



**Yarriambiack**  
SHIRE COUNCIL

# Agenda

## Ordinary Meeting of Council

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JUNE 28, 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, both past, present and emerging'.

### **3.2 PRAYER**

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

Amen

**4 PRESENT**

**5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE**

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES 24 May 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 24 May 2023 be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Ordinary Meeting of Council held on 24 May 2023, as circulated be taken as read and confirmed.

### 6.2 MINUTES 24 May 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 24 May be taken as an accurate record and confirmed.

**Recommended Motion:**

That the minutes of the Closed (Confidential) Council Meeting of Council held on 24 May, 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
Cr Kylie Zanker	20.2 – Local Laws Permit	Perceived Conflict of Interest



## 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.
26 October 2022	Request to upgrade access to 158 Wathe Reserve Road, Lascelles to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.  Included in the 23-24 Budget – Capital Works Gravel Resheets – Northern Action Closed
26 October 2022	Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.  Included in the 23-24 Budget – Capital Works Gravel Resheets - Central Action Closed
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.
29 March 2023 Item 15.1	Commence engagement public notice period in accordance with Council's Community Engagement Policy to gift the portable amenities building located at the Hopetoun Recreation Reserve to the Southern Mallee Kart Club.	Public Notice period undertaken with one submission received. The submission was in favour of the gifting of the asset.  CEO is authorised to commence the process of gifting the asset.  Asset has been gifted and correspondence communicated to the SMK Club Committee. SMK Club to arrange asset removal.  Action Closed
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.
26 April 2023 Item 20.1	Carroll Street Minyip and Conran Street Hopetoun removed from capital works program in 22/23 and to	Conran Street Hopetoun included in draft capital works program for 23/24. CEO notified resident who submitted a

Council Meeting	Recommendation Action	Action Taken
	be included in the 23/24 capital works program.	budget submission regarding Conran Street on the progress of this project.  Carroll Street Minyip is currently being assessed to decide if it will be included in the 23/24 program, or if it will be deferred to outer years.  Conran Street Hopetoun included in 23-24 Budget.  Carroll Street Minyip has been removed from the program.  Action Closed
24 May 2023 Item 16.1	Draft Revenue and Rating Plan 2023-2027 to be released for community consultation between 24 May 2023 and 21 June 2023	Public notice commenced from 24 May 2023.  Revenue and Rating Plan to be adopted at the Council meeting to be held on 28 June 2023.  Action Closed
24 May 2023 Item 16.2	Draft Budget 2023-2024 to be released for community consultation between 24 May 2023 until 21 June 2023	Public notice commenced from 24 May 2023.  Budget 23-24 to be adopted at the Council meeting to be held on 28 June 2023.  Action Closed

## 9 PETITIONS

Nil

## 10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
07 June 23	Warracknabeal Historical Society	Letter of Support – Grant application for the printing of booklet on the history of the Warracknabeal Post Office
02 June 23	Melanie Bentley	Letter – Response to Public Question, Council Meeting 24 May 23
02 June 23	Colin Newell	Letter – Response to Public Question, Council Meeting 24 May 23
02 June 23	Neighbourhood Watch	Letter – Request to reduce speed limit to 40kph in Scott Street Warracknabeal
30 May 23	Combined Probus Club of Murtoa Inc.	Letter – CEO follow up from matters raised at meeting attended on 19 May 2023
30 May 23	Nikita Scott	Letter – Beulah Senior Citizens Building Child Care Request

Incoming		
Date	Sender	Details
16 June 23	Hon Natalie Suleyman MP	Confirmation of requested changes in Melbourne Cup public holiday for townships of Murtoa and Warracknabeal
08 June 23	Lubeck-Murtoa Cricket Club – Phil Yew	Email – Notifying Council of their successful grant submission (currently embargoed) and thanking Council and Rebecca Botheras, Sport and Recreation Coordinator for their work in developing the Murtoa Recreation Reserve Masterplan which assisted with supporting their grant application.
25 May – 21 June 2023	Community Feedback – Draft Budget 23-24	Refer to item 16.1 Draft Budget 23-24
25 May – 21 June 2023	Community Feedback – Footpath Hierarchy	Refer to item 17.2 Footpath Hierarchy
25 May – 21 June 2023	Community Feedback – Revenue and Rating Plan 2023 - 2027	Refer to item 16.2 Draft Revenue and Rating Plan 2023-2027

## 11 SPECIAL COMMITTEES

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

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

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

### **11.1 Yarriambiack Tourism Advisory Committee of Council**

Yarriambiack Chapter Advisory Committee of Council held a meeting on 05 June 2023 at Warracknabeal.

[Attachment: Draft Minutes of Yarriambiack Tourism Advisory Committee of Council 05 June 2023](#)

**Recommended Motion:**

That Council note the Draft Minutes from the Yarriambiack Tourism Advisory Committee of Council held on 05 June 2023.

## 12 ACTIVITY REPORTS

### 12.1 MAYOR ACTIVITY REPORT – JUNE 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
30/05/23	Attended Budget Community Consultation with CEO, Tammy Smith	Tempy
31/05/23	Invited to attend the Horsham Rural City Australian Citizenship Ceremony	Horsham
31/05/23	Attended Budget Community Consultation with CEO, Tammy Smith	Hopetoun
02/06/23	Mayor / CEO catch up	Warracknabeal
02/06/23	Attended Budget Community Consultation with CEO, Tammy Smith	Beulah
05/06/23	Attended Rural Business and Community General Meeting (formerly known as Rural Financial Counselling Services)	
07/06/23 08/06/23	Attended the Australian Community Transport Conference (ACTA)	Melbourne
08/06/23	Attended the Wimmera Mallee Tourism VEP Discussion Meeting	Online
09/06/23	Mayor / CEO catch up	Warracknabeal
14/06/23	Attended Council Strategic Planning Day	Warracknabeal
14/06/23	Attended the Budget Community Consultation with CEO, Tammy Smith	Rupanyup
15/06/23	Attended the Minyip Lions Change over dinner with CEO, Tammy Smith	Minyip
16/06/23	Mayor / CEO catch up	Warracknabeal
20/06/23	Attended Careers Day morning tea hosted by LLEN	Horsham
23/06/23	Mayor / CEO catch up	Warracknabeal
26/06/23	Attended Internal Audit and Risk Committee Meeting	Warracknabeal

