



MINUTES

Ordinary Meeting of Council

9:30am Wednesday 24 February 2021

VENUE:

Council Chambers

Yarriambiack Shire Council

34 Lyle Street, Warracknabeal Vic 3393

Next Meeting

Wednesday 24 March 2021

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

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OUR VISION:

In consultation with our community, Yarriambiack Shire Council aims to provide a viable, sustainable, and vibrant future.

OUR VALUES:

Customer Service

- treat our customers with courtesy and respect.
- lead and develop leadership within our community.
- constantly strive to improve our services.
- forge closer relationships with customers.
- investigate matters thoroughly and objectively and keep our customers informed, in plain language, about the process and outcome.
- treat people fairly, with respect and have proper regard for their rights.
- make decisions lawfully, fairly, impartially and in the public interest.
- we are honest, trustworthy, reliable, transparent, and accountable in our dealings.
- we are careful, conscientious, and diligent.
- use public resources economically and efficiently.
- actively pursue positive outcomes for the community

CONTINUOUS IMPROVEMENT:

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

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5 CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Council Meeting of 27 January 2021

Minutes of the ordinary Council Meeting held on Wednesday 27 January 2021 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 January 2021, as circulated be taken as read and confirmed.

Resolution

Moved Cr K Zanker Seconded Cr T Hamilton

That the recommendation be adopted

Carried

[Attachment: Minutes of 27 January 2021](#)

5.2 Minutes of the Closed Council Meeting of 27 January 2021

Minutes of the Closed Council Meeting held on Wednesday 27 January 2021 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 27 January 2021, as circulated, be taken as read and confirmed.

Resolution

Moved Cr C Heintze Seconded Cr K Kirk

That the recommendation be adopted

Carried

[Attachment: Minutes of closed session of 27 January 2021](#)

5.3 Minutes of the Closed Council Meeting of 10 February 2021

Minutes of the Closed Council Meeting held on Wednesday 10 February 2021 be taken as an accurate record and confirmed

[Attachment: Minutes of closed session of 10 February 2021](#)

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 10 February 2021, as circulated, be taken as read and confirmed.

Resolution

Moved Cr K Kirk Seconded Cr K Zanker

That the recommendation be adopted

Carried

5.4 Motion of Ordinary Meeting 25 November 2020

That Council write to the Minister for Roads – Mr Ben Carroll and Chief Executive Officer of Regional Roads Victoria Mr Paul Northery to advise them of the unsatisfactory condition of the State road network across Yarriambiack and the wider Wimmera/Mallee area that requires significant expenditure to maintain a safe and trafficable asset.

The current poor condition of the pavement and edges combined with the narrow seals are creating a significant safety issue and compromising the ability to deliver the rich economic agriculture from the region to market.

We write to advise that we would welcome announcements of significant funds to maintain and upgrade critical C class roads across our Shire and significant funds to maintain and upgrade critical regional road assets such as the Sunraysia Highway and Henty Highway.

That we invite the Minister for Roads and the CEO of Regional Roads Victoria to Yarriambiack Shire to meet with Council and discuss the need for greater investment in the road network and the need for a commitment to recurrent road funding to Yarriambiack Shire Council and other rural Council areas to maintain the extensive road network of which we have responsibility despite minimal revenue streams to invest the required funding.

Recommendation:

That the Motion passed at the Ordinary Meeting of Council held on Wednesday 25 November 2020, as circulated, be taken as read and confirmed.

Resolution

Moved Cr A McLean 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.

7 BUSINESS ARISING

7.1 Business arising from previous Minutes

Cr A McLean

- *Community Consultation Survey.*
Concerns regarding persons receiving invitations to not their towns.
Tammy response - This was due to Australia Post bulk mail out. Boxes sent to Aust Post were marked with specific towns, there was an error in one of the post office delivering flyers marked for another town. Both post office's have been notified of the error

Cr T Hamilton

- *Customer Satisfaction survey.*
Currently not working correctly. Unable to click multiple boxes.
Tammy Response – The issue has been resolved and the survey is now working correctly. New links to the survey have been replaced on website.

