



Yarriambiack
SHIRE COUNCIL



Agenda

Ordinary Meeting of Council

25 October 2024

COUNCIL CHAMBERS

34 Lyle Street, Warracknabeal

MEETING OF COUNCIL TO COMMENCE AT 4.30PM

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE RECORDING



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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT

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

LIVE STREAMING

This Council Meeting will not be live-streamed. However, a recording of the meeting will be uploaded to the Yarriambiack Shire Council YouTube channel on the next business day.

1 WELCOME

2 STREAMING PREAMBLE

The Chief Executive Officer reads this section as part of the Meeting Governance process.

This Open Council Meeting will not be livestreamed; however, it will be recorded and published online on the next business day.

I give notice to anyone who is in the gallery, that they may be recorded, and their image may be published online.

The public can view this recording via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the recording, the meeting may continue provided the gallery remains open to the public in accordance with Council's meeting procedures and Governance Rules, clause 2.42.3 (g).

3 ACKNOWLEDGEMENT AND PRAYER

Mayor K Zanker to open the meeting at **4.30pm** by acknowledging the Traditional Owners and offering the opening prayer.

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, past and present'.

3.2 PRAYER

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

4 PRESENT

Mayor	Kylie Zanker	Warracknabeal Ward
Councillor	Andrew McLean	Hopetoun Ward
Councillor	Tom Hamilton	Dunmunkle Ward
Councillor	Graeme Massey	Warracknabeal Ward
Councillor	Chris Lehmann	Hopetoun Ward
Councillor	Corinne Heintze	Dunmunkle Ward
Councillor	Karly Kirk	Warracknabeal Ward

Council Officer	Tammy Smith	Chief Executive Officer
Council Officer	Tony Caccaviello	Chief Operating Officer
Council Officer	Anita McFarlane	Manager Corporate Services (Principal Accounting Officer)
Council Officer	Monique Metlika	Governance Support Officer
Council Officer	Daniel Brandon	Business Systems Coordinator

5 APOLOGIES

Name	Role	Description of Leave / Absence

6 CONFIRMATION OF MINUTES

6.1 MINUTES 25 SEPTEMBER 2024 – ORDINARY MEETING

Minutes of the Ordinary meeting of Council held on 25 September 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 25 September 2024, as circulated be taken as read and confirmed.

7 DECLARATION OF CONFLICT OF INTEREST

Pursuant to Division 2 – Conflict of Interest, of the *Local Government Act 2020* general and material conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting.

A Councillor who has declared a conflict of interest in respect of a matter must:

- a) Disclose the conflict of interest in the manner required by the Yarriambiack Shire Council Governance Rules (Chapter 5- Disclosure of Conflict of Interest at Council Meetings).
- 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.

7.1 CONFLICT OF INTEREST DECLARED

Conflict Declared by	Agenda Item	Reason - Explanation

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

Noted only during Election Period.

As per ongoing and pending actions list, Item 8.2.

8.2 ONGOING AND PENDING ACTIONS

Noted only during Election Period.

Council Meeting	Recommendation Action	Action Taken
26 June 2024 Item 15.3	Reallocation of SHARE Grant 2023-24 funding to the installation of Automated External Defibrillator (AED) machines at Council owned Senior Citizen buildings.	
26 June 2024 Item 15.4	Unallocated funds of SHARE Grant 2023-24 funding be redistributed towards the installation of the fence at Murtoa Silo Art rail corridor to mitigate the risk.	
28 August 2024 Item 15.9	Enter into a lease and/or licence agreement to support the establishment of in-venue care in the childcare section of the building at 87-89 Mandeville Street Hopetoun.	
28 August 2024 Item 15.10	Enter into licence agreement with the CFA.	
28 August 2024 Item 15.13	Resheet a section of Mellis Road, from Stawell Warracknabeal Road to a property 4.3km to the East.	
11 September 2024 Item 8.6	Subdivide Lot 2 at 16 Cromie Street Murtoa into two separate parcels. Gift one parcel to Murtoa Housing Innovation Pty Ltd.	