## 12.2 COUNCILLOR ACTIVITY REPORTS – JUNE 2023

<b>Cr Andrew McLean – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
20/05/23	Attended Budget Presentation	Tempy
31/05/23	Attended Budget Presentation	Hopetoun
05/06/23	Attended Patchewollock Inc Meeting	Patchewollock
14/06/23	Attended Strategic Planning Day	Warracknabeal
15/06/23	Attended Beulah Progress Association Meeting	Beulah

<b>Cr Tom Hamilton – Dunmunkle Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
07/06/23	Minyip Community Consultation Budget 2023-24	Minyip
14/06/23	Council Strategic Planning Day	Warracknabeal
14/06/23	Rupanyup Community Consultation Budget 2023-24	Rupanyup

<b>Cr Graeme Massey – Warracknabeal Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
26/05/23	Wimmera Mallee Tourism Meeting	Online
30/05/23	Wimmera Mallee Tourism Meeting	Dimboola
05/06/23	Yarriambiack Tourism Meeting	Warracknabeal
14/06/23	Council Strategic Planning Day	Warracknabeal

<b>Cr Chris Lehmann – Hopetoun Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>

<b>Cr Corinne Heintze – Dunmunkle Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
26/05/23	Attended WSMTG	Horsham
07/06/23	Attended Minyip Progress Association Meeting	Minyip
13/06/23	Attended Financial Briefing	Warracknabeal
14/06/23	Attended Strategic Planning Day	Warracknabeal
22/06/23	Attended Bendigo Bank 25 <sup>th</sup> Birthday Celebration	Minyip
26/06/23	Attended Audit and Risk Committee Meeting	Warracknabeal

<b>Cr Karly Kirk – Warracknabeal Ward</b>		
<b>Date</b>	<b>Activity</b>	<b>Location</b>
02/06/23	Meeting with CEO	Warracknabeal
14/06/23	Council Strategic Planning Day	Warracknabeal

### 12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – JUNE 2023

Tammy Smith		
Date	Activity	Location
25/05/23	LGPro Awards	Melbourne
26/05/23	Visitor Economy Partnership Meeting	Online
30/05/23	Wimmera Southern Mallee Development Strategic Plan Launch	Horsham
30/05/23	Tempy, Turriff and Speed Community Consultation Budget 23-24	Tempy
31/05/23	Meeting with DJSIR representatives Visitor Economy Partnership	Online
31/05/23	Hopetoun Community Consultation Budget 23-24	Hopetoun
02/06/23	Meeting with Cr Karly Kirk	Warracknabeal
02/06/23	Beulah Community Consultation Budget 23-24	Beulah
05/06/23	Meeting with StreetRyan regarding Hopetoun Former School Site Business Case and Feasibility Study	Horsham
05/06/23	Local Government Information Session: Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk People's Recognition and Settlement Agreement	Online
05/06/23	Patchewollock Community Consultation Budget 23-24	Patchewollock
06/06/23	Department of Education Pre-Prep Planning Session	Online
06/06/23	Haven Home Safe Meeting – Housing Opportunities	Online
06/06/23	Global Leadership Strategic Planning Day preparation meeting	Online
06/06/23	Yaapeet Community Consultation Budget 23-24	Yaapeet
07/06/23	Joint State and Local Government CEO Forum	Online
07/06/23	Small Libraries Big Impact (attended YSC project presentation)	Online
07/06/23	Minyip Community Consultation Budget 23-24	Minyip
07/06/23	Regional Development Victoria Meeting	Online
08/06/23	Wimmera Southern Mallee Regional Partnership Meeting	Horsham
08/06/23	Wimmera Regional CEO Meeting	Horsham
08/06/23	Gateway BEET Meeting	Hopetoun
09/06/23	Meeting with CEO Rural Northwest Health and Mayor	Warracknabeal



09/06/23	Meeting with Murtoa Progress Association and Dunmunkle Lodge	Murtoa
09/06/23	Mayor and CEO Catch Up	Warracknabeal
13/06/23	Meeting with Councillors Financial Forecast for Strategic Planning Day	Online
13/06/23	Meeting with Member of the Public regarding Local Laws Matter	Warracknabeal
14/06/23	Strategic Planning Day with Councillors and Facilitator	Warracknabeal
14/06/23	Rupanyup Community Consultation Budget 23-24	Rupanyup
15/06/23	Lions Club of Minyip Change over Dinner	Minyip
16/06/23	Mayor and CEO Catch Up	Warracknabeal
19/06/23	Information Session Budget and Reform Briefing – Early Childhood Budget	Online
20/06/23	Meeting with Mineral Councils Victoria representative	Horsham
21/06/23	Meeting with National Housing Infrastructure Fund and Wimmera Southern Mallee Development representatives	Online
22/06/23	Woomelang Retirement Units Asset Committee of Council Meeting	Woomelang
23/06/23	Barengi Gadjin Land Council RSA Implementation Workshop	Horsham
23/06/23	Rural Council’s Victoria Committee Meeting	Online
23/06/23	Mayor and CEO Catch Up	Online
26/06/23	Audit and Risk Committee Meeting (including induction)	Warracknabeal
27/06/23	Rural Northwest Health Working Group 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>	<b>Town:</b>
<b>Question:</b>	
<b>Respondent:</b>	

## 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***

#### Strategic Priorities for 2023 - 2025

On 14 June, Councillors and Senior Management attended a Strategic Planning Day to review our current Council Plan and set our strategic priorities for the remaining two years of the plan. The draft strategic priorities will be available for community consultation from 29 June through to the 21 July. I would encourage community members to review our revised strategic priorities and provide feedback via the online form available on our website, or alternatively you can send in a written response, addressing it to our CEO.

