



MINUTES

Ordinary Meeting of Council

9:30am Wednesday 26 October 2022

VENUE:

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

Next Meeting

Wednesday 23 November 2022

Copies of the Yarriambiack Shire Council's Agendas and Minutes
can be obtained online at 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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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

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
Gavin Blinman Director Community Development and Wellbeing
Tony Caccaviello Director Business Strategy and Performance
Michael Evans Director Asset & Operations
La Vergne Lehmann Waste & Sustainability Officer

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

4.1 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 deal with personal matters. This will include the October, November and December 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 19 October 2022 until 25 January 2023.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

5 CONFIRMATION OF MINUTES

5.1 Minutes of the ordinary Council Meeting - Wednesday 28 September 2022

Minutes of the Ordinary Council Meeting held on Wednesday 28 September 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 28 September 2022, as circulated be taken as read and confirmed.

Resolution:

Moved Cr G Massey Seconded Cr C Heintze

That the recommendation be adopted

Carried

5.2 Minutes of the Closed Council Meeting - Wednesday 28 September 2022

Minutes of the Closed Council Meeting held on Wednesday 28 September 2022 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 28 September 2022, as circulated, be taken as read and confirmed.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

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 K Zanker declared a conflict of interest to item 19.4 in confidential session – Local Law Permit due to expire

7 BUSINESS ARISING

7.1 Business arising from previous Minutes

Nil

7.2 Ongoing and Pending Action List

Council Meeting	Recommendation Action	Action Taken
24 August 2022	Council Report to be presented in October on recommended actions from Wombat Crossing petition.	Council report delayed as costings being ascertained. Email sent to Warracknabeal Action Group to notify Townscape Sub-Committee that the report has been delayed until November 2022.

8 PETITIONS

Nil

9 CORRESPONDENCE

Outwards:

- 30/09/2022 Letter – Hon. Melissa Horne, Minister Ports and Freight – Inviting to meet with representatives of a small delegation of Council’s in Southwest Victoria along with the Rail Freight Alliance CEO to discuss sand mining and rail freight in our regions.
- 30/09/2022 Letter – Hon. Jacinta Allan, Minister for Transport Infrastructure - Inviting to meet with representatives of a small delegation of Council’s in Southwest Victoria along with the Rail Freight Alliance CEO to discuss sand mining and rail freight in our regions.
- 30/09/2022 Letter – Hon. Jaala Pulford, Minister for Resources - Inviting to meet with representatives of a small delegation of Council’s in Southwest Victoria along with the Rail Freight Alliance CEO to discuss sand mining and rail freight in our regions.
- 30/09/2022 Letter – Hon. Catherine King – Minister for Infrastructure, Transport, Regional Development and Local Government - Inviting to meet with representatives of a small delegation of Council’s in Southwest Victoria along with the Rail Freight Alliance CEO to discuss sand mining and rail freight in our regions.

10 SPECIAL COMMITTEES

Audit and Risk Committee Meeting Minutes held on 20 October 2022 will be presented at the 23 November 2022 Council Meeting.

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Kylie Zanker

29 September	Attended Social enterprise Forum with Senvic online
29 September	Attended the Rupanyup Library to meet with Media regarding the library funding announcement
1 October	Attended and officially opened the Murtoa 150 celebrations and Murtoa Big Weekend
6 October	Attended the Warracknabeal Show and welcomed Anne Webster MP
7 October	Mayor/CEO weekly catch up
10 October	Attended Rupanyup Consultative Committee AGM
11 October	Met with Westwind Energy
12 October	Attended the council Forum
14 October	Mayor/CEO weekly catchup
17 October	ABC radio interview
20 October	Audit and Risk Committee meeting (online)
21 October	Mayor/CEO catch up
	Attended Rural North West Regional Meeting (online)
	Attended the Wimmera Business Awards

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

- 12 October Attended Council Forum
- 15 October Attended Patchewollock Music Festival

Cr T Hamilton

- 10 October Attended Rupanyup Progress Meeting in Rupanyup
- 12 October Attended Council Forum
- 13 October Attended Stick Shed Meeting in Murtoa

Cr G Massey

- 6 October Attended Warracknabeal A & P Society Show
- 12 October Attended Council Forum

Cr C Lehmann

- 12 October Attended the Council Forum
- 19 October Attended Beulah Progress Association Meeting
- 25 October Attended Community Hotel Meeting

Cr C Heintze

- 31 September – 2 October Attended Murtoa 150th Opening and Big Weekend
- 5 October Attended Minyip Progress Association AGM
- 12 October Attended Council Forum
- 20 October Attended training – Understanding Council Finances