9 PETITIONS

No petitions received.

10 CORRESPONDENCE

Due to Election Period, this information is for noting only.

Outgoing		
Date	Recipient	Details
09/10/24	Minyip Progress Association	Letter of Support Grant Tiny Towns
25/10/24	Patche Inc	Letter of Support Grant Tiny Towns

Incoming		
Date	Sender	Details

11 SPECIAL COMMITTEES

11.1 AUDIT AND RISK COMMITTEE MEETING SCHEDULE

The proposed scheduled meeting program is as follows for the next 12 months for the Audit and Risk Committee:

Date	Description
23 September 2024	Special Meeting
14 October 2024	Ordinary Meeting
10 February 2025	Ordinary Meeting
14 April 2025	Ordinary Meeting
14 July 2025	Ordinary Meeting

11.2 AUDIT AND RISK COMMITTEE MEETING

The Audit and Risk Committee meeting held on 14 October 2024.

[Attachment: Audit and Risk Committee Draft Minutes 14 October 2024](#)

Recommended Motion:

That the minutes of the Ordinary Audit and Risk Committee Meeting held on 14 October 2024 be taken as read and confirmed.

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT

Due to the 2024 Council Elections, the Council is currently in Caretaker Period. From 12pm on 17 September 2024 until 6pm on 26 October 2024, councils across Victoria must adhere to the *Local Government Act 2020*. This means that the Council is restricted from making certain actions and decisions that could influence voters or significantly impact the incoming Council.

As a result, there will be no Mayor Activity Report during this period.

12.2 COUNCILLOR ACTIVITY REPORTS

Due to the 2024 Council Elections, the Council is currently in Caretaker Period. From 12pm on 17 September 2024 until 6pm on 26 October 2024, councils across Victoria must adhere to the *Local Government Act 2020*. This means that the Council is restricted from making certain actions and decisions that could influence voters or significantly impact the incoming Council.

As a result, there will be no Councillor Activity Report during this period.

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Due to the 2024 Council Elections, the Council is currently in Caretaker Period. From 12pm on 17 September 2024 until 6pm on 26 October 2024, councils across Victoria must adhere to the *Local Government Act 2020*. This means that the Council is restricted from making certain actions and decisions that could influence voters or significantly impact the incoming Council.

As a result, there will be no Chief Executive Officer Activity Report during this period.

13 PUBLIC QUESTIONS

Division 8 – Public Question Time (Yarriambiack Shire Council Governance Rules)

Community Members (excluding Councillors) may submit a question to Council.

Questions must be submitted in writing, stating the name and address of the person submitting the question, on an approved or permitted form by Council.

[Public Questions for Council – Yarriambiack Shire Council.](#)

Questions must be submitted 24 hours prior to a Council Meeting.

The questions will be answered at a Council meeting by the Mayor (Chairperson), or if delegated by the Chairperson, the Chief Executive Officer, a Councillor or a nominated Officer.

If questions are submitted less than 24 hours before the Council meeting, they will be answered at the meeting where possible, and if no answer can be given, then a written answer will be given to the person as soon as possible after the Council meeting.

No person can submit more than two questions at any Council meeting (unless permitted by the Chair – Mayor).

The question will not be allowed if:

- i. relates to a matter outside the duties, functions and powers of Council;
- ii. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- iii. deals with a subject matter already answered;
- iv. is aimed at embarrassing a Councillor or an Officer;
- v. relates to a personnel matter; or
- vi. contains or refers or relates to Confidential Information.

Questions and answers must be as brief as possible, and no discussion is allowed other than for the purpose of clarification.

The Name of Person and Question will be read out by either the Mayor or Chief Executive Officer, and the nominated Councillor / Officer is to respond.

The party submitting the question need not physically attend the Council Meeting, however if they are not physically present at the part of the meeting allocated for public question time, the Mayor (Chairperson) may determine that a verbal answer will not be provided at the meeting and a written answer will instead be communicated after the meeting.