#### Community Consultation

We have now concluded our community consultation across the Shire presenting on our draft budget for 23-24, along with our revenue and rating plan and footpath hierarchy. We thank the community members who attended our sessions and provided feedback.

#### Deputy Mayor

On Friday 16 June it was reported in the Warracknabeal Herald that Cr Karly Kirk was our Deputy Mayor and was paid an allowance of \$38,967 per annum. At the statutory meeting held on the 24 November 2021, Council endorsed appointing a Deputy Mayor for a one-year term. Cr Kirk elected to not accept the increase in payment assigned to a deputy mayor position. In the following year, at the statutory meeting, Councillors elected not to appoint a Deputy Mayor, recognising that as a collective, ward councillors or the councillor with the most knowledge in that particular area were the best Councillor to meet the needs of the community, whether it's an event, meeting or advocacy opportunity. We felt that the additional allowance for a Deputy Mayor was not needed and the money was better allocated in other areas of our budget. Any councillor who wishes to undertake training, gain further skills, knowledge with the intention to stand as Mayor is encouraged and supported regardless as to if they hold the title of Deputy Mayor.

#### Project Update

We are excited that the Rabl Park pump track and new playground has arrived. Both items are currently being installed, and we look forward to the new community assets being available for all to enjoy.

The new amphitheatre in Hopetoun has been constructed, and we look forward to making this asset available for the community to hold events within proximity to the main street and recreation precinct of Hopetoun.

#### Members of Parliament Visit

We are looking forward to a visit from Dr Sarah Mansfield, State Member of the Legislative Council for Western Victoria. Dr Mansfield will join us during Council Forum, where we will discuss a number of matters, including financial assistance for roads, weeds and pest programs, housing, skilled labour shortages, health care in rural communities and funding for recreation reserves and activities.

#### Commonwealth Home Support Programme

Council's final day of providing the Commonwealth Home Support Programme will be on Friday 30 June 2023. We will continue to work closely with West Wimmera Health

Service, Rural Northwest Health, Mallee Track and Annecto to ensure a smooth transition of services occurs. We are pleased to report that Alannah Lehmann, Council's Positive Ageing Coordinator has accepted a role with Rural Northwest Health and will be invaluable to assisting RNWH in establishing their CHSP and meals on wheels services.

Please be assured that all organisations including Council have the communities' best interest at heart, and we will all work together to advocate to ensure the best possible services are provided.

I also wish to thank the wonderful Positive Ageing Team for their contribution to ensuring our aged residents are cared for to the highest standards across our Shire. We sincerely thank you for your dedication to Council and the Community and as a Council we wish you all the best in your future roles.

## 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 RETURN TO WORK POLICY AND GUIDELINES

*Prepared by Bernardine Schilling, Manager People and Culture*

*Presented by Tammy Smith, Chief Executive Officer*

### SUMMARY

The Yarriambiack Shire Council recognise its obligations for, and is committed to, ensuring the health and safety of its employees, including Councillors, while they are on Council premises and engaged in approved work for Council.

The Return-to-Work Policy and supporting Guidelines is to facilitate the return to work of an injured employee in a timely manner.

### RECOMMENDED MOTION:

That Council:

- a) Adopt the revised Return to Work Policy and Guidelines as attached to this report as of 28 June 2023.
- b) Rescind the previous version adopted on the 27 May 2020.

### ATTACHMENTS

[Attachment: Return to Work Policy and Guidelines](#)

### DISCUSSION

A review of Council's policy on Return to Work has been undertaken. The purpose of the revised policy is to provide a framework to assist the Council with clear guidelines in relation to the management of workplace injury and illness, roles, rights, and responsibilities.

The council is committed to the reporting of incidents and applying early intervention in order to enable our employees to remain at work or return to work as soon as possible. This will be achieved through continued improvement of risk management processes, implementation of return-to-work plans as soon as practical, and appropriate occupational rehabilitation.

Council will aim to:

- a) Provide a safe and healthy working environment to prevent injury and illness.
- b) Ensure that the Return-to-Work process commences as soon as possible after an injury/illness in a manner consistent with medical advice.
- c) Ensure that return to work as soon as possible is actioned after an injury/illness.
- d) Provide suitable duties consistent with the nature of the injury/illness.
- e) Consult with employees and with the Council's Occupational Health and Safety (OH&S) Committee where necessary.
- f) Ensure participation in Return-to-Work Plans.
- g) Participate and co-operate with the insurer's Injury Management Program and Injury Management Plans.
- h) Comply with WorkCover guidelines if and when issued and maintain records in line with WorkCover's Confidentiality Guidelines.
- i) Treat injured employees with compassion and respect.

The Return-to-Work Policy and Guideline was reviewed with minor administrative changes and will be required to be reviewed every three years.

**RELEVANT LAW**

Workers Injury Rehabilitation and compensation Act 2013

Occupational Health and Safety Act 2004

Local Government Act 2020

**COUNCIL PLANS AND POLICIES**

Human Resources Policy and Guidelines Manual

Occupational Health and Safety and Wellbeing Guidelines

Employee Code of Conduct

Occupational Health and Safety Policy and Manual

**RELATED COUNCIL DECISIONS**

Council Meeting – 27 May 2020 - Item 13.15 Return to Work Policy and Guidelines

**OPTIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

*Financial* - The Return-to-Work Policy and Guidelines aims to maximise management of return to work and rehabilitation of its employees as soon as practicable reducing:

- The financial impact of workplace injuries
- Anticipating and controlling hidden costs
- Providing a proactive approach to cost containment
- Improving the Council’s ability to manage an injury claim and any restrictions.
- Less time and money spent on recruitment or on replacing staff.
- Reduce the costs of lost productivity.

