



AGENDA

Ordinary Meeting of Council

9:30am Wednesday 25 August 2021

VENUE:

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

Next Meeting

Wednesday 22 September 2021

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

AGENDA	Ordinary Meeting of Council
Issue Date: 25 August 2021	

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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1 WELCOME

2 ACKNOWLEDGEMENT AND PRAYER

Cr G Massey 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

4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

Jessie Holmes – Chief Executive Officer

5 CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Council Meeting of 28 July 2021

Minutes of the ordinary Council Meeting held on Wednesday 28 July 2021 be taken as an accurate record and confirmed.

Recommendation:

That the minutes of the Ordinary Meeting of Council held on Wednesday 28 July 2021, as circulated be taken as read and confirmed.

5.2 Minutes of the Closed Council Meeting of 28 July 2021

Minutes of the Closed Council Meeting held on Wednesday 28 July 2021 be taken as an accurate record and confirmed

Recommendation:

That the minutes of the Closed Council Meeting of Council held on Wednesday 28 July 2021, as circulated, be taken as read and confirmed.

6 DECLARATION OF CONFLICT OF INTEREST

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

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

- a) Disclose the conflict of interest in the manner required by the Yarriambiack Shire Council Governance Rules.
- b) Exclude themselves from the decision-making process in relation to that matter, including any discussion or votes on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

General conflict of interest is if a relevant person has an interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty

- a) *Private interests* mean any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- b) *Public duty* means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

Material conflict of interest is if a relevant person has an interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter

- a) The benefit or loss incurred may be directly or indirectly
- OR
- b) In a pecuniary or non-pecuniary form.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

7 BUSINESS ARISING**7.1 Business arising from previous Minutes****7.2 Ongoing and Pending Action List**

Council Meeting	Recommendation Action	Action Taken

8 PETITIONS

Nil

9 CORRESPONDENCE

Nil

10 SPECIAL COMMITTEES

11 ACTIVITY REPORTS

11.1 Mayor's Report

Prepared by Graeme Massey

- 22 July Joined Liveability Forum WDA via ZOOM

- 4 August Chaired Band & Scout Hall Committee Triennial General Meeting in Warracknabeal

- 5 August Chaired Showgrounds Reserve Committee Triennial General Meeting in Warracknabeal

- 11 August Attended Council Forum

- 13 August Joined Fire Services Victoria Meeting with the Deputy Commissioners via ZOOM

- 17 August Attended Warracknabeal Action Group (WAG) Meeting in Warracknabeal

- 24 August Attended Rural Northwest Health Meeting in Warracknabeal

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

- 9 August Attended DELWP Grampians Local Government Listening Tour
- 11 August Attended Council Forum
- 18 August Attended Community Consultation at Speed
Attended Community Consultation at Woomelang
- 20 August Attended Community Consultation at Lascelles
Attended Community Consultation at Hopetoun
Attended Community Consultation at Yaapeet

Cr T Hamilton

- 2 August Attended Murtoa Big Weekend Meeting
- 11 August Attended Council Forum
- 13 August Attended Murtoa Stick Shed Meeting
- 17 August Attended Puritan Progress Meeting

Cr K Zanker

- 8 August Attended Rural Financial Counselling Meeting
- 17 August Attended Wimmera Mallee Tourism Meeting
Attended Yarriambiack Chaplaincy Meeting
- 20 August Attended Western Highway Action Committee Meeting

Cr C Lehmann

Cr C Heintze

- 4 August Attended MAV Emotional Intelligence workshop via ZOOM
- 9 August Attended DELWP Listening Tour via ZOOM
- 13 August Attended Grampians Central West Waste and Resource Recovery Group board meeting via ZOOM
- 23 August Attended Regional Recreational Water Users Group Meeting via ZOOM

Cr K Kirk

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

- 9 August Attended DELWP Listening Tour via ZOOM
- 13 August Joined Fire Services Victoria Meeting with the Deputy Commissioners via ZOOM
- 16 August Attended Meeting with Lake Marma Committee and Murtoa Pool Committee regarding Pool Carpark upgrade

