from accessing the bridges and attempting to utilise them, therefore posing a risk to Council.

It should be noted, that the bridges will not be replaced in the short term, due to the initial quotation received to replace the bridges which was in the range of \$240,000.

The initial quotation identified that Council does not have the funds in the 23-24 budget to allocate towards replacing the bridges. Council would need to source grant funding to assist with the replacement costs or reallocate funding from other project(s).

After receiving the initial quotation, other alternative options have been considered. Discussions have been held with neighbouring Council's who have utilised an engineering service to design bridges and have then gone out to market and achieved more competitive quotations. This is Council Officers preferred approach to achieve greater value for money for this project.

### **Community Consultation**

A community consultation process is required, firstly notifying the community of Council's intention to remove the bridges.

Further consultation will be required to assess if:

- a) In the interim, Council could further improve the walking track around Rabi Park to accommodate regular uses of the walking track and park. Some works are currently planned imminently to address immediate concerns, relating to safety and people reverting to walking along the highway.
- b) If the community would be opposed to only replacing one bridge, which maybe more achievable to fund in the short term.

Discussions with the Murtoa Progress Association have identified the bridges are widely utilised by all members of the community, particularly families with prams, and school

children. Management acknowledges that walking tracks and bridges are an important asset to improving/enhancing the health and wellbeing of our residents. We are committed to finding a solution for the community, with the limited funds we have available.



Rabi Park map, identifying walking track around park.



Yellow markers identify the location of the wooden bridges.

The red marker outlines where Council can put an alternative track in and a culvert so people can still access the park without going onto the Highway. This will address community concerns received through our Customer Request Management System.

**End of Useful Life**

There has been some community concern regarding Council not maintaining the bridges and undertaking repairs. Due to the bridges being constructed from CCA materials, significant repairs on the bridge were not considered an option, and the bridges were deemed assets that would be monitored until they reached the end of their useful life.

**Audit and Risk Committee Briefing**

The bridges were discussed during Council's recent confidential section of the Audit and Risk Committee meeting. It was identified that the bridges pose a significant risk to public health and safety, and when considering claims and incidents across other municipalities it was strongly recommended that Council does not re-open the bridges. Re-opening would expose Council to significant liability claims if an injury was to occur.

**Actions and Next Steps**

Council staff are currently working to install an alternative track and culvert to enable people to access the park without going onto the highway.

We are engaging a certified engineer to provide advice and recommendations to present to the community for discussion.

At the conclusion of the community engagement process, a progress report on the outcome and recommendation to move forward will be presented to Council for decision.

**RELEVANT LAW**

- *Building Act 1993*
- *Occupational Health and Safety Act 2004*

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025 – Key Objective 2: A Health and Inclusive Community

Council Plan 2021-2025 – Key Objective 4: A Council Who Serves Its Community

**RELATED COUNCIL DECISIONS**

Not applicable

**OPTIONS**

- a) It is recommended that options be considered once a community consultation process is undertaken, to assess the community's appetite to replace only one bridge in the short term. Budget considerations could then be discussed further once all options are investigated and understood.
- b) Whilst Councillors could choose to re-open the bridges, consideration would be required as to whether this option meets the requirements of the *Local Government Act 2020*, where Councillors are required to provide good governance, and undertake practices to meet the requirements of the governance principles contained within the Act.

**SUSTAINABILITY IMPLICATIONS**

*Social:* The bridges contribute towards providing an inclusive outdoor space, that enables residents of the Murtoa community to undertake activities that enhance their overall health and wellbeing. Community consultation is required to ensure there is a replacement / contingency plan to ensure the park is still accessible and functioning to meet the needs of the community.

*Financial:* A commitment to replacing the bridges in the current budget 23-24 could have financial sustainability implications. Council would need to fully scope and cost the project before committing funds to the replacement of the bridges. The removal of the bridges has not been budgeted for and will have a minor financial impact on Council.

This could be absorbed from a minor “top-up” allocation that is anticipated to be received from the Financial Assistance Grant funding.

### COMMUNITY ENGAGEMENT

Community engagement will be required to commence immediately, with Council Officers to utilise Murtoa Progress Association as the conduit to constructive discussions to provide the best possible outcome for both the community and Council. A media release will be populated to inform the community of Council’s decision and next steps.