Cr K Kirk

On Leave

11.3 Chief Executive Officer Report

Prepared by Tammy Smith

30 September	Meeting with Wimmera Mallee Tourism Executive Officer
30 September	Rural Council's Victoria Meeting
03 October	Meeting with a Community Member
04 October	Regional Social and Affordable Housing Summit in Creswick
05 October	MAV, DJPR and CEO's Forum (online)
05 October	Meeting with Woomelang Bowling Club Committee
05 October	Meeting with Grampians Tourism CEO
05 October	Wimmera Southern Mallee Local Jobs Forum
06 October	Meeting with Hopetoun Neighbourhood House (online)
07 October	Warracknabeal Ladies Probus Meeting presentation
07 October	Mayor and CEO Weekly catch up
10 October	Meeting with Victorian Farming Federation Members to discuss roads and roadside weeds
10 October	Rupanyup Progress Association Annual General Meeting and presentation with Mayor Kylie Zanker
11 October	Meeting with Community Members
11 October	Meeting with WestWind Energy
11 October	Local Government Victoria Emergency Management Briefing – Forecast sever weather and flood risk – CEO's
12 October	Council Forum
14 October	Mayor and CEO Weekly catch up
17 October	Floods and Victorian Government Waste Support (DELWP) (Online)
18 October	Floods and Victorian Government Waste Support (DELWP) (Online)
18 October	Special Progress Meeting – Murtoa Progress Association
19 October	Floods and Victorian Government Waste Support (DELWP) (Online)
20 October	Floods and Victorian Government Waste Support (DELWP) (Online)
20 October	Meeting with Acting CEO Rural Northwest Health
20 October	Audit and Risk Committee (Online) Meeting
21 October	Regional Development Victoria Meeting
21 October	Floods and Victorian Government Waste Support (DELWP) (Online)
21 October	Wimmera Business Awards 2022
21 October	Mayor and CEO Weekly catch up

12 REPORTS FOR INFORMATION AND DECISION – COUNCILLORS

12.1 2021-2022 Annual Report

Prepared by Anita McFarlane, Manager Corporate Services and presented by Mayor Kylie Zanker

SUMMARY

In accordance with the *Local Government Act 2020*, Council is required to prepare an annual report in respect of each financial year and the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.

The Annual Report includes the audited annual financial and performance statements that have been prepared in accordance with the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020 and have been certified by the Victorian Auditor General's Office (VAGO).

RECOMMENDATION

That Council adopt the Annual Report for the 2021-22 financial year that contains the following sections as detailed in section 98 of the *Local Government Act 2020*:

- a) A report of Operations of Council.
- b) An audited Performance Statement.
- c) Audited Financial Statements.
- d) A Copy of the Auditors Report on the Performance Statement.
- e) A Copy of the Auditors Report of the Financial Statements under Part 3 of the *Audit Act 1994*, and
- f) Any other matters prescribed in the regulations.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey
That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Draft Annual Report 2021/2022](#)

DISCUSSION

The Annual Report has been prepared in accordance with sections 98, 99 and 100 of the *Local Government Act 2020*.

The Report outlines Council's financial and non-financial performance in the last 12 months and celebrates a number of key achievements.

The highlights from the 2021-2022 financial year include:

- a) Council received \$1.2m in additional State Government Agri Links funding for the upgrade and widening of the Sea Lake Lascelles Road, Banyena Pimpinio Road and Hopetoun Yaapeet Road.

- b) Successful Regional Infrastructure Funding application for \$2.8m towards affordable housing.
- c) Funding announcement for installation of two cabins at Minyip Wetlands.
- d) Works commenced at Warracknabeal Caravan Park with the installation of three new cabins and construction of new amenities block.
- e) Two new cabins installed at the Hopetoun Caravan Park.
- f) Launched the Business and Community Directory on Council's new website.
- g) Completed \$4.36m of Roads and associated infrastructure works.
- h) Completed the construction of the new Brim Netball and Tennis Courts, construction of the new Beulah changeroom facilities and the Rupanyup Recreation Reserve Netball/Tennis Courts and new changeroom facilities with a combined value of \$3.16m.
- i) Successful sport and Recreation Victoria funding application for Rabl Park pump track, playground and walking tracks, Warracknabeal Recreation Precinct, Minyip and Hopetoun Recreation Reserve master planning.
- j) Distributed \$124,000 to Community Groups to activate their townships to meet COVID Safe requirements.
- k) Master planning for ANZAC Park and Murtoa Recreation Reserve commenced.
- l) Successful Sport and Recreation Victoria funding to upgrade the Woomelang Bowling Green.
- m) Implementation of waste and environment education and awareness program.
- n) Streetscape Master planning commenced in Rupanyup, Beulah and Patchewollock.
- o) Successful Round 2 - Rural Council's Transformation Program Funding of \$750,000 approved in collaboration with Ararat Rural City Council and Buloke Shire Council.
- p) Adopted Council's first ever Workforce Plan and Gender Equality Action Plan.
- q) Launched Council's new online payment portal for Building and Planning applications.

