



Yarriambiack
SHIRE COUNCIL

Minutes

Ordinary Meeting of Council

JANUARY 25, 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

Councillor Kylie Zanker Warracknabeal Ward

COUNCILLORS:

Councillor Tom Hamilton Dunmunkle Ward

Councillor Corinne Heintze Dunmunkle Ward

Councillor Andrew McLean Hopetoun Ward

Councillor Chris Lehmann Hopetoun Ward

Councillor Graeme Massey Warracknabeal Ward

OFFICERS:

Tammy Smith Chief Executive Officer

Tony Caccaviello Director Business Strategy and Performance

Gavin Blinman Director Community and Wellbeing

Joel Turner Acting Director Assets and Operations

Daniel Brandon Business Transformation Officer

5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Cr Karly Kirk Warracknabeal Ward

Michael Evans Director Assets and Operations

Belinda Penny Information Management, Governance Officer

5.1 Request for Leave of Absence - Mayor Kylie Zanker

Councillor Karly Kirk has requested a further leave of absence for a period of 3 months to continue to deal with personal matters. This will include February, March and April 2023 Meetings of Council.

Recommendation:

That Council resolve, in the exercise of powers conferred by s 35(1)(e) and (4) of the *Local Government Act 2020* that:

Councillor Karly Kirk be granted a leave of absence from 22 February 2023 until 27 April 2023.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

6 CONFIRMATION OF MINUTES

6.1 MINUTES 14 DECEMBER 2022 – ORDINARY MEETING

Minutes of the Ordinary Meeting of Council held on 14 December 2022 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 14 December 2022, as circulated be taken as read and confirmed.

Moved Cr T Hamilton

Seconded Cr C Lehmann

That the recommendation be adopted

Carried

6.2 MINUTES 14 DECEMBER 2022 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) Meeting of Council held on 14 December 2022 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Closed (Confidential) Council Meeting of Council held on Wednesday 14 December 2022, as circulated, be taken as read and confirmed.

Moved Cr C Heintze

Seconded Cr T Hamilton

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.

Conflicts of Interest Received	
1.	Nil

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

8.2 ONGOING AND PENDING ACTION LIST

Council Meeting	Recommendation Action	Action Taken
23 March 2022	Request to upgrade sections of Nullan Road and Hemphills Road, Nullan	To be completed in the 2022/2023 budget year.
28 September 2022	Council to undertake a recycling collection service survey in October 2023	Task added to the Council Meeting and Forum Agenda Planner 2023.
26 October 2022	Request to upgrade access to 158 Wathe Reserve Road, Lascelles to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
26 October 2022	Request to upgrade sections of Yarriambiack Drive and Coffeys Road to be included in the 2023-24 Capital Works Program.	To be included in the adopted budget of Council as at 30 June 2023, for 23-24 Financial Year.
23 November 2022 Item 13.2	Insurance claim pay out for storm damage at the Hopetoun Bowls Club second bowling green funds of \$97,166.66 to be held in Term Deposit for future first (primary) green replacement.	Term Deposit to be established and funds to be transferred.
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. Council to implement risk mitigation measures in the interim.

9 PETITIONS

Petitions Received	
1.	Nil

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
03 January	Ali Cupper	Thank you for Service and Support of Yarriambiack Shire
03 January	Andy Meddick	Thank you for Service and Support of Yarriambiack Shire
03 January	Tania Maxwell	Thank you for Service and Support of Yarriambiack Shire
03 January	Stuart Grimley	Thank you for Service and Support of Yarriambiack Shire
03 January	Emma Kealy MP	Congratulations and Invitation to Visit Shire – Lowan Electorate
03 January	Jade Benham MP	Congratulations and Invitation to Visit Shire – Mildura Electorate
09 January	The Hon. Wendy Lovell MP	Congratulations and Invitation to Visit Shire – Northern Victoria
09 January	The Hon. Jaclyn Symes MP	Congratulations and Invitation to Visit Shire – Northern Victoria
09 January	The Hon. Gayle Tierney MP	Congratulations and Invitation to Visit Shire – Western Victoria
09 January	Rikkie-Lee Tyrrell MP	Congratulations and Invitation to Visit Shire – Northern Victoria
09 January	Bev McArthur MP	Congratulations and Invitation to Visit Shire – Western Victoria
09 January	Joe McCracken MP	Congratulations and Invitation to Visit Shire – Western Victoria
09 January	Jacinta Ermacora MP	Congratulations and Invitation to Visit Shire – Western Victoria
09 January	Georgie Purcell MP	Congratulations and Invitation to Visit Shire – Northern Victoria
09 January	Gaelle Broad MP	Congratulations and Invitation to Visit Shire – Northern Victoria
09 January	Dr Sarah Mansfield MP	Congratulations and Invitation to Visit Shire – Western Victoria

Incoming		
Date	Recipient	Details
02 January	Warracknabeal RSL	Letter of Support for Grant Application – Memorial at Clubrooms

11 SPECIAL COMMITTEES

Audit and Risk Committee Meeting held on 19 January 2023. Minutes to be included in the February Council Meeting Agenda.