Cr C Lehmann

- **Raised against Item 14.1** Cronomby Tank Road was proposed to be sealed in the 19/20 Financial Year but it is not sealed yet. Why?
R Upadhyaya response - The job was an upgrade from gravelled to sealed status. The road was re-sheeted however due to the large volume of works for the sealing contractor as a result of unbudgeted additional federal funding and fast approaching cold weather, sealing was put on hold until the next season. Sealing works was completed on 28 January 2021.
- **Raised against Item 14.5** Have we ever undertaken any testing for Drum's Pit material?
R Upadhyaya response – Yes, over the last two year, we have tested the construction material on an annual basis prior to excavation. Testing post excavation has not been carried out.
- Transfer Station operating hours in Hopetoun was changed from 1:30pm to 5:30pm, to 10am to 2pm without any consultation. Why?
R Upadhyaya response - The Hopetoun Transfer Station operating hours were changed for operational efficiencies across northern landfills. No complaints have been received since the implementation of new times but we encourage feedback on this.
- Volunteer Transport – Any chance of reinstating this service? It's a service that is missed in the Hopetoun district.
Gavin Blinman response - contact has been made with Centre for Participation as the funded provider of this service and a reply has not yet been received. Council is also looking at ways to assist over 65 CHSP eligible clients with social support including travel as a funding route. This issue has been raised throughout community consultation sessions.

Cr C Heintze

- **Raised against 14.5 Can** we please undertake the test on pavement material before putting it down on the road?
R Upadhyaya response - Appropriate tests were undertaken before excavation and crushing of gravel. Further to this, the operations manager is now developing a rigorous material testing regime for post excavation. The material properties of gravel have a huge amount of variability, hence even with the very detailed testing there is still a likely chance that we might encounter a bad batch during construction.

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7.2 Ongoing and Pending Action List

Council meeting	Recommendation Action	Action Taken
25 November 2020	That Council write to the Minister for Roads advising them of the unsatisfactory condition of the State road network across Yarriambiack	Letter sent 11 December 2020 Attachment – Letter sent to Hon Ben Carroll
27 January 2021	Consult with the community for 30 days, commencing from Thursday 27 January 2021 regarding the proposed sale of surplus land and buildings being 51 Gardiner Street, Warracknabeal.	Advertised in various Shire publications until 28 February 2021.

8 PETITIONS

Nil

9 CORRESPONDENCE

9.1 Reply letter Hon Ben Carroll

Letter received 2 February 2021 from The Hon Ben Carroll MP responding to letter sent on 22 December 2020

[Attachment: Hon Ben Carroll reply letter](#)

Cr A McLean responded on the letter received regarding our concerns surrounding our C Class roads. Cr A McLean would like Yarriambiack Shire Council to continue to advocate for C Class roads to be maintained with attention to the edge of the road drop offs and the break away seal. Cr A McLean would like to not just accept the response as the end to it but to see them keep to their promises. Mayor G Massey agreed to follow up on the response given by Hon Ben Carroll.

10 SPECIAL COMMITTEES

10.1 Audit and Risk Committee Meeting

Audit and Risk Committee Meeting held 10 February 2021

Recommendation:

That Council note the Audit and Risk Committee Minutes as Tabled.

Resolution

Moved Cr K Zanker Seconded Cr C Heintze

That the recommendation be adopted

Carried

[Attachment: Draft Minutes Audit and Risk Committee Meeting](#)

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Graeme Massey

- 29/01/2021 Attended Meeting of Wimmera Local Government Mayors in Horsham
- 3/2/2021 Attended Community Engagement Meeting at Tempy
- 8/2/2021 Attended Community Engagement Meeting at Lascelles
- 10/2/2021 Attended Council Forum
Attended Audit and Risk Committee Meeting in Warracknabeal
Attended Community Engagement Meeting in Brim
- 11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor
Information Day in Warracknabeal
- 22/2/2021 Attended Community Engagement Meeting in Patchewollock

11.2 Councillor's Reports

Cr A McLean

- 3/2/2021 Attended Community Engagement Meeting at Speed
- 8/2/2021 Attended Community Engagement Meeting at Lascelles
- 10/2/2021 Attended Council Forum
- 22/2/2021 Attended Community Engagement Session at Woomelang
Attended Community Engagement Session at Patchewollock
- 23/2/2021 Attended Sunraysia Highway Improvement Committee Meeting via ZOOM

