



MINUTES

Ordinary Meeting of Council

9:30am Wednesday 14 December 2022

VENUE:

Council Chambers
Yarriambiack Shire Council
34 Lyle Street, Warracknabeal Vic 3393

Next Meeting

Wednesday 25 January 2023

Copies of the Yarriambiack Shire Council's Agendas and Minutes
can be obtained online at www.yarriambiack.vic.gov.au

MINUTES	Ordinary Meeting of Council
Issue Date: 14 12 2022	

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.

Recording

Consistent with section 2.44.3 of our Governance Rules, consent given by the Chair to the recording of any Council Meeting must be obtained prior to the commencement of the Council Meeting.

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.

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1 WELCOME

2 ACKNOWLEDGEMENT AND PRAYER

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

Acknowledging Traditional Owners

'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'.

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

3 PRESENT

Mayor 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

OFFICERS:

Tammy Smith

Chief Executive Officer

Tony Caccaviello

Director Business Strategy and Performance

Gavin Blinman

Director Community Development and Wellbeing

Michael Evans

Director Asset and Operations

Adam Moar

Manager Development and Environmental Services

Belinda Penny

Governance and Information Management Officer

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Councillor Karly Kirk

Warracknabeal Ward

on approved leave

Councillor Graeme Massey

Warracknabeal Ward

5 CONFIRMATION OF MINUTES

5.1 Minutes of the ordinary Council Meeting held on Wednesday 23 November 2022 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 23 November 2022, as circulated be taken as read and confirmed.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

5.2 Minutes of the Closed Council Meeting held on Wednesday 23 November 2022 be taken as an accurate record and confirmed.

Minutes of the Closed Council Meeting held on Wednesday 23 November 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 23 November 2022, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr C Heintze Seconded Cr T Hamilton

That the recommendation be adopted

Carried

5.3 Minutes of the Statutory Council Meeting held on 23 November 2022 be taken as an accurate record and confirmed.

Minutes of the Statutory Council Meeting held on Wednesday 23 November 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Statutory Council Meeting of Council held on Wednesday 23 November 2022, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr C Lehmann Seconded Cr T Hamilton

That the recommendation be adopted

Carried

6 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 BUSINESS ARISING

7.1 Business arising from previous Minutes

7.2 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.	1. 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.

8 PETITIONS

Nil

9 CORRESPONDENCE

Nil

10 SPECIAL COMMITTEES

Nil

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

- 25 November CEO / Mayor weekly catch up meeting
- Attended Department of Transport Meeting via ZOOM
- 29 November Attended ANZAC Park Masterplan discussion
- 30 November Attended Gender Equality with Nelly Thomas at the Horsham Town Hall as part of the 16 Days of activism
- 2 December Attended and Chaired the West Vic Business - Yarriambiack Chapter Advisory Committee of Council Meeting
- CEO / Mayor weekly catch up meeting
- 5 December Attended the new in-home care program via ZOOM
- 6 December Attended and Chaired the Access and Including Plan Meeting
- 7 December Attended Council Forum via ZOOM
- Attended Presentation with Weir Legal
- Attended Special Development School Awards Lunch to present Yarriambiack Shire Council Bursary Award
- 11 December Attended Murtoa Master Plan Meeting
- 13 December Attended Warracknabeal Action Group Meeting