**COMMUNITY ENGAGEMENT**

There is no community engagement for this policy, however it will be available on the Council’s website.

**GENDER IMPACT ASSESSMENT**

A Gender Impact Assessment is not required for this report.

**RISK**

Assess the risk for the decision.

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Financial Risk - Residual Risk Level Medium	By the use of the Return-to-Work Policy and Guideline, staff who are injured in the workplace and the Return-to-Work Coordinator will have a system to follow, which will aid in,	Maintains Residual Risk Level

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
	where possible a quicker return to duties (less lost time) and ensure legislative requirements are followed and met.	
Reputational Risk - Residual Risk Level Low	The use of a Return-to-Work Policy and Guideline will ensure that there are processes in place for all injured workers to be aware that their return to work and any necessary rehabilitation is a priority to Council.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The use of the Return-to-Work Policy and Guideline will ensure that Council meets its legislative, compliance and good governance requirements.	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 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 ADOPTION OF THE 2023-24 BUDGET

*Prepared by Anita McFarlane, Manager Corporate Services  
(Principal Accounting Officer)*

### SUMMARY

The 2023-24 Budget has been prepared and after advertising and public community consultation sessions held across the shire the 2023-24 Budget is now tabled and presented for adoption.

### RECOMMENDED MOTION:

1. That in accordance with Section 94 of the Local Government Act 2020 (the Act) the 2023-24 Budget as tabled be adopted.
2. That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget.
3. That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2023.
4. Declare the fees and charges for the 2023-24 financial year as contained in the 2023-24 Budget document and based on the feedback from the 2023-24 Budget Consultation Summary attachment. The Chief Executive Officer be authorised to approve amendments and inclusions to the fees and charges throughout the financial year.
5. That Council approve the overall Capital Works program budget (as included in the 2023-24 Budget) of \$11,948million and a carry forward of \$2,960million, and that:
  - i. the Chief Executive Officer be authorised to approve the reallocation of capital works funding between identified capital works areas to meet Council's strategic objectives; and
  - ii. any addition or removal of capital works program projects for the 2023-24 financial year be approved by resolution of Council; and
  - iii. All changes to the capital works program endorsed by the Chief Executive Officer be reported in the quarterly Financial and Non-Financial Performance Report presented to Council.
6. That the Council endorse the recommendations contained in the 2023-24 Budget Consultation Summary attachment in relation to Budget Feedback Submissions.

### ATTACHMENTS

[Attachment: 2023-24 Budget](#)

[Attachment: Feedback from 2023-24 Budget Consultation Summary](#)

### DISCUSSION

In accordance with Section 94 of the Local Government Act 2020 (the Act) Council is required to formally adopt a budget for each financial year and the subsequent 3 financial years by 30 June each year.

### Rates and Charges

The Draft 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 \$14,432,000 in rates and charges which includes general rates (\$11,942,000), municipal charge (\$412,000), service charges (\$1,677,000) 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 7.5% and a new charge will be introduced for the collection of glass. A waste service charge, 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.

Council will declare the rates and charges at the July Council meeting, after the Fair Go Rates System annual compliance has been completed as at 30 June 2023.

### Capital Works Program

The proposed Budget provides the capital works projects that will be undertaken for the 2023/24 year which is classified by expenditure type and funding source (Pages 40 to 49).

	Project Cost \$'000	New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contri- butions \$'000	Borrow- ings \$'000	Council Cash \$'000
Property	<b>5,730</b>	4,441	472	817	3,317	490	500	1,423
Plant & Equip	<b>1,975</b>	485	1,360	130	7	-	-	1,968
Infrastructure	<b>7,203</b>	420	5,749	1,034	4,450	46	-	2,707
<b>Total</b>	<b>14,908</b>	<b>5,346</b>	<b>7,581</b>	<b>1,981</b>	<b>7,774</b>	<b>536</b>	<b>500</b>	<b>6,098</b>

*These figures include carried forward works from 2022/23 of \$2,960 million*

### Schedule of Fees and Charges

The Budget presents the fees and charges of a statutory/non-statutory nature which will be charged in respect of various goods and services during the 2023/24 financial year. The fees and charges are based on information available at the time of publishing and may vary during the financial year subject to changes in Council’s policy or legislation (Pages 56 to 67).

## RELEVANT LAW

Local Government Act 2020 - Section 94

Local Government Act 1989 - Section 159, 167, 172

## COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025
- Yarriambiack Shire Council Revenue & Rating Plan 2023-27 as presented in this Council Agenda.
- Yarriambiack Shire Council Debt Management, Relief and Hardship Policy

## RELATED COUNCIL DECISIONS

24 May 2023 – Minutes of Council Meeting – Adoption of Draft Budget 23-24 for Community Consultation.

## OPTIONS

The Council Budget is a statutory requirement and must be adopted each financial year by 30 June. Council can elect to not adopt the Draft Budget. This would be a breach of the Act given the legislative requirement to adopt a budget by 30 June 2023. This would also inhibit Council from performing duties and functions post 30 June.

Council Officers modelled the financial implications of reducing general rates below the gazetted rate cap (3.50%). Modelling indicates a reduction of general rate revenue would impact Council's ability to sustain current service level standards and its ability to generate income through matched government grants over a 10-year period and is not recommended.

## SUSTAINABILITY IMPLICATIONS

*Financial:* Rate capping continues to place restrictions on Council's ability to raise its own source income and places an ever-increasing reliance on grants from other tiers of government which can change over time. Council must be mindful of its own financial sustainability and therefore take a more conservative approach to debt than other levels of Government and/or the private sector may take.