### GENDER IMPACT ASSESSMENT

A Gender Impact Assessment will be completed as part of the overall project assessment and costing analysis.

### RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Reputational Risk - Residual Risk Level Low	Closing the bridges for an indefinite period poses a risk to Council. There is an expectation that Council will replace the bridges in the short term. There are no funds in the budget to replace the bridges.	Increases Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Closing the bridges reduces Council’s risk of a liability claim.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	There is a financial risk to Council, as the replacement of the bridges maybe costly.	Increases Residual Risk Level

### REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

### CONFLICTS OF INTEREST

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

## 16 REPORTS FOR DECISION – DIRECTORATE OF BUSINESS STRATEGY AND PERFORMANCE

Business Systems Responsibilities	Corporate Services Responsibilities	Community Strengthening and Engagement Responsibilities
<ul style="list-style-type: none"> <li>• Information Communication Technology</li> <li>• Risk</li> <li>• Audit and Planning</li> <li>• Corporate System Administration (RelianSys – Risk and Audit)</li> <li>• Business Transformation</li> <li>• Caravan Park Management</li> </ul>	<ul style="list-style-type: none"> <li>• Payroll</li> <li>• Accounts Payable</li> <li>• Procurement and Contracts</li> <li>• Debtors</li> <li>• Insurance</li> <li>• Rates</li> <li>• Corporate Planning (Performance Reporting)</li> <li>• Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website)</li> </ul> <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> <li>• Principal Accounting Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Libraries</li> <li>• Customer Service</li> <li>• Events Support and Internal Event coordination</li> <li>• Business and Community Support</li> <li>• Economic Development</li> <li>• Tourism</li> <li>• Community Development</li> <li>• Housing</li> <li>• Stakeholder Engagement</li> </ul>

## 16.1 Financial and Non-Financial Performance Report – Quarter 4

***Prepared by Tony Caccaviello, Director Business Strategy and Performance***

### **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 as of 30 June 2023 as attached to this report.

### **ATTACHMENTS**

[Attachment: Financial and Non-financial Reporting Report Quarter 4](#)

### **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 2020* and Regulations, by compiling a Quarterly Financial and Non-Financial Performance Report.

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

The 4<sup>th</sup> quarter report is a modified version, in preparation for the end of financial year report to be completed and finalised. The project reports included are with preliminary figures only. Final project reports for the conclusion of the financial year will be presented at the September Council meeting, along with details of final carry-over budget from prior years.

For this quarter, the report has been presented to the Management Team and at Council Forum on 12 July 2023 and to the Audit and Risk Committee on 17 July 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 2023 – Minutes – Financial and Non-Financial Performance Report Quarter 2

26 April 2023 – Minutes– Financial and Non-Financial Performance Report Quarter 3

## **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 decreases or increases 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:

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

## 16.2 2023-2033 Long Term Financial Plan

***Prepared by Anita McFarlane, Manager Corporate Services***

### **SUMMARY**

Under the *Local Government Act 2020* (The Act) Council must develop, adopt and keep in force a Long-Term Financial Plan (LTFP) in accordance with its deliberative engagement practices, and the scope of a LTFP must be a period of at least the next ten financial years. The draft 10-year LTFP was developed in accordance with the requirements of the *Local Government Act 2020*, and was adopted as part of the 2021-25 Council Plan. A review of the LTFP has now been completed and the document has been updated.

### **RECOMMENDED MOTION:**

That Council:

Adopts the revised 2023-2033 Long Term Financial Plan as attached.

### **ATTACHMENTS**

[Attachment: Revised Long Term Financial Plan 2023-2033](#)

### **DISCUSSION**

Council has prepared the 10-year Long-Term Financial Plan to support the Community's vision and the Council Plan. The 10-year Long Term Financial Plan outlines the resources required to:

- deliver the Council plan and ensure we are investing in assets that the community values;
- ensure that our services remain affordable and accessible for our community members;
- ensure that our organisation remains financially sustainable.

The attached 2023-2033 Long-Term Financial Plan is a review of the 2021-2031 Long-Term Financial Plan. The document has been put together based on the template issued by Local Government Victoria. Officers have included additional context and commentary to the template.