11.2 Councillor's Reports

Cr A McLean

7 December Attended Forum Meeting via ZOOM

Cr T Hamilton

7 December Attended Council Forum via ZOOM

Cr G Massey

29 November Attended Wimmera Mallee Tourism Annual General Meeting at Jeparit

7 December Attended Forum Meeting via ZOOM

Cr C Lehmann

Cr C Heintze

25 November Attended Wimmera Southern Mallee Transport Group (WSMTG) Meeting at Horsham

7 December Attended Forum Meeting via ZOOM

Attended Minyip Progress Association Meeting

Cr K Kirk

On Leave

11.3 Chief Executive Officer Report**Prepared by Tammy Smith**

- 24 November Quarterly Wimmera Southern Mallee By5 Steering Committee Meeting
- 25 November Meeting with Minyip Caravan Park stakeholders
- 25 November Birchip Cropping Group Regional Development consultant meeting
- 25 November Rural Council's Victoria Committee Meeting
- 29 November Wimmera Mallee Tourism AGM and Committee Meeting
- 29 November ANZAC Park Masterplan Steering Committee Meeting
- 30 November Meeting with Rural North West Health CEO
- 01 December Single Use Plastic Policy for Council's Webinar
- 01 December West Vic Business Yarriambiack Chapter Advisory Committee Meeting
- 02 December Recycling Victoria Meeting
- 02 December Stakeholder Meeting – subdivision of Murtoa Site for Affordable Housing
- 05 December CHSP Service Providers to Prepare for In Home Aged Care Reform
- 06 December Local Government Victoria Flood Support Fund Meeting
- 06 December VEC Briefing on Upcoming Electoral Structure Review
- 07 December Additional Council Forum
- 08 December Online Meeting Artist in Residency Program – Warracknabeal Court House
- 09 December Local Government CEO's Emergency Management Briefing – Flood Situation Update
- 09 December Council's Operating in in-home Aged Care update
- 11 December Murtoa Recreation Reserve Masterplan Steering Committee Meeting
- 11 December Rural Council's Victoria Committee Dinner
- 11 December Rural Council's Victoria Strategic Planning Day

12 REPORTS FOR INFORMATION AND DECISION - COUNCILLORS

Nil

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE

13.1 Delegations of Councillors to Regional and State Bodies

Prepared by Belinda Penny, Information Management and Governance Officer

Presented by Tammy Smith, Chief Executive Officer

SUMMARY

Council makes a series of appointments to regional and State bodies as detailed below. It is appropriate that Council representatives and alternate representatives to these bodies be appointed, as well as the CEO or a Director of Council in certain cases. The term of appointment is twelve months commencing from today's meeting.

RECOMMENDATION

That the appointments of Council representatives to regional and State bodies, as detailed in the table below be accepted and the relevant bodies be advised.

GWM Water Regional Recreation Water Users Group	Corinne Heintze
Internal Audit and Risk Committee	Kylie Zanker & Corinne Heintze
Municipal Association of Victoria	Mayor (Kylie)
North West Municipalities Association	Mayor (Kylie)
Rail Freight Alliance	Tom Hamilton and CEO or Director
Seasonal Conditions Committee	Corinne Heintze
Sunraysia Highway Improvement Committee	Andrew McLean
Wimmera Development Association	Tom Hamilton
Wimmera Mallee Tourism Association	Graeme Massey
Wimmera Southern Mallee Regional Transport Group	Corinne Heintze
Western Highway Action Committee	Kylie Zanker
Yarrilinks – Yarriambiack Landcare Group	Corinne Heintze
Yarriambiack Tourism Association	Graeme Massey / Tom Hamilton / Chris Lehmann
Council Youth Action Committee	Kylie Zanker
Mallee Catchment Association	A McLean
West Vic Business Advisory Committee of Council	Kylie Zanker
Access and Inclusion Reference Group	Kylie Zanker

Resolution:

Moved Cr C Lehmann Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

Council delegates to a range of committees on an annual basis to ensure that Yarriambiack is represented on local, regional and state decision-making organisations.

The Councillor representative is expected to actively participate in the committees, representing Yarriambiack Shire interests and advocating for outcomes that benefit the Shire. Councillors are further expected to communicate back to Councillors and Council staff any outcomes of the committees.

RELEVANT LAW

Section 11 Power of Delegation under the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

The Yarriambiack Shire Council Plan 2021-2025 sets out four key strategic themes including 'A council who serves its community' which endorses advocating for all communities and having a regional advocacy voice.

RELATED COUNCIL DECISIONS

Delegations are reviewed on an annual basis.