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT – JANUARY 2023

Mayor Kylie Zanker – Warracknabeal Ward		
Date	Activity	Location
14/12/2022	Attended Warracknabeal Special School Awards night to present Yarriambiack Council Bursary Award to Student of the year	Warracknabeal
15/12/2022	Attended Hopetoun Secondary College Awards night	Hopetoun
18/12/2022	Performed Master of Ceremony duties for Carol by Candlelight	Warracknabeal
19/12/2022	Attended Warracknabeal Secondary College Awards night to present Yarriambiack Council Bursary Award	Warracknabeal
21/12/2022	Royal Flying Doctors Meeting	Warracknabeal
08/01/2023	Weekly CEO / Mayor catch up	Warracknabeal
09/01/2023	Attended discussion with fellow Councillor Kirk	Warracknabeal
13/01/2023	Attended tour with Jade Benham MP member for Mildura National Party with fellow Councillors and CEO	Patchewollock, Woomelang, Hopetoun, Beulah
17/01/2023	Attended LGPro inclusive Employment Job Summit meeting	Warracknabeal
	Attended Warracknabeal Action Group (WAG) meeting	Warracknabeal
18/01/2023	Attended Council Forum	Warracknabeal
19/01/2023	Attended Internal Audit and Risk Committee meeting	Warracknabeal
20/01/2023	Attended farewell lunch for retiring Woodbine CEO, Bernie O'Connor	Warracknabeal
24/01/2023	Attended Victorian Electoral Commission session on the Yarriambiack Shire Council Electoral Structure	Online

12.2 COUNCILLOR ACTIVITY REPORTS – January 2023

Cr Andrew McLean – Hopetoun Ward		
Date	Activity	Location
13/01/2023	Attended tour with Jade Benham MP member for Mildura National Party with fellow Councillors and CEO	Patchewollock, Woomelang, Hopetoun, Beulah
18/01/2023	Attended Council Forum	Warracknabeal

Cr Tom Hamilton – Dunmunkle Ward		
Date	Activity	Location
18/12/2023	Attended Community Christmas Dinner	Lubeck
12/01/2023	Attended Stick Shed Meeting	Murtoa
24/01/2023	Attended Victorian Electoral Commission session on the Yarriambiack Shire Council Electoral Structure	Online

Cr Graeme Massey – Warracknabeal Ward		
Date	Activity	Location
17/01/2023	Attended Warracknabeal Action Group (WAG) meeting	Warracknabeal
18/01/2023	Attended Council Forum	Warracknabeal
20/01/2023	Attended farewell lunch for retiring Woodbine CEO, Bernie O'Connor	Warracknabeal
24/01/2023	Attended Victorian Electoral Commission session on the Yarriambiack Shire Council Electoral Structure	Online

Cr Chris Lehmann – Hopetoun Ward		
Date	Activity	Location
13/01/2023	Attended tour with Jade Benham MP member for Mildura National Party with fellow Councillors and CEO	Patchewollock, Woomelang, Hopetoun, Beulah
18/01/2023	Attended Council Forum	Warracknabeal
20/01/2023	Attended Hopetoun Old School Site Advisory Committee meeting	Hopetoun
20/01/2023	Attended community consultation meeting with Rural Northwest Health regarding community transport	Hopetoun

Cr Corinne Heintze – Dunmunkle Ward		
Date	Activity	Location
18/01/2023	Attended Council Forum	Warracknabeal
19/01/2023	Attended Audit and Risk Committee Meeting	Warracknabeal

Cr Karly Kirk – Warracknabeal Ward		
Date	Activity	Location
	On approved leave	

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT – January 2023

Tammy Smith		
Date	Activity	Location
15/12/2022	LGPro Local Pathways Project Control Group Meeting	Online
15/12/2022	Hopetoun P-12 College Awards Ceremony	Hopetoun
20/12/2022	Victorian Electoral Commission Electoral Representation Review Meeting	Online
21/12/2022	Royal Flying Doctors Meeting	Warracknabeal
09/01/2023	Meeting with Hopetoun rate payer	Warracknabeal
12/01/2023	North West Municipal Association Meeting	Warracknabeal
13/12/2023	Attended tour with Jade Benham MP member for Mildura National Party with fellow Mayor, Cr Lehmann, Cr McLean and Community Members	Patchewollock, Woomelang, Hopetoun, Beulah
16/01/2023	Hopetoun Old School Site Project Control Group Meeting	Online
18/01/2023	Council Forum	Warracknabeal
19/01/2023	Meeting with Warracknabeal rate payer	Warracknabeal
19/01/2023	Audit and Risk Committee Meeting	Warracknabeal
20/01/2023	Attended farewell lunch for retiring Woodbine CEO, Bernie O'Connor	Warracknabeal
23/01/2023	Hopetoun Old School Site Advisory Committee Meeting	Hopetoun
23/01/2023	Royal Flying Doctors Meeting	Online

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 Public Questions Received

Name: Grant Doxey	Town: Yaapect
Question: I understand the Council has recently made a decision to permanently close the Yaapect tip. A number of alternatives have been discussed to provide a replacement service. What alternatives have Council decided to implement, and when will they be put in place and be available for the Yaapect community?	
Respondent: Tammy Smith, Chief Executive Officer	
Response: A community newsletter was distributed to all Yaapect residents outlining why the Yaapect Transfer Station was closed, dates for the skip bin trial and where the bin will be located, services available at the Hopetoun Transfer Station and an update on the investigation of a recycling trailer. A skip bin trial service will be in place for the next six months for waste collection. This service will be available for Yaapect residents only.	