The Long-Term Financial Plan attached is presented in line with adopted Budget 2023-24. Some of the underlying assumptions included in the Long-Term Financial Plan are:

#### **Income**

- Rates and charges – 3.5% for 2023/24, 2024/25-2.5% there after.
- Statutory fees and fines - 2% Not under control of Council.
- User fees - 2% increase.
- Grants Commonwealth - operating - Roads to Recover is a recurring grant and has been modelled as anticipated and tied to the 10 Year Capital Plan. Financial Assistance Grants are budgeted to increase by 3.5% per annum.
- Grants Commonwealth - capital - 2% approximate level of increase from state government.
- Grants Victoria - operating - 2% approximate level of increase from state government.

- Grants Victoria - capital - Local Roads and Community Infrastructure Program is a non-recurrent grant and there has been no commitment from State Government that this funding will continue beyond 2023/24.
- Contributions - monetary - As per committed projects.
- Other income - 2% future CPI.

**Expenses**

- Employee costs - 3% increase based on new EBA to be negotiated and then reduces to 2% based on subsequent EBAs.
- Materials and services - Expect a decrease in 2023/24 due to the delivery of community projects and then should increase by 2% in future years.
- Depreciation - As per asset portfolio
- Contributions and Donations - Contribution towards halls, recreation reserves, swimming pools, weir pools, progress associations increase in line with the rate cap
- Other expenses - as per materials and services

The 2023-3033 Long-Term Financial Plan was presented to the Audit and Risk Committee on 17 July 2023 and minor changes were suggested which have been included in the attached document.

This document will be reviewed on a 6 monthly basis and will be included in the annual budget.

**RELEVANT LAW**

*Local Government Act 2020*

- Section 91 – Financial Plan

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-25

Annual Budget 2023-2024

Yarriambiack Shire Council Enterprise Agreement No. 9.

Yarriambiack Shire Council Revenue & Rating Plan 2023-27

**RELATED COUNCIL DECISIONS**

Minutes 28 June 2023 – Adoption of the Annual Budget 2023-2024

Minutes 23 June 2021– Council Plan 2021-2025 which included the Long-Term Financial Plan 2021-2030

**OPTIONS**

1. Council could choose not to endorse the Long Term Financial Plan.

**SUSTAINABILITY IMPLICATIONS**

The 10-year Financial Plan is a key strategic tool used to ensure the financial sustainability of Council. The Long-Term Financial Plan has been developed taking into consideration legislative requirements and internal resources.

*Financial:* There are no direct financial implications associated with this report, rather this report presents a model of Council's possible performance and position over the coming ten years.

## COMMUNITY ENGAGEMENT

The 2023-2033 Long-Term Financial Plan will be accessible via Council's Website for all Community members, employees, Councillors and interest parties to view.

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Long-Term Financial Plan will be reported to Leadership Team and Audit and Risk Committee on a 6 monthly basis.  The Long-Term Financial Plan will be updated annually as part of the budget process.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Financial Systems and Reports -Best of Breed System implemented to provide greater financial compliance and monitoring. Financial Reports developed and dashboards for greater compliance monitoring.  Overdraft - maintained at \$3million to monitor cashflow and reduce risk of not having funds available to pay staff and contractors.  Grants and Funding Opportunities - Applied for and have been successful in receiving a significant amount of grants and funding opportunities to mitigate asset renewal financing risks.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Long-Term Financial Plan will be included in the budget document as from 2024/25.  As part of the budget process and review of the Council Plan - community consultation will be undertaken and the Long-Term Financial Plan will be built around community expectations and legislative governance requirements.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The Long-Term Financial Plan will be updated annually to reflect priority projects which have identified future funding opportunities.	Maintains Residual Risk Level
Talent Management Risk - Residual Risk Level Low	The Long-Term Financial Plan reports on the projected employment levels and associated costs for the 10 years.	Maintains Residual Risk Level
Innovation Risk - Residual Risk Level Low	Implemented a Best of Breed ICT System incorporating Xero, Councilwise, Calxa, ApprovalMax, WorkflowMax, Happy HR (Key Pay Payroll), Workzone Application, Office 365 with PowerBI Dashboards. Electronic Purchase Orders, Electronic Timesheets.	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.

