



Yarriambiack
SHIRE COUNCIL

Minutes

Ordinary Meeting of Council

MAY 24, 2023
COUNCIL CHAMBERS
34 Lyle Street, Warracknabeal

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

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

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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

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

CONTINUOUS IMPROVEMENT

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

LIVE STREAMING

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

1 WELCOME

2 STREAMING PREAMBLE

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

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

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

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

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

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

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

3 ACKNOWLEDGEMENT AND PRAYER

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

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

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

3.2 PRAYER

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

Amen

4 PRESENT

Name	Role
Cr Kylie Zanker	Mayor
Cr Andrew McLean	Councillor
Cr Tom Hamilton	Councillor
Cr Graeme Massey	Councillor
Cr Chris Lehmann	Councillor
Cr Corinne Heintze	Councillor
Cr Karly Kirk	Councillor
Tammy Smith	Chief Executive Officer
Tony Caccaviello	Director Business Strategy and Performance
Michael Evans	Director Assets and Operations
Anita McFarlane	Manager Corporate Services
Belinda Penny	Information Management and Governance Officer

5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Name / Role	Description of Leave / Absence
Gavin Blinman	Director Community Wellbeing

6 CONFIRMATION OF MINUTES

6.1 MINUTES 26 April 2023 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 26 April 2023 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on 26 April 2023, as circulated be taken as read and confirmed.

Resolution:

Moved Cr G Massey Seconded Cr T Hamilton

That the recommendation be adopted

Carried

6.2 MINUTES 26 April 2023 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 26 April be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Closed (Confidential) Council Meeting of Council held on 26 April, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr C Lehmann Seconded Cr G Massey

That the recommendation be adopted

Carried

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 Tom Hamilton noted for the record that he is the Councillor representative on the Wimmera Southern Mallee Development Board, (Formerly Wimmera Development Association). The CEO of WSMD attended the Councillor Forum, directly after the meeting to present on the WSMD Strategy.

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.
26 October 2022	Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
23 November 2022 Item 15.2	Request to install wombat crossing in Scott Street, Warracknabeal.	Council to commence applying for funding opportunities to pay for the installation of the crossing. Revisit proposal in 12 months' time (November 2023) if Council has been unsuccessful in securing funding.
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.
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.
26 April 2023 Item 20.1	Carroll Street Minyip and Conran Street Hopetoun removed from capital works program in 22/23 and to be included in the 23/24 capital works program.	Conran Street Hopetoun included in draft capital works program for 23/24. CEO notified resident who submitted a 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.
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.

Council Meeting	Recommendation Action	Action Taken
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.

9 PETITIONS

Nil

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
05/05/23	Hopetoun Landcare Group	Letter of Support – Weed and Pest Control Program
05/05/23	Beulah Landcare Group	Letter of Support – Weed and Pest Control Program
13/05/23	Department of Transport and Planning	Letter – Changes to Birchip Rainbow Road and Bell Street Beulah
15/05/23	Combined Probus Club of Hopetoun and Beulah	Letter – Follow Up from Mayor and CEO Visit on Monday 01 May 2023.

Incoming		
Date	Recipient	Details
10/05/2023	Neighbourhood Watch	Reducing speed limit, CBD Scott Street, Warracknabeal

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 West Vic Business – Yarriambiack Chapter advisory Committee of Council

Yarriambiack Chapter Advisory Committee of Council – West Vic Business held a meeting on 8 May 2023 at Warracknabeal.

[Attachment: Draft Minutes West Vic Business - 8 May 2023](#)

Recommended Motion:

That Council note the Draft Minutes from the West Vic Business – Yarriambiack Chapter Advisory Committee of Council held on 8 May 2023.

Resolution:

Moved Cr K Kirk Seconded Cr G Massey
That the recommendation be adopted

Carried

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT – MAY 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
27/4/2023	Attended Mayoral Matters catchup with CEO Tammy Smith and communications Consultant Katherine Colbert	Warracknabeal
28/4/2023	Attended Western Highway Action Group Meeting	Online
	Attended Mayor and CEO catchup	Warracknabeal
01/05/2023	Guest speaker with CEO, Tammy Smith with Hopetoun / Beulah Probus Group	Beulah
02/05/2023	Attended conversation with Joy Gilles Consultant	Online
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
05/05/2023	Attended Mayor and CEO catchup	Warracknabeal
09/05/23	Warracknabeal Action Group and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Warracknabeal
10/05/2023	Attended Council Forum followed by inspection of various sites around Woomelang and Hopetoun including Old School Site	Hopetoun
12/05/2023	Brim “Coffee and a Catch Up” Draft Budget Community Consultation (Mayor and CEO)	Brim
	Catch up with Councillor Karly Kirk re Council updates	Warracknabeal
	Consultation with Rachael Williams regarding Yarriambiack Shire Municipal Early Years Plan	Online
	Attended Murtoa Silo Art Official Opening	Murtoa
16/05/23	Murtoa Progress Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Murtoa
17/05/2023	Dinner with Jenni Masters CEO Rural Northwest Health (Mayor & CEO)	Warracknabeal
19/05/2023	Attended MAV State Council Meeting	Melbourne
23/05/23	Woomelang and District Development Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Woomelang

12.2 COUNCILLOR ACTIVITY REPORTS – MAY 2023

Cr Andrew McLean – Hopetoun Ward		
Date	Activity	Location
27/04/2023	Attended Community Police meeting	Turriff
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
10/05/2023	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
18/05/2023	Attended Beulah Progress Association Meeting	Beulah
24/05/2023	Attended Woomelang re ABC broadcast	Woomelang

Cr Tom Hamilton – Dunmunkle Ward		
Date	Activity	Location
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
10/05/2023	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
11/05/2023	Attended Stick Shed Meeting	Murtoa
12/05/2023	Attended Silo Art Opening	Murtoa
16/05/23	Murtoa Progress Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting	Murtoa