14 COUNCILLOR REPORTS

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

Mayor Kylie Zanker highlighted the tour that was undertaken by herself, Councillor C Lehmann, Councillor A McLean and CEO, Tammy Smith with Jade Benham MP member for Mildura National Party that took in the Yarriambiack Shire Council towns of Patchewollock, Woomelang, Hopetoun and Beulah.

15 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

15.1 Council Plan 2021-2025 Action Plan Quarterly Report

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

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

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

RECOMMENDATION

That Council:

- a) Endorse the progress of the Council Plan 2021-2025 Action Report for Quarter 2 (2022-23).

Moved Cr G Massey

Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Attachment: Council Plan Reporting – Quarter 1 (2022-23)

DISCUSSION

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

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

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

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

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

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

OPTIONS

Not applicable

SUSTAINABILITY IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

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

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

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

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

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

At the time of writing the report, no public submissions were received on the Year Two Council Plan Actions.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

RISK

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

<i>Strategic Risk Description and Residual Risk Level</i>	<i>Action to Mitigate/Reduce Risk</i>	<i>Does Action maintain or reduce Residual Risk Level</i>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Council Plan Actions progress reported quarterly in accordance with Council's Performance Management Framework and reported on by the Mayor on an annual basis as required by the new Act.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Operational resources including staff and finance attributed to the Council Plan objectives so they can be achieved.	Maintains Residual Risk Level

<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	Measures that are independently verified to ensure ongoing targets are being met.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

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

- Wimmera Mallee Destination Management Plan
- WDA Housing Strategy 2020
- Victorian Government Active Recreation Strategy
- Victorian Government Recycling Victoria
- Wimmera Mallee Tourism Strategy

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

Organisational Performance Responsibilities	Corporate Services Responsibilities	Community Strengthening and Engagement Responsibilities
<ul style="list-style-type: none"> Human Resources Records (Information Management) Information Communication Technology Governance Risk Audit and Planning Occupational Health and Safety Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System) <p>Manager Organisational Performance delegated roles:</p> <ul style="list-style-type: none"> Return to Work Coordinator Freedom of Information Officer Privacy Officer Welfare Officer 	<ul style="list-style-type: none"> Payroll Accounts Payable Procurement and Contracts Debtors Insurance Rates Corporate Planning (Performance Reporting) Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website) <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> Principal Accounting Officer 	<ul style="list-style-type: none"> Libraries Customer Service Events Support and Internal Event coordination Business and Community Support Economic Development Tourism Community Development Housing Stakeholder Engagement

16.1 Financial and Non-Financial Performance Report

Prepared by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

In accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020, Council is required to have an integrated approach to strategic planning with the requirement that monitoring, and performance reporting is to be adopted.

Schedule 1 – Annual Report Governance and Management Checklist in Report of Operations contained within the Local Government (Planning and Reporting) Regulations 2020 requires Performance Reports to be prepared six monthly to monitor Council's financial and non-financial performance.

These two requirements have been consolidated and presented in this report.

RECOMMENDATION

That Council:

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

Moved Cr G Massey

Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Financial and Non-financial Reporting Report Quarter 2](#)

DISCUSSION

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

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

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

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

Results and commentary on the six months to 31 December for the Report of Operations has been consolidated into this report given its complementary nature. The report is a guide to assessing and monitoring organisational performance based on the half yearly results.

The report is presented to the Management Team and the Audit and Risk Committee, prior to the scheduled Council meeting each quarter.

RELEVANT LAW

Local Government Act 2020 – Section 97 Quarterly Budget Report

Local Government (Planning and Reporting) Regulations 2020

COUNCIL PLANS AND POLICIES

- Annual Budget 2022-2023
- Performance Reporting Framework
- Risk Management Manual

RELATED COUNCIL DECISIONS

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

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

OPTIONS

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

Options to be considered:

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

SUSTAINABILITY IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

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

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

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

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

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

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

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

16.2 C626-2020 Corporate Systems Contract Extension

Prepared by Tony Caccaviello, Director Business Strategy & Performance

SUMMARY

Council's existing three-year contract for Corporate Systems (C262-2020) with CouncilWise which commenced on 30 April 2020 is due to end on 30 April 2023.

The agreement includes an option for three additional one-year extensions beyond the initial term.

RECOMMENDATION

That Council:

- a) Exercises its option to extend the initial three-year term of Contract C262-2020 being the Corporate System contract for one year, effective from 30 April 2023.
- b) That the Chief Executive Officer be authorised to negotiate the fees to be incurred from 30 April 2023 for contract C262-2020; and
- c) That the Chief Executive Officer be authorised to negotiate and approve the additional two remaining one-year extensions thereafter for C262-2020.

Moved Cr G Massey

Seconded Cr C Heintze

That the recommendation be adopted

Carried

DISCUSSION

The initial C262-2020 Corporate Systems contract awarded to the contractor included the initial implementation of the CouncilWise system and annual service as a software (SaaS) subscription fee for utilisation of the system.