Jessie Holmes Attended:

- 12 August Wimmera Southern Mallee Regional Partnerships Meeting via Teams

12 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER

13 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

13.1 Draft Council Plan

Prepared by Tammy Smith, Director Business Strategy and Performance

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. This document presents both together under the four Strategic Objective areas of; Our vibrant and diverse economy, A healthy and inclusive community, a robust and thriving environment and a Council who serves its community. This draft document also incorporates the Municipal Health and Wellbeing Plan for the second time and the Long-Term Financial Plan.

RECOMMENDATION

That Council:

Adopt the Draft Long-Term Community Vision, Council Plan 2021-2025 and Long-Term Financial Plan that was out to public exhibition and consultation from Thursday 24 June 2021 to Friday 20 August 2021 as per Council's Community Engagement Policy.

ATTACHMENTS

[Attachment: Draft Yarriambiack Council Plan 2021 - 2025](#)

DISCUSSION

The Draft Council Plan 2021-25 incorporating the Community Vision, Public Health and Wellbeing Plan, Long Term Financial Plan and Community Engagement Policy comes to Council for endorsement after undertaking a community consultation process, in accordance with Council's Community Engagement Policy.

The Draft Council Plan and accompanying documents presents four overarching strategic objectives to guide Council's direction over the next four years.

The Draft Council Plan and accompanying documents have been prepared following extensive community consultation throughout February, March and April and reflect the themes that were apparent across the Council.

The Municipal Health and Wellbeing Plan has been incorporated into the Council Plan for the second time and through the DFFS and Wimmera Primary Care Partnership Liveability Forums, agreed Wimmera themes have been incorporated including reducing incidents of Gendered Violence, reducing tobacco and alcohol consumption and providing a healthy climate.

Critical partnerships with service providers and key stakeholders sit behind these reports which have given a great foundation for Council to continue to work towards prevention, early intervention and population health outcomes.

Our newly adopted Community Engagement Policy has shaped the way we have put this document together.

The Community Vision and the long-term financial plan embedded with the Strategic Resource Plan demonstrates how Council will achieve the strategic objectives of the Council Plan through finance and staffing resources.

The four overarching strategic objectives are:

- Our vibrant and diverse economy
- A health and inclusive community
- A robust and thriving environment
- A Council who serves its community

These four objectives are reflective of what our community said was important and responds to our key challenges through longer term priorities and an annual work plan of actions to report against. Key measures from audited sources will be used to monitor progress against what success looks like.

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 22 June 2021, Council adopted the recommendation "That Council adopt the Draft Long-Term Community Vision, Council Plan 2021-2025 and long-term Financial Plan to go on exhibition to the public for consideration as per our adopted Community Engagement Policy".

OPTIONS

1. Council could adopt the Council Plan in final, if satisfied the deliberative engagement principles of the Community Engagement Policy had been met.
2. Council could opt to not endorse the Draft Council Plan and request that further deliberative engagement occur. In accordance with the *Local Government Act 2020* requirements, Council has until 31 October 2021 to adopt the Council Plan.

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 Draft 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

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.

The draft Council Plan 2021-2024 was placed on public exhibition from 24 June to 20 August 2021.

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 sessions were scheduled as follows:

- Tuesday 6 July at Murtoa Post Office 3:30pm-4:30pm
- Wednesday 7 July at Rupanyup Post Office 9:30am-10:30am
- Thursday 8 July at Minyip Post Office 3:30pm-4:30pm
- Friday 9 July at Warracknabeal IGA 9:30am-10:30am
- Monday 12 July at Brim McPhersons footpath 3:30pm-4:30pm
- Wednesday 14 July at Beulah Business 3:30pm-4:30pm
- Wednesday 18 August at Speed Post Office 10.00am – 10.30am
- Wednesday 18 August at Woomelang General Store 11.00am – 11.30am
- Friday 20 August at Lascelles Hotel 10.00am – 10.30am
- Friday 20 August at Gateway BEET Hopetoun 12.00noon – 1.00pm
- Friday 20 August at Byrne Street Yaapeet (in front of Garage) 2.00pm – 3.00pm

