



# MINUTES

## Ordinary Meeting of Council

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**9:30am Wednesday 24 August 2022**

**VENUE:**

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

**Next Meeting**

Wednesday 28 September 2022

Copies of the Yarriambiack Shire Council's Agendas and Minutes  
can be obtained online at [www.yarriambiack.vic.gov.au](http://www.yarriambiack.vic.gov.au)

### *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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## 4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Gavin Blinman

Director Community Development and Wellbeing

### 4.1 Request for Leave of Absence – Mayor Kylie Zanker

Councillor Karly Kirk has requested a leave of absence for a period of 3 months to deal with personal matters. This will include the August and September 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 24 August 2022 until 19 October 2022

**Resolution:**

Moved Cr C Lehmann Seconded Cr C Heintze

That the recommendation be adopted

**Carried**

## 5 CONFIRMATION OF MINUTES

### 5.1 Minutes of the ordinary Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed.

Minutes of the Ordinary Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 July 2022, as circulated be taken as read and confirmed.

**Resolution:**

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

**Carried**

### 5.2 Minutes of the Closed Council Meeting held on 27 July 2022 be taken as an accurate record and confirmed.

Minutes of the Closed Council Meeting held on Wednesday 27 July 2022 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Closed Council Meeting of Council held on Wednesday 27 July 2022, as circulated, be taken as read and confirmed.

**Resolution:**

Moved Cr C Heintze 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.

Cr T Hamilton declared a conflict of interest in Agenda item 13.1 being Camping at Rabi Park Murtoa – Murtoa Big Weekend and 150<sup>th</sup> Anniversary due to being involved with the Murtoa Big Weekend Committee.

Cr C Heintze declared a perceived conflict of interest in Agenda item 18.2 being Minyip Wetlands Cabins due to being a member of Minyip Progress Association.

## 7 BUSINESS ARISING

### 7.1 Business arising from previous Minutes

### 7.2 Ongoing and Pending Action List

Council Meeting	Recommendation Action	Action Taken

## 8 PETITIONS

### 8.1 Townscape Committee – Wombat Crossing, Scott Street, Warracknabeal

[Attachment: Petition letter received](#)

**Resolution:**

That the Petition received by Council from the Warracknabeal Townscape committee be noted and a report relating to the findings will be presented to Councillors at the October Council Meeting.

Moved Cr G Massey Seconded Cr T Hamilton

**Carried**

## 9 CORRESPONDENCE

### 9.1 Letter – response Murray Basin Rail Project - Hon Jacinta Allan MP

[Attachment: Letter response from Hon Jacinta Allan MP](#)

**Resolution:**

That Council note the correspondence received from Hon Jacinta Allan MP as response to letter sent from Council regarding the Murray Basin Rail Project

Moved Cr T Hamilton Seconded Cr C Heintze

**Carried**

## 10 SPECIAL COMMITTEES

### 10.1 Audit and Risk Committee Meeting held on 21 July 2022

[Attachment: Draft Minutes](#)

**Resolution:**

That Council note the Draft Minutes from the Audit and Risk Committee Meeting held on 21 July 2022

Moved Cr T Hamilton Seconded Cr G Massey

**Carried**



## 11 ACTIVITY REPORTS

### 11.1 Mayor's Report

#### Prepared by Kylie Zanker

13 July	Attended Citizenship Ceremony in Warracknabeal at the Council Chambers
14 July	Attended Official Opening of the Hopetoun Recreation Reserve Lighting Project
15 July	Mayor / CEO Catch up
21 July	Attended the Internal Audit and Risk Committee Meeting – online
22 July	Mayor / CEO catch up – online
1 August	Attended Hopetoun Bowling Club with CEO, Tammy Smith, Cr McLean and Cr Lehmann to discuss second round funding options
3 August	Attended Feasibility Study and Business Plan inception meeting for Beulah Supermarket
5 August	Invited as guest speaker to Warracknabeal Ladies Probus
6 August	Attended with Cr Massey, Mayor Driscoll's funeral
10 August	Attended Council Forum
11 August	Attended WDA Business Seminar at Federation University Horsham Campus
15 August	Attended and chaired the Warracknabeal Amateur Basketball Association (WABBA) AGM
16 August	Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online)
18 August	Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups  Attended online discussion with CEO and Cr's regarding Social Housing
19 August	Mayor / CEO catch up  Attended subdivision briefing / discussion with CEO, Tammy Smith and Manager Development Services, Adam Moar
20 August	Attended the official open the Mural Launch at the Warracknabeal Library  Attended and officially opened the Warracknabeal Guide outdoor/camp cooking area
23 August	<del>Attended meeting / discussion with Haven Home Safe Meeting Canceled</del>

**Councillor's Reports**
**Cr A McLean**

- 3 August Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion
- Attended meeting with Ali Cuppa MP re Beulah Supermarket update via ZOOM
- 10 August Attended Council Forum
- 16 August Attended Hopetoun Swimming Pool Committee AGM
- 18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups

**Cr T Hamilton**

- 3 August Met with Donald Mineral Sands (DMS) at Community Engagement Session, Murtoa
- Attended Murtoa Big Weekend Meeting in Murtoa
- Attended Mallee Field Days, Speed
- 8 August Attended Rupanyup Progress Meeting in Rupanyup
- 10 August Attended Council Forum
- Attended Rupanyup Streetscape Meeting in Rupanyup
- 11 August Attended Stick Shed Meeting in Murtoa
- 12 August Attended Rail Freight Meeting in Melbourne
- 16 August Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online)
- 18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups
- Attended online discussion with CEO and Cr's regarding Social Housing
- 22 Attended Yarriambiack Tourism meeting in Brim

**Cr G Massey**

- 3 August Attended Mallee Field Days, Speed
- 9 August Attended Warracknabeal Action Group (WAG) meeting, Warracknabeal
- 10 August Attended Council Forum

16 August Attended Royal Flying Doctors Service (RFDS) Transport scheme meeting, Warracknabeal

18 August Anzac Park Meeting

Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups

Attended online discussion with CEO and Cr's regarding Social Housing

**Cr C Lehmann**

3 August Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion

4 August Attended Mallee Field Days, Speed

10 August Attended Council Forum

12 August Attended Old Primary School, Hopetoun Meeting

15 August Attended Neighbourhood House AGM, Hopetoun

16 August Attended Hopetoun Pool AGM

18 August Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups

**Cr C Heintze**

10 August Attended Council Forum

11 August Met with Donald Mineral Sands (DMS) at Community Engagement Session, Minyip

16 August Meeting with Minister Dr Anne Aly's Office to discuss Dunmunkle Childcare Centre (online)

18 August Attended online discussion with CEO and Cr's regarding Social Housing

**Cr K Kirk**

On leave

## 11.2 Chief Executive Officer Report

### Prepared by Tammy Smith

28 July	Meeting with representatives from Murtoa Racing
28 July	CCTV and Lighting Murtoa Community Group Meeting
02 August	Rupanyup Future Fund Meeting
03 August	Meeting with Community Member in Rupanyup
03 August	Beulah Co-operative Meeting with Street Ryan Consultant – Beulah Supermarket discussion
05 August	As a member of Rural Councils Victoria Board, presented at MAV meeting online.
05 August	Weekly meeting with Mayor
09 August	Woomelang Retirement Unit representatives meeting to discuss Housing.
10 August	Council Forum
11 August	Woomelang Railway Station – VicTrack and Community walk through of building
11 August	Meeting with Woomelang Historical Society
11 August	Meeting with representatives from DJPR to discuss Regional Infrastructure Fund – Invest Fast Track application for Hopetoun Old School site. (Business Case and Feasibility Study)
12 August	Hopetoun Old School Advisory Committee Meeting
12 August	Community Group Meeting to discuss Footpath in Austin St Hopetoun
15 August	Weekly Meeting with Mayor
15 August	Meeting regarding Minyip Cabins with Progress Association Member
16 August	Meeting with Minister Dr Anne Aly’s Office to discuss Dunmunkle Childcare Centre (online)
16 August	Meeting with LGPro regarding Local Pathways program
16 August	Attended Woomelang and District Development Association Meeting and Woomelang Retirement Units Meeting
17 August	MAV Tech Executive Committee Meeting
18 August	Attended community Project engagement meetings across Yarriambiack towns introducing Anne Webster MP to projects and groups
18 August	Councillor Briefing – Housing discussion
22 August	Meeting with Seymour Heritage Railway Centre
22 August	Meeting with Grampians/Wimmera/Mallee Council representatives to discuss contractor management and a coordinated regional approach
22 August	Attended the officially open the Mural Launch at the Warracknabeal Library
<del>23 August</del>	<del>Meeting with Haven Home Safe to discuss Housing</del> Meeting Cancelled

## 12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

Nil

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

Cr T Hamilton left Council Chambers at 9:40am due to conflict of interest disclosed.

### 13.1 Camping at Rabl Park Murtoa – Murtoa Big Weekend and 150<sup>th</sup> Anniversary

*Prepared by: Tammy Smith, Chief Executive Officer*

#### SUMMARY

The Murtoa Big Weekend and 150<sup>th</sup> Anniversary Celebrations are scheduled for Friday 30 September, Saturday 01 and Sunday 02 October 2022.

#### RECOMMENDATION

That Council:

- a) As the Public Land Manager endorse that camping be permitted at Rabl Park Murtoa to support the increased number of visitors to our Shire and the Murtoa township for the Murtoa Big Weekend and 150<sup>th</sup> Anniversary Celebrations; and  
That the camping be approved between the period of Thursday 29 September and Monday 03 October 2022 only.
- b) In accordance with Section 603 of Council's General Local Law Number 5 2015, recognise "Rabl Park Campers" as a class and activity and exempt that class and activity from the requirement to obtain a permit for the purposes of camping over the period of Thursday 29 September and Monday 03 October 2022.
- c) Endorse conditions be placed on "Rabl Park Campers" to include but not limited to, prohibiting the release of wastewater, campfires, camping in authorised zoned areas and collection and disposal of waste.