The coronavirus pandemic has persisted into 2022. This continued to place restrictions on how staff operated and has impacted the delivery of our services and community activities.

The Annual Report endorses the sound framework of the 2021-2025 Council Plan and paints a picture of a Council that understands its purpose to serve its community.

RELEVANT LAW

- *Local Government Act 2020* – Division 3 Reporting - Section 98, 99 and 100.
- Applicable Australian Accounting Standards.

COUNCIL PLANS AND POLICIES

- Council Plan 2021 -2025
- Annual Budget 2021-22

RELATED COUNCIL DECISIONS

Minutes: 23 June 2021– Adoption of Budget 2021-22

OPTIONS

Not applicable

SUSTAINABILITY IMPLICATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The subject matter of the report does not raise any sustainability implications.

COMMUNITY ENGAGEMENT

Community Engagement has occurred in the development of the Council Plan 2021-2025 and the Annual Budget. Both documents inform the key performance metrics included in the Annual Report.

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>
Financial Risk - Residual Risk Level Medium	The Annual Report includes the Annual Financial and Performance Reports that are audited and certified by VAGO.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The presentation of the Annual Report within the required timeframes outlined in the Act demonstrates Council has meet the requirements of section 98, 99 and 100 of the Local Government Act.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Council Plan is Council's overarching strategic document that outlines Council's key actions for a four-year period. The annual report identifies and reports on how Council has met the actions outlined in the Council Plan.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Wimmera Southern Mallee Digital Plan
- Wimmera Southern Mallee Regional Economic Development 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.

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

13.1 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 and the Long-Term Financial Plan.

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 endorse the progress of the Council Plan 2021-2025 Action Report for Quarter 1 (2022-23).

Resolution:

Moved Cr C Heintze Seconded Cr C Lehmann

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.

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
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.

13.2 Advisory Committee of Council Policy

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

The aim of the policy is to provide a framework for the establishment and operation of Advisory Committees of Council.

RECOMMENDATION

That Council adopt the Advisory Committee of Council Policy.

Resolution:

Moved Cr G Massey Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Advisory Committee of Council Policy](#)

DISCUSSION

Council is currently establishing several Advisory Committees of Council to inform strategic planning across our Shire.

The policy aims to formalise the:

- a) Powers and functions of an Advisory Committee.
- b) The Advisory Committee Governance.
- c) Membership.
- d) Appointment of Councillors to Advisory Committees.
- e) Appointment of Community Representatives to Advisory Committees.
- f) Roles and Responsibilities; and
- g) Conduct of Members.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025
- Governance Rules

RELATED COUNCIL DECISIONS

27 July 2022 – Appointment of the Advisory Committee for the Hopetoun Old School Site.

26 October 2022 – Closed Council Report for the appointment of the West Vic Business – Yarriambiack Chapter Advisory Committee of Council.

OPTIONS

Not applicable

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

Council recruits Advisory Committees of Council in accordance with the Community Engagement Policy.

GENDER IMPACT ASSESSMENT

A Gender Impact Assessment is not required for this report. Weight will be given to ensuring diversity of membership and skills on the Advisory Committees.

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	Advisory Committees are established to ensure compliance with the Local Government Act 2020.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Advisory Committees of Council are established to inform the strategic direction of Council to ensure decisions and actions are reflective of the diverse community.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Establishing Advisory Committees of Councils builds positive relationships with members of our 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.

14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities
<ul style="list-style-type: none"> • Human Resources • Customer Service • Executive Assistant to CEO • 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) • Media and Communications • 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

14.1 Finance 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.

RECOMMENDATION

That Council adopt the Quarterly Financial and Non-Financial Performance Report as of 30 September 2022 as attached to this report.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Financial and Non-Financial Performance Reporting Quarter 1](#)

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.

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

OPTIONS

The governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

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. The reduction in the rate cap decreases Councils' ability to raise source revenue.

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

A gender impact assessment is not required for this report.