Cr Graeme Massey – Warracknabeal Ward		
Date	Activity	Location
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
09/05/2023	Warracknabeal Action Group and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting	Warracknabeal
10/05/2023	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
16/05/2023	Attended Warracknabeal Action Group (WAG) meeting	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward		
Date	Activity	Location
27/04/2023	Attended Police Community Meeting	Turriff
02/05/2023	Attended interview with Joy re CEO KPI's	Online
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
10/05/23	Council Forum and visit to Woomelang and Hopetoun	Hopetoun

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
09/05/2023	Attended Yarrilinks Meeting	Minyip
10/05/23	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
12/05/23	Murtoa Silo Art Opening	Murtoa
17/05/2023	Attended Minyip Progress Association Meeting	Minyip

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
28/04/2023	Attended Catch up with CEO, Tammy Smith	Warracknabeal
03/05/2023	Attended Council Forum – Special Budget Meeting	Warracknabeal
09/05/2023	Attended interview with Joy regarding the strategic Plan	Online
10/05/2023	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
12/05/2023	Attended Catch up with Mayor Kylie Zanker	Warracknabeal

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – MAY 2023

Tammy Smith		
Date	Activity	Location
27/04/23	Housing Meeting with members from E-Rup, Progress Association, Wimmera Development Association and Rupanyup Future Fund to discuss housing.	Rupanyup
27/04/23	Woomelang Bowling Club Meeting	Woomelang
28/04/23	Meeting with Cr Karly Kirk	Warracknabeal
28/04/23	Rural Council's Victoria Meeting	Online
28/04/23	Sustainable Childcare for Rural Kids Committee catch up regarding Murtoa Childcare project	Online
28/04/23	Meeting with Mayor	Online
01/05/23	Hopetoun Probus Meeting with Mayor	Beulah
01/05/23	Meeting with Rural Council's Victoria Secretariat	Online
02/05/23	Meeting with Department of Transport and Planning	Warracknabeal
02/05/23	Meeting with Warracknabeal Action Group President	Warracknabeal
03/05/23	Special Councillor Forum - Budget Presentation	Warracknabeal
03/05/23	Meeting with Community Member	Warracknabeal
04/05/23	Guest Presenter Local Government Showcase	Melbourne
04/05/23	Wimmera Southern Mallee Commonwealth Games Working Group	Online
05/05/23	Meeting with Municipal Association of Victoria Board as Rural Councils Victoria representative	Online
05/05/23	Meeting with Regional Development Victoria representatives	Ballarat
08/05/23	Meeting with Strategic Planning Consultant regarding Council Plan – review day	Online
08/05/23	Warracknabeal Tourist Information Centre Meeting	Warracknabeal
09/05/23	Rural Council's Victoria pre-meeting regarding Aged Care and Mental Health meetings with minister representatives	Online
09/05/23	Meeting with Lions Club Warracknabeal representative regarding amenities block	Warracknabeal
09/05/23	Warracknabeal Action Group and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Warracknabeal

10/05/23	Council Forum and visit to Woomelang and Hopetoun	Hopetoun
11/05/23	Meeting Wimmera Southern Mallee Regional Partnership Mineral Sands and Solar Farm Briefing	Online
11/05/23	Quarterly Mayors and CEO Wimmera Meeting	Horsham
11/05/23	Meeting with Deputy Secretary Regional Development Victoria	Murtoa
11/05/23	Meeting with Department of Health and Rural Councils Victoria regarding Mental Health Services in Rural Victoria and Mental Health Locals initiative	Online
12/05/23	Brim "Coffee and a Catch Up" Draft Budget Community Consultation (Mayor and CEO)	Brim
12/05/23	Murtoa Silo Art Opening	Murtoa
16/05/23	Sustainable Childcare for Rural Kids Steering Committee Meeting	Online
16/05/23	Meeting with Departmental Representative on behalf of Minister for Child Protection and Family Services, Minister for Disability Ageing and Carers as Rural Councils Victoria representative	Online
16/05/23	Murtoa Progress Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Murtoa
17/05/2023	Dinner with Jenni Masters CEO Rural Northwest Health (Mayor & CEO)	Warracknabeal
18/05/23	Beulah Historic Learning and Progress Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Beulah
18/05/23	Meeting with CEO of Dunmunkle Lodge	Warracknabeal
19/05/23	Meeting with Murtoa Progress Association	Murtoa
19/05/23	Sustainable Childcare for Rural Kids Steering Committee Meeting	Online
19/05/23	Meeting with Commonwealth Department, new providers and Hindmarsh Shire regarding transition of CHSP services	Online
19/05/23	Debutante Ball Guest Murtoa	Murtoa
23/05/23	Woomelang and District Development Association and Yarriambiack Shire Council – Joint Draft Budget Presentation Meeting (Mayor & CEO)	Woomelang

13 PUBLIC QUESTIONS

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

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

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

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

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

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

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

The question will not be allowed if:

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

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

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

13.1 QUESTIONS SUBMITTED

Name: Colin Newell	Town: Warracknabeal
Question: If you pay your rates online, do you still receive a free voucher for the transfer stations? I recently paid mine and did not receive anything.	
Respondent: Tammy Smith, Chief Executive Officer	
Response: The free tip vouchers are only provided with the paper version of the rates notice. Residents are required to collect a voucher from the Shire Office if they receive an electronic version. Our tip vouchers are not uniquely numbered and therefore, we cannot provide electronic versions of the vouchers with the electronic rates notice.	

We have been undertaking a review of this process as part of our waste charges assessment to inform the budget for 23-24.

Council Officers as part of the budget review process have recommended replacing the tip vouchers with an increased number of free green waste days across the shire.

Council increased the number of free green waste days in the 22-23 year, due to the wet weather and increased growth. These days were well received and supported by the community.

The Mayor has permitted more than two questions from one person, as it is related to the same topic, and will assist with providing clarification.