The system is a multi-functional core business system of Council that is utilised to systematically manage the delivery of Councils property, rating, receipting, animals and infringements functions.

The system has been successful implemented with the property and rating functionality utilising operating since the 2021/22 financial year.

At the time of awarding of the Corporate Systems C262-2020 contract, the CouncilWise product was deemed the best value for money solution for Yarriambiack Shire Council. This position remains the same based on:

- Strong alignment to the strategic pillars of the *ICT and Business Transformation Strategy*.
- The system is embedded in key actions of the Strategy Roadmap to move Council from its current state to meet the direction outlined in the *ICT and Business Transformation Strategy*.
- Full integration with Council's financial system.
- Additional investment made during the initial contract term to integrate CouncilWise with Council's Customer Request Management software and Council's planning and building regulatory system.
- Core shared system attached to several objectives of the Rural Council Transformation Program Round 2 project.

- Continued strong relationship with the vendor including monthly and direct product development and feedback meetings between Council staff and CouncilWise.

The annual SaaS subscription fee for any extension to the initial term is required to be negotiated, with these negotiations expected to be completed in good faith and potentially adjusted from the initial annual fee in line with changes in line with CPI.

RELEVANT LAW

Local Government Act 2020 – Division 2 Procurement

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 – Objective 4: A Council Who Serves its Community
- ICT and Business Transformation Strategy

RELATED COUNCIL DECISIONS

Minutes of Closed Session held on 27 May 2020 – Tenders awarded under CEO COVID Financial Delegations

OPTIONS

- Council could choose not to extend the contract and utilise a different system to manage its property, rating, receipting, animals and infringements functions.

SUSTAINABILITY IMPLICATIONS

Financial: The extensions of this contract will enable the continued use of this system which is a core business system. This system is integrated with Council's financial system and a key component of collaboration efforts with neighbouring LGA's as part of the Rural Council's Transformation Program. Ending the contract and seeking a new provider and system is not likely to achieve greater value for money for Council.

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
Strategy Execution and Change Management- Residual Risk Level Medium	Extending the current contract enables continued optimisation of core business system that was recently implemented and continued delivery of outcomes identified in ICT & Business Transformation strategy including best of breed ICT system approach.	Maintains Residual Risk Level
Innovation Risk - Residual Risk Level Medium	Extending contract enables Council to continue progressing its collaboration on key objectives of the Rural Council Transformation Program to ensure its technology strategy is modern and effective.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The option to extend the contract via a Council resolution provides for a transparent decision-making process.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLAS 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 Community Share Grant and Spark Tank Program

Prepared by Tom Huf, Community Economic and Development Officer

Presented by Tony Caccaviello, Director Business Strategy and Performance

SUMMARY

The Community Share Grants Policy and supporting guidelines and the Spark Tank Business Innovation Program guidelines have been reviewed to ensure that the programs are structured to deliver on Council's strategic objectives.

RECOMMENDATION

That Council:

- a) Adopt the Community Share Grants Program Policy revision as attached to this report to take effect from 25 January 2023.
- b) Adopt the Community Share Grants Guidelines for the:
 - i. Business and Streetscapes,
 - ii. Community Building - Major,
 - iii. Community Building - Minor; and
 - iv. Community Eventsthat support the Community Share Grants Program Policy implementation as attached to this report, to take effect from 25 January 2023.
- c) Adopt the Spark Tank Business Innovation Program guidelines as attached to this report to take effect from 25 January 2023.

Moved Cr C Lehmann

Seconded Cr C T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment 1: Community Share Grants Program Policy](#)

[Attachment 2: Share Grant Guidelines – Business and Streetscapes](#)

[Attachment 3: Share Grant Guidelines – Community Building Major](#)

[Attachment 4: Share Grant Guidelines – Community Building Minor](#)

[Attachment 5: Share Grant Guidelines – Community Events](#)

[Attachment 6: Spark Tank Business Innovation Program Guidelines](#)

DISCUSSION

Share Grant Program

Council allocates two funding rounds each financial year of \$30,000 to the Community Share grants program. Round 2 of this financial year's program is scheduled to open in February 2023.

A review has been completed considering feedback received from the community; analysis of trends in previous applications and available funding for community projects; and analysis of upcoming community projects as identified in community progress meetings.

The revision to the policy includes the program to be structured into the following four funding streams:

- Community Events
- Business & Streetscapes
- Community Building – Minor
- Community Building – Major

This structure would be implemented prior to the release of Round 2 of the current financial year program. Going forward, the program would be changed from its current two round structure to a one-off round per financial year.

Spark Tank Business Innovation Program

Council has received funding from the State Government to deliver two rounds of business innovation funding referred to as the Spark Tank Business Innovation Program. Round 1 of this program was completed earlier in the financial year, with a second and final round required to be delivered to achieve the funding outcomes and agreed project deliverables. The Spark Tank program is fully funded by the State Government's Regional Tourism Investment Fund, with no further funding committed currently to this program in future years.