### 16.3 Declaration of 2023/2024 Rates and Charges

**Prepared by Anita McFarlane, Manager Corporate Services**

#### SUMMARY

The 2023/24 Council Budget was adopted at the Council meeting on 28 June 2023, which included the amount Council intended to raise by rates and charges for 2023/24. Council is now presented with declaration of rates and charges for adoption.

#### RECOMMENDED MOTION:

That Council pursuant to the *Local Government Act 2020* and the *Local Government Act 1989*:

Declare the rates, municipal charge and annual service charges for the 2023/24 financial year as follows:

- a) That an amount of \$14,376,256 be declared as the amount which Council intends to raise by general rates, municipal charge, annual service charges and Payments in lieu of rates. The amount is calculated as follows:

General Rates	\$11,942,137
Municipal Charge	\$412,163
Kerbside Waste Collection	\$904,548
Recycling Collection	\$479,117
Kerbside Glass Collection	\$238,290
Payments in lieu of rates	\$400,000
Total	\$14,376,256

- b) Note that the above amount is different to the adopted budget by a total of \$50,000 due to the inclusion of the scrap metal collection in the budget document.
- c) A general rate of 0.003141 cents in the dollar of the Capital Improved Value be declared for the period 1 July 2023 to 30 June 2024.
- d) A farm differential rate of 0.001963 cents in the dollar of the Capital Improved Value be declared for the period 1 July 2023 to 30 June 2024.
- e) A municipal charge of \$81.83 per assessment be declared for the period 1 July 2023 to 30 June 2024.

- f) Annual services charges be declared for the period 1 July 2023 to 30 June 2024 as follows:

Residential 80L Kerbside Waste Collection	\$157.98
Residential 120L Kerbside Waste Collection	\$219.32
Residential 240L Kerbside Waste Collection	\$426.87
Commercial 120L Kerbside Waste Collection	\$219.32
Commercial 240L Kerbside Waste Collection	\$426.87
Rural 80L Kerbside Waste Collection	\$157.98
Rural 120L Kerbside Waste Collection	\$219.32
Rural 240L Kerbside Waste Collection	\$426.87
Residential Kerbside Recycling Collection	\$153.74
Commercial Kerbside Recycling Collection	\$153.74
Rural Kerbside Recycling Collection	\$153.74
Residential Kerbside Glass Collection	\$76.87

- g) That Council adopts the return of the revaluation of properties within the Yarriambiack Shire as at 1 January 2023 from the Valuer General.
- h) That interest at the rate prescribed in the *Local Government Act 1989* be payable in respect of any of the aforesaid rates and charges which are not paid by the dates prescribed in the *Local Government Act 1989*.
- i) That the Chief Executive Officer be authorised to levy and recover the aforesaid general rates, annual service charges and municipal charge.

## ATTACHMENTS

Nil

## DISCUSSION

The adopted 2023/24 Council Budget provides an increase in general rate revenue of 3.50% for the 2023/24 year. The rate cap has been set at 3.50% by the Minister for Local Government.

Council intends to raise \$14,376,256 which includes rates (\$11,942,137), municipal charge (\$412,163), service charges (\$1,621,956) and Payments in lieu of rates (\$400,000).

Council believes differential rates contribute to the equitable and efficient distribution of the rate burden to ratepayers. The differential rate ratios are as follows:

- General Land (100% of the general rate in the dollar)
- Farm Land (62% of the general rate in the dollar)

The rates in the dollar to be applied for the 2023/24 year are as follows:

Type	cents/\$CIV
General Land	0.3141
Farm Land	0.1963

The municipal charge will increase from \$79.06 to \$81.83 per rateable assessment for the 2023/24 year. A person may apply to Council for an exemption from the payment of a municipal charge on rateable land in accordance with Section 159(3) of the *Local Government Act 1989*.

Annual service charges for the collection and disposal of refuse and recycling will increase by 7.50% and a new charge will be introduced for the collection of glass. A waste service charge, a recycling service charge and a glass recycling charge will be made on all improved properties within Council, excluding commercial and rural properties where such services are provided only upon request.

Interest will be charged at the rate prescribed by Section 172(2)(a) of the *Local Government Act 1989* to rates and charges which are not paid by the dates fixed by the Minister pursuant to Section 167(2) of the *Local Government Act 1989*.