Name: Melanie Bentley	Town: Warracknabeal
Question: Can we have an AED heart machine at the Caravan Park?	
Respondent: Tammy Smith, Chief Executive Officer	
<p>Response: Currently Warracknabeal has eight AED machines and the locations can be found on the Ambulance Victoria website.</p> <p>We do not currently have an AED machine at the Caravan Park, however we could consider the opportunity to install one when funding opportunities become available.</p> <p>We can look to promote where the closest AED machine is located to people who stay in our caravan park.</p>	

Name: Melanie Bentley	Town: Warracknabeal
Question: Who is responsible for the maintenance and upkeep of the AED's around town?	
Respondent: Tammy Smith, Chief Executive Officer	
<p>Response: The responsibility falls back to the group who funded and installed the AED machines, unless an alternative arrangement has been agreed to with Council. Currently we own and/or maintain two AED machines. One is located at the Warracknabeal Stadium and the other is in Scott Street Warracknabeal.</p>	

Name: Melanie Bentley	Town: Warracknabeal
Question: The AED at the police station keeps filling up with water when it rains. It needs a drainage or coverage.	
Respondent: Tammy Smith, Chief Executive Officer	
<p>Response: We will liaise with the Warracknabeal Police Sargent and advise there are concerns regarding the AED machine.</p>	

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

Murtoa Silo Art Opening

It was a pleasure to be invited by the Murtoa Progress Association to be a guest speaker at the opening of the Murtoa Silo Art project. The addition of the Murtoa Silo Art project was welcomed to expand on our Shires' iconic Silo Art Trail.

Commonwealth Home Support Program

We have been advised who the new providers will be to provide CHSP services to our community from the 01 July 2023. A media release will be published shortly to notify the community of the decision, and a separate letter will be posted to all current clients. Our aim is to support a smooth transition to the new service providers.

Our CEO and Officers understand the importance of the meal voucher program and are currently advocating to the new providers to maintain these services.

It is important to note that Council will continue to deliver the Seniors Concert each year for our residents.

Draft Budget and Community Consultation

We have commenced our Draft Budget and Strategic Initiatives roadshow across our Shire, with consultations being held in Warracknabeal, Beulah, Brim, Murtoa and Woomelang to date. We thank the Progress Associations across the townships who have supported a joint meeting.

So far, housing has been a big discussion point and Council's role in this space. As a Council we are delivering seven affordable houses and are advocating for partnerships and/or funding to support further development on Council owned land in Rupanyup, Murtoa, Warracknabeal, Hopetoun and Woomelang. We are also working closely with the Progress Associations, Rural Northwest Health, West Wimmera Health Service, State Government Departments and the Wimmera Development Association on housing opportunities and expansion of supporting infrastructure such as sewer and water mains and power transmission lines.

Our Council is serious and committed to exploring housing options across our Shire, as we recognise, we have a significant skills shortage across our region, and we require housing to entice people to live in our communities.

Visits with Community Groups

The CEO and I have been visiting with many community groups across our Shire over the last month, providing an update on what is occurring at Council and in our region. This has been a wonderful opportunity for us to hear directly from the community regarding what they believe is important for the prosperity of our Shire.

We look forward to continuing our visits and we welcome the invitation to visit and speak with the community at any opportunity.

15 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

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

15.1 HOPETOUN CARAVAN PARK PRIVATE CABINS LEASE AGREEMENT

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

In 2012 members within the community entered into a ten-year lease agreement with Yarriambiack Shire Council that enabled private cabins to be located on Council managed land, for the benefit of supporting accommodation options for skilled workers within the region. The agreement expired on 08 February 2022. Council Officers have been working through the process of reviewing and revising the lease agreements in accordance with the *Local Government Act 2020* requirements and its obligations as a land manager of a Department of Energy, Environment and Climate Action asset.

RECOMMENDED MOTION:

Endorse that Council:

1. Enter into separate Department of Energy, Environment and Climate Action Lease Agreements with G & K Wilson, R & J Brown, R & T Cook and T White based on the terms and conditions as outlined in the attached agreements.
2. Acknowledge that the Hopetoun Caravan Park is the land being located at the land in Crown Allotment 2D Parish of Wiall and reserved permanently pursuant to an Order in Council published in the Government Gazette no. 72 dated 21 August 1968 at page 2945, for the purpose of Public Purposes (Caravan Park) at 6194 Henty Highway, Hopetoun, Victoria.
3. Approve the affixing of the Common Seal to the lease Agreement between Yarriambiack Shire Council and the cabin owners in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Resolution:

Moved Cr A McLean Seconded Cr K Kirk

That the recommendation be adopted

Carried

ATTACHMENTS

Attachments withheld:

The Cabin Lease Agreements between Yarriambiack Shire Council and individual cabin owners are considered 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));

DISCUSSION

In 2011-12 it was identified that there was a significant lack of available accommodation in Hopetoun to support industry and economic growth in the shire. The community and Council came together and identified a collective partnership could occur, where six

cabins could be located at the Hopetoun Caravan Park, and be made available for hire, with the aim of providing short term accommodation for skilled workers.

Council provided the land (by way of the Caravan Park) and the community members purchased cabins and made them available to address the accommodation shortage.

Whilst the initiative was well intended and provided a positive benefit to the community, the lease agreements entered into at the time were not endorsed by a Council resolution and the affixing of the Council seal did not occur.

The lease agreement entered into was for ten years and has since expired.

Prior to re-entering the lease agreements, to ensure correct governance processes are adhered too going forward, Council Officers have sought advice from DEECA and our legal advisors to ensure a transparent and accountable process is adhered to when re-entering into the leasing arrangement.

To ensure we meet the requirements of the *Local Government Act 2020*, and DEECA as the landowner (and Council as the land manager), officers have undertaken the following process:

1. Gained approval in Principal from DEECA to enter into a 17D Lease with the private parties. Written approval was received on 01 May 2023.
2. Engaged Russell Kennedy Lawyers to consult with DEECA to review and compile the lease agreements.
3. Sought a valuation from a certified valuer to determine the ground lease rental value as the cabins are located on Council managed land.
4. A copy of the new agreement has been provided to the cabin owners for review and comment.
5. The decision to endorse the Lease Agreement is being presented to Council in a Council Meeting open to the public, and the Councillors are requested to approve the affixing of the Common Seal to the Lease Agreement in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

The market land rental value was determined as \$2,500 per cabin per annum exclusive of GST.