#### Resolution:

Moved Cr C Heintze Seconded Cr C Lehmann

That the recommendation be adopted

**Carried**

#### ATTACHMENTS

[Attachment 1: GovMap – Rabl Park](#)

[Attachment 2: Rabl Park Title](#)

#### DISCUSSION

The Big Weekend Committee has identified the requirement for additional camping options being available to accommodate the increased numbers of visitors to the region attending the Murtoa Big Weekend and 150<sup>th</sup> Anniversary Celebrations.

A request has been received from the Murtoa Big Weekend Committee to consider Rabl Park being available from Thursday 29 September through to Monday 03 October 2022 for camping to accommodate the increased visitors to the town and region.

The campers would be required to be self-sufficient and remove all wastewater and waste when leaving the site. Rabl Park has a toilet block on site, and the Murtoa Swimming Pool is located within proximity. The Council will work with the Murtoa Swimming Pool Committee to support campers, making available the showers during specified periods over the weekend.

Council has developed an information sheet that will inform campers on the conditions of camping and location of available showers, toilets, wastewater disposal and emergency services.

Consideration has been made to areas proposed for camping and the location of the sprinkler systems. The information sheet contains areas available to campers for the weekend.

Council has assessed the request and identified the following:

- a) Rabl Park is located on Crown Land and Yarriambiack Shire Council is the Committee of Management (refer to GovMap report and Title as attached).
- b) Rabl Park is located in the Public Park and Recreation Zone (PPRZ). If camping was permitted it would need to be considered as a use conducted by or on behalf of a public land manager, under the relevant provisions of the *Local Government Act*.
- c) A public land manager is defined as land held by / vested in / or owned by Department of Environment, Land and Water, and other Government departments, public authorities, Commonwealth Governments and Municipalities. Yarriambiack Shire Council is considered the public land manager, as it is the appointed Committee of Management.
- d) As Yarriambiack Shire Council is the public land manager, a planning permit would not be required providing the activity is permitted under the Local Government Act.
- e) Section 71 of the *Local Government Act 2020* outlines Council has the power to make Local Laws. Council adopted General Local Law Number 5 on 23 September 2015. Section 304 identifies:

*Camping in public places*

- (1) A person must not, without a permit
  - (a) Occupy or use any public place for camping, or
  - (b) Keep, erect or place any tent, caravan or annexe in any public place.
- f) Part 6 – Permits, section 602 and 603 outlines the process for application and issuing of a permit. Council can issue a permit with or without conditions and exempt a class or type of applicant or activity from the requirement to obtain a permit. It would be recommended on this occasion, that Council exempt a class of people from the requirement to obtain a permit categorised as “Rabl Park Campers” for the purpose of camping at Rabl Park for the Murtoa Big Weekend 150<sup>th</sup> Anniversary Celebration.

**RELEVANT LAW**

*Local Government Act 2020*

*Local Government Act 1989*

**COUNCIL PLANS AND POLICIES**

General Local Law Number 5 issued on 23 September 2015.

Yarriambiack Planning Scheme

**RELATED COUNCIL DECISIONS**

Nil

## OPTIONS

- a) Council could choose not to allow camping at Rabl Park over the identified period. Acknowledging that there are no alternative locations within the township for camping purposes (other than the caravan park).
- b) Council could require public notice in accordance with Section 55 and 56 of the *Local Government Act 2020*, inviting people to make a submission in accordance with Council's Community Engagement Policy, prior to issuing the exemption for requiring a permit.

## SUSTAINABILITY IMPLICATIONS

*Economic:* Supporting camping during the identified period will provide a direct benefit to the local economy and increase visitors to the region.

*Social:* Enabling camping during the period provides an opportunity for past residents and family members to return to the township and participate in the celebrations. It increases community connection, and social well-being.

*Environmental:* Placing conditions on camping at Rabl Park protects the environment.

*Financial:* Council will not charge for camping; however the Murtoa Swimming Pool Committee will be provided with the option to charge a fee for showers and raise funds that will contribute towards providing a swimming pool for the community.

## COMMUNITY ENGAGEMENT

This proposal has been a community lead initiative, to support the prosperity and success of the Murtoa Big Weekend and 150<sup>th</sup> Anniversary Celebrations.

## GENDER IMPACT ASSESSMENT

Not Applicable

## RISK

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Enabling camping at Rabl Park increases Council's liability risk, with the increased number of people and vehicles in the vicinity. It will be important for Council Officers to work with the Community to ensure traffic management plans, zoned areas and conditions are imposed to reduce Council's liability risks.	Increases Residual Risk Level
Reputational Risk - Residual Risk Level Low	Working with the community to enable camping to occur at Rabl Park demonstrates a commitment from Council to support community events and be proactive in ensuring the economic viability of the town and region.	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.

Cr T Hamilton returned to Council Chambers at 9:46am

## 13.2 Hopetoun Old School Site Advisory Committee Terms of Reference

*Prepared by: Tammy Smith, Chief Executive Officer*

### SUMMARY

At the Closed Meeting of Council on 27 July 2022 the Hopetoun Old School Site Advisory Committee was appointed for a three-year term.

The Committee is established as an Advisory Committee of Council, and a Terms of Reference has been drafted to outline the role and expected conduct of members.