Council will treat all valid pensioner rebate applications applicable for the 2022/23 financial year as continuing applications for the 2023/24 financial year, subject to applicable certification by the Department of Family, Fairness and Housing and Services Australia.

Other rebates and concessions (subject to further resolution by Council) are as follows:

- a) The rate reduction for new housing developments, in accordance with the Yarriambiack Shire Council's Debt Management, Relief and Hardship Policy.
- b) Interest will be waived for employees using payroll deductions for the payment of rates. This is in accordance with the Yarriambiack Shire Council Enterprise Agreement No. 9 – 2021.

## RELEVANT LAW

*Local Government Act 2020*

- Section 94 – the Budget

*Local Government Act 1989*

- Section 159 Municipal charge
- Section 172 Council may charge interest on unpaid rates and charges
- Section 167 Payment of rates and charges

## COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Enterprise Agreement No. 9.

- Clause 10.9 – Payroll Deductions

Yarriambiack Shire Council Revenue & Rating Plan 2023-27

Yarriambiack Shire Council Debt Management, Relief and Hardship Policy

## RELATED COUNCIL DECISIONS

Yarriambiack Shire Council Minutes 28 June 2023

### 14.2 Adoption of the 2023/24 Budget

1. That in accordance with Section 94 of the *Local Government Act 2020* (the Act) the 2023/24 Budget as tabled be adopted.

## SUSTAINABILITY IMPLICATIONS

*Economic:* Economic issues have been taken into account during the budget process.

*Financial:* The rates and charges to be levied have been calculated in compliance with the State Government's Fair Go Rates system, with the rate cap having been set at 3.50% by the Minister for Local Government.

## COMMUNITY ENGAGEMENT

The proposed Budget was placed on public exhibition from May 2023 to June 2023 inclusive. The Budget was advertised in local newspapers and made available for inspection at the Warracknabeal and Hopetoun Office and on Council's website.

## GENDER IMPACT ASSESSMENT

Not Applicable

## RISK

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	External Audit Program -Crowe appointed by VAGO as external auditor	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Financial Systems and Reports -Best of Breed System implemented to provide greater financial compliance and monitoring. Financial Reports developed and dashboards for greater compliance monitoring.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Community Consultation & Council Plan - Council Plan being built on Community Expectations and Legislative Governance Requirements.  Strategic Resource Plan and Long-Term Financial Plan to be included in the Budget for 2023-24.  Reporting to Council and Audit and Risk Committee -Financial and Non- Financial Performance Reporting, KPI progress on Council Plan.	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.

## 16.4 Priority Projects Framework Revision

*Prepared by Tony Caccaviello Director Business Strategy and Performance*

### SUMMARY

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

### RECOMMENDED MOTION:

That Council:

- a) Adopts the Priority Projects Framework (version 2) as attached.
- b) Revoke the Priority Project Framework (version 1) adopted on 23 November 2022

### ATTACHMENTS

[Attachment: Priority Project Framework v2](#)

### DISCUSSION

The policy was initially adopted on 23 November 2022, with this revision being undertaken before the review period to provide the following key updates:

- Updates to the definition and decision process of how Council prioritises projects and how the project is included on Council's Priority Project List.
- Clarification in the definition of Council's Priority Projects and Community Projects
- Clarity over the role of progress groups in community driven projects
- Administrative changes to responsibilities of staff to reflect current organisation structure.

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

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

The Framework steps through the process of how projects are:

- a) Identified
- b) Prioritised
- c) Supported; and
- d) Funded

All changes have been highlighted in yellow in the attachment for ease of reading and reference.

### RELEVANT LAW

*Local Government Act 2020* – Section 58 Public Transparency Principles

### COUNCIL PLANS AND POLICIES

- Council Plan 2021-25 – Objective 2: A Healthy and Inclusive Community

## RELATED COUNCIL DECISIONS

Ordinary Meeting of Council – 23 November 2022 – 16.2 – Priority Projects Framework

### OPTIONS

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

### SUSTAINABILITY IMPLICATIONS

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

### COMMUNITY ENGAGEMENT

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

Council has begun the process of establishing Advisory Committees of Council with the aim of enhancing community engagement across the Shire.