The structure of the program will remain the same for the final funding round of the program. The guidelines have been updated to emphasise that the funding is intended to be focused on outcomes to the visitor economy.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Council Plan: 2021-2025

Key Objective 1: A Vibrant and Diversified Economy

Key Objective 2: A Healthy and Inclusive Community

Key Objective 3: A Robust and Thriving Environment

Key Objective 4: A Council Who Serves its Community

RELATED COUNCIL DECISIONS

- Minutes of meeting held on 14 September 2022 - Community SHARE Grant Evaluation - Round 1
- Minutes of meeting held on 27 April 2022 - Community Share Grants Program Policy and Guidelines 27 April 2022
- Minutes of meeting held on 25 May 2022 -Spark Tank Grant Program

OPTIONS

Councillors could choose to make additional changes to the Policy and supporting Guidelines.

SUSTAINABILITY IMPLICATIONS

Social: The revision of the Policy and associated Guidelines means the program has clear evaluation and scoring linking to diversity, inclusion, social wellbeing, and enhancement.

Economic: The Share Grant and Spark Tank Business Innovation programs provides an opportunity for eligible businesses and entities to undertaken and coordinate events, streetscape works, building works that provide an overarching economic benefit to the municipality.

COMMUNITY ENGAGEMENT

In forming this report, feedback contributed by previous applicants was considered, as were discussions held with progress and community groups through staff attendance at meetings.

Detailed analysis of trends in applications and among community projects within the Shire was also completed.

A survey of community groups was considered however it would have been difficult to obtain qualitative and quantitative data in addition to anything provided by analysis of previous grant rounds.

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>
Reputational Risk - Residual Risk Level Low	The revision mitigates reputational risk in relation to transparency and accountability to the community.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

17 REPORTS FOR DECISION – DIRECTORATE OF ASSETS AND OPERATIONS

Operations Responsibilities	Assets Responsibilities	Development Services Responsibilities
<ul style="list-style-type: none"> Town Maintenance Capital Works and Maintenance Programs-Roads, footpaths, kerb and Channel, Bridges and Culverts Parks and Gardens Gravel Pits Plant & Equipment Transfer Stations Caravan Parks 	<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 -

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 December and 31 December 2022

Moved Cr T Hamilton

Seconded Cr C Lehmann

That the recommendation be adopted

Carried

December 2022

Reference No	Description	Address	Date of Issue
Building Permits			
Planning Permits			
TP57-22	Repairs and alteration	Minyip	9/12/22
TP52-22	Construct garage	Woomelang	21/12/22
TP51-22	Swimming pool	Warracknabeal	16/12/22
TP50-22	Subdivision	Kewell	19/12/22
TP48-22	Construct a dwelling	Beulah	21/12/22
TP47-22	Subdivision	Warracknabeal	19/12/22
TP44-22	Subdivision	Wallup	19/12/22
TP35-22	Construction of dwellings	Hopetoun	2/12/22
Road Reserve Works & Asset Protection Permits			

17.2 Request to upgrade the section of Millers Road

by Pradip Bhujel, Asset CoOrdinator.

Presented by Joel Turner, Acting Director Assets and Operations

SUMMARY

This report considers a **Prepared** request for Council to upgrade a section of Millers Road, between Rupanyup South School Road and Warranooke Road, totalling a length 1400 metres, to a classification of All Weather Rural Access, Secondary, RA5 - gravel surface. The proposed road section is currently classified as a Rural Access, RA6 – earth formation.

RECOMMENDATION

That Council:

- a) Denies the request due to the cost to upgrade this section of road is too high when Council has already met the requirements of the Road Management Plan, Road Hierarchy and the Access to Rural Properties Guideline by providing all weather access to the properties and two houses.

Moved Cr T Hamilton

Seconded Cr C Lehmann

That the recommendation be adopted

Carried

Action: Councillors endorsed that Council Officers notify the landowners identified in the letter of request to upgrade Millers Road of the decision made at the Council Meeting and offer Option 2 as an alternative.

ATTACHMENTS

[Attachment: Letter – request to upgrade Millers Road](#)