RISK

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The 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
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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"> Town Maintenance Capital Works & Maintenance Programs- Roads, footpaths, kerb & Channel, Bridges & Culverts Parks & Gardens Gravel Pits Plant & Equipment Transfer Stations 	<ul style="list-style-type: none"> Aerodromes Technical Services Asset Engineer Asset Inspectors GIS Caravan Parks 	<ul style="list-style-type: none"> Planning Building Projects Sustainability & Environment Transfer Station Compliance

15.1 Permits issued by Assets and Operations Department – September 2022

RECOMMENDATION:

That Council:

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

Resolution:

Moved Cr C Heintze Seconded Cr G Massey

That the recommendation be adopted

Carried

Reference No	Description	Address	Date of Issue
Building Permits			
BLD20220274	Garage	Hopetoun	26/09/2022
BLD20220287	Transportable dwelling	Hopetoun	15/09/2022
BLD20220298	Storage shed	Warracknabeal	26/09/2022
BLD20220304	Veranda	Minyip	26/09/2022
BLD20220308	Garage	Rupanyup	19/09/2022
BLD20220310	Garage	Rupanyup	26/09/2022
Planning Permits			
TP40-22	Silo art	Murtoa	28/09/2022
Road Reserve Works Permits and Asset Protection Permits			
2022-24	Demolition of Building	Rupanyup	09/09/2022

15.2 Request to upgrade sections of Yarriambiack Drive and Coffeys Road

Prepared by Pradip Bhujel, Assets Coordinator

Presented by Michael Evans, Director Assets and Operations

SUMMARY

This report seeks approval from the Council to upgrade the section of Yarriambiack Drive and Coffeys Road, Kellalac combining a total length of 3 km. The proposal is to upgrade the current condition of the formed surface, giving the owner access to their primary farm at 73 Coffeys Road, Kellalac.

RECOMMENDATION:

That Council approve the commitment to:

- a) Upgrade the 3km section of Yarriambiack Drive and Coffeys Road, for the estimated value of \$100,000 (one hundred thousand dollars); and
- b) That the works be included as part of the Capital Works Program to be delivered in 2023/24 Financial Year.

Resolution:

Moved Cr A McLean Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

Council received a customer request in relation to the present condition of the road from the Longerenong-Warracknabeal Road, Yarriambiack Drive to 73 Coffeys Road. The total road length is 3km from the intersection of Longerenong-Warracknabeal Road. The customer submitted the request on February 2022 through Customer Request Management (CRM), identifying the poor condition of the surface when it is wet. The road was inspected at that time, and it was identified that the road is categorised as a RA6 in accordance with Council's Road Management Plan and that they would need to write to Council to have the road considered for an upgrade to gravel. The customer submitted a letter to Council in August 2022 requesting the road be upgraded to a gravel surface.

The property located at 73 Coffeys Road is the primary farm location access to the machinery shed, workshop, and silos.

At present condition, the road has deteriorated very badly in a few sections due to poor quality material, table drainage issues, water damage, and lack of road camber. Further, the customer's letter noted that sections of the road floods quite badly when it's wet and access to the property was not possible with primary production equipment. The letter noted that this significantly impacted the customers' ability to conduct their primary production business.

As per the Road Management Plan, a primary farm is entitled to an all-weather access road, hence it is acceptable to upgrade the proposed section of Yarriambiack Drive and Coffeys road.

Construction of a 4m wide gravel surface will require an initial capital investment of approximately \$100,000 (one hundred thousand dollars). If approved the works would need to be programmed in the 2023-24 Capital Works program. This would be due to the level of damaged roads Council needs to attend to from the recent rain, storm and flooding events.

The map below shows the location of the proposed road section of Yarriambiack Drive and Coffeys Road in pink.



Picture 1 Upgrade location of Yarriambiack Drive and Coffeys Road



Picture 2 Road condition of Yarriambiack Drive



Picture 3 Road condition of Yarriambiack Drive

RELEVANT LAW

- Local Government Act 2020
- Road Management Act 2004

COUNCIL PLANS AND POLICIES

From the council plan 2021-25 strategic objectives 1 and 4 apply 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

Objective 4: A Council who serves its community

RELATED COUNCIL DECISIONS

This is the first proposed report for this request.

Robinsons Lane November 2016, Council agreed to reinstate a road to gravel surface due to the property owner, who didn't reside at the property but was planning to build a house there in the future and was adding grain silos as well as increasing infrastructure in the following year to store farming plant and equipment.

Nullan Road and Hemphills Road, February 2022, Council agreed to upgrade the formed road section of Nullan Road and Hemphills Road, combining a total length of 1 km, giving access to the primary property where the owner resides outside the Council.