The land rental value will increase by CPI each year and the term of the lease is for a maximum of five years.

RELEVANT LAW

- *Local Government Act 2020*
- *Residential Tenancies Act 1997*

COUNCIL PLANS AND POLICIES

Council Plan 2021-25 – Strategic Objective 1: A Vibrant and Diversified Economy

- Tourism to stimulate the economy.
- Support existing businesses and attract new industry.

Council Plan 2021-25 – Strategic Objective 4: A Council Who Serves its Community

- Compliance with governance and management checklist.

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Councillors could choose to not re-enter into the agreement with the owners of the cabins, however this would require the owners to remove the cabins and such

action would have a negative impact on the economic and tourism activities within Hopetoun and surrounding townships.

- b) Councillors could choose to publicly advertise the possibility of re-entering into the lease arrangement, however serious consideration would need to be factored into how the feedback would be assessed and considered, and if Council has any appetite for requiring the cabins removal.

SUSTAINABILITY IMPLICATIONS

Economic: The six cabins provide an economic benefit to the Shire, as they provide accommodation options for skilled workers and visitors to the region. The removal of the cabins would have a negative impact on the local economy, and tourism in Hopetoun and surrounding townships.

Social: Accommodation options provide opportunities to support events and gatherings. Which then in turn provides an overarching benefit to the social health and wellbeing outcomes for municipal residents.

Financial: The cabins ground lease rent provides a financial benefit to Council on an annual basis.

COMMUNITY ENGAGEMENT

The cabins were initially installed to meet community concern and feedback with a key focus on supporting the economic sustainability of the region.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Ensuring accurate and endorsed lease agreements are entered into maintains Council's governance and compliance risk.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Supporting private cabins to be located in a Council managed caravan park supports Council's Strategic Objectives outlined in Council Plan 2021-25.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Re-entering into a lease agreement with the cabin owners reduces the risk of Council being perceived as not supporting the local economy and tourism.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Crown Land Caravan Parks Policy Update 2019
- Department of Sustainability and Environment Best Practice Management Guidelines for Committees of Management – Managing Caravan and Camping Parks on Crown Land

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 EQUIPMENT ACCESS AGREEMENT HOPETOUN AND WARRACKNABEAL AERODROMES

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

Council received a request from a private aviation enthusiast to supply and install ADS-B receiver at Warracknabeal and Hopetoun Aerodromes. Live flight data received is sent to a free online database that can be utilised to track active or historical flight data.

RECOMMENDED MOTION:

That Endorse Council:

- a) That Council enter into an Equipment Access Agreement with M Toffolon for the supply and installation of an ADS-B receiver at Warracknabeal and Hopetoun aerodromes.
- b) Approve the affixing of the Common Seal to the Equipment Access Agreement between Yarriambiack Shire Council and M Toffolon in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Attachments withheld;

The Equipment Access Agreements for Hopetoun and Warracknabeal Aerodromes between Yarriambiack Shire Council and M Toffolon is considered 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));

DISCUSSION

Council received a request to install an ADS-B receiver on Council owned buildings at Warracknabeal and Hopetoun Aerodromes. These receivers provide real-time flight data for any aircraft flying in the receiver's zone of detection, which on flat and open plain can be a radius upwards of 3000kms. Live flight data is sent to a free online database that anyone can use to track active or historical flight data. Whilst these services can be used for commercial purposes, they have been critical in past search and rescue operations.

One of the largest online databases collecting this flight data is called 'FlightAware'. On this service, online users can see locations where other receivers have been set up. It was noted with interest by the requestor that Yarriambiack Shire Council along with

other surrounding Shires do not have any ground stations currently tracking flights in the area.

The owner / operator will supply the equipment and install one of the ADS-B receivers on the amenities building at the Warracknabeal Aerodrome and one on the office of the Hopetoun aerodrome. Both buildings are Council owned.

The antenna is approximately 66cm in length with a mounting pole size to be determined upon placement location. The internal unit is quite small and would be similar in size to a small tablet.

Council can also utilise the information captured to inform future grant applications.

RELEVANT LAW

- Civil Aviation Act 1988
- Civil Aviation Safety Regulations 1998

COUNCIL PLANS AND POLICIES

Council Plan 2021-25 – Strategic Objective 1: A Vibrant and Diversified Economy

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- Councillors could choose not to approve the access agreement, noting Council does not have any way of capturing this data.

SUSTAINABILITY IMPLICATIONS

Financial: As the owner / operator will be supplying and installing the equipment there will be no cost to Council. The unit draws approx. 4w of power (less than an iPhone charger) so power costs on Council will be minimal.

COMMUNITY ENGAGEMENT

Not applicable

GENDER IMPACT ASSESSMENT

Not required for this report

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The agreement has been entered into utilising an agreement provided by our legal advisors to meet Council's governance and compliance obligations.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

M Toffolon was an employee of one of Council's contractors, who provided Information, Communication and Technology Support to Council. M Toffolon is no longer employed by Council's Contractor.

15.3 ASSET LIFECYCLE POLICY

Prepared by Tammy Smith, Chief Executive Officer

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 Asset Lifecycle Policy has been updated to incorporate their recommendations.

RECOMMENDED MOTION:

That Council:

- a) Adopt the revised Asset Lifecycle Policy as attached to this report as of 24 May 2023.
- b) Rescind the previous version adopted on the 21 October 2020.

Resolution:

Moved Cr K Kirk Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Asset Lifecycle 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 change by 30 June 2023.

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

4.2 Sale of Consumables or Resources from Council Depot

Recommended Future Actions

- Council may consider amending the Asset Lifecycle Policy to include specific commentary regarding how consumables are to be maintained at the Council depots and how they are to be disposed of.