## COMMUNITY ENGAGEMENT

The Draft Budget 2023-24 was made available for community feedback in accordance with Council's Community Engagement Policy.

The engagement process comprised of media information across print, social media, and was placed on Council's website. The Community Engagement process was supported by in person community consultation forums across the Shire.

Feedback was invited from Thursday 25 May 2023 to Wednesday 21 June 2023. Council received three (3) submissions, which are detailed in the attached Feedback from 2023-24 Budget Consultation Summary document.

**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	GIA – Budget 2023-24	

**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 Budget ensures compliance with the Local Government Act 2020 Requirements	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The budget is prepared in a conservative approach and takes into consideration constraints around rate capping, reliance on grants, decreased funding opportunities, rising cost of raw materials, lack of available skilled trade. The prepared budget has a focus on sustainable cost reductions to protect existing service levels.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Council’s budget has been aligned with Council’s strategic priorities and changes to fees and charges have been communicated via the community consultation process.	Maintains Residual Risk Level

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

Consideration has been given to other regional, state and national plans and policies as required throughout the preparation of this budget.

**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 DRAFT REVENUE AND RATING PLAN 2023 – 2027

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

### SUMMARY

The *Local Government Act 2020* requires Council to prepare and adopt a “Revenue and Rating Plan”, which replaces the “Rating Strategy” required by the *Local Government Act 1989*.

Section 93 of the *Local Government Act 2020* states that “A Council must prepare and adopt a Revenue and Rating Plan by the next 30 June after a general election for a period of at least the next 4 financial years.”

To comply with the requirements of Section 93, Council adopted its Revenue and Rating Plan 2021 – 2025 at the ordinary meeting of Council held on 23 June 2021.

As the Revenue and Rating Plan is a key element of Council’s financial management framework, best practice would dictate that this plan be reviewed and updated annually as part of the Council budget process. This document has been reviewed and adopted in 2022, and again in 2023 as part of the budget process.

### RECOMMENDED MOTION:

That Council:

- a) Endorse the Draft Revenue and Rating Plan 2023 – 2027 as attached to this report.

### ATTACHMENTS

[Attached: Draft Revenue and Rating Plan 2023 - 2027](#)

### DISCUSSION

Section 93 of the *Local Government Act 2020* requires Council to prepare and adopt a Revenue and Rating Plan by the 30 June following a general election. The plan is to be developed for a period of at least the next four financial years.

The plan includes all sources of revenue including rates, charges, grants, contributions, and other revenue streams such as interest and rental agreements.

The 2021-2025 plan was developed utilising the Local Government Revenue and Rating Plan Guide incorporating the *Local Government Act 2020* reforms, the Local Government Best Practice Guide 2014 and the Ministerial Guidelines for Differential Rating 2013. Public consultation on the Revenue and Rating Plan 2021 – 2025 was undertaken between 10 and 21 June 2021.

The plan is reviewed and updated annually to reflect changes to Council’s operating environment.

The draft 2023 – 2027 plan incorporates the following updates:

- Reference to the glass kerbside collection that was introduced from 01 July 2022.
- All financial tables have been updated to incorporate the 23-24 budget period cycle.
- Objections to property valuations has been expanded to include how objections can be lodged directly with the Council or through the Valuer General Victoria’s Website.
- A section regarding Payment in Lieu of Rates and Rateable Land and Exemptions has been included in the document.

**RELEVANT LAW**

*Section 93 of the Local Government Act 2020.*

**COUNCIL PLANS AND POLICIES**

- The Yarriambiack Shire Council Budget 2023-2024
- The Council Plan 2021 - 2025

**RELATED COUNCIL DECISIONS**

- The Revenue and Rating Plan 2021 – 2025 adopted 23 June 2021
- The Revenue and Rating Plan 2022-2026 adopted on 29 June 2022
- The Draft Revenue and Rating Plan 2023-2027 endorsed for community consultation on 24 May 2023

**OPTIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

*Social* – The inquiry into the Sustainability and Operational Challenges of Victoria’s Rural and Regional Council’s identified that Council’s such as Yarriambiack have lower community income, fewer employment opportunities, and higher levels of disadvantage resulting in communities having a higher reliance on Council’s services with less capacity or means to pay for them. Regional Council’s also see a greater application of pension and other consideration discounts on Council rates and a higher cost of living.

*Financial* – The Revenue and Rating Plan addresses Council’s increased reliance on grants to meet operational requirements. Council has an inability to generate additional revenue streams in comparison to their metropolitan counterparts, such as parking fees, fines, development applications and user charges for facilities and services.

**COMMUNITY ENGAGEMENT**

The Revenue and Rating Plan 2023-2027 was made available for community feedback in accordance with Council’s Community Engagement Policy.

Council received one submission regarding the Revenue and Rating Plan. The submission outlined that the plan provided a great explanation.

**GENDER IMPACT ASSESSMENT**

Not applicable for this report.

**RISK**

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	This Plan ensures compliance with the <i>Local Government Act 2020</i> requirements.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Plan identifies Council’s revenue streams and methodology for Rates and Charges. It highlights Council’s reliance on Grants to meet operational requirements. Therefore, Council can be proactive in applying for and sourcing grants to meet organisational requirements.	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 PUBLIC INTEREST DISCLOSURE POLICY AND GUIDELINES

*Prepared by Bernardine Schilling, Manager People and Culture*

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

### SUMMARY

The Public Interest Disclosure Policy and associated Procedure was adopted on the 27 May 2020 by the former Chief Executive Officer.

This policy and the associated procedure were reviewed as part of their three yearly policy review cycle.