### RECOMMENDATION

That Council:

- a) Adopt the Hopetoun Old School Site Advisory Committee Terms of Reference as attached to this report; and
- b) Adopt a review period of three years, with the review to be undertaken by 24 August 2025.
- c) Endorse that changes to the Terms of Reference can be undertaken and endorsed by the Chief Executive Officer, in between the review period, to meet legislative requirements.

### Resolution:

Moved Cr A McLean Seconded Cr C Lehmann

That the recommendation be adopted

**Carried**

### ATTACHMENTS

[Attachment: Draft Terms of Reference Hopetoun Old School Site Advisory Committee of Council](#)

### DISCUSSION

The Hopetoun Old School Site Advisory Committee Terms of Reference (ToR) was drafted and circulated to the Advisory Committee and reviewed at their first meeting held on 12 August 2022.

Minor alternations were made to the ToR based on the Committees feedback. The ToR also includes the Conduct, Conflict of Interest and Confidentiality requirements of Members.

The ToR was recirculated to the Advisory Committee for final review on Monday 15 August 2022. No further feedback was received.

### RELEVANT LAW

*Local Government Act 2020*

### COUNCIL PLANS AND POLICIES

Governance Rules

### RELATED COUNCIL DECISIONS

Council Resolution: Appointment of Hopetoun Old School Site Advisory Committee – 27 July 2022

### OPTIONS

- a) Council could choose to include or remove clauses within the ToR.



### SUSTAINABILITY IMPLICATIONS

*Social:* The Community is passionate about reviving the Hopetoun Old School Site. This will enhance social wellbeing and connection and create opportunities for housing within the community.

*Economic:* The Hopetoun Old School Site master planning identifies economic development initiatives for the site, that will enhance the prosperity of Hopetoun and the region.

*Financial:* The Old School Site requires a significant financial investment to bring the master planning to fruition.

### COMMUNITY ENGAGEMENT

Council advertised the nominations for the Hopetoun Old School Site Advisory Committee in accordance with its Community Engagement Policy requirements.

### GENDER IMPACT ASSESSMENT

Not applicable

### RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Master Planning for the site has been undertaken. The business plan and feasibility study is required to ensure adequate funding is sourced, and that proposals are economically viable.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Adopting a ToR outlines the role and responsibility of the members. This provides a governance framework for Committees to adhere too.	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.

## 14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities
<ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Customer Service</li> <li>• Executive Assistant to CEO</li> <li>• Records (Information Management)</li> <li>• Information Communication Technology</li> <li>• Governance</li> <li>• Risk</li> <li>• Audit and Planning</li> <li>• Occupational Health and Safety</li> <li>• Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System)</li> </ul> <p>Manager Organisational Performance delegated roles:</p> <ul style="list-style-type: none"> <li>• Return to Work Coordinator</li> <li>• Freedom of Information Officer</li> <li>• Privacy Officer</li> <li>• Welfare Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Payroll</li> <li>• Accounts Payable</li> <li>• Procurement and Contracts</li> <li>• Debtors</li> <li>• Insurance</li> <li>• Rates</li> <li>• Corporate Planning (Performance Reporting)</li> <li>• Media and Communications</li> <li>• Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website)</li> </ul> <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> <li>• Principal Accounting Officer</li> </ul>

## 14.1 Governance Rules Update

**Prepared by Paul Brumby – Acting Director Business Strategy and Performance**

### SUMMARY

Yarriambiack Shire Council Governance Rules govern the conduct of Council and Committee Meetings, availability of meeting records, election of the Mayor and Deputy Mayor, include an Election Period Policy and procedures for disclosure of Conflict of Interests, amongst other matters. These governance rules came into effect on 1 September 2020.

On 29 March 2022 Royal Assent was given to the Regulatory Legislation Amendment (Reform) Act 2022 which amends the *Local Government Act 2020*, and Part 12 – Amendment of *Local Government Act 2020*, Division 1 – General Amendments comes into effect on 2 September 2022.

An amendment to Section 61(6) of the Act will include the provision for a Councillor to attend Council meetings by electronic means.

### RECOMMENDATION

That Council:

- a) Rescinds the current Yarriambiack Shire Council Governance Rules.
- b) Adopts the updated Yarriambiack Shire Council Governance Rules.

### Resolution:

Moved Cr C Heintze Seconded Cr T Hamilton

That the recommendation be adopted

**Carried**

### ATTACHMENTS

[Attachment: Governance Rules](#)

### DISCUSSION

On 29 March 2022 Royal Assent was given to the Regulatory Legislation Amendment (Reform) Act 2022 which amends the *Local Government Act 2020*

Part 12 – Amendment of *Local Government Act 2020*, Division 1 – General Amendments comes into effect 2 September 2022. In meeting the requirements of the Act, an amendment to Section 61(6) will include a Councillor attending Council meetings by electronic means.

The Governance Rules have been amended to include the following new clause under section 2.4

*"A Councillor may attend and be present at a Council meeting by electronic means of communication. This will allow hybrid meetings to take place with some Councillors being physically present in the Council Chamber and others being 'in attendance' and 'present' electronically."*

"Section 6, Miscellaneous, 6.1 – Informal meetings of Councillors" in the current Governance Rules relates to the requirement to include a summary of matters discussed at informal meetings of Council in the Council Minutes. This section has been removed in order to align the updated Governance Rules with the current Council process.