At the time of writing the report, no public submissions were received on the draft Council Plan.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation a) Introduce a new policy, program and/or service; or b) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – NA

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 reported against on a biannual basis 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 Draft 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

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 Risk Management Manual

Prepared by Tammy Smith, Director Business Strategy and Performance

SUMMARY

The *Local Government Act 2020* requires Council to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

To ensure good governance is achieved, Council operates within a risk management framework that aims to achieve the best outcomes for the community including future generations.

RECOMMENDATION

That Council:

- a) Adopt the Risk Management Manual as attached; and
- b) Endorse that the Risk Management Manual replaces the Risk Management Strategy, Policy and Framework previously adopted.

ATTACHMENTS

[Attachment: Risk Management Manual](#)

DISCUSSION

Council had recently undertaken a holistic review of its risk management practices, adopting a new approach to managing risk across the organisation.

Council has implemented RelianSys Software for the capture and reporting on Council's identified Strategic and Operational Risks.

The attached Risk Management Manual incorporates Council's previous Strategy, Policy and Framework and creates an overarching document for the management of risk within Council.

In May 2021 Council adopted ten strategic risks that must be considered when developing Council reports, service plans, business cases, approving events, strategic planning, occupational health and safety incidents, hazards and near misses and emergency management practices.

Council is also developing a register of operational risks that are to be considered when assessing specific tasks that relate to identified function areas of Council.

As part of Council's Performance Reporting Framework requirements, Council Officers are required to report quarterly to Council on the status of Council's Strategic Risks, including control measures implemented and the residual risk status.

RELEVANT LAW

Schedule 1 of the Local Government (Planning and Reporting) Regulations 2020 identifies that Council should have an adopted Risk Policy and management is required to present risk reports to Council. The report of strategic risks to Council's operations, their likelihood and consequence of occurring, along with risk minimisation strategies are to be presented at minimum on a six-monthly basis.

COUNCIL PLANS AND POLICIES

Council Plan 2017-2021

Strategic Objective 1 – Good Governance.

This document has been developed based on best practice guidance and to manage Council's strategic and operational risks.

RELATED COUNCIL DECISIONS

26 May 2021 – Strategic Risk Register.

OPTIONS

- a) Council may accept this recommendation.
- b) Council may wish to reject this recommendation and request for the documents to be separate, creating three separate documents.

SUSTAINABILITY IMPLICATIONS

Council must give effect to the overarching governance principles in section 9 of the *Local Government Act 2020*, when considering sustainability implications.

The establishment and monitoring of strategic and operational risks provides a governance framework to consider economic, social and environmental sustainability risks of the municipal district.

COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop the Manual.

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 development of a Risk Management Manual is utilised as a tool for decision making to achieve good governance.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation c) Introduce a new policy, program and/or service; or d) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	Not applicable

RISK

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

Strategic Description Residual Risk Level	Risk and	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low		The review and adoption of the manual creates an overarching process for assessing and recording risks and embedding risk identification as part of its decision-making process.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low		A robust risk management identification process decreases Council's risk of reputational damage, with the view to mitigating and implementing control measures to reduce the potential impact.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium		Risk management identification and control measure implementation, reduces the potential costs associated with the risk being realised.	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.

13.3 Procurement Policy

Prepared by Tammy Smith, Director Business Strategy and Performance

SUMMARY

In accordance with the *Local Government Act 2020*, Council is required to prepare and adopt a Procurement Policy, which specifies the principles, processes and procedures applying in respect of the purchase of goods, services and works.

Council must adopt the first procurement policy under section 108 of the *Local Government Act 2020*, by 31 December 2021 and the policy must be reviewed at least once during a four-year term of Council.