### RECOMMENDED MOTION:

That Council:

- a) Adopt the revised Public Interest Disclosure Policy as attached to this report, as of 28 June 2023. Noting this revision will supersede the previous version adopted by the Chief Executive Officer on 27 May 2020.
- b) Acknowledge that the Public Interest Disclosure Guideline content has now been incorporated into the revised Policy and will be rescinded by the Chief Executive Officer.

### ATTACHMENTS

[Attachment: Public Interest Disclosure Policy and Guidelines](#)

### DISCUSSION

The Public Interest Disclosure Policy has undertaken a review in accordance with the adopted three yearly review cycle.

The Policy and Guidelines have merged to form one overarching document.

The Public Interest Disclosure Policy and Procedure allows Council to facilitate a process where a person can make a disclosure that they believe constitutes improper conduct without fear of reprisal. The Public Interest Disclosure Policy and Procedure significantly reduces Council's risk of breaching its obligations under the Public Interest Disclosure Act 2012.

This policy and procedure complies with all requirements under the *Local Government Act 2020* and *Public Interest Disclosure Act 2012*.

Only minor administrative changes were made to the document during this review.

### RELEVANT LAW

- *Local Government Act 2020*
- *Public Interest Disclosure Act 2012*

### COUNCIL PLANS AND POLICIES

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

### RELATED COUNCIL DECISIONS

Council Meeting – 27 May 2020 - Item 13.11 Public Interest Disclosure Policy and Guidelines

### OPTIONS

Nil

**SUSTAINABILITY IMPLICATIONS**

Not applicable

**COMMUNITY ENGAGEMENT**

There is no community engagement for this policy, however it will be available on Council’s website.

**GENDER IMPACT ASSESSMENT**

A Gender Impact Assessment is not required for this report.

**RISK**

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The policy and procedure has been reviewed against the IBAC – Guidelines for handling public interest disclosure – January 2020 (latest edition).	Maintains Residual Risk Level

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

Guidelines for handling public interest disclosures - IBAC

**CONFLICTS OF INTEREST**

Not applicable

## 16.4 DEBT MANAGEMENT, RELIEF AND HARDSHIP POLICY

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

### SUMMARY

The Local Government Inspectorate completed their examination follow up and assessment on Council's progress against the key actions identified in the Protecting Integrity, Yarriambiack Shire Council Investigation. The Inspectorate provided feedback on enhancements to be included in updates to a number of key policies. The Debt Management, Relief and Hardship Policy has been updated to incorporate their recommendations.

### RECOMMENDED MOTION:

That Council:

- a) Adopt the revised Debt Management, Relief and Hardship Policy as attached to this report as of 28 June 2023.
- b) Rescind the previous version adopted on the 27 May 2020.

### ATTACHMENTS

[Attachment: Debt Management, Relief and Hardship Policy](#)

### DISCUSSION

The Local Government Inspectorate provided Council with an outcome Governance Examination Follow Up letter that outlined some recommended improvements to current policies adopted by Council.

In response to the letter, Council accepted the recommendations and committed to implementing the changes by 30 June 2023.

Below is an extract from Council's response letter that outlines the summary of recommended actions and management's commitment:

#### ***Recovery of outstanding rates***

##### *Recommended Future Actions*

Council to consider reviewing the Debt Management, Relief and Hardship Policy to include updated references to the 2020 Act.

##### *Management Commitment*

The Council Debt Management, Relief and Hardship Policy was adopted on 27 May 2020 and considered the *Local Government Act 2020* changes. Since the adoption of the policy there has been the Ombudsman review and further changes to the Act. A review of current policy, comparing to Ombudsman Report and Act will occur by the 30 June 2023.

#### ***Actions***

All recommendations listed above have been included in the revision of the Debt Management, Relief and Hardship Policy. Additionally, the *Local Government Legislative Amendment (Rating and Other Matters) Act 2022* received Royal Assent in August 2022.

The Act makes changes to the arrangements for unpaid rates and charges, consideration of ratepayers facing financial hardship, service rates and charges and special rates and charges.

It is expected that the largest impact from the changes to the Act relate to section 180, which limits Council’s ability to begin proceedings to recover unpaid rates or charges until at least 24 months have passed since the rate payer has not deferred payment, entered a payment plan or used any other available payment option.

**RELEVANT LAW**

- Local Government Act 2020
- Local Government Legislation Amendment (Rating and Other Matters) Act 2022

**COUNCIL PLANS AND POLICIES**

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

**RELATED COUNCIL DECISIONS**

- 11 December 2019 – Item 13.5 Local Government Inspectorate Action Plan
- 25 May 2020 – Item 13.2 Local Government Inspectorate Action Plan Quarterly Report
- 24 June 2020 – Item 12.15 Local Government Inspectorate Action Plan Quarterly Report
- 24 October 2020 – Item 12.6 Local Government Inspectorate Action Plan Quarterly Report
- 27 May 2020 – Item 13.1 Debt Management, Relief and Hardship Policy adoption.

**OPTIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Failing to administer good governance impacts on the economic, financial and social decision making of Council.

**COMMUNITY ENGAGEMENT**

Not applicable

**GENDER IMPACT ASSESSMENT**

Not applicable for this policy.

**RISK**

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Policy has been updated based on the best practice recommendations of the Local Government Inspectorate Office and a review of changes to the Local Government Act.  All recommendations from the LGI have been adopted.	Maintains Residual Risk Level
Political Risk - Residual Risk Level Low	Acting on the recommendations of the Local Government Inspectorate reduces escalation of matters to the Minister for Local Government.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Acting on the recommendations of the Local Government Inspectorate ensures continuous improvement and reflection and provides the	Maintains Residual Risk Level

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
	community with confidence that Council places a high value on good governance.	

**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.

## 16.5 ELECTRICITY SUPPLY SMALL TARIFF SITES (C328-2023)

*Prepared by Helen Pollard, Procurement and Contracts Officer*

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

### SUMMARY

In early March 2023, the Municipal Association of Victoria (MAV) Procurement invited Council to participate in a collaborative procurement opportunity to tender for the supply of electricity to small tariff sites. Council opted to participate in the opportunity and signed a binding commitment to do so through the execution of an Agency Deed on 24 March 2023.