### GENDER IMPACT ASSESSMENT

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

### RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Priority Project Framework ensures Council projects have an alignment with the strategic direction of Council and the community.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Priority Project Framework ensures projects are planned and funded that support the wider strategic objectives of Council and the community.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Providing a framework that outlines decision making and prioritisation, ensures transparency in decision making.	Maintains Residual Risk Level

### REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

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.

## 16.5 Complaints Handling Policy and Procedure

***Prepared by Bernardine Schilling, Manager People and Culture***

***Presented by Tony Caccaviello, Director Business Strategy and Performance***

### **SUMMARY**

Yarriambiack Shire Council recognises an individual's right to make a complaint about the conduct of Council's operations, services, employees, volunteers or people associated with Council or using Council facilities.

A review of Yarriambiack Shire Council Complaints processes and practices was undertaken under s13D of the Ombudsman Act 1973 (Vic) during May 2023 by the Victorian Ombudsman.

The review evaluated Council's complaints practices and processes against the Australian Standard, Guideline for Complaint Management in organisations (AS 1002;2022) and principles outlined in the Ombudsman's Good Practice Guide.

As a result of the review undertaken, the existing policy and procedure met all requirements of compliance and therefore, no changes were recommended.

### **RECOMMENDED MOTION:**

That Council adopt:

- a) Adopts the Complaints Handling Policy and Procedure as attached.
- b) Revoke the Complaints Handling Policy adopted on 23 June 2021.

### **ATTACHMENTS**

[Attachment: Draft Complaints Handling Policy and Procedure](#)

### **DISCUSSION**

The purpose of the Complaints Handling Policy and Procedure is to provide an open and transparent complaint handling system which ensures all complaints are handled fairly, objectively and within acceptable timeframes.

The reviewed Policy and Procedure by the Victorian Ombudsman in June 2023 provides a framework to assist Council in the management of complaints as required under Section 107 of the *Local Government Act 2020*.

The Victorian Ombudsman's Council's and Complaints – A good Practice Guide and recommendations from the Victorians Ombudsman's – Revisiting Councils and Complaints report were referred to during the revision process. No additional recommendations relating to this Policy and Procedure were received during this review.

The Victorian Ombudsman review identified Councils complaints handling policy and procedure articulates its commitment to effective management of complaints.

### **RELEVANT LAW**

- The policy is to comply with the requirements of Section 107 of the *Local Government Act 2020*, the Victorian Ombudsman's Councils and Complaints - A good practice guide (Second Edition July 2021) and Victorian Ombudsman, Complaints: Good Practice Guide for Public Sector Agencies (September 2016)

## COUNCIL PLANS AND POLICIES

- Council Plan 2017-2021, Strategic Objective 1 – Good Governance.
- Transparency Policy
- Protected Disclosure Policy
- Gender Equality Policy and Guidelines

## RELATED COUNCIL DECISIONS

On 23 June 2021 the policy was adopted by resolution during Council's normal review cycle.

## OPTIONS

Not applicable

## SUSTAINABILITY IMPLICATIONS

The Policy and Procedure have been developed taking into consideration legislative requirements and internal resources.

*Financial:* Proposed changes to response times could require additional resources to meet timeframes.

## COMMUNITY ENGAGEMENT

The policy will be accessible via Council's Website for all employees, Councillors, Community members, contractors and suppliers.

## GENDER IMPACT ASSESSMENT

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

## RISK

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Complaints Handling Policy has been reviewed to ensure compliance with the <i>Local Government Act 2020</i> , the Victorian Ombudsman's Councils and Complaints - A good practice guide and the Australian Standard, Guideline for Complaint Management in organisations (AS 1002;2022)	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

## CONFLICTS OF INTEREST

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

### 17.1 PERMITS ISSUED BY ASSETS AND OPERATIONS DIRECTORATE

#### RECOMMENDED MOTION:

That Council:

Note the permits issued by Council between 1 June and 30 June 2023

Reference No	Description	Address	Date of Issue
<b>Building Permits – June 2023</b>			
<b>Planning Permits – June 2023</b>			
<b>Road Reserve Works &amp; Asset Protection Permits – June 2023</b>			

## 17.2 Footpath Rationalisation Assessment

*Compiled by Michael Evans, Director Asset and Operations*

*Presented and Reviewed by Joel Turner, Manager Infrastructure and Works*

### SUMMARY

As part of the footpath hierarchy review and rationalisation process by officers, the Footpath segments and categories were assessed against the newly updated Footpath Hierarchy 2023-28 criteria. There have been several footpath segments, all in Warracknabeal, that do not meet the criteria and need direction for future strategic planning.