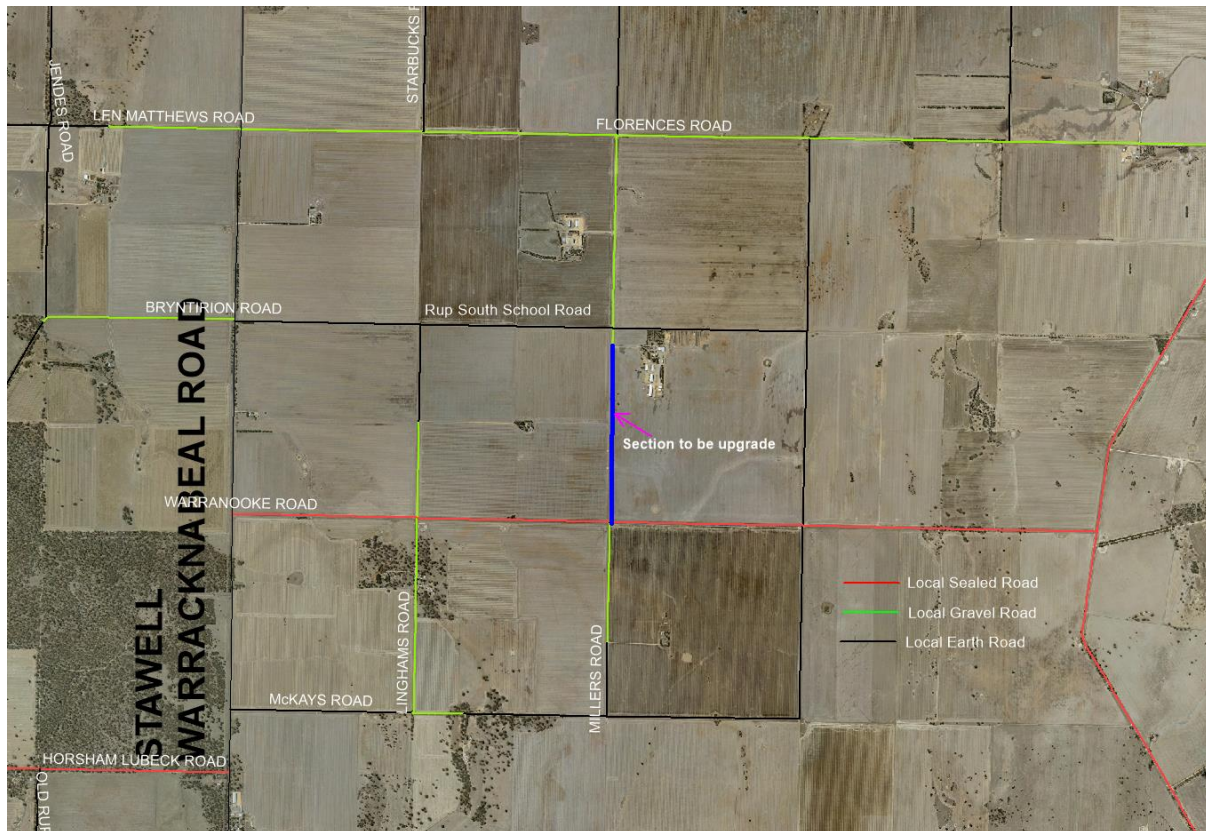
DISCUSSION

Council received a letter dated the 18 November 2022 requesting the Southern end of Millers Road, Rupanyup, be gravelled urgently and contains signatures of support from the local farmers. The section proposed is between Rupanyup South School Road and Warranooke Road.

The issues presented in the letter were as follows:

- The proposed section of Millers Road is unusable in wet weather and has been an on-going issue for years.
- Has been inaccessible all year (2022) due to unseasonable weather conditions. The lack of access creates many issues and would be in everyone's interests to resolve them.
- Creates extreme pressure on Florence's Road, resulting in more maintenance having to be carried out regularly, creating more inconvenience and hazards.
- The pressure could be distributed across two roads minimising damage and improving outcomes for stakeholders.
- Accessibility for vehicles including emergency services, due to GPS directions.

- The gravelled surface will create greater access to Stawell-Warracknabeal Road and Donald Stawell Road.



Picture 1 Location of Millers Road to be upgrade

Officer Findings

Millers Road is 6.550 km in total length starting from McKays Road heading North. Electronic records indicate the segment being considered has not been gravel in the last 17 years.

The cost of construction to upgrade the proposed section of road 1490m in length and 4m wide to a gravel surface would be \$90,000 (ninety thousand dollars).

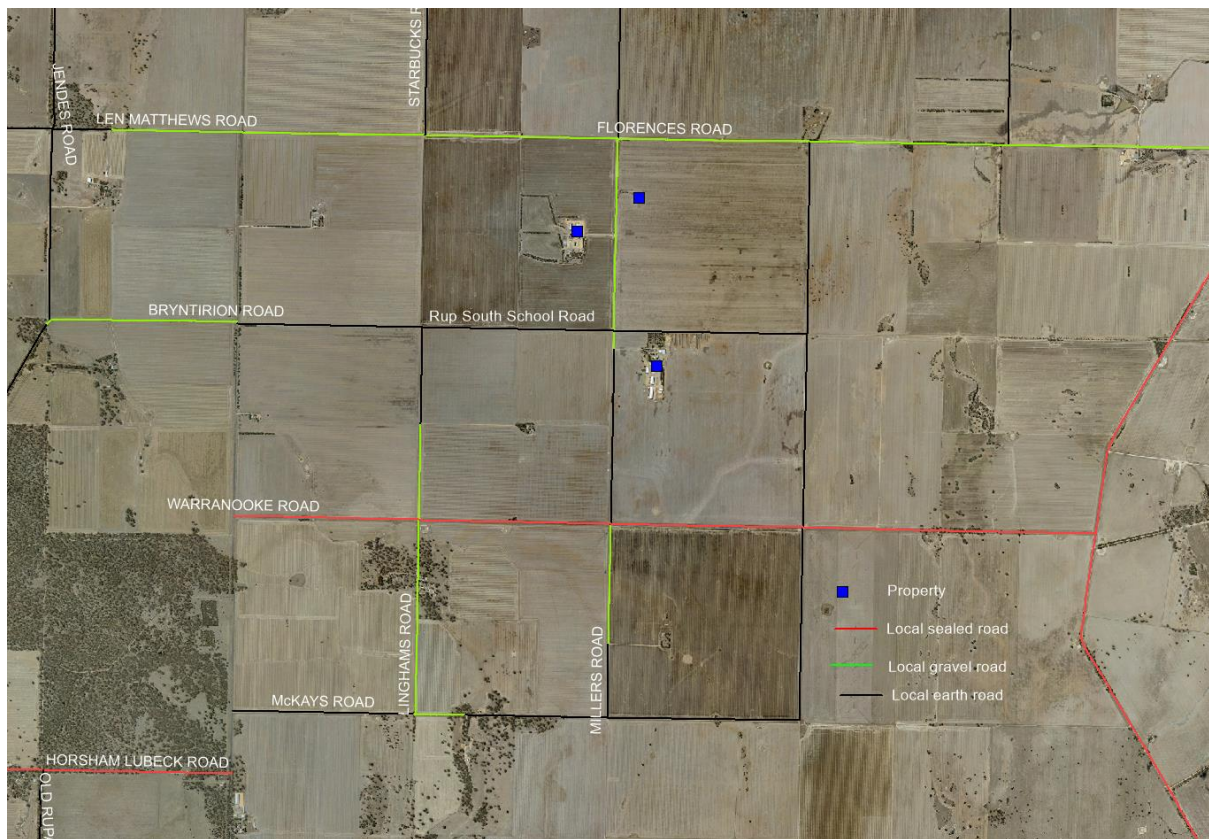
Under Council's Road Hierarchy, the requested section of Millers Road is classified as an RA6 (Rural Access Road), earth formation. This type of road can only be maintained to a higher standard in accordance with Council's Road Management Plan.