The tender for the Small Tariff Electricity Sites was released to the market on Friday 19 May 2023 by the MAV Procurement's tender partner Trans-Tasman Energy Group (TTEG).

Consequently, Council has now received a recommendation from TTEG and this report is seeking Council endorsement that the Chief Executive Officer enter into a Contract with the recommended energy retailer Origin Energy for a period of 36 months, being 1 July 2023 to 30 June 2026 on behalf of Council.

### RECOMMENDED MOTION:

That Council:

- a) Endorse that Contract C328-2023 Electricity Supply - Small Tariff Sites (MAV Procurement reference "EC8310-2023 for Small Electricity Sites") be executed by the Chief Executive Officer on behalf of Council, with the successful energy retailed (based on the recommendation from TTEG). The term of the contract is for the period 1 July 2023 to 30 June 2026.

### ATTACHMENTS

Attachments withheld:

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

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

### DISCUSSION

Council's current MAV Small Tariff Sites Electricity Contract is due to expire on 30 June 2023. Council's annual energy expenditure across Council operated sites is approximately \$150,000 to \$170,000 per annum. Market analysis indicates that prices within the electric market continue to face upward pressure currently and into the longer-term future.

In early March 2023, Council was invited by MAV Procurement to participate in a collaborative procurement tender and sought a binding commitment from Council to participate in the initiative through the completion and execution of an Agency Deed.

The deed contractually committed Council to the outcome of the tender and the Agency Deed was executed and returned to MAV Procurement on 24 March 2023.

MAV Procurement has chosen to continue engaging Trans-Tasman Energy Group (TTEG) to support its electricity procurement. TTEG's market analysis anticipates a marginal increase in the current electricity rates for new supply contracts commencing 1 July 2023.

MAV and TTEG have previously successfully partnered to provide councils with access to competitive electricity and gas contracts for more than ten years, key highlights of past tenders included:

- Fifteen tender processes conducted across all categories of electricity and gas since 2010; and
- Establishment of contracts with all major retailers.

The tender for the Small Tariff Electricity Sites was released to the market on Friday 19 May 2023 by TTEG, with the tender seeking a contract period of one to three years, depending on the most attractive rates available.

The multi-site retail agreement was provided to Council from the energy retailer on 23 June; this agreement will need to be executed by 30 June 2023 to enable a 1 July 2023 start date.

#### **RELEVANT LAW**

Local Government Act 2020 – S108 and S109

#### **COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025: Key Objective 4: A Council Who Serves Its Community.  
Procurement Policy 2021-2025

#### **RELATED COUNCIL DECISIONS**

Ordinary Meeting of Council – 29 March 2023 – Item 16.4 – MAV Small Sites Electricity Contract

Ordinary Meeting of Council – 27 May 2020 – Item 15.4 – MAV EC8310-2020 Small Tariff Sites and Public Lighting Tender

#### **OPTIONS**

Not applicable for this report.

#### **SUSTAINABILITY IMPLICATIONS**

*Financial:* Council's Procurement Policy 2021-2025 notes that where practical, Council will collaborate with other Councils or Public Bodies in order to take advantage of economies of scale, reduce risk and deliver community benefits that result in increased financial sustainability for Council through access of competitive energy rates.

#### **COMMUNITY ENGAGEMENT**

Not applicable

#### **GENDER IMPACT ASSESSMENT**

Not applicable for this report.

**RISK**

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Financial Risk - Residual Risk Level Medium	Participation in collaborative procurement opportunities gives Council access to economies of scale, leverages experts and increased purchasing power that would not be able to be achieved through individual procurement activities.	Maintains Residual Risk Level

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

Not applicable

**CONFLICTS OF INTEREST**

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



## 17 REPORTS FOR DECISION – DIRECTORATE OF ASSETS AND OPERATIONS

Operations Responsibilities	Assets Responsibilities	Development Services Responsibilities
<ul style="list-style-type: none"> <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 May and 31 May 2023

Reference No	Description	Address	Date of Issue
<b>Building Permits – May 2023</b>			
BLD20220320	Pergola	Warracknabeal	03/05/23
BLD20230334	Recladding	Warracknabeal	03/05/23
BLD20230345	Two dwellings	Hopetoun	30/05/23
BLD20230337	Shade shelter	Hopetoun	31/05/23
BLD20230342	Amenities block	Warracknabeal	31/05/23
<b>Planning Permits – May 2023</b>			
TP01-23	Four dwellings	Rupanyup	05/05/23
TP06-23	Farm Shed	Kellalac	08/05/23
TP05-23	Shed	Lascelles	09/05/23
TP07-23	Weighbridge	Beulah	09/05/23
TP04-23	Extractive Industry	Lascelles	10/05/23

## 17.2 FOOTPATH HIERACHY AND IMPLEMENTATION PLAN 2023-2028

*Prepared by Pradip Bhujel, Assets Coordinator*

*Presented by Michael Evans, Director Assets and Operations*

### SUMMARY

A review of Footpath Hierarchy has been completed after a community consultation process was undertaken along with the development of an implementation plan for the next five years. The report seeks endorsement of the Footpath Hierarchy and Implementation Plan 2023 – 2028.

### RECOMMENDED MOTION:

That Council:

- a) Adopt the Footpath Hierarchy and Implementation Plan 2023 – 2028 as presented with this report.
- b) Endorse the Summary of Community Engagement Feedback and Recommendations as contained in the attachment to this report.