Cr T Hamilton

- 8/2/2021 Attended Rupanyup Progress Committee in Rupanyup
- 10/2/2021 Attended Council Forum and Audit Committee Meeting
- 16/2/2021 Attended Murtoa Progress Association Meeting, Online zoom meeting
- 19/2/2021 Attended Rail Freight Meeting, Online meeting zoom

Cr K Zanker

- 3/2/2021 Attended Community Engagement Session at Tempy
- 4/2/2021 Attended Rural Financial Counselling Services Finance Meeting via ZOOM
Attended Rural Financial Counselling Services Finance - Extra Ordinary Meeting via ZOOM
- 8/2/2021 Attended Wimmera Mallee Tourism Meeting
- 10/2/2021 Attended Council Forum
Attended Internal Audit and Risk Committee Meeting
Attended Community Engagement Session at Brim
- 11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor Information Day
Attended and met with the design consultants and architect for the Education Precinct build
- 15/2/2021 Attended Wimmera Mallee Tourism Meeting

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Cr C Lehmann

- 3/02/2021 Attended Community Engagement Meeting in Speed
 Attended Community Engagement Meeting in Tempy
- 4/02/2021 Attended Hopetoun Community Hotel AGM
- 8/2/2021 Attended Community Engagement Meeting at Lascelles
- 10/2/2021 Attended Council Forum
 Attended Hopetoun Table Tennis AGM
- 22/2/2021 Attended Community Engagement Session at Woomelang
 Attended Community Engagement Session at Patchewollock

Cr C Heintze

- 03/02/2021 Attended Minyip Progress Association Meeting in Minyip
- 10/2/2021 Council Forum and Audit and Risk Committee Meeting
- 11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor
 Information Day
- 16/2/2021 Attended GCWWRRG Board Meeting via Zoom
- 18/2/2021 & Attended GCWWRRG Strategic Planning Meetings
 19/2/2021

Cr K Kirk

- 2/2/2021 Attended Wimmera Development Association (WDA) Executive Meeting
- 9/2/2021 Attended Country Women's Association (CWA) Meeting
 Attended Wimmera Development Association (WDA) Board Meeting
- 10/2/2021 Attended Council Forum
- 11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor
 Information Day
- 19/2/2021 Attended MAV Roles and Responsibilities Conference via ZOOM
- 22/2/2021 Attended Community Engagement Session at Patchewollock

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12 Chief Executive Officer Report

Prepared by Jessie Holmes

27/1/2021	Wimmera southern mallee Covid 19 Regional Economic Committee
2/2/2021	Attended Mallee Silo Art Trail Committee Meeting
3/2/2021	Attended Community Engagement Meeting at Speed Attended Community Engagement Meeting at Tempy
4/2/2021	Met with Hopetoun Historical Society
8/2/2021	Attended Rupanyup Progress Meeting via ZOOM
9/2/2021	Attended MAV COVID-19 Update Attended Wimmera Development Association Board Meeting
11/2/2021	Attended Wimmera Southern Mallee Regional Approach Councillor Information Day Attended LGPro Awards
12/2/2021	Attended Draft 30 Year Infrastructure Victoria Session via ZOOM
15/2/2021	Attended Wimmera Southern Mallee COVID-19 Regional Economic Committee
16/2/2021	Attended By 5 Final COAG Meeting
18/2/2021	Attended Wimmera Development Association Regional Housing Taskforce Meeting
22/2/2021	Attended Community Engagement Meeting at Patchewollock
23/02/2021	Attended MAV COVID-19 update Attended Mallee Silo Art Trail Committee Meeting

13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nil

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 Report January 2021

Prepared by Anita McFarlane, Manager Corporate Services (Principal Accounting Officer)

RECOMMENDATION:

That the Finance Report as of January 2021 be received.

Resolution

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

[Attachment: Finance Report](#)

14.2 Revenue Report February 2021

Prepared by Chantelle Pitt, Revenue Coordinator

RECOMMENDATION

That the Revenue Report as of February 2021 be received.