OPTIONS

Recommended options for consideration:

- a) Commit to an investment of \$100,000 for the upgrade of the section of Yarriambiack Drive and Coffeys Road, 3km total length through the Capital Works Program 2023/24.
- b) Remove gravel resheets from the current Capital Works Program 2022/23 to upgrade the section of Yarriambiack Drive and Coffeys Road.
- c) Reclassify the road category Rural Access, Secondary, RA6 to RA6 (PM) priority maintenance and maintain the condition of the road upon request.

SUSTAINABILITY IMPLICATIONS

Economic: Support economic development via a business farming enterprise.

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

Financial: To be funded through Council's capital expenditure which require an additional budget.

COMMUNITY ENGAGEMENT

Council's Road Management Plan has recently been revised and updated through a Community Consultation process, in accordance with Council's Community Engagement Policy.

GENDER IMPACT ASSESSMENT

A gender impact assessment was 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	Upgrading the roads to all-weather meets the requirements outlined in the recently adopted Road Management Plan.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The project would need to be completed in 23-24 financial year, as Council does not have the resources and funds in the 22-23 financial year to undertake the works. This is due to the impact of the wet weather and current capital works program being delivered.	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.

15.3 Request to upgrade access to 158 Wathe Reserve Road, Lascelles

Prepared by Padip Bhujel, Assets Coordinator

Presented by Michael Evans, Director Assets and Operations

SUMMARY

This report seeks approval from Council to upgrade the section of Wathe Reserve Road, Lascelles, combining a total length of 1.7 km. The proposal is to upgrade the earth surface to a gravel surface, giving the owner access to their primary place of residence at 158 Wathe Reserve Road, Lascelles. This would require reclassifying the road category from Rural Access, Secondary, Earth formation (RA6) to Rural Access, Primary, Gravel surface (RA2).

RECOMMENDATION:

That Council:

- a) That Council approves the upgrade of the relevant segment of Wathe Reserve Road to a gravel surface, to be included in the 2023/24 Capital Works Program; and
- b) Approve the reclassification of the proposed segments of Wathe Reserve Road from RA6 to RA2.

Resolution:

Moved Cr C Lehmann Seconded Cr A McLean

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

Council has received a customer request (Works Request Numbers 2782 and 3821) regarding improving the section of Wathe Reserve Road and Gama South Road to make it all weather access from the Sunraysia Highway to the property address 158 Wathe Reserve Road.

The applicant has confirmed that they have built a new house at this location and are concerned about the condition of the road they are traveling to reach their home. (Council records indicate that a building permit for the construction of a new dwelling was issued by a private building surveyor on 4 April 2022 but Council has not yet received an occupancy permit or certificate of final inspection).

The customer complaint was that when the road gets wet, the applicant cannot get in and out of their property and gets bogged easily. The applicant is also worried that an emergency vehicle would not be able to access their home.

The section of road concerned is shown in red on the following aerial map.



Yarriambiack Community Map

Disclaimer: This content is provided 'as is' without warranty of any kind. 03-Oct-2022
[View map online](#)



The applicant has advised that the dwelling located at 158 Wathe Reserve Road is occupied as a primary place of residence by a family. Under Council's Road Management Plan (RMP), an occupied primary farmhouse is entitled to an all-weather access road, thus this request to upgrade sections of Wathe Reserve Road and Gama South Road satisfies the requirements of the RMP.

The sections of road to be upgraded will change category from Rural Access, 'Secondary', Earth formation (RA6) to Rural Access 'Primary' RA2 – Gravel surface (4m width) (Ref. Road Management Plan – Appendix D: Schedule of Classifications).

Construction of a 4-metre-wide gravel surface will require an initial capital investment of approximately \$41,000. Given the extreme pressure currently on Council's Road Capital budget to repair roads damaged by the wet spring, the upgrade of the sections of Wathe Reserve Road and Gama South Road from the Sunraysia Highway to 158 Wathe Reserve Road will need to be funded in the 2023-2024 Capital Works Program.

RELEVANT LAW

Local Government Act 2020
 Road Management Act 2004

COUNCIL PLANS AND POLICIES

Council Plan, 2021-25 strategic objectives 1 and 4 apply 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 far

Objective 4: A Council who serves its community

- Make sure council is accountable to community requests

RELATED COUNCIL DECISIONS

Robinsons Lane November 2016, Council agreed to reinstate a road to gravel surface due to the property owner, who didn't reside at the property but was planning to build a house there in the future and was adding grain silos as well as increasing infrastructure in the following year to store farming plant and equipment.