Management Commitment

1. Management will review the Asset Lifecycle Policy to include specific commentary regarding consumables by 30 June 2023.

4.6 Sale of Land

Recommended Future Actions

- Council may consider developing a stand-alone sale of land policy. A stand-alone policy may also include a step-by-step process guide that will promote consistency,

especially as there are very few land sale/transfer transactions. This will mitigate the risk of not meeting legislative requirements for a process that is not often undertaken.

Management Commitment

1. Management will review the Asset Lifecycle Policy to include a Procedure for Land Sales/Transfers by 30 June 2023.

All recommendations listed above have been included in the revision of the Asset Lifecycle Policy.

RELEVANT LAW

- *Local Government Act 2020*
- Australian Accounting Standards

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

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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Policy has been updated based on the best practice recommendations of the Local Government Inspectorate Office. All recommendations 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

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

15.4 GIFTS, BENEFITS AND HOSPITALITY

Prepared by Tammy Smith, Chief Executive Officer

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 Gifts, Benefits and Hospitality Policy has been updated to incorporate their recommendations.

RECOMMENDED MOTION:

That Council:

- a) Adopt the revised Gifts, Benefits and Hospitality Policy as attached to this report as of 24 May 2023.
- b) Rescind the previous version adopted on the 28 April 2021.

Resolution:

The recommendation was adopted.

Moved Cr C Heintze Seconded Cr K Kirk

Councillors A McLean, G Massey, C Lehmann, C Heintze, K Kirk, K Zanker voted for the recommendation.

Cr T Hamilton voted against the recommendation.

Carried

ATTACHMENTS

[Attachment: Gifts, Benefits and Hospitality 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, the Council accepted the recommendations and committed to implementing the change by 30 June 2023.

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

4.1 Private Works

Recommended Future Actions

- Council shall consider removing the provision from the Gifts, Benefits and Hospitality policy, that allows Councillors to seek exemption from the policy via the Mayor, and mandate that exemption may only be granted by the CEO or remove the exemption provision option altogether.
- The Gifts, Benefits and Hospitality Policy should be immediately circulated to depot staff as a refresher if not done in past 12 months.

- Council shall consider mandating that declined gifts also be recorded in the register.
- While council has established staff, policy, training and cultural changes that have mitigated the risk of staff carrying out private works that result in personal benefits, it must ensure that these improvements remain embedded and are not allowed to slip over time.

Management Commitment

1. Management will review the Gifts, Benefits and Hospitality Policy within the first 6 months of 2023. This will include removing the exemption provision (referenced above) altogether.
2. Staff undertake induction training on commencement and further online refresher training every two years. Every three years (and as a substitute for online training) Council staff undertake in person "Good Governance" training, including detailed training on Gifts, Benefits and Hospitality. This is compulsory training that all staff are required to attend.
3. The "Good Governance" Training also addresses External Private Works. A commitment to this training program ensures a focus on compliance, reinforcing practices and processes to adhere to and ensures this focus does not slip over time. Council has conducted this training with facilitator Anne Brooking, three times since 2019.

All recommendations listed above have either been actioned or included in the revision of the Gifts, Benefits and Hospitality Policy.

The policy also includes an example of a non-token gift and when it maybe be accepted, a revision of the commentary regarding anonymous gifts, and the inclusion of when library books can be gifted and accepted by Council.

RELEVANT LAW

- *Local Government Act 2020*

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

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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Policy has been updated based on the best practice recommendations of the Local Government Inspectorate Office. All recommendations 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 community with confidence that Council places a high value on good governance.	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 FAMILY VIOLENCE MANGEMENT POLICY

Prepared by Bernardine Schilling, Manager People and Culture

SUMMARY

The purpose of the Family Violence Management Policy is to provide Council with an organisational approach to providing a safe workplace free from violence, a framework for the management of, and commitment Yarriambiack Shire Council will foster to support Council employees who are impacted by family violence. The policy also includes information regarding guidance in responding to disclosures of family violence, safety planning, flexible work and leave entitlements.

RECOMMENDED MOTION:

That Council:

- a) Adopt the revision of the Family Violence Management Policy as attached to this report.
- b) Rescind the previous version adopted on the 27 May 2020.

Resolution:

Moved Cr K Kirk Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Family Violence Management Policy](#)

DISCUSSION

Yarriambiack Shire Council (YSC) is a member of the Communities of Respect and Equality (CoRE) Alliance and is committed to creating a safe, equal and respectful community that is free from violence against women and children.

Violence against women is preventable by ensuring respect and equality between women and men. Yarriambiack Shire Council has a leadership role in the community and can influence cultural and social norms through our interaction with individuals, families, organisations and community to eliminate attitudes that support violence.

Yarriambiack Shire Council has an obligation to ensure a safe, equal and respectful workplace and to support employees.

Yarriambiack Shire Council is committed to addressing the drivers of gender inequality through the full range of our functions and responsibilities. Our work is underpinned by our membership of the CoRE Alliance and by the actions we have committed to undertaking the prevention of violence against women and address gender inequality.

This policy applies to all employees, committee members, volunteers and contractors whether located within or outside the Yarriambiack Shire Council's offices.

The Family Violence Management Policy was reviewed with minor administrative changes and will be required to be reviewed every three years.

RELEVANT LAW

Local Government Act 2020

Family Violence Protection Act 2008

Gender Equality Act 2020

Occupational Health and Safety Act 2004

Public Interest Disclosure Act 2012

The Charter of Human Rights and Responsibilities Act 2006

COUNCIL PLANS AND POLICIES

YSC Employee Code of Conduct

Information Privacy Policy

Yarriambiack Shire Council Plan – Key Objective 2: A healthy and Inclusive Community

RELATED COUNCIL DECISIONS

Council Meeting 27 May 2020 – Item 13.16 – Family Violence Management Policy.