### RELEVANT LAW

*Local Government Act 2020*

*Regulatory Legislation Amendment (Reform) Act 2022*

## COUNCIL PLANS AND POLICIES

Governance Rules

## RELATED COUNCIL DECISIONS

26 August 2020 – Adoption of Governance Rules

## OPTIONS

No other options exist with this matter, as this amendment is required by the Regulatory Legislation Amendment (Reform) Act 2022.

## SUSTAINABILITY IMPLICATIONS

Not Applicable

## COMMUNITY ENGAGEMENT

Section 60(4) of the *Local Government Act 2020* states that "a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules."

Community consultation on the proposed changes has been undertaken in accordance with Council's Community Engagement Policy, with the invitation for community feedback period closing at 5pm on Friday 19 August 2022.

At the time of writing this report, no community feedback on the proposed changes to Council's Governance Rules had been received.

## GENDER IMPACT ASSESSMENT

Not applicable

## RISK

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

<b>Strategic Risk Description and Residual Risk Level</b>	<b>Action to Mitigate/Reduce Risk</b>	<b>Does Action maintain or reduce Residual Risk Level</b>
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Implementing the amendment as per the Act	Maintains Residual Risk Level

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The updated Governance Rules meet the requirements of the amended Section 61 of the *Local Government Act 2020*.

## 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.

## 14.2 Motor Vehicle Policy, Fleet Ownership Procedure, Operating Use Procedure, Private Use Procedure

*Prepared by Paul Brumby – Acting Director Business Strategy & Performance*

### SUMMARY

On 27 May 2020 Council adopted its current Motor Vehicle Policy. This Policy has been revised, updated and simplified in order to create the following four documents:

- Motor Vehicle Policy
- Motor Vehicle Fleet Ownership Procedure
- Motor Vehicle Operational Use Procedure
- Motor Vehicle Private Use Procedure

### RECOMMENDATION

That Council:

- a) Rescind the Motor Vehicle Policy adopted on 27 May 2020.
- b) Adopts the:
  - Motor Vehicle Policy
  - Motor Vehicle Fleet Ownership Procedure
  - Motor Vehicle Operational Use Procedure
  - Motor Vehicle Private Use Procedure

As attached to this report.

#### Resolution:

Moved Cr G Massey Seconded Cr C Lehmann

That the recommendation be adopted

**Carried**

[Attachment 1: Motor Vehicle Policy](#)

[Attachment 2: Motor Vehicle Fleet Ownership Procedure](#)

[Attachment 3: Motor Vehicle Operating Use Procedure](#)

[Attachment 4: Motor Vehicle Private Use Procedure](#)

### DISCUSSION

Council owns 22 motor vehicles and leases 30 operational motor vehicles.

In order to effectively manage our motor vehicle assets and define standards of acceptable use of our motor vehicle fleet, a comprehensive suite of motor vehicle policy and procedure documentation has been developed.

The purpose of the Motor Vehicle Policy is to establish a framework that guides:

- a) The life cycle of Council's fleet of motor vehicles.
- b) Usage of Council's motor vehicles.
- c) Private use of a Council motor vehicle as part of an employment agreement.

The purpose of the Motor Vehicle Fleet Ownership Procedure is to guide the selection, purchase or leasing, and disposal of Council motor vehicles.

The purpose of this Motor Vehicle Operating Use Procedure is to guide drivers of Council motor vehicles on the appropriate use of those vehicles.

The purpose of this Motor Vehicle Private Use Procedure is to guide the use of Council motor vehicles where staff have been assigned private use as part of an employment agreement.

The proposed motor vehicle document suite represents a major revision of the 2020 Motor Vehicle Policy. The major changes between the two document suites are as follows:

- The removal of the procedures embedded in the 2020 Motor Vehicle Policy, and the creation of three separate motor vehicle procedures.
- Recognition of motor vehicles other than those powered by internal combustion engines.
- Movement from a fixed employee contribution model towards private use of Council motor vehicles, to an employee contribution based solely on a combination of the purchase price of the motor vehicle and the fuel economy of the motor vehicle.
- Greater emphasis on reducing greenhouse gas emissions.
- Recognition of public transport as part of the Council officer and Councillor travel mix.
- Including a clear definition of how travel reimbursements are calculated.
- Increased focus on occupational health and safety, particularly fatigue management.
- Specific recognition of working from home agreements.

### **RELEVANT LAW**

*Occupational Health and Safety Act (2004)*

### **COUNCIL PLANS AND POLICIES**

- a) Council Plan: 2021-2025  
Key Objective 4: A Council Who Serves its Community
- b) Employee Code of Conduct
- c) Councillor Code of Conduct

### **RELATED COUNCIL DECISIONS**

27 May 2020 Council Meeting

That Council:

- a) Adopt the Motor Vehicle Policy which is to be reviewed every three years.
- b) Approve the review of the Motor Vehicle Policy Appendix A by the Chief Executive Officer annually.