Nullan Road and Hemphills Road, February 2022, Council agreed to upgrade the formed road section of Nullan Road and Hemphills Road, combining a total length of 1 km, giving access to the primary property where the owner resides outside the Council.

OPTIONS

Recommended options:

- Commit to an initial investment of \$41,000 for an upgrade of the section of Wathe Reserve Road in the 2023/2024 Capital Works Program and reclassify the road category from RA6 to RA2.
- Refuse the request and maintain the road in its current form.

SUSTAINABILITY IMPLICATIONS

Social: Safety for road users and improved transport route to and from their primary residence.

Financial: To be funded through Council's capital expenditure which require an additional budget.

COMMUNITY ENGAGEMENT

Council's Road Management Plan has recently been revised and updated through a Community Consultation process, in accordance with Council's Community Engagement Policy.

GENDER IMPACT ASSESSMENT

A gender impact assessment was 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	Upgrading the roads to all-weather meets the requirements outlined in the recently adopted Road Management Plan.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The project would need to be completed in 23-24 financial year, as Council does not have the resources and funds in the 22-23 financial year to undertake the works. This is due to the impact of the wet weather and current capital works program being delivered.	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.

15.4 Local Asbestos Reveal Points

Prepared by La Vergne Lehmann, Waste and Sustainability Coordinator

SUMMARY

Council has experienced an increase in illegal dumping of asbestos across the Shire. This report outlines measures to address this matter.

RECOMMENDATION:

That Council implements an asbestos reveal system at the Hopetoun, Murtoa and Warracknabeal transfer stations that:

- a) Accepts asbestos double wrapped in two layers of polythene sheeting at least 0.2 mm thick.
- b) Accepts a maximum of 25 kilograms of asbestos per person per day.
- c) Charges a disposal fee of \$2.20 per kilogram of asbestos or part thereof.

And that Council endorse that the implementation of these three asbestos reveal points should be supported with a comprehensive campaign that highlights the overall risks associated with asbestos removal, the need for safe disposal and the new service being provided by the Council.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

In recent decades asbestos has become a significant risk for Councils in terms of dealing with it as a hazardous waste product. At present there is nowhere in the Yarriambiack Shire where any quantity of asbestos can be disposed of legally. While professional asbestos removers understand the associated risks and where they can legally dispose of asbestos, the same cannot be said of all household renovators – the principal source of illegal asbestos dumping at present. This dumping occurs either in Council operated transfer stations (generally via some form of concealment) or illegal dumping in the environment (such as roadsides and bushland reserves). The lack of asbestos reveal points within the Shire may contribute to the illegal dumping – although this is not an excuse for those actions.

A recent walk around the Yaapeet Transfer Station resulted in the observation of numerous pieces of asbestos fragments that had likely been there for some time and had probably been uncovered as a result of recent wet weather. There was also evidence of more recent asbestos dumping in the hard waste area. There will now be a significant cost to remove the asbestos at this site (see below). As there is no simple process for removal of just the asbestos, all the waste at the transfer station will have to be removed and the surrounding soil on the track will need to be removed to a level of 100mm.

Cleaning up dumped asbestos is becoming a very expensive exercise for Council, as can be seen from the costs associated with the following asbestos clean-ups during 2022:

- Tempy (Outside the transfer station) – April 2022 - \$9,550
- Hopetoun (Dumped in Skip) – August 2022 - \$5,000
- Yaapeet (Dumping at transfer station) – August 2022 - \$11,800
- Yaapeet Transfer Station – September 2022 – preliminary quotation \$48,300

In looking at options for receipt of asbestos in a safe and cost-effective way, the approach taken by a neighbouring Shire, where Council accepts domestic quantities of asbestos appears as a viable option for the Yarriambiack Shire.

The neighbouring shire accepts the asbestos at their transfer stations – it must be double wrapped in two layers of polythene sheeting at least 0.2 mm thick. They charge \$2 per kilogram and will only accept 10m² per drop off.

For the introduction of a service in the Yarriambiack Shire, Wimmera Mallee Waste will provide the asbestos receipt bins and will remove the contents as required. If the asbestos can be delivered to Doon landfill, the costs (ex GST) of emptying the bins at each site are:

1. Hopetoun - \$720
2. Warracknabeal - \$450
3. Murtoa - \$396

Plus the Doon tipping fees of \$330 per tonne

If the asbestos must be transported to the Cleanaway landfill at Stawell then the costs (ex GST) are:

1. Hopetoun \$1,024
2. Warracknabeal \$754
3. Murtoa \$700

Plus the Cleanaway tipping fees of \$227.82 per tonne.