OPTIONS

Not Applicable

SUSTAINABILITY IMPLICATIONS

Not Applicable

COMMUNITY ENGAGEMENT

No Community Engagement was required for the review of this policy.

The Department of People & Culture is responsible for the implementation of this policy.

The Family Violence Management Policy will be made available on Council's website.

GENDER IMPACT ASSESSMENT

Not required for this policy

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	A review of the policy will ensure all information is up-to-date and correct.	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.

15.6 GRANT MANAGEMENT POLICY

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

The Grant Management Policy and associated Guidelines was adopted on the 28 August 2019 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 Grant Management Policy as attached to this report, as of 24 May 2023. Noting this revision will supersede the previous version adopted by the Chief Executive Officer on 28 August 2019.
- b) Acknowledge that the Grant Management Guideline content has now been incorporated into the revised Policy and will be rescinded by the Chief Executive Officer.

Resolution:

Moved Cr K Kirk seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Grant Management Policy](#)

DISCUSSION

The Grant Management 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 policy covers all external funding including funding awarded by State and Federal Government, private industry and the community sector. It outlines the process for applying for funding, accepting the funds, management of the funds and the completion of projects, acquittal reporting.

This policy now includes when decisions are to come before Council. All changes and inclusions have been updated in red for ease of reading and reference.

RELEVANT LAW

- *Local Government Act 2020*

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

Nil

OPTIONS

Nil

SUSTAINABILITY IMPLICATIONS

Failing to administer good governance around Grant Management 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:

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Policy has been updated to reflect current practices in relation to Grant Management.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	This Policy ensures a process is outlined for who is responsible for approving and administering grant applications. This ensures only the CEO and Council can commit Council's own source revenue, creating an internal control framework to ensure responsible financial management.	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.

16 REPORTS FOR DECISION – DIRECTORATE OF BUSINESS STRATEGY AND PERFORMANCE

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

16.1 DRAFT REVENUE AND RATING PLAN 2023 – 2027

Prepared by Tammy Smith, Chief Executive Officer

Presented 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, to be released for Community Consultation in accordance with Council’s Community Engagement Policy requirements.
- b) Endorse that the Community Engagement period for feedback will close at 5pm on the 21 June 2023.
- c) Endorse that Council will consider the final draft of the Revenue and Rating Plan 2023-2027 at the Council Meeting scheduled for the 28 June 2023.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

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

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 is to be made available for community feedback in accordance with Council's Community Engagement Policy.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

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

16.2 DRAFT BUDGET 2023-2024

Prepared by Tony Caccaviello, Director Business Strategy & Performance

Presented by Anita McFarlane, Manager Corporate Services

SUMMARY

The purpose of this report is to provide endorsement of the proposed Budget 2023-24 for purposes of community consultation and a public submission process in accordance with Council's Community Engagement Policy.

RECOMMENDATION

That Council:

1. Endorses in principle the proposed Budget 2023-24 and schedule of fees as required by Section 94 of the Local Government Act 2020.
2. Invites submissions until close of business 21 June 2023 in relation to any proposal contained with the proposed Budget 2023-24.
3. Hears presentations in support of any submissions to be heard at the Council Meeting to be held on 28 June 2023.

Resolution:

Moved Cr K Kirk Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: 2023/24 Draft Budget](#)

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	Contributions \$'000	Borrowings \$'000	Council Cash \$'000
Property	5,730	4,441	472	817	3,317	490	500	1,423
Plant & Equip	1,975	485	1,360	130	7	-	-	1,968
Infrastructure	7,203	420	5,749	1,034	4,450	46	-	2,707
Total	14,908	5,346	7,581	1,981	7,774	536	500	6,098

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

Schedule of Fees and Charges

The draft 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 2022-27 as presented in this Council Agenda
- Yarriambiack Shire Council Debt Management, Relief and Hardship Policy

RELATED COUNCIL DECISIONS

There are no related council decisions

OPTIONS

The Council Budget is a statutory requirement and must be adopted each financial year by 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 and 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 is to be made available for community feedback in accordance with Council's Community Engagement Policy, and the engagement approach aims to ensure multiple channels of feedback on the budget for the community to utilise.

The engagement process will comprise media information across print, social media, be placed on Council's website, and in person community forums. A copy of the Draft Budget will be made available to community forums that are held in conjunction with township progress groups during May/June.

Council will consider any comments provided by community and may make minor change in the final budget before adoption at its meeting on the 28 June 2023

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation		
a) Introduce a new policy, program and/or service; or		YES <input checked="" type="checkbox"/>
b) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?		A GIA has been completed.
		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:

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 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	Maintains Residual Risk Level

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

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.

17 REPORTS FOR DECISION – DIRECTORATE OF ASSETS AND OPERATIONS

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

17.1 PERMITS ISSUED BY ASSETS AND OPERATIONS DIRECTORATE

RECOMMENDED MOTION:

That Council:

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

Resolution:

Moved Cr G Massey Seconded Cr C Lehmann

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits – April 2023			
BLD20230328	Construction of a shed	Woomelang	20/04/2023
BLD20230331	Restumping	Warracknabeal	12/04/2023
Planning Permits – April 2023			
TP03-23	Change of use	Warracknabeal	04/04/2023
Road Reserve Works & Asset Protection Permits – April 2023			
RRWP 2023-04	Installation of electric vehicle charging station	18- 18A Scott St Warracknabeal	03/04/2023

17.2 CRAIGS AND CANNINGS CHANNEL ACCESS AGREEMENTS

***Prepared by Belinda Penny, Information Management and Governance Officer
Presented by Michael Evans, Director Assets and Operations***

SUMMARY

The Craigs and Cannings Channel system constituting a 'public drain' within the meaning of the *Local Government Act 1989* is Council's asset and responsibility.

Council seeks at all times to discharge its responsibilities with respect to the Channels with due care and skill. However, Council's responsibility for the Channel is constrained by the fact that there is no specific, executed agreement on record with the property landowners.