Moved Cr H Ballentine Seconded Cr J Wise

Carried

### **OPTIONS**

Council could choose not to adopt the suite of motor vehicle policy and procedure documentation that has been developed, as the current Motor Vehicle Policy is not due for a scheduled review until May 2023.

### **SUSTAINABILITY IMPLICATIONS**

*Environmental:* Possible reduction in the level of greenhouse gas emissions generated by Council motor vehicles.

### **COMMUNITY ENGAGEMENT**

When developing this policy and procedures the Council's Employee Code of Conduct and the Victorian Public Sector Motor Vehicle Policy was utilised.

Council is required to set clear frameworks around the acceptable use of Council assets, which are transparent, accountable and assist to prevent corruption and misconduct from the misuse of Council assets.

**GENDER IMPACT ASSESSMENT**

Not applicable

**RISK**

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Reputational Risk - Residual Risk Level Low	The policy and procedures create a clear process for decision making, which is readily available to community members, Councillors and staff.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The policy and procedures aim to ensure that Council motor vehicles are owned and used in the most cost-effective manner possible.	Maintains Residual Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	The policy and procedures aim to reduce the level of greenhouse gas emissions generated by Council motor vehicles.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The policy and procedures aim to manage compliance and risks relating to the ownership and use of Council motor vehicles.	Maintains Residual Risk Level
Talent Management Risk - Residual Risk Level Low	The policy and procedures aim to support talent management by the provision of Council motor vehicles with private use entitlements where appropriate.	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 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

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

### 15.1 Permits issued by Assets and Operations Department – July 2022

**RECOMMENDATION:**

That Council:

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

**Resolution:**

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

**Carried**

Reference No	Description	Address	Date of Issue
<b>Building Permits</b>			
BLD20220274	Garage	Hopetoun	15/7/2022
BLD20220283	Storage Shed	Minyip	01/7/2022
BLD20220292	Shelter	Yaapeet	20/7/2022
BLD20220293	Garage	Warracknabeal	29/7/2022
BLD20220297	Pergola	Warracknabeal	01/07/2022
BLD20220299	Dwelling	Warracknabeal	28/07/2022
BLD20220302	Verandah	Warracknabeal	25/07/2022
<b>Planning Permits</b>			
TP11-22	Carport and Alfresco area	Warracknabeal	11/07/2022
TP19-22	Garage	Warracknabeal	06/07/2022
TP06-22	Extension to warehouses	Brim	06/07/2022



## 15.2 Tree Management Policy Update

*Prepared by Adam Moar – Manager Development Services*

### SUMMARY

The Tree Management Policy (the Policy) has been developed to ensure the future management of tree assets of the Yarriambiack Shire Council.

Council placed the Policy on public exhibition during May and June 2022 for comments from the public. One submission was received which suggested additional species to consider for street trees.

### RECOMMENDATION

That Council:

- a) Adopts the Tree Management Policy with the following additions to the suitable plants lists:
  - i. Illawarra Flame Tree- *Brachychiton acerifolius*
  - ii. Dwarf *Corymbia*'s of various species.
  - iii. With Consideration to be given to any native plant to the ecological vegetation class of the location.
- b) Rescind the Tree Policy adopted by Council on 14 December 2011.

### Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

**Carried**

### ATTACHMENTS

[Attachment: Tree Management Policy](#)

### DISCUSSION

The Policy provides a practical and balanced approach to tree management which seeks to maximise the abundance and health of trees on Council land while ensuring public safety and allowing controlled development. It acknowledges that trees sometimes come into conflict with other elements of the streetscape, particularly hard structures and services, but recognises that all are essential components of a pleasant and functional landscape.

The policy attempts to maximise community support for a well treed environment through prudent management of all trees for which Council is responsible.

The major areas of concern to residents as they relate to tree management are tree planting, tree removal, tree pruning and damage caused by trees. This policy seeks to address the issues underlying these concerns and provide clear guidelines for Council officers as they respond to tree related enquiries from residents.

The Policy was put on public exhibition during May and June 2022 with one submission being made indirectly via the Rupanyup Streetscape consultation. The submission suggested the following species to be considered:

- a) Native Frangipani – *Hymenosporum Flavum* as it flowers for over a month with a intoxicatingly beautiful perfume that permeates the entire area
- b) Jacaranda Tree – *Jacaranda mimosifolia* as it is a spectacular street tree
- c) Illawarra Flame Tree- *Brachychiton acerifolius* as it is a spectacular street tree

- d) Crepe Myrtle – Lagerstroemia indica as it is a spectacular street tree
- e) Dwarf Corymbia’s of various species.

In reviewing the list of suggested species and an online search of the qualities of the species, it would be recommended that the Illawarra Flame tree and the Dwarf Corymbia’s be added to the list of suitable trees.

The list has been prepared to use as many native plants as practically possible. The native frangipani is identified as a rainforest tree native to Queensland and New South Wales, with the potential that it wouldn’t be suitable for our climate. The other trees nominated are species from South America or Asia.

Following the public notification of the Policy an additional line has been added to the suitable plant lists to allow for any other native plant from the relevant ecological vegetation class of the area. By using one of these species, it has a higher chance of surviving as they are native to the location.