### ATTACHMENTS

[Attachment: Footpath Hierarchy and Implementation Plan 2023 – 2028](#)

[Attachment: Summary of Community Engagement Feedback and Recommendations](#)

### DISCUSSION

#### ***Footpath Hierarchy***

The footpath hierarchy will be used as a tool in the management of all footpaths in the Yarriambiack Shire for which the Yarriambiack Shire has management responsibility.

The hierarchy will determine basic standards for the footpaths and will assist Council and its officers to plan for maintenance works and reconstruction works to be carried out in a cost-effective manner that provides “best value” for the community.

#### ***Implementation Plan 2023 - 2028***

The implementation plan has been prepared to demonstrate Council’s commitment for the next five years to the implementation and management of footpath assets within the region.

The objective of the implementation plan is to improve the amenity, accessibility, and safety of the footpath network so they are accessible for all users. Additionally, the aim of the plan is to establish footpaths in towns, based on community feedback collected from community engagement activities.

For the provision of footpaths, Geographical Information System (GIS) has been used to identify all roads that do not have a footpath on one side for the road and roads which should desirably have a footpath on both sides.

A community engagement activity was undertaken to identify high foot traffic areas, missing link connector paths to existing higher category footpaths, and what the community deemed high priority to ensure an accessible, inclusive, and connected community.

The total length of footpath to be constructed under the missing link and customer request is approximately:

- 27km if we invest in all identified missing footpaths.

- 9km if we only construct our immediate priority footpaths.
- 20km length of footpath request by the community.
- 7km length of footpath identified from GIS.
- 7km if we only deliver to the most critical location.

The estimated cost of constructing footpaths lengths as listed above are:

- 27km of footpath, width of 1.5m using concrete is estimated at \$8 million.
- 9km of footpath, width of 1.5m using concrete is estimated at \$3 million.
- 20km of footpath, width of 1.5m using concrete is estimated at \$6 million.
- 7km of footpath, width of 1.5m using concrete is estimated at \$2 million.
- 7km of footpath, width of 1.5m using concrete is estimated at \$2 million, \$400 thousand per year for the next upcoming five-year period.

Unit rate calculation process

- The linear kilometres of footpaths do not include the associated crossings, vegetation removal and offsets.
- Engineering teams will require further investigation on a case-by-case basis to estimate the correct amount of footpath construction.
- The source of the unit rate is from finalised similar projects from the 2022/23 Council capital works program.
- The unit rate will vary depending upon the material selection on the footpath construction such as quarry dust, concrete with reinforcement or others.
- All new footpaths are assumed to be concrete at 1.5m wide as per Infrastructure Design Manual.

### **RELEVANT LAW**

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

### **COUNCIL PLANS AND POLICIES**

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

Council Plan 2021-2025- Strategic Objective 2: A Healthy and Inclusive Community

### **RELATED COUNCIL DECISIONS**

A previous version of Footpath Hierarchy was adopted in July 2018 after the engagement of community consultation activities and presented to the Services, Projects and Asset Management Working Group (SPAMWG).

### **OPTIONS**

- a) Council denies the adoption of the Footpath Hierarchy and Implementation Plan and a new method of community engagement and process to identify the required hierarchy be investigated.

### **SUSTAINABILITY IMPLICATIONS**

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

*Economic:* The economic factors such as economic growth (rate), laws and policies, land use planning, and events are the future demand drivers that may affect service delivery

and may require a new service through a combination of managing existing assets, upgrading existing assets, and providing a new asset to meet demand.

*Social:* The implementation plan has considered social sustainability to create sustainable successful places promoting wellbeing, by understanding what level of footpath network will be established on the existing footpath network at the various towns inside the shire.

*Environmental:* Environmental issues would be considered during the budget and construction processes.

*Financial:* The report contains information on the annual budget required for the next five years to deliver most critical footpath at various locations identified by GIS and community engagement activities. 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**

In the development of the Footpath Hierarchy and Implementation Plan 2023 – 2028, extensive community consultation was undertaken with over thirteen community sessions held across thirteen townships with approximately 40 residents attending.

An online survey form was published on various news platform and made available online with 30 responses received and collated.

The Draft Footpath Hierarchy and Implementation Plan 2023-2028 was released for public consultation from 25 May through to the 21 June 2023. Ten submissions were received.

**GENDER IMPACT ASSESSMENT**

Not required for this report.

**RISK**

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The document is an essential tool for the management of all Council footpaths networks.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The document clearly guides the management to establish the annual capital budget for footpaths for the next five years which will address the key issues raised during the community consultation.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The Footpath Hierarchy and Implementation Plan 2023 - 2028 has a list of footpaths that will deliver every financial year till 2028/29.	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.

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

Community Health Responsibilities	Community and Economic Development 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 May and 31 May 2023

Reference No	Description	Name / Location	Date of Issue
<b>Local Laws Permits - May 2023</b>			
03-23	Camping in a Caravan on Private Land	Brim	31/05/23
04-23	Camping in a Caravan on Private Land	Minyip	31/05/23
<b>Firewood collection Permits - May 2023</b>			
	Roadside Collection Permit	Warracknabeal	1/5/2023
	Roadside Collection Permit	Brim	10/5/2023
	Roadside Collection Permit	Murtoa	11/5/2023
	Roadside Collection Permit	Warracknabeal	19/5/2023
<b>Septic Tank Permits - May 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 Variation Contract Warracknabeal Amenities Facility

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

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

PART 2

That Council:

- a) Determines, pursuant to section 125(2) of the Local Government Act 2020, that the Resolution(s) made in relation to Agenda Item 20.1 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting.

### 20.2 Review of Local Law Permit

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.

### 20.3 Warracknabeal Regional Livestock Exchange Canteen Lease

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

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

PART 2

That Council:

- a) Determines, pursuant to section 125(2) of the Local Government Act 2020, that the Resolution(s) made in relation to Agenda Item 20.3 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting.

## 21 NEXT MEETING

26 July 2023

## 22 CLOSED