#### **RECOMMENDED MOTION 1:**

That Council:

- a) Grandfather the 19 (nineteen) existing footpath segments that do not meet the footpath hierarchy category criteria for Category 1 (footpath construction on both sides of a public road); and
- b) Adopt the proposed new hierarchy category – Special Purpose for each segment and renew the segments when they reach the end of their useful life.
- c) Consult with the community and advise the outcome of the rationalisation assessment and the future strategic planning for the footpath segments included in the report attachments.

#### **ALTERNATIVE RECOMMENDED MOTION 2:**

That Council:

- a) Grandfather the 19 (nineteen) existing footpath segments that do not meet the footpath hierarchy category criteria for Category 1 (footpath construction on both sides of a public road); and
- b) Keep the existing hierarchy category and renew the segments when they reach the end of their life. Acknowledging the existing category does not align with the revised Footpath Hierarchy 2023-2028 categories.
- c) Consult with the community and advise the outcome of the rationalisation assessment and the future strategic planning for the footpath segments included in the report attachments.

#### **ALTERNATIVE RECOMMENDED MOTION 3:**

That Council:

- a) Recategorise the 19 (nineteen) existing footpath segments that do not meet the footpath hierarchy category criteria for Category 1 (footpath construction on both sides of a public road) to a lower standard when they reach the end of their useful life and let them become pathways (unconstructed where relevant) or a gravel/crusher dust type surface where applicable.
- b) Consult with the community and advise the outcome of the rationalisation assessment and the future strategic planning for the footpath segments included in the report attachments.

## ATTACHMENTS

[Attachment: Footpath Construction Private](#)

[Attachment: Paths not matching the hierarchy criteria list](#)

[Attachment: Paths not matching the hierarchy criteria mapping](#)

[Attachment: Warracknabeal Footpath Hierarchy report and map 2003](#)

## DISCUSSION

Council conducted an assessment of all the footpath segments on the footpath register against the criteria of the new Footpath Hierarchy 2023-2028, that was adopted on 28 June 2023. As a result, it was found that 19 footpath segments did not meet the criteria, and all were located in Warracknabeal.

The majority of Warracknabeal's footpaths were constructed in the 1960-70's and there were a number of segments where the construction, was paid for by the landowners.

Based on Council records, officers have not been able to produce the exact locations of where the landowners might have paid for their path.

From 12 April 2005 to 25 August 2021, there was a Council policy that allowed a landowner an opportunity to have the request of a new constructed footpath in front of their property, approved and delegated to the top of the capital works program, on a cost shared basis (50% or more) or pay 100% costs. This policy has since been rescinded.

### **Footpath Hierarchy Criteria**

The assessment conducted looked at all current footpath categories and surface types, and cross referenced them against the criteria adopted by Council. All paths that didn't conform were to be listed and presented to Council for discussion. The paths were to match the criteria for each category being;

Category 1: Footpath construction on both sides of public road

Category 2: Footpath construction on one side of a public road

Category 3: No footpath construction

The attachments contained within this report outline the paths that do not meet the footpath criteria.

## RELEVANT LAW

- *Local Government Act 2020*

## COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 – Strategic Objective 1: A Vibrant and Diversified Economy
- Council Plan 2021-2025 – Strategic Objective 2: A Health and Inclusive Community
- Council's Footpath Hierarchy 2023-2028

## RELATED COUNCIL DECISIONS

- Minutes 28 June 2023 – Footpath Hierarchy 2023-2028 adoption
- Minutes 25 July 2018 – Review of Footpath Hierarchy
- Minutes 04 March 2003 – Footpath Hierarchy 2003 adoption

## OPTIONS

- a) Grandfather the existing footpath segments, keep the existing hierarchy category and renew the segments when they reach the end of their life.