### RELEVANT LAW

Nil

### COUNCIL PLANS AND POLICIES

Council Plan

### RELATED COUNCIL DECISIONS

Nil

### OPTIONS

- a) Adopt the Tree Management Policy with the recommended additions.
- b) Adopt the Tree Management Policy as it was exhibited without changes.
- c) Not adopt the Tree Management Policy.

### SUSTAINABILITY IMPLICATIONS

The Policy aims to provide a framework for the removal and replanting to trees and shrubs on Council controlled land. The Policy includes species that are suitable to the area based on climate, drought tolerance, habitat potential and minimal maintenance required. Incorrectly chosen species will require additional maintenance of the plants, require additional watering, and potentially discourage native animals and birds from living in the area.

### COMMUNITY ENGAGEMENT

This policy undertook a community engagement process as outlined in our Community Engagement Policy for the period of May and June 2022.

### GENDER IMPACT ASSESSMENT

Not applicable

### RISK

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Environmental Sustainability Risk - Residual Risk Level Medium	The selection of suitable vegetation will reduce costs for maintenance and may increase positive environmental outcomes for diversity of wildlife.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	The selection of suitable vegetation will reduce costs for maintenance.	Reduces Residual Risk Level

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

Nil

**CONFLICTS OF INTEREST**

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

## 16 REPORTS FOR DECISION – DIRECTORATE COMMUNITY DEVELOPMENT AND WELLBEING

Community Health Responsibilities	Community and Economic Development Responsibilities
<ul style="list-style-type: none"> <li>Local Laws (including infringement and animal management)</li> <li>Sale Yards Environmental Health Sports and Recreation</li> <li>Positive Ageing (Commonwealth Home Support Program, Brokered &amp; Packaged care)</li> <li>Leisure Centre Kindergartens Playgroup</li> <li>Maternal Child Health (including enhanced services)</li> <li>Immunisation Program</li> </ul>	<ul style="list-style-type: none"> <li>Libraries</li> <li>Economic Development Community Development Tourism</li> <li>Housing Youth</li> <li>Stakeholder Engagement</li> </ul>

### 16.1 Permits Issued by Community Development and Wellbeing Department - July 2022

#### RECOMMENDATION

That Council:

Note the permits issued by Council between 1 July 2022 and 31 July 2022.

#### Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

**Carried**

Reference No	Description	Name / Location	Date of Issue
<b>Local Laws Permits</b>			
06-22	Keeping of more than 5 dogs in rural area	Murtoa	25/7/2022
11-22	Street Trade Permit – Street Stall	Warracknabeal	19/7/2022
12-22	Street Trade Permit – Busking	Warracknabeal	20/7/2022
<b>Firewood collection Permits</b>			
	Roadside Firewood Collection	Minyip	1/7/2022
	Roadside Firewood Collection	Warracknabeal	1/7/2022
	Roadside Firewood Collection	Hopetoun East	11/7/2022
	Roadside Firewood Collection	Lah West	18/7/2022
	Roadside Firewood Collection	Goyura West	19/7/2022
	Roadside Firewood Collection	Rupanyup	22/7/2022
	Roadside Firewood Collection	Cannum	22/7/2022

## 16.2 Keeping of Bees Permit application - 33 Brock Street, Woomelang

*Prepared by Craig Byron – Local Laws Officer*

### SUMMARY

On 7 July 2022 the owner of 33 Brock Street Woomelang applied for a permit to keep bees at their property (shown outlined in red on the aerial image below).



### RECOMMENDATION

That Council:

- a) Approve the permit application under Council's Local Law for the keeping of one beehive at 33 Brock Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- b) Require the beehive to be positioned with a minimum setback of ten metres from the property boundary with Bailey Lane.
- c) Require the applicant to provide their Beekeeping Registration documentation within 14 days of being notified of Council's decision.

### Resolution:

Moved Cr C Lehmann Seconded Cr G Massey

That the recommendation be adopted

**Carried**

## ATTACHMENTS

[Attachment 1: Permit Application – 33 Brock St, Woomelang](#)

[Attachment 2: Objection notice to keeping bees](#)

[Attachment 3: Reference May 2011 Apiary-Code-of-Practice.pdf \(vicbeekeepers.com.au\)](#)

## DISCUSSION

The applicant has advised that they are a registered Victorian Beekeeper and has provided their registration number; and that the beehive is being kept in accordance with the Code of Practice for bee keeping. The applicant has stated that the beehive isn't for commercial purposes and is purely for self-sustainability and to pollenate the flowering gums and natives on the property.

An inspection of the beehive at 33 Brock Street Woomelang revealed that the beehive is currently being kept well away from the fence line of the adjacent laneway (Bailey Lane). There were no bees swarming outside of the hive at the time of inspection.



Permit objection forms were sent out to surrounding neighbours, and only one objection was received. The objector stated that the rear of their property joins onto Bailey Lane, and that the bees represent a danger to the objector and users of Bailey Lane. Further, the objector stated in an email to Council that the objector and two of their children are allergic to bees, and that "should the applicant get their permit I'd like the bees moved further away from the rear fence line of the public lane".