Resolution

Moved Cr K Zanker Seconded Cr K Kirk

That the recommendation be adopted

Carried

[Attachment: Revenue Report February](#)

14.3 Non-Financial Performance Reporting - Prepared by Tammy Smith, Director Business Strategy and Performance

SUMMARY

In November 2019 Yarriambiack Shire Council adopted the Performance Reporting Framework (Framework).

The Framework contains the structure for reporting financial and non-financial performance indicators on a periodic basis to Council, to ensure legislative compliance.

RECOMMENDATION

That Council:

- a) Accept the Non-Financial Performance Reporting Report for quarter two as attached.
- b) Acknowledge that the Financial Performance Reporting will be presented at the March 2021 Council Meeting.

Resolution

Moved Cr K Kirk Seconded Cr T Hamilton

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Non-Financial Performance Reporting – Quarter Two](#)

DISCUSSION

The following reports are required to be presented at the Council meetings:

January Meeting (Report Delayed Until February)	Comment
Finance Report	Separately reported in Monthly Report
Permits issued by Council	Separately reported in Monthly Report
Risk Report	OHS is included in the Non-Financial Performance Report Attachment. Council's strategic risks and risk appetite are currently under review and will be revised and adopted as part of the implementation of the new Council Plan.
Quarterly financial indicators and forecast review	Delayed until March 2021 Meeting.

Non-Financial Performance Reporting	Council specific indicators identified and reported in Non-Financial Performance Report attachment.
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COUNCIL PLANS AND POLICIES

Council Plan 2017-2021

Strategic Objective 1 – Good Governance.

The Performance Reporting Framework has been developed based on best practice guidance and to manage Council's strategic and operational risks.

RELATED COUNCIL DECISIONS

Performance Reporting Report presented at the October 2020 Council Meeting.

OPTIONS

Not Applicable.

SUSTAINABILITY IMPLICATIONS

Sustainability consideration have been considered and there are no reported implications.

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 has a draft Community Engagement Policy that will outline the specific engagement activities that will occur in the near future when reviewing policies, procedures and plans.

RISK

This report addresses the Corporate Risk Register and aligns with the Risk Management Framework 2019.

The non-financial performance indicators are utilised by the Audit and Risk Committee and Council when assessing risks and financial considerations in relation to investment decisions.

The indicators will be an important tool to enhance decision making to comply with the financial management and service performance principles, outlined in the new Local Government Act.

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.

14.4 Councillor Code of Conduct - Prepared by Bernardine Schilling, Manager Organisational Performance

SUMMARY

The new Local Government Act received Royal Assent on 24 March 2020. Section 139 of *the Local Government Act 2020*, Councillor Code of Conduct, replaces Section 76C of *the Local Government Act 1989*.

A Councillor Code of Conduct, under the new 2020 Act must include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification. It may also include any other matters which the Council considers appropriate.

A Council must review and adopt the Councillor Code of Conduct within four months of the general election by a formal resolution. Until a Council adopts a Councillor Code of Conduct (under the 2020 Act), the Councillors must comply with the existing Councillor Code of Conduct.

RECOMMENDATION

That Council:

- a) Adopt the Councillor Code of Conduct as included as an attachment to this report that will supersede the Councillor Code of Conduct that was adopted by Council on 26 June 2019.

Resolution

Moved Cr K Zanker Seconded Cr K Kirk

That the recommendation be adopted

Carried

ATTACHMENTS

[Attachment: Councillor Code of Conduct](#)

[Attachment: Councillor Code of Conduct Confirmation - unsigned](#)

DISCUSSION

In order to comply with the *Local Government Act 2020*, Council has reviewed and developed a Councillor Code of Conduct to assist Councillors;

- In understanding and complying with the standards of conduct that are expected of them; and
- To enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence in a way that enhances public confidence in Local Government.

RELEVANT LAW

Section 139 of the Local Government Act 2020 states that Council must develop a Councillor Code of Conduct within the period of 4 months after a general election, must include provisions addressing any matter prescribed by the regulations for the purpose of this section, including the Standards of Conduct.

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COUNCIL PLANS AND POLICIES

This Code should be read in conjunction with other relevant documents including Council Plan, Governance Rules, Council policies, protocols and Council's local laws, which all form part of Council's Governance Framework.