OPTIONS

Council can elect to not have a representative at particular delegated committees or make amendments to the nominated Councillor representatives.

SUSTAINABILITY IMPLICATIONS

The delegated committees cover a range of areas including economic development, environment, waste, community development and transport infrastructure which all impact on the Yarriambiack community.

COMMUNITY ENGAGEMENT

Throughout the Council Plan engagement in early 2021 it was clear that the community has a high degree of interest in Council advocating for improved outcomes across economic development, tourism, infrastructure and health outcomes. The various delegated committees allow Councillors to advance Yarriambiack interests.

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	The Council adopts the delegations which provides the Councillors with the authority to actively participate in the committees.	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.

14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities	Community Strengthening and Engagement
<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

Nil reports for this Directorate

15 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

Operations Responsibilities	Assets Responsibilities	Development Services Responsibilities
<ul style="list-style-type: none"> Town Maintenance Capital Works & Maintenance Programs-Roads, footpaths, kerb & Channel, Bridges & Culverts Parks & 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 & Environment Transfer Station Compliance

15.1 Permits issued by Assets and Operations Department – November 2022

RECOMMENDATION:

That Council:

Note the permits issued by Council between 1 November 2022 and 30 November 2022

Resolution:

Moved Cr T Hamilton Seconded Cr A McLean

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits			
BP103-2022	Demolition	Woomelang	3/11/22
BP95-22	Shed	Hopetoun	23/11/22
Planning Permits			
TP43-22	Pergola and shed	Hopetoun	18/11/22
Road Reserve Works & Asset Protection Permits			

16 REPORTS FOR DECISION – DIRECTORATE 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 & 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

16.1 Permits Issued by Community and Wellbeing Department - November 2022

RECOMMENDATION

That Council:

Note the permits issued by Council between 1 November 2022 and 30 November 2022.

Resolution:

Moved Cr T Hamilton Seconded Cr A McLean

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
Firewood collection Permits			
	Road side wood collection permit	Warracknabeal	4/11/2022
Septic Tank Permits			

Moved Cr C Heintze Seconded Cr C Lehmann that Council move into Closed Session at 9:30am

Carried

17 CLOSED (CONFIDENTIAL) SESSION

17.1 Derelict Buildings and Inappropriate Use of Land Policy and Procedure Documents

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

1. Because it contains law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person (section 3(1)(d));
2. Because it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
3. This ground applies because the Agenda Item concerns detailed policy and procedure information relating to enforcement activities, that if released, could compromise Council's position in enforcement activities.

17.2 Waste and Recycling 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.

17.3 Three-Year-old Kindergarten Building – Variation in Contract

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.

17.4 Permit Application to Store Unregistered Vehicles, Lascelles

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

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

Moved Cr C Heintze Seconded Cr T Hamilton that Council move back into Open Session at 10:16 am

Carried

17.4 Permit Application to Store Unregistered Vehicles, Lascelles**RECOMMENDATION**

PART 1

That Council:

Accept the permit application for a property in Lascelles, with the following conditions:

- a) Reduce the number of unregistered cars to no more than four within 6 months of permit issue.
- b) Issue a Notice to Comply to clean up all rubbish including unused building materials and remove these permanently from the property within a 3 month time frame.
- c) To maintain the grass level on the whole property to a length that doesn't exceed 100mm, for the duration of the Fire Danger Period.
- d) That the applicant applies for a building permit for a storage shed to house the unregistered vehicles within 6 months of permit issued.
- e) Review after 3 months from time of permit issue to assess the progress in meeting conditions.

PART 2

That Council:

- a) Determines, pursuant to section 125(2) of the *Local Government Act 2020*, that the Resolution(s) made in relation to Agenda Item 17.4 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting, excluding the address of the property.

Resolution:

Moved Cr C Lehmann Seconded Cr A McLean

That the recommendation be adopted

Carried

18 Next Meeting

25 January 2023

CLOSE 10:20am

_____ **Mayor**