The Yarriambiack Planning Scheme provides a list of uses and buildings and works that do not require planning permits. Included in this list is *the use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met*. In this case the relevant section of the Apiary Code of Practice relates to hive density. In the Residential, Industrial, Commercial and Special Purpose zones the following density limits apply:

Tenement size	No. of hives
500 m <sup>2</sup> or less	1
501 m <sup>2</sup> to 1000 m <sup>2</sup>	2
1001 m <sup>2</sup> to 2000 m <sup>2</sup>	5
2001 m <sup>2</sup> to less than 4000 m <sup>2</sup>	10
4000 m <sup>2</sup> to less than 1 ha	60
1 ha to 2 ha	100
Larger than 2 ha	No limit

The area of 33-35 Brock Street is approximately 3,238.12 m<sup>2</sup> so is permitted to have a maximum of ten beehives without planning permission. Therefore, the applicant is complying with the density limit requirements under the Apiary Code of Practice.

**RELEVANT LAW**

- State the specific legislative power which Council is exercising  
General Local Law No.5 Clause 416 Keeping of Bees or Roosters
  - (1) A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme.
  - (2) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.
- State whether there are any limitations or restrictions to the exercise of that power.

**COUNCIL PLANS AND POLICIES**

Not applicable

**RELATED COUNCIL DECISIONS**April 2017 – Murtoa Beehive Permit

Recommendation That Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

Cr K Zanker seconded Cr C Heintze that Mr Phillip Dawes be granted a permit to keep a Beehive at 25 Tobin Street, Murtoa.

That the recommendation be adopted

Carried

Cr T Hamilton & Cr H Ballentine objected to the above motion.

March 2022 – Woomelang Beehive Permit #1

That Council:

- a) Approve the permit application under Council's Local Law for ten (10) hives on the combined area of 26 and 28 Church Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- b) Advise the property owner that keeping any additional hives, including temporary hives, will require a planning permit application to be submitted to Council for further consideration.
- c) That Council require the property owner to provide his Beekeeping Registration documentation within fourteen (14) days of being notified of Council's decision.

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

March 2022 – Woomelang Beehive Permit #2

That Council:

- d) Approve the permit application under Council's Local Law for four beehives at 31 Brock Street, Woomelang, in accordance with Section 5.1.1 Hive density of the Apiary Code of Conduct 2011.
- e) That Council require the resident to provide his Beekeeping Registration documentation within 14 days of being notified of Council's decision.

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

Carried

**OPTIONS**

- a) That Council reject the permit application to keep bees at 33 Brock Street Woomelang, due to the risk posed by bees to nearby residents being considered too high.

**SUSTAINABILITY IMPLICATIONS**

*Social:* Possible impact on the local community, in restricting outdoor activities in close proximity to the beehives.

**COMMUNITY ENGAGEMENT**

Eight Objection to Permit forms were sent to nearby residents of 33 Brock Street Woomelang, with only one objection being received by Council.

**GENDER IMPACT ASSESSMENT**

Not applicable

**RISK**

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

<b><i>Strategic Risk Description and Residual Risk Level</i></b>	<b><i>Action to Mitigate/Reduce Risk</i></b>	<b><i>Does Action maintain or reduce Residual Risk Level</i></b>
Environmental Sustainability Risk - Residual Risk Level Medium	By putting in place hive density limits in compliance with the Apiary Code of Conduct and the Yarriambiack Planning Scheme supports the pollination process.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Utilising the Apiary-Code-of-Practice provides a sound framework to support the decision-making process.	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 OTHER BUSINESS

### 17.1 Questions from Councillors

**Cr C Lehmann**

**Question:** Volunteer Driver Program update was requested.

**Response:** This question was taken on notice.

**Question:** When will the Grapevines be cut back in Hopetoun?

**Response:** Grapevine pruning will be completed in the next couple of weeks.

**Question:** Has anyone followed up in regard to the town entrance mowing in Hopetoun?

**Response:** This question was taken on notice.

Moved Cr T Hamilton Seconded Cr C Heintze that Council move into Closed Session at 10:04am

**Carried**

## 18 CLOSED (CONFIDENTIAL) SESSION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for consideration of the following confidential item:

<b>18.1</b>	<b>Report for Decision – Sale of Relocatable Building – 62 Lascelles Street Hopetoun</b>
<p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	
<b>18.2</b>	<b>Report for Decision – Minyip Wetlands Cabins</b>
<p>This Agenda item is confidential information for the purpose of section 3(1) of the Local Government Act 2020:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	

Moved Cr G Massey Seconded Cr T Hamilton that Council move back into Open Session at 10:26 am

**Carried**

## 18.1 Report for Decision – Sale of Relocatable Building – 62 Lascelles Street Hopetoun

### RECOMMENDATION

#### PART 1

That Council:

Award Q163-2023 Purchase and Removal Portable Building from 62 Lascelles Street Hopetoun to Matthew Webster for the Tender Quotation Form submission price of \$11,111.00 including GST.

#### 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 18.1 while the meeting was closed to the public be made publicly available; and
- b) Authorises the Resolution(s) referred to in Part 1 of this Resolution to be recorded in the public minutes of this meeting.

#### Resolution:

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

**Carried**

## 19 Next Meeting

28 September 2022

### CLOSE

\_\_\_\_\_ Mayor