RELATED COUNCIL DECISIONS

Adoption of the superseded version of the Councillor Code of Conduct on 26 June 2019.

OPTIONS

Council is required to adopt a Councillor Code of Conduct in accordance with the *Local Government Act 2020*. Councillors have the option of including additional matters which they deem to be important and appropriate inclusions.

SUSTAINABILITY IMPLICATIONS

Social: The revision of the Councillor Code of Conduct provides the community with confidence that there is a governance structure that informs standards of conduct and behaviour for Councillors.

FINANCIAL IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

A copy of the Councillor Code of Conduct will be made available on Council's Website.

RISK

Utilising the Corporate Risk Management Framework 2020, the following assessment has been made:

Risk Rating	Consequence	Risk Description	Action
Low	Medium	Corporate Risk No. 9 – Governance – Policy documents substantially overdue for review and update.	The <i>Local Government Act 2020</i> received Royal Assent 24 March 2020. The requirements of the Act to be met by Council and actions executed within timeframes stated to maintain compliance. Councillor Code of Conduct due to be reviewed within 4 months of general election.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Requirements contain in the *Local Government Act 2020 and Local Government Regulations 2020*.

CONFLICT OF INTEREST

The author involved in the preparation of this report has no Conflict of Interest requiring disclosure.

14.5 Information Privacy Policy - Prepared by Bernardine Schilling, Manager Organisational Performance

SUMMARY

Council's Information Privacy Policy was due for review in January 2021. The policy is a requirement to comply with the *Privacy & Data Collection Act 2014*.

RECOMMENDATION

That Council:

- a) Adopt the Information Privacy Policy as included as an attachment to this report that will supersede the Information Privacy Policy that was adopted by Council in 2018.

Resolution

Moved Cr K Kirk Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTCHMENTS

[Attachment: Information Privacy Policy](#)

DISCUSSION

In order to comply with the *Privacy & Data Collection Act 2014*, Council has developed a Policy to establish a regime:

- For the responsible collection, storage, use, handing and disclosure of personal information.

To ensure records are maintained according to the Information Privacy Principles of the *Privacy & Data Collection Act 2014*.

Council is committed to protecting an individual's right to privacy and its compliance with the 10 Information Privacy Principles contained within the Act.

The additions applied to the revised policy include:

- Review date to be completed every 2 years.
- Demonstrated examples within the document.
- Utilising a simpler language for people to understand.
- Privacy Impact Assessment clause.
- Example of Public Registers available (including public information).
- Staff training and awareness.

RELEVANT LAW

As per Section 20 of the Privacy & Data Collection Act 2014, Council must not do an act, or engage in a practice, that contravenes an Information Privacy Principle in respect of personal information collected, held, managed, used, disclosed or transferred by it.

COUNCIL PLANS AND POLICIES

This policy should be read in conjunction with relevant policies including:

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- Yarriambiack Shire Council's Complaints Policy
- Public Interest Disclosure Policy and Guidelines
- CCTV Policy
- CCTV Standard Operating Procedures and Operations and Maintenance Manual
- Occupational Health and Safety Guidelines Manual.

RELATED COUNCIL DECISIONS

The former policy was adopted by a resolution of Council in 2018, minutes reference 11.3.

OPTIONS

It is a best practice governance requirement for Council to have an Information Privacy Policy.

SUSTAINABILITY IMPLICATIONS

Social: The implementation of the Information Privacy Policy will provide community with confidence in the overall handling of personal information.

FINANCIAL IMPLICATIONS

Nil

COMMUNITY CONSIDERATIONS

When revising the Information Privacy Policy, the key findings from the examination of local government privacy policies from May 2019 by the Office of the Victorian Information Commissioner (OVIC) were taken into consideration and addressed throughout the document.

A copy of the Information Policy and Guidelines will be made available to the Community via Council's website.

RISK

Utilising the Corporate Risk Management Framework 2020, the following assessment has been made:

<i>Risk Rating</i>	<i>Consequence</i>	<i>Risk Description</i>	<i>Action</i>
Medium	Significant	Corporate Risk No. 8 – Governance – Policy documents substantially overdue for review and update.	Policy updated utilising the key findings from the examination of local government privacy policies. Policy to be reviewed every 2 years and is updated in the RelianSys System.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Requirements contain in the *Privacy & Data Collection Act 2014*.