For loads of less than four tonnes, it would be more economical to dispose of the asbestos at Doon but at this stage asbestos is not being accepted at that site and would need to be taken to the Cleanaway operated landfill at Stawell. The increased transport cost to Stawell is partially offset by the cheaper disposal fee per tonne.

Rent for each bin would be \$20 per week. There is also a \$100/load document fee to cover licensing and associated EPA fees and charges.

Initial delivery of the bins to the three sites nominated would be \$1,200 total.

Council will also need to purchase a set of scales for each transfer station, at an estimated cost of \$500 per set of scales.

The neighbouring shire has indicated that their bins are emptied two times per year.

The financial breakeven for the operation of such a service in year one is as follows:

Cost Element	Unit	Cost/Unit	Units/Yr	Annual Cost
Bin Rent	Week	\$20.00	156	\$3,120.00
Hopetoun collection	1/2 Year	\$1,024.00	2	\$2,048.00
Murtoa collection	1/2 Year	\$700.00	2	\$1,400.00
Warracknabeal collection	1/2 Year	\$754.00	2	\$1,508.00
Load fee	Load	\$100.00	6	\$600.00
Bin Delivery	Once	\$1,200.00	1	\$1,200.00
Scales	Once	\$500.00	3	\$1,500.00
Tonnes Disposed		\$227.82	6.4	\$1,458.05
Total Cost Year 1				\$12,834.05
Fees		-\$2.00	6400	-\$12,800.00
Net Cost Year 1				\$34.05

The service provision cost for a variety of annual asbestos volumes in year one is as follows:

Kilograms p.a.	Cost	Income	Net Cost	Cost recovered
1,000	\$11,603.82	-\$2,000.00	\$9,603.82	17%
2,000	\$11,831.64	-\$4,000.00	\$7,831.64	34%
6,400	\$12,834.05	-\$12,800.00	\$34.05	100%
10,000	\$13,654.20	-\$20,000.00	-\$6,345.80	146%

The cost of providing this service in years two and beyond will be slightly cheaper as the bin delivery (\$1,200) and scales purchase (\$1,500) costs are one-off and will not be incurred in years two and beyond.

The objective in setting this receival system up is to minimise the incidences of, and cleanup costs associated with, the illegal dumping of asbestos, by making disposal of domestic quantities of asbestos cost effective for residents. This service will not be available to commercial asbestos removal operators and/or commercial quantities of asbestos.

The current option for residents wishing to legally dispose of asbestos is for them to dispose of their asbestos at the Stawell landfill – delivery to which is undertaken by appointment. This would be cost and logistically prohibitive for many of our Shire residents unless they had significant quantities of asbestos, and they should probably seek a professional to undertake the removal in that instance.

In previous years there were asbestos removal kits made available to residents, but those kits were discontinued some time ago. No reasonably priced kits seem to be available for Councils in Victoria now – although NSW Councils do appear to have access. It may be possible to put a basic asbestos removal kit together, however the provision of such a kit may not be in the interests of the Council as it is not our area of expertise.

The implementation of these three asbestos receival points should be supported with a comprehensive campaign that highlights the overall risks associated with asbestos removal, the need for safe disposal and the new service being provided by the Council. Many of the resources will refer to a comprehensive website - Asbestos in Victoria | asbestos.vic.gov.au

RELEVANT LAW

Environment Protection Act 2017, Sustainability Victoria Act 2005

COUNCIL PLANS AND POLICIES

Council Plan 2021 -2025

- Objective 3: A robust and thriving environment

Yarriambiack Shire Resource Recovery and Waste Management Strategy

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

The current option for residents is to arrange for disposal of asbestos themselves at the Stawell landfill – which is by appointment. This would be cost and logistically prohibitive for many residents unless they had significant quantities of asbestos and they should probably seek a professional to undertake the removal in that instance.

In previous years there were asbestos removal kits made available to residents, but those kits were discontinued some time ago. No reasonably priced kits seem to be available for councils in Victoria now – although NSW councils do appear to have access. It may be possible to put a basic kit together, the provision of such a kit may not be in the interests of council as it is not our expertise.

SUSTAINABILITY IMPLICATIONS

The cost of asbestos clean ups will continue to increase, and as recent dumping episodes have demonstrated, providing a domestic service is ultimately a cheaper option than having to undertake clean ups. It should also be noted that with 10 transfer stations, it is difficult to provide the service to all of them in a cost-effective manner and that focusing the service on the 3 main transfer stations ensures that most residents will have reasonable access.

Changes to the Environment Protection Act has also increased the expectation that councils will take their General Environmental Duty seriously. This means changing the way that transfer stations deal with a variety of waste streams.