Council proposes to enter a Drainage Channel Access Deed with relevant landowners whose properties are encumbered by Craigs and Cannings Channels.

RECOMMENDED MOTION:

That Council

- a) Approve the Drainage Channel Access Deeds as attached to this report, between Yarriambiack Shire Council and individual landowners to legally access the land for the purposes of maintaining the Craigs and Cannings Channel systems.
- b) Approve the affixing of the Common Seal to the Drainage Channel Access Deeds between Yarriambiack Shire Council and individual landowners in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Resolution:

Moved Cr A McLean Seconded Cr G Massey

That the recommendation be adopted

Carried

ATTACHMENTS

Attachment withheld:

The Access Agreements between Yarriambiack Shire Council and individual landowners are considered confidential information for the purpose of section 3(1) of the *Local Government Act 2020*:

1. Because it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.
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.

DISCUSSION

Council entered a Deed for Transfer of Assets with Grampians Wimmera Mallee Water Corporation (GMMWater) in respect of Craig's Channel, pursuant to section 288(1) of the *Water Act 1989* (WA89) on 18 March 2014.

The Craigs and Cannings Channel system constituting a 'public drain' within the meaning of the *Local Government Act 1989* is Council's asset and responsibility. It is important to note, whilst Council owns the asset it is not the owner of the land. This remains the ownership of each property landowner.

Council seeks at all times to discharge its responsibilities with respect to the Channels with due care and skill. However, Council's responsibility for the Channel is constrained by the fact that there is no specific, executed agreement on record with the individual property landowners. This means Council has no right under statute to legally access the land for the purposes of that maintenance in discharging its responsibilities.

Council is keen to ensure that there is clear separation and defining of responsibilities between the Council and landowners in relation to this and other channels going forward, with the aim of avoiding any confusion or misunderstanding.

For this reason, Council will enter into a 'Drainage Channel Access Deed' to ensure that:

1. Council has access rights to the channel for the purposes of fulfilling its responsibilities.
2. The responsibilities of the Council and landowner are separate and clear.
3. A system is put in place that gives certainty to the landowner and the Council in relation to the Channel into the future.
4. Obligations upon the landowners not to interfere with the Drainage Channel or to divert water from it are understood, and where access to water is requested a due process for consideration and endorsement is applied.

Council officers met with all landowners personally to discuss the section of channel on their land. The details of the Deed were explained, with all (but one) landowners signing their individual Deed Agreements.

Further negotiations and discussions will occur with the landowner, prior to Council Officers considering alternative courses of action to ensure access to the drainage system is achieved.

RELEVANT LAW

- *Local Government Act 1989*
- *Water Act 1989*

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

08 June 2011 – 11.4 Craigs Channel – Councillors endorsed transferring the section of Craigs Channel between Rattrays Road and Morella Road from GWMWater to Yarriambiack Shire Council.

13 March 2013 – 11.8 Deed of Transfer Craigs Channel. Councillors endorsed to sign and seal the deed of Transfer for the nominated section of Craigs Channel between Rattrays Road and Morella Road from GWMWater to Yarriambiack Shire Council.

OPTIONS

1. Not to approve the drainage channel access deeds. This would then require Council to consider alternative courses of action to access the drainage system to execute their obligations.
2. Council can opt to enter into a Deed Of Creation Of Easement within individual property owners pursuant to section 45 of the *Transfer of Land Act 1958*. This would prove costly to the Shire with the need for a licensed surveyor to be engaged to prepare suitable plans of creation of easement for each private property.

SUSTAINABILITY IMPLICATIONS

Environmental: An annual / bi-annual spraying / maintenance program will be implemented to reduce and or eliminate the weeds growing on the banks and channel system. Council will also undertake an inspection of the channel systems to be undertaken by a certified Engineer.

Financial: Council will allocate funds in the annual budget to allow for the maintenance program to be undertaken annually of the Craig's and Cannings channel systems.

COMMUNITY ENGAGEMENT

Community Engagement was undertaken with each individual landowner.

Council officers met with 7 landowners whose land is encumbered by Craigs Channel and 10 landowners whose land is encumbered by Cannings Channel.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Reputational Risk - Residual Risk Level Low	Entering into access agreement with the landowners allows for clear directives between Yarriambiack Shire Council and landowners.	Reduces Residual Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	Access to the channel system will allow for routine inspections enabling Council to identify any anomalies in the drainage system.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Access Deeds in place allow Council to discharge its responsibilities on maintaining the channel for optimum efficiency during high rain events minimising the risk of flooding.	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.

17.3 ADDITIONAL COSTS FOR WASTE AND RECYCLING WORKS

Prepared by LaVergne Lehmann, Waste and Sustainability Coordinator

Presented by Michael Evans, Director Assets and Operations

SUMMARY

Following the receipt of the glass crusher in late 2022, it became apparent that there were additional requirements and modifications to meet Council's Occupational Health and Safety requirements around dust suppression and safe and efficient operation.

Consequently, there are additional costs not previously anticipated in the commissioning of the glass crusher.

There are also several unused recycling skips/containers that have been sitting at the Warracknabeal transfer Station for some time and can be repurposed for use in Council's proposed community recycling hubs. Preparing these containers for reuse requires cleaning and moving them to the appropriate locations.

RECOMMENDED MOTION:

That Council:

- a) Approve the additional capital expenditure of \$61,400 (excluding GST) for waste and recycling capital improvements to commission the glass crusher.
- b) Approve the additional capital expenditure of \$18,000 (excluding GST) to repurpose the skip bins located at the Warracknabeal Transfer Station, for the purpose of creating community recycling hub infrastructure.
- c) Endorse the reallocation of capital expenditure allocated to the Dunmunkle Childcare Centre, that is no longer required, due to the State Government fully funding the project, to the items outlined in (a) and (b).

Resolution:

Moved Cr K Kirk Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

1. Glass Crusher

The glass crusher, funded by a grant from Sustainability Victoria and shared with the Horsham Rural City Council, Buloke Shire Council, Hindmarsh Shire Council and West Wimmera Shire Council to process the separate glass collections that will be introduced across all the identified Council's.