CONFLICT OF INTEREST

The author involved in the preparation of this report has no Conflict of Interest requiring disclosure.

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 	<ul style="list-style-type: none"> • Aerodromes • Technical • Services Asset • Engineer Asset • Inspectors • Waste Services • GIS • Caravan Parks 	<ul style="list-style-type: none"> • Planning • Building • Projects • Sustainability

15.1 Capital Works Program 2020/2021 (February)

Prepared by Joel Turner, Manager Operations

RECOMMENDATION:

That the Capital Works Report as of February 2021 be received.

Resolution

Moved Cr K Zanker Seconded Cr K Kirk

That the recommendation be adopted

Carried

[Attachment: Capital Works Program 2020/2021 February](#)

15.2 Permits issued by Assets and Operations Department

RECOMMENDATION:

That Council note the permits issued by Council between 1 January 2021 and 30 January 2021.

Resolution

Moved Cr K Zanker Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Reference No	Applicant	Address	Date of Issue
Building Permits			
BP78-20	Lake Lascelles Committee	Hopetoun	28/1/2021
BP140-20	Jason Keel	Murtoa	29/01/2021
BP148-20	Megan Pryor & Phillip Huebner	Warracknabeal	28/01/2021
Planning Permits			
TP78-20	Robert Bailey	Warracknabeal	18/1/2021
TP59-20	Cassandra Jenkinson	Rupanyup	7/01/2021
Road Reserve Works & Asset Protection Permits			
0			

15.3 External Private Works Policy – by Michael Evans

SUMMARY

As per the November 2019 inspectorate report recommendations, Council has developed a policy in relation “to work carried out outside of normal operational scope”.

The policy provides guidance for situations in which Council may undertake external private work activities along with outlining a systematic and transparent process.

RECOMMENDATION:

That Council adopt the External Private Works Policy as included as an attachment to this report.

Resolution

Moved Cr K Kirk Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Attachment: [External Private Works Policy](#)

DISCUSSION

The Local Government Inspectorate Report, “Protecting integrity Yarriambiack Shire Council Investigation” was released in November 2019. The Local Government Inspectorate findings highlighted a number of deficiencies in governance practices across the Shire. As a recommendation in the Yarriambiack Inspectorate Action Plan, Council has developed an External Private Works policy to be adopted and implemented. Council sought feedback from both the inspectorate office and the internal auditors before the document being presented to Council.

RELEVANT LAW

The Inspectorate report was instigated under the previous Local Government Act 1989

COUNCIL PLANS AND POLICIES

The Yarriambiack Local Government Inspectorate Action Plan was adopted at the 2019 November Ordinary Council Meeting

Inspectorate Report -Yarriambiack Action Plan 4.1 Private Works

Recommendation- Council must draft and implement a policy in relation to any works outside of council’s normal scope of operations.

RELATED COUNCIL DECISIONS

Council and Council’s Audit Committee agreed to the inspectorate’s recommendation of developing and implementing a policy for External Private Works.

OPTIONS

Nil

SUSTAINABILITY IMPLICATIONS

Social- providing the public with a level of assurance that the inspectorate report recommendation was taken seriously and actioned.

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Financial- shows a clear understanding of Councils position on any external private works and associated costs that Council will charge as a result of any permitted works.

COMMUNITY ENGAGEMENT

Not applicable

RISK

Utilising the Risk Management Framework 2019, the following assessment has been made:

<i>Risk Rating</i>	<i>Consequence</i>	<i>Risk Description</i>	<i>Action</i>
Medium	Major	Lack of a Robust policy and processes to prevent Fraud	Develop and implement an adopted External Private Works policy The Policy provides guidance for situations in which Council may undertake external private work activities along with outlining a systematic and transparent process

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 Introduction of Mattress Collection fees and Aerodrome Hire Charge fees into Council's budget under Scheduled fees & Charges - Prepared by Ram Upadhyaya

SUMMARY

This report intends to introduce mattress collection fees and aerodrome hire charging fees into the Council's budget under section 6 "Schedule of fees and Charges" so that the appropriate amount can be charged to the relevant users. Introduction of these charges is likely to reduce costs in relation to transfer Station and aerodrome operations.