RECOMMENDATION

That Council:

Adopt version six of the Procurement Policy as attached, to comply with section 108 of the *Local Government Act 2020*.

ATTACHMENTS

[Attachment: Version Six – Procurement Policy](#)

DISCUSSION

Council's procurement policy has been revised and reviewed to assure compliance with the requirements of Section 108 of the *Local Government Act 2020*, that came into effect on 01 July 2021. Council has six months from the commencement of this section to adopt a complying policy.

Version six of the procurement policy includes the following sections to fulfil the requirements of the Act as follows:

Section 108 Local Government Act 2020 Requirements	Version 6 – Procurement Policy Reference
The contract value above which the Council must invite a tenderer or seek and expression of interest.	Section 7 – Procurement Thresholds and Competition Requirements.
A description of the criteria to be used by Council to evaluate whether a proposed contract provides value for money.	Section 12 – Demonstrate Sustained Value and Integration with Council Strategy. Supporting Document: Procurement Management Manual (separate document detailing the procurement procedure adopted by the Chief Executive Officer).
A description of how the Council will seek collaboration with other Councils and	Section 7.5 Ministerial Approved Arrangements and Agency Agents.

Section 108 Local Government Act 2020 Requirements	Version 6 – Procurement Policy Reference
public bodies in the procurement of goods and services.	Section 12 – 12.3 Collaboration.
The conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest.	Section 7.6 Exemption from RFx process. RFx refers to Request for Tender, Request for Quote, Expression of Interest and Invitation to Supply.
A description of the process to be undertaken in inviting a public tender or expression of interest.	Section 8 – determining the Procurement Process. Supporting Document: Procurement Management Manual.
Any other matters prescribed by the regulations.	No further requirements listed as at time of writing report.

Version six of the Procurement Policy has been updated to include the requirement to receive a written quote for purchases between \$101 to \$5000 dollars. The written quote is to be attached to the purchase order requisition.

The Council also has enacted a Procurement Management Manual, which supports and details the overarching procurement process. This document was adopted on 27 May 2020 by the Chief Executive Officer and has since been revised on 05 August 2020 and 16 February 2021. The document is currently under review to ensure compliance with the revised Procurement Policy.

RELEVANT LAW

Council is required to have a Procurement Policy under Section 108 of the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

Council Plan 2017-2021

Strategic Objective 1 – Good Governance.

This policy has been developed based on best practice guidance and to manage Council's strategic and operational risks.

RELATED COUNCIL DECISIONS

Version Five Procurement Policy adopted on 26 August 2020 by Council.

OPTIONS

Option 1: Accept the procurement policy as presented.

Option 2: Request changes be made to the procurement policy as Council has until the 31 December 2021 to adopt the revised policy, to comply with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Sustainability consideration have been considered such as:

- a) Economic viability of businesses within the municipality and the importance of supporting local supply (where possible) to encourage growth and prosperity within the Shire.
- b) Maintaining population. Supporting local supply assists with the maintenance and creation of jobs and promotes regional prosperity.

COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop this policy.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation e) Introduce a new policy, program and/or service; or f) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	Not applicable

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 review and adoption of the policy ensures Council's compliance with the requirements of the <i>Local Government Act 2020</i> . The Policy also provides an overarching framework in which Council must undertake to procure goods, services and works.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	A robust procurement policy and supporting procedure and processes ensures a transparent, accountable, and ethical system that provides value for money to our community.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Robust procurement processes ensure value for money is achieved, therefore	Maintains Residual Risk Level

<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>
	mitigating risks of financial losses and/or excess charges.	

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.

13.4 Rescind Council Polices

Prepared by Tammy Smith, Director Business Strategy and Performance

SUMMARY

Council Officers have completed a review of the overdue soon and outstanding policies due for review and adoption by Council.