RMP-5.15 Access to Rural properties

The access to the farm properties and lands with unoccupied houses will be provided via earth formation which will, at a minimum, provide a dry-weather access to those properties.

Any request for upgrade of road to a higher standard will be treated on a case-by-case basis. In principle, it is expected that the cost of such upgrade will be borne by the party requesting the upgrade. Any of such upgrade shall be approved by the Council at an Ordinary Council Meeting.

All surrounding properties of the proposed segment upgrade are connected with an all-weather access route via a gravel surface or sealed surface. The two rural houses also have all weather access via a gravel surface on Millers Road, meeting the Road Hierarchy and Assets and Operations-Access to Rural Properties criteria.



Picture 2 Properties are connected through gravel road

RELEVANT LAW

- *Local Government Act 2020*
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

- Council plan 2021-25 strategic objective 1 applies to this decision.
Objective 1: A vibrant and diversified economy
 - Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery
 - Ensuring land use does not compromise the right to farm
- Road Management Plan
- Road Hierarchy
- Assets and Operations Guideline

RELATED COUNCIL DECISIONS

Nil

OPTIONS

Recommended options:

- Council agrees to upgrade the section of Millers Road to an all-weather access road and categories the road as Special Purpose SP2.

2. Council asks for the group of farmers to contribute to pay all costs for the gravel surface and Council would program the works to be carried out in the 2023-24. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at the time. The road would stay as a Rural Access secondary (RA6)-earthen road on the road Hierarchy, but the surface would be gravel.
3. Council asks the group of farmers to contribute to a percentage all costs for the gravel surface and Council would program the works to be carried out in the 2023-24. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at the time. The road would stay as a Rural Access secondary (RA6)-earthen road on the road Hierarchy, but the surface would be gravel.
4. Refuse the request to upgrade and reclassify Millers Road but categorise the road as a priority Maintenance Road (RA6) (PM).

SUSTAINABILITY IMPLICATIONS

Economic: Support economic development via business farming enterprises.

Social: Safety for road users and improved transport route to and from the primary farm.

Financial: Would need to be funded through Council's Capital Works Program or maintenance expenditure which would require additional budget.

COMMUNITY ENGAGEMENT

Opportunities during Road Hierarchy consultation in 2022.

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	Conformity with Road Management Plan, Road Hierarchy and Assets and Operations Guidelines	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	The road upgrade request is actioned and presented to Council in a timely manner.	Maintains Residual Risk Level
Political Risk - Residual Risk Level Low	The report presented to Council through a neutral lens with no biases.	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"> 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 - December 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 December and 31 December 2022

Moved Cr G Massey

Seconded Cr C Lehmann

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
Firewood collection Permits			
Septic Tank Permits			

18.2 Rupanyup Recreation Reserve Lease 2023

Prepared by Gavin Blinman, Director Community and Wellbeing

SUMMARY

Since 2007 Council has had a lease agreement in place with the Rupanyup Recreation Reserve Inc, to manage the Rupanyup Recreation Reserve located on Gibson Street.

The lease has now concluded, and a review and revision of the lease agreement has been completed.

RECOMMENDATION

That Council:

- a) Adopts the Standard Form Lease – Building Lease/Community Agreement between Yarriambiack Shire Council and Rupanyup Recreation Reserve Inc, for the site known as Rupanyup Recreation Reserve, Gibson Street Rupanyup.
- b) Adopts the lease agreement for a period of 5 years.
- c) Sets the annual rental fee at \$1.00 per annum as per the Leases and Licences Policy adopted on the 24 June 2020.
- d) Approve the affixing of the Common Seal to the Lease Agreement between Yarriambiack Shire Council and Rupanyup Recreation Reserve Inc. in accordance with Council's Common Seal and Conduct at Meetings Local Law 2020.