- b) Recategorise the path segments to a lower standard when they reach the end of their life and let them become pathways (unconstructed where relevant) or a gravel/crusher dust type surface where applicable.
- c) Add another hierarchy category called Special Purpose for those that do not meet the criteria but are approved by Council (similar to the Road hierarchy Special Purpose Category).

## SUSTAINABILITY IMPLICATIONS

*Economic:* Footpaths can contribute to the economic sustainability of a township, providing connecting pathways enhancing liability.

*Social:* The rationalisation process of footpaths will need to consider how down grading an existing footpath could impact social connection, wellbeing, and inclusion within a community.

*Financial:* Annual reconstruction and maintenance costs to renew and maintain footpaths place a significant burden on the capital and operational budgets of Council. Council's financial commitment could be reduced by the way of State/Federal Government grants, alternative footpath surface types, partnerships with other organisations VicRoads / VicTrack) and special charge schemes.

As the footpath network length is increased there will be a need to increase the associated resources required to maintain the additional footpaths. Maintenance efficiencies and/or resources will need to increase accordingly as the age of the asset increases.

## COMMUNITY ENGAGEMENT

No consultation has occurred with the community on this assessment. However, community consultation did occur in relation to the development and adoption of the revised Footpath Hierarchy 2023-2028.

Council will need to consult with the community of Warracknabeal outlining the decisions made by Council based on this report.

## GENDER IMPACT ASSESSMENT

Not required for this report.

## RISK

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The report decision is an essential tool for the management of the Council footpath network in Warracknabeal.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The report guides management to establish the annual capital budget for footpaths in Warracknabeal for the next five years which will address the key issues raised as part of the assessment.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Community consultation process to occur once the decision is made. Depending on the decision, will depend on the reputational risk to Council. Recommended Motion No. 3 poses the most risk to Council in relation to reputational damage.	Maintains Residual Risk Level

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**CONFLICTS OF INTEREST**

Michael Evans who compiled this report due to the Assets Coordinator currently being on leave, has declared a conflict of interest in the subject matter of this report, as one of the footpaths highlighted, is directly out the front of his property.

To ensure transparency in decision making, all options have been put forward for Councillors to consider as part of the recommendation.

## 18 REPORTS FOR DECISION – DIRECTORATE OF COMMUNITY AND WELLBEING

Community Health Responsibilities	Family, Youth and Children Responsibilities
<ul style="list-style-type: none"> <li>Local Laws (including infringement and animal management)</li> <li>Sale Yards</li> <li>Environmental Health</li> <li>Sports and Recreation</li> <li>Positive Ageing (Commonwealth Home Support Program, Brokered and Packaged Care)</li> <li>Leisure Centre</li> <li>Immunisation Program</li> </ul>	<ul style="list-style-type: none"> <li>Early Years</li> <li>Supported Playgroup</li> <li>Maternal Child Health (including enhanced services)</li> <li>Youth</li> <li>School Readiness</li> </ul>

### 18.1 PERMITS ISSUED BY COMMUNITY AND WELLBEING DIRECTORATE

#### RECOMMENDED MOTION:

That Council:

Note the permits issued by Council between 1 June and 30 June 2023

Reference No	Description	Name / Location	Date of Issue
<b>Local Laws Permits - June 2023</b>			
<b>Firewood collection Permits - June 2023</b>			
	Roadside wood collection permit	Warracknabeal	01/06/2023
	Roadside wood collection permit	Cannum	02/06/2023
	Roadside wood collection permit	Warracknabeal	05/06/2023
	Roadside wood collection permit	Warracknabeal	16/06/2023
	Roadside wood collection permit	Brim	20/06/2023
<b>Septic Tank Permits - June 2023</b>			

## 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 CEO KPI's for Adoption

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*.

### 20.2 Local Laws Report – Permit to Keep Additional Animals

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

1. Because it is law enforcement information, being information that if released would be reasonably likely to prejudice the investigation into an alleged breach of the local law, or the fair trial or hearing of any person (section 3(1)(d)); and
2. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f));
3. This ground applies because the Agenda Item concerns personal information about a rate payer that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the *Privacy and Data Protection Act 2014* and enforcement activities.

## 21 NEXT MEETING

23 August 2023

## 22 CLOSED