RECOMMENDATION:

That the Council adopts following charges in the budget:

- Mattress Collection fee at various Transfer Stations (any size) - \$40 per mattress
- Aerodrome hire charges for a private party (e.g. driver training) - \$200 per day.

Resolution

Moved Cr C Lehmann Seconded Cr C Heintze

That the recommendation be adopted

Carried

ATTACHMENTS

Nil

DISCUSSION

Mattress:

Traditionally, all mattresses dropped off at transfer stations were dumped into the landfill. It was considered a hard waste and hence the charge for disposal of each mattress has been \$12. Mattresses take about 20 years to decompose in the landfill and average replacement time for a mattress is 10 years. Hence, the need for appropriate recycling of mattress was deemed necessary to avoid the unsustainable situation.

Council has recently established a relationship with a small business called "The Mattress Recycler" located in Moolap. This company recycles every component of the mattress. The use of various components are detailed below:

Component	Use
Springs	Recycled to be used in various metal products
Foams and fabric covers	Reused by carpet manufacturers to produce carpet underlay.
Timber	Either converted to mulch or fire kindlings
Coconut Fibre	Converted into mulch
Felt	Used by furniture removalists, powder coater, mechanics and animal shelter (for use as bedding materials).

This recycling effort comes at a cost as the recycling processes are labour intensive. Yarriambiack Shire Council currently pays \$33 per mattress (including delivery) for this recycling. Hence, to cover the cost of collection and storage of those mattresses, the proposed charge is \$40 per mattress (any size). Since September 2020, the Yarriambiack Shire Council has recycled 226 mattresses.

Aerodrome:

Yarriambiack Shire Council operates two aerodromes and one airstrip to support emergency management, Royal Flying Doctor Services, aero clubs, recreational pilots, Wimmera aero club, farming operation and others. Aircrafts used for most of those services are either owned by government bodies or not for profit organisations. Hence, the use of aerodrome has been allowed free of charge.

Occasionally, the request is made by some of the commercial flying schools, drags clubs and driver training companies to hire the aerodrome for their training. As those organisations make some profit by utilizing the Council's facility, it is their responsibility to cover some of the aerodrome operations costs. Therefore, the proposal is to impose the charge of \$200 per day for hire of the aerodrome for all commercial enterprises that generate revenue by using a Council's facility.

RELEVANT LAW

The Local Government Act 1989 and 2020

COUNCIL PLANS AND POLICIES

Council plan strategic objectives 1 and 3 apply to this decision.

Objective 1: Good Governance

Objective 3: Safe and Active Community and Sustainable Environment

RELATED COUNCIL DECISIONS

NA

OPTIONS

- a) Adopt recommendations and build charges in the current budget.
- b) Reject the recommendation and continue with the no current charges for the aerodrome and the current hard waste charge for mattresses.

SUSTAINABILITY IMPLICATIONS

- Economic: None
- Social: None
- Environmental: Increased recycling means reduced environmental implications.
- Climate change: Increased recycling means a reduced impact on climate change.
- Financial: the recommended action will raise some revenue which can be utilised towards Transfer Station and Aerodrome operations.

COMMUNITY ENGAGEMENT

No engagement is undertaken.

RISK

Utilising the Risk Management Framework 2019, the following assessment has been made:

<i>Risk Rating</i>	<i>Consequence</i>	<i>Risk Description</i>	<i>Action</i>
Medium	Moderate	Risk of over expenditure in Transfer Station operation due to a larger volume of mattress disposal	Accept the recommendation to introduce charges.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Environment Protection Act 1986

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 – January 2021

RECOMMENDATION

That Council note the permits issued by Council between 1 January 2021 and 31 January 2021.

Resolution

Moved Cr K Zanker Seconded Cr T Hamilton

That the recommendation be adopted

Carried

Reference No	Applicant	Description	Date of Issue
Local Laws Permits			
02/21	Hearing Australia	Hearing Test Bus	27/01/2021
01/21	Good Friday Appeal	Receiving donations	25/01/2021
Firewood collection Permits			
	D Malcolm	Roadside Firewood Collection	6/1/2021
Septic Tank Permits			

16.2 Permit Application to keep Rooster(s) at 7 Main Street Minyip – Craig Byron

SUMMARY

Mr. Paul Gascoigne has applied for a permit to keep Roosters at 7 Main Street Minyip.