Moved Cr T Hamilton

Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Lease - Rupanyup Recreation Reserve](#)

DISCUSSION

The Rupanyup Recreation Reserve Inc. has been the property manager for the site via a lease agreement for an extensive period. The agreement is now due for renewal.

Council officers have met with the reserve committee on several occasions and set conditions to cover the day-to-day maintenance, capital works and other users of the reserve conditions. The reserve committee are comfortable with the lease and conditions and have expressed their desire to work with Council on the development of the master plans for the recreation reserve and the next sport and recreation strategy, to identify improvements to the ground in the future.

RELEVANT LAW

Local Government Act 2020, Part 5 Division 4 , Section 115 Lease of Land.

COUNCIL PLANS AND POLICIES

Leases and Licences Policy 24 June 2020

RELATED COUNCIL DECISIONS

Council Decision 27 July 2022, 16.3 Hopetoun Scout Hall lease- Hopetoun and District Historical Society Inc.

OPTIONS

- a) Council could choose to publicly advertise the lease of the recreation reserve opposed to re-entering into an agreement with the Rupanyup Recreation Reserve Inc.
- b) Council could choose to establish a Community Asset Committee as per the Hopetoun Recreation Reserve arrangements, in accordance with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Economic: The active use of a sporting ground within a community provides an overarching economic benefit, attracting and retaining people to reside in the community. It also provides opportunities to hold larger and regional sporting events, providing a financial economic benefit to the community and participating groups.

Social: Supporting the management of local facilities by local people creates a sense of ownership and belonging, providing for an inclusive community and environment.

Financial: The appointment of a committee to oversee the management of the site provides in-kind financial benefit to the Council, where volunteers provide for and manage the general upkeep of the site.

COMMUNITY ENGAGEMENT

The Rupanyup Recreation Reserve Inc Committee has been engaged in the revision and development of the agreement.

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
Reputational Risk - Residual Risk Level Low	Keeps local facilities in local control for day-to-day operations.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Lease in place with current legislation and approved by Council.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020 Part 5 Council Operations.

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.

18.3 Warracknabeal Regional Livestock Exchange – Canteen Lease

Report Prepared by Tim Rose, Manager Community Health

Presented by Gavin Blinman, Director Community and Wellbeing

SUMMARY

The Warracknabeal Regional Livestock Exchange (the saleyards) is an important economic asset and service to both the local community and wider sheep industry. The saleyards operate once per fortnight throughout the months of February to October. Sheep sale numbers are routinely recorded between 2,500 and 5,000 per sale.

The saleyards facility offers a canteen service, providing basic food and drink options to stock agents, buyers, sellers and visitors. The canteen has been previously operated by private food business proprietors. There have been no prior written arrangements around the use of the canteen and Council is now looking to formalise this activity by way of a lease. A lease will help ensure that the canteen operation continues and that the activity is undertaken transparently and fairly for both parties.

RECOMMENDATION

That Council:

1. Authorises the public advertisement of the canteen facility (for lease) and establishes a subsequent lease with an approved food business proprietor.
2. Offers the canteen facility to the lessee for the independently valued rate of \$25.00 per use (equates to per fortnight based on sale days).

Moved Cr A McLean

Seconded Cr C Lehmann

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Valuation - Canteen Livestock Yards - 74 Henty Highway Warracknabeal](#)

DISCUSSION

Offering the canteen by way of a formal lease is a way to ensure Council gains commitment from the operator and maintains continuity of service at the saleyards. An advertised lease will also ensure that Council is appropriately and transparently offering a Council asset for use by a private for-profit business.

The \$25.00 per use valuation was obtained independently and determined based on covering Council's basic utility and maintenance costs, while still offering an attractive proposition to a private party.

RELEVANT LAW

- *Local Government Act 2020.*
- *Food Act 1984*

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025
- Leases and Licences Policy 24 June 2020

RELATED COUNCIL DECISIONS

NA

OPTIONS

- There are a very few alternative options that will not breach our Leases and Licensing Policy. One option available to Council would be to not offer the canteen via a formal lease and cease the canteen operation. However, the service is significantly valued by facility users and such a decision could result in a decline in sale numbers.

SUSTAINABILITY IMPLICATIONS

Economic: A lease creates an additional economic opportunity for the local community.

In ceasing the service, Council risks a reduction in use of the facility as buyers have indicated their preference for a site with food and drink options.

Financial: Consistent canteen operation, together with various other investments made towards improving the facility, will increase sale numbers and Council revenue.

COMMUNITY ENGAGEMENT

Consultation has been received from local Stock Agents regarding the operation of the canteen at the saleyards. They have indicated that such a service is essential for the viability of the facility and encourage Council to implement a system that ensures continuity of service.

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
Financial Risk - Residual Risk Level Medium	Offer lease to canteen operator to ensure continuity of service. Reduced offerings at the saleyards could result in buyers utilised other saleyards in Ouyen and Horsham.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Taking sensible and viable action (offering lease) that aligns with the desires key stakeholders maintains our integrity and reputation in the community.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

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

Nil

21 NEXT MEETING

22 February 2023

22 CLOSED

Meeting closed at 10:06am