COMMUNITY ENGAGEMENT

Community engagement on this proposal has included feedback from transfer station attendants and asbestos removers.

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>
Environmental Sustainability Risk - Residual Risk Level Medium	Providing asbestos receipt points will reduce illegal dumping.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	Minimising illegal asbestos dumping will reduce the significant clean-up costs associated with asbestos removal.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

National Waste Policy, Recycling Victoria, GCWRRG WRRIP

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"> 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 Kindergartens Playgroup Maternal Child Health (including enhanced services) Immunisation Program 	<ul style="list-style-type: none"> Libraries Economic Development Community Development Tourism Housing Youth Stakeholder Engagement

16.1 Permits Issued by Community Development and Wellbeing Department - September 2022

RECOMMENDATION

That Council:

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

Resolution:

Moved Cr T Hamilton Seconded Cr C Lehmann

That the recommendation be adopted

Carried

Reference No	Description	Name / Location	Date of Issue
Local Laws Permits			
09-22	Keeping more than allowed number of animals	Warracknabeal	13/09/2022
15-22	Street Trade Permit	Mixx FM & 3WM – We love W'beal Promotion – Scott Street	30/09/2022
Firewood collection Permits			
	Roadside Collection Permit	Minyip	2/9/2022
	Roadside Collection Permit	Hopetoun	16/9/2022
	Roadside Collection Permit	Warracknabeal	26/9/2022
Septic Tank Permits			

17 COUNCILLOR MATTERS

Cr Andrew McLean

Question: Disposal of grain bags and silage wrap. Are there plans in place for the Shire to deal with the disposal?

Response: Question taken on notice

Cr Tom Hamilton

Well done to CEO, MEMO and staff on flood actions taken. Was a huge effort and reports received are favourable.

Cr Graeme Massey

Endorse Cr T Hamilton's words of thanks for the staff involved in the flood actions.

Cr Chris Lehmann

Question: What is happening with the Swimming Pool footpath with Pool season opening soon?

Response: Footpath works are to start next week.

Question: What is happening with the Aero Club Lease?

Response: Discussions have been had between Aero Club committee and Yarriambiack Shire Council and the Lease is currently with the Aero Club to be finalised.

Cr Corinne Heintze

Congratulations to Shire staff on the prompt response to reports of water over the road and blocked drains and culverts.

Cr Kylie Zanker

Endorse Cr T Hamilton's words of thanks for the staff involved in the flood actions.

18 COUNCIL PRESENTATIONS

Acknowledgement of outstanding service to Council for Peter Mitchell, Grader Operator who is retiring after completing 21 Years of service to Council.

Moved Cr C Heintze Seconded Cr G Massey that Council move into Closed Session at 10:10am

Carried

19 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:

19.1	C314-2023 – Woomelang Bowling Club – Design and Construct Synthetic Playing surface
<p>This Agenda item is confidential information for the purpose of section 3(1) of the <i>Local Government Act 2020</i>:</p> <ol style="list-style-type: none"> 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 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. 	
19.2	West Vic Business – Yarriambiack Chapter Advisory Committee of Council
<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"> 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)); This ground applies because the Agenda Item concerns personal information about the nominated representatives, that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i>. 	
19.3	Justification Non-Compliance to Procurement Policy – Tourism Strategy and Economic Development Strategy
<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"> 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 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. 	
19.4	Review of Local Law Permit Due to Expire
<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"> 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*.

Moved Cr T Hamilton Seconded Cr C Lehmann that Council move back into Open Session at am

Carried

19.1 West Vic Business – Yarriambiack Chapter Advisory Committee of Council

PART 1

That Council:

- a) Appoint the following Community members to the West Vic Business Yarriambiack Chapter Advisory Committee for a term of three years as follows:
Anita Kataja (Turriff), Greg Wallace (Lascelles), Jacqui James (Hopetoun), Johanna Glennen (Warracknabeal), John Hadley (Warracknabeal), Michael Langdon (Hopetoun), Claire Morgan (Rupanyup).
- b) Endorse that Cr Kylie Zanker will be the Councillor appointed member on the Committee.
- c) Endorse the attached Terms of Reference for the West Vic Business Yarriambiack Chapter and endorse that the Chief Executive Officer in conjunction with the appointed Councillor may approve amendments to the Terms of Reference in consultation with the appointed Committee as required.

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 19.2 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 G Massey Seconded Cr T Hamilton

Carried

20 Next Meeting

23 November 2022

CLOSE 10:40am

_____ **Mayor**