RECOMMENDATION

That Council Reject the Permit application to keep Roosters at 7 Main Street Minyip, due to 2 x Objections from neighbours citing noise complaints from existing Roosters being kept at the property.

Resolution

Moved Cr C Heintze Seconded Cr K Kirk

That the recommendation be adopted

Carried

ATTACHMENTS

[Two x Objections to Permit Issue](#)

DISCUSSION

I met with Paul on Friday 5th of February at his property at 7 Main Street Minyip. Paul explained that he had only just recently bought the property and during the COVID lockdown he had bought some chickens and four Roosters, with the intention of breeding from the chickens (and Roosters), and also for having his own supply of eggs.

The chickens and roosters were housed in timber and netting yards that provided adequate shelter and room. They also appeared to have adequate water and food.

As his property is on the edge of the township of Minyip he thought he would be OK to keep the Roosters. However, I explained to him that his property is still within the Township Zone so therefore he can't keep any Roosters without a permit.

I have received two objections to the permit application both of them stating there is excessive noise coming from the roosters, which start crowing as early as 3am and continue throughout the day.

RELEVANT LAW

Yarriambiack Shire Council – 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

COUNCIL PLANS AND POLICIES

- The recommendation supports Council's strategic objectives of: *Good Governance*: Ensuring policies and good governance are in accordance with legislative requirements and best practice.
- Yarriambiack Planning Scheme:

RELATED COUNCIL DECISIONS

"Not applicable"

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OPTIONS

To allow the permit application to be granted with conditions implemented.

SUSTAINABILITY IMPLICATIONS

Social and Environmental risk in that there could be excessive noise from the roosters crowing.

COMMUNITY ENGAGEMENT

Objection to Permit Application forms were sent to surrounding neighbours of permit applicant and follow up phone calls.

RISK

Utilising the Risk Management Framework 2019, the following assessment has been made:

<i>Risk Rating</i>	<i>Consequence</i>	<i>Risk Description</i>	<i>Action</i>
Low	Medium	Noise from crowing roosters	Roosters aren't permitted to be kept in township zones without a permit

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 A McLean

- In relation to the Patchewollock silos, there are an increased number of rabbits, camping is taking place despite being prohibited and the walking track requires maintenance. What can Council do about these matters?
- **Response from G Blinman:** These have been put through the Customer Request Management System for action.

Cr T Hamilton

Enquired about the status of the Special Project Officer – Dunmunkle Early Years part-time limited tenure position.

T Smith response: The position has closed and is now being assessed.

Cr C Lehmann

- Is Inroads going to take responsibility for that seal on the (need road name).
- **M Evans response** – Council is clarifying the responsibility of parties.

Cr K Kirk

- Meals on Wheels Policy - Do clients of Meals on Wheels receive variety with their meals?
- **G Blinman response** – Ms Lehmann(Positive Ageing Coordinator) has raised the need for variety with our Meals on Wheels contractors to ensure they offer some variations. Our contract does state variation of meals and nutritional value of meals.

Moved Cr T Hamilton Seconded Cr K Zanker that Council move into Closed Session at 11:22am

Carried

Moved Cr K Zanker Seconded Cr K Kirk that Council move back into Open Session at 11:37am

Carried

Moved Cr T Hamilton Seconded Cr K Kirk that Council bring the recommendation from Closed Session into the Open Session

Carried

18 CLOSED SESSION – Reports for Decision

18.1 Tender C280-2020 - Warracknabeal landfill Rehabilitation

Recommendation:

That the Council awards C280-2020 Warracknabeal Landfill Rehabilitation tender to S&R Engineering and Construction of Bendigo for the price of \$149,935.68 (excluding GST).

Resolution

Moved Cr A McLean Seconded Cr K Kirk

That the recommendation be adopted

Carried

19 Next Meeting

Wednesday 24 March 2021

CLOSE

11:32pm

_____ Mayor