13.1 QUESTIONS SUBMITTED

Name:	Town:
Question:	
Respondent:	
Response:	

14 COUNCILLOR REPORTS

14.1 MAYORS REPORT

Council has entered Election Period from 12 noon, 17 September 2024 until 6pm, 26 October 2024.

The Mayors Report will not be produced during this period.

15 REPORTS FOR DECISION

15.1 ANNUAL REPORT 2023-24

Prepared by: Anita McFarlane, Manager Corporate Services

SUMMARY

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

Considering this year's Council election period, the Chief Executive Officer will present the report.

The Annual Report includes the annual financial and performance statements (the statements) that have been prepared in accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020. The statements are currently under final review with the external auditors before being referred to the Victorian Auditor General's Office (VAGO) for final approval and certification.

Recommended Motion:

That Council:

- a) Adopt the Annual Report 2023/24 subject to the Victorian Auditor General's Office (VAGO) approval and certification; and any requested non-material changes by VAGO and/or the External Auditor; and
 - i. If any changes are requested by either VAGO or the External Auditors that are material, that the Principal Accounting Officer consult with the Audit and Risk Committee Chair in the first instance, and
 - ii. that the revised Annual Report 23/24 be presented to the Audit and Risk Committee, then Councillors for adoption.
- b) Notes the Annual Report 2023/24 has been prepared in accordance with the *Local Government Act 2020*.
- c) Nominate Councillor Kylie Zanker and Councillor Karly Kirk to be authorised to sign the Annual Financial Report (Statements) and Performance Statement in their final form after any changes recommended or agreed to by VAGO and/or the External Auditor have been made; and rescind Councillor Massey as an authorised signatory as included in the Council resolution on 25 September 2024.

ATTACHMENTS

[Attachment: Annual Report 2023-24](#)

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 several key achievements.

The highlights from the 2023-2024 financial year include:

- a) Successful delivery of four of the seven affordable homes with two in Murtoa and two in Woomelang.
- b) Adopted Municipal Early Years Plan and Access and Inclusion Plan.

- c) Master Plans for Minyip and Hopetoun Recreation Reserves, and Warracknabeal Recreation Precinct.
- d) Construction commenced for the new Early Years building at the Murtoa P-12 College site, which will accommodate long day care, kindergarten and maternal child health services.
- e) We received funding for a mobile recycling trailer and truck via the State Governments Circular Economy Council Fund.
- f) We delivered the Stick Shed Visitor Experience Upgrade, revamping the visitor information centre in conjunction with the Committee.
- g) The NBN upgrade in Hopetoun was completed, allowing residents and businesses to enjoy faster and more reliable internet services following the fibre upgrades.
- h) Constructed the wombat crossings in Warracknabeal, with the lighting to be installed in 24/25 financial year.
- i) New boundary signs installed.
- j) Council joined the Visitor Economy Partnership, joining seven other Councils to form Grampians, Wimmera Mallee Tourism.
- k) Hosted 3WM ACE Radio at Lake Lascelles in Hopetoun as part of the Grampians, Wimmera Mallee Tourism initiative.
- l) We undertook 38.5 kms gravel road resheeting, 24.4 kms of shoulder resheeting, 4kms of road rehabilitation works, 670m of concrete and 1,330m of quarry dust footpath construction, 450m of kerb and channel upgrades were completed and 6.2 kms rural and 3.4 kms urban road reseals were completed. We also completed 1,296 kms of road maintenance in the financial year.

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.

VAGO Certification

Council is experiencing delays with the external audit process, and as of 24 October 2024 had not received the final certification from VAGO.

Accordingly, Council is being requested to adopt the report provisional on the final sign off from VAGO to meet the reporting requirement deadline for the Annual Report.

However, it should be noted Council will technically be non-compliant with s100 of the *Local Government Act 2020* which requires that the Annual Report (including audited financial and performance statements) be presented at a Council meeting no later than the day before the election. Council's Annual Report will not include audited financial and performance statements at this time. Whilst there are no penalties for non-compliance or other legal consequences arising from not meeting the deadline, Council is conscious that it does give rise to a reputational risk.