The glass crusher was delivered and constructed in November 2022. The initial test runs indicated that there was excessive dust produced for safe operation.

To meet our occupational health and safety requirements and to ensure the dust was suppressed we worked with the contractor, Waste Initiatives, to develop a viable and cost-effective alternative solution.

The additional costs associated with the solution include:

Glass crusher misting system and relocation on pad	\$7,000
Additional concrete pad & walls for glass containment area	\$12,000
Water tank & pump	\$3,500
Generator relocation and commissioning	\$1,500
Conveyor system for crushed glass product	\$37,400
Total	\$61,400

Completing these works will ensure that our staff can operate the glass crusher safely and the process involved in loading and then containing the crushed product is both efficient and safe.

There will also be an additional labour cost to process glass, as a staff member will be required to operate the machine, ideally when the transfer station is closed.

2. Repurpose Skip Bins

As part of our commitment to increasing the opportunity to recycle beyond the kerbside system in our smaller communities, several unused recycling containers, currently stored at the Warracknabeal transfer Station have been identified to be repurposed. They will require some cleaning up, refurbishment and moving to appropriate locations. The costs associated with this activity are:

4 skips recommissioned cleaned & prepared for use	\$6,000
Moving skips – hire of truck	\$12,000

This initiative will support Council's ability to implement the Community Recycling Hubs with Hard Rubbish collections across our smaller communities.

Request for Reallocation of Council Funds

It is requested that Council approve the additional capital expenditure, noting that there are a number of capital projects that now no longer require financial investment, such as the Dunmunkle Childcare Centre project, with a budget of \$440k. The funding could be reallocated to ensure the successful implementation and operation of the glass crusher.

RELEVANT LAW

- *Circular Economy (Waste Reduction & Recycling) Act 2021*
- *Environment Protection Act 2017*
- *Sustainability Victoria Act 2005*

COUNCIL PLANS AND POLICIES

- Resource Recovery and Waste management Strategy
- Council Plan 2021-2025 – Key Objective 3: A Robust and Thriving Environment

RELATED COUNCIL DECISIONS

Nil

OPTIONS

There are no other options available for doing the additional work to fully commission the glass crusher. The work that is proposed is required to meet our own occupational health and safety standards for our staff and to ensure the efficient operation of the crusher, as we start to receive glass from other councils.

SUSTAINABILITY IMPLICATIONS

Social: Local processing of recycling is seen as socially responsible.

Environmental: Local processing and reuse of the material in council construction is a positive environmental outcome. Creating a circular economy for waste recycling within our Shire.

Climate change: The reduction in emissions by not transporting the glass to Melbourne and processing locally provides a positive impact on climate change.

Financial: This work will improve the economic outcomes that will be derived from processing the glass locally rather than sending it to Melbourne, thereby reducing transport costs.

COMMUNITY ENGAGEMENT

The overall project has had good support from the community and there was considerable community engagement as part of the roll out of the kerbside glass collection.

GENDER IMPACT ASSESSMENT

No assessment 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
Program and Project Risk - Residual Risk Level Medium	The project will be completed, and the glass crusher will be fully commissioned. Ensuring the machine is operating as intended.	Reduces Residual Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	Commissioning the glass crusher will ensure that glass does not stockpile beyond acceptable limits.	Reduces Residual Risk Level
Innovation Risk - Residual Risk Level Low	Finalising the commissioning will demonstrate that council can manage a project that is innovative.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- National Waste Policy
- Recycling Victoria: A new economy
- Grampians Central West regional circular economy plan

CONFLICTS OF INTEREST

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

18 REPORTS FOR DECISION – DIRECTORATE OF COMMUNITY AND WELLBEING

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

18.1 PERMITS ISSUED BY COMMUNITY AND WELLBEING DIRECTORATE

RECOMMENDED MOTION:

That Council:

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

Resolution:

Moved Cr K Kirk Seconded Cr G Massey

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits - April 2023			
07/23	Street Activity Permit	162 Scott St Warracknabeal	14/04/2023
Firewood collection Permits - April 2023			
	Roadside wood collection	Warracknabeal	18/04/2023
Septic Tank Permits - April 2023			

19 URGENT BUSINESS

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

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

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

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

19.1 Section 173 Agreement – Planning and Environment Act 1987 - Molyneux Street, Warracknabeal

Moved: K Zanker Seconded: T Hamilton

A matter of urgent business has been submitted by the CEO. The landowner is awaiting the signed agreement to move forth in the application process.

The Manager of Development and Environmental Services has assessed the agreement submitted and enabled it to proceed.

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 by to sign off on section 173 Agreements under the Planning and Environment Act 1987.

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.

RECOMMENDED MOTION:

That Council:

- a) Acknowledge that the Planning and Environment Act 1987, Section 173 Agreement between YSC and the landowner, as circulated to Councillors has been assessed and approved by the Manager Development Services; under S6 Instrument of Delegation.
- b) that Council endorse the affixing of the Common Seal to the Section 173 Agreement between YSC and the landowner

Resolution:

Moved Cr K Zanker Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Moved Cr K Kirk Seconded Cr C Heintze that Council move into Closed Session at

Carried

20 CLOSED (CONFIDENTIAL) SESSION

20.1 C333-2023 Update to Housing Units for new contract for Rupanyup, Warracknabeal and Hopetoun

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

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

20.2 C321-2023 Hot Mix Asphalt Works Contract Extension

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

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

20.3 Murra Warra Stage II Wind Farm Agreement

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

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

20.4 Yarriambiack Tourism – Advisory Committee of Council

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

1. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f));

- | |
|---|
| 2. This ground applies because the Agenda Item concerns personal information about employees that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i> . |
|---|

Moved Cr K Kirk Seconded Cr G Massey that Council move back into Open Session at 11.00am

Carried

21 NEXT MEETING

28 June 2023

22 CLOSED

Meeting closed at 11:10am