The delay is a result of Council becoming aware of issues relating to the remaining useful lives of certain classes of infrastructure assets that remain unresolved as at the date of the attached financial statements and that will take time to remedy.

Due to limitations within our existing asset management systems, revaluations of particular Roads assets and Bridges assets have not captured data relating to the remaining useful lives of these assets, resulting in a number of these assets being shown as having reached the end of their useful lives and being recorded at nil residual value.

Management has commenced a detailed review of the valuation of infrastructure assets and of the remaining useful life of each asset to ensure that, in the financial statements for the financial year ending 30 June 2025, infrastructure assets are recorded at valuations that reflect their fair value utilising the replacement cost approach and properly recognising their remaining useful lives to the organisation.

The Chief Executive Officer, in consultation with the Audit and Risk Committee Chair has requested that VAGO consider issuing a modified audit opinion, acknowledging the useful life issue and that it will be rectified in the 24/25 financial year as a priority.

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 2023-2024

RELATED COUNCIL DECISIONS

- Council Meeting Minutes - 28 June 2023 – Adoption of Budget 2023-24

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

Not applicable.

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 statements that are audited and are to be certified by VAGO. Council is awaiting the final sign off and certification from the External Auditors and 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 met the requirements of section 98, 99 and 100 of the <i>Local Government Act 2020</i> . However, Council is experiencing delays in final sign off from the External Auditors and VAGO. This poses a reputational risk to Council for being technically non-compliant with s100 of the Local Government Act.	Increases Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council is experiencing delays in final sign off from VAGO of the annual financial and	Increases Residual Risk Level

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
	performance statements. This poses a reputational risk to Council for being technically non-compliant with s100 of the <i>Local Government Act 2020</i> .	
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

Not applicable.

CONFLICTS OF INTEREST

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

16 COUNCIL REPORTS FOR NOTING

No reports for noting.

17 PERMITS ISSUED

List of permits issued in September 2024 is listed below for noting.

Recommended Motion:

That Council:

Note the permits issued by Council between 01 September 2024 and 30 September 2024.

Reference No	Description	Address	Date of Issue
Building Permits			
BLD20240412	Construction of a security fence at the Murtoa Building Works site	Murtoa	04/09/2024
BLD20240413	Installation of a residential swimming pool	Rupanyup	04/09/2024
BLD20240416	Demolish an existing shed and carports	Minyip	25/09/2024
Planning Permits			
PA20240029	Use of land for a dwelling	Hopetoun	03/09/2024
Local Law Permits			
19-24	Camping in a public place	Kellalac (Warracknabeal)	24/09/2024
18-24	Camping in a public place	Patchewollock	24/09/2024
20-24	Conduct an event	Patchewollock	24/09/2024
21-24	Conduct an event (Lights)	Murtoa	26/09/2024
22-24	Conduct an event (Market)	Murtoa	26/09/2024
23-24	Conduct an event (Show & Shine)	Murtoa	26/09/2024
RRWP & APP Permits			
RRWP 2024 - 10	Hutchinson Builders - Construction of new ELC	Murtoa	17/09/2024
APP 2024 - 11	Hutchinson Builders - Construction of new ELC	Murtoa	17/09/2024

18 URGENT BUSINESS

Business cannot be admitted as urgent business, other than by resolution of Council. Council must only admit business as urgent if the business:

- a) Cannot safely or conveniently be deferred until the next Council meeting; or
- b) Involves a matter of urgency, as determined by the CEO.

Councillors may ensure that an issue is listed on an Agenda by submitting a Notice of Motion in accordance with Governance rules, item 2.13.

If the CEO rejects the Notice of Motion, they must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

19 NEXT MEETING

Wednesday 27 November 2024.

20 CLOSED

Council will close the Ordinary Meeting of Council.

Recommended Motion:

That the Ordinary Meeting of Council is now closed at (time).