RECOMMENDATION

That Council:

- a) Acknowledge the sunseting of the COVID-19 Financial Hardship Policy that expired on 30 June 2021.
- b) Rescind the Construction of Footpath on Request from Property Owner Policy that was adopted on 12 April 2005.
- c) Rescind the Tree Lopping on Road Reserves Policy that was adopted to support the Council's Corporate Plan from 1996 – 1999.
- d) Rescind the Waste and Litter Education Policy.

ATTACHMENTS

Nil

DISCUSSION

Council Officers have assessed the policies that are currently due for review.

The COVID-19 Financial Hardship Policy was adopted on 27 May 2020 in response to the pandemic. A motion was moved and accepted on the 28 April 2021 to extend the policy until the 30 June 2021. This policy has now expired and is sunset.

The Construction of Footpath on Request from Property Owner Policy was due for review on 12 April 2008. Council has since adopted an External Private Works Policy on 24 February 2021 and has a Budget Framework and Guidelines Manual that is adhered to when assessing budget inclusions. Council is also investigating including provisions in relation to footpath requests in the Road Management Plan review.

The Tree Lopping on Road Reserve Policy does not align with the Road Management legislation as it currently allows for farmers to make an application to Council to lop trees on Council managed roadsides. This action would also not be covered by our insurance.

The Waste and Litter Education Policy is not required as this work is done via the waste and resource recovery group and the policy is no longer relevant to existing best practice for waste education. In addition, waste education will form part of the Yarriambiack Shire Council Waste Strategy that is to be developed in the next 12 months.

RELEVANT LAW

Local Government Act 2020

Road Management Act 2004

COUNCIL PLANS AND POLICIES

Council Plan 2017-2021

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Strategic Objective 1 – Good Governance.

A review of policies and procedures to ensure they align with current practices and legislative requirements is an internal control measure to assist with providing Good Governance.

RELATED COUNCIL DECISIONS

Nil

OPTIONS

- a) Council may accept this recommendation.
- b) Council may wish to reject this recommendation and/or seek further clarification.

SUSTAINABILITY IMPLICATIONS

Council must give effect to the overarching governance principles in section 9 of the *Local Government Act 2020*, when considering sustainability implications.

Environmental / Financial: The Tree Lopping on Road Reserves Policy is in contravention of the Road Management Act and could have both financial and environmental implications.

COMMUNITY ENGAGEMENT

Community Engagement is not required in relation to the rescinding of the above-mentioned policies.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)	Status
Does this Council report recommendation g) Introduce a new policy, program and/or service; or h) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	Not applicable

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	Reviewing and rescinding policies ensures policies are reflective of current legislative and best practice guidance.	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 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

14.1 Permits issued by Assets and Operations Department – July 2021

RECOMMENDATION:

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

Reference No	Description	Address	Date of Issue
Building Permits			
BP53-21	Garage	Murtoa	6/7/2021
BP44-21	Garage	Warracknabeal	9/7/2021
BP46-21	Verandah	Rupanyup	8/7/2021
BP 73-21	Demolition of Club Rooms	Rupanyup	27/7/2021
Planning Permits			
TP25-21	Construction of Dwelling	Beulah	1/7/2021
TP18-21	Construction of Units	Murtoa	30/7/2021
Road Reserve Works & Asset Protection Permits			

14.2 Close and discontinue Boroopka Lane and discontinue Meral Street in Lascelles

Prepared by Ram Upadhyaya, Manager Assets

SUMMARY

This report seeks to gain approval from Council to close and discontinue Boroopka Lane and discontinue Meral Street reserve in the township of Lascelles. The Council provided the "in-principle" approval to start the formal process for closure and discontinuance of those two roads on 27 January 2021. As a result, the comment from the community on this matter was sought in April via local newspapers and no formal objections were received to the proposal at the close of the advertising period on 25 June 2021.

RECOMMENDATION

That Council:

Endorse the recommendation to close and discontinue Boroopka Lane and discontinue Meral Street.

ATTACHMENTS

Nil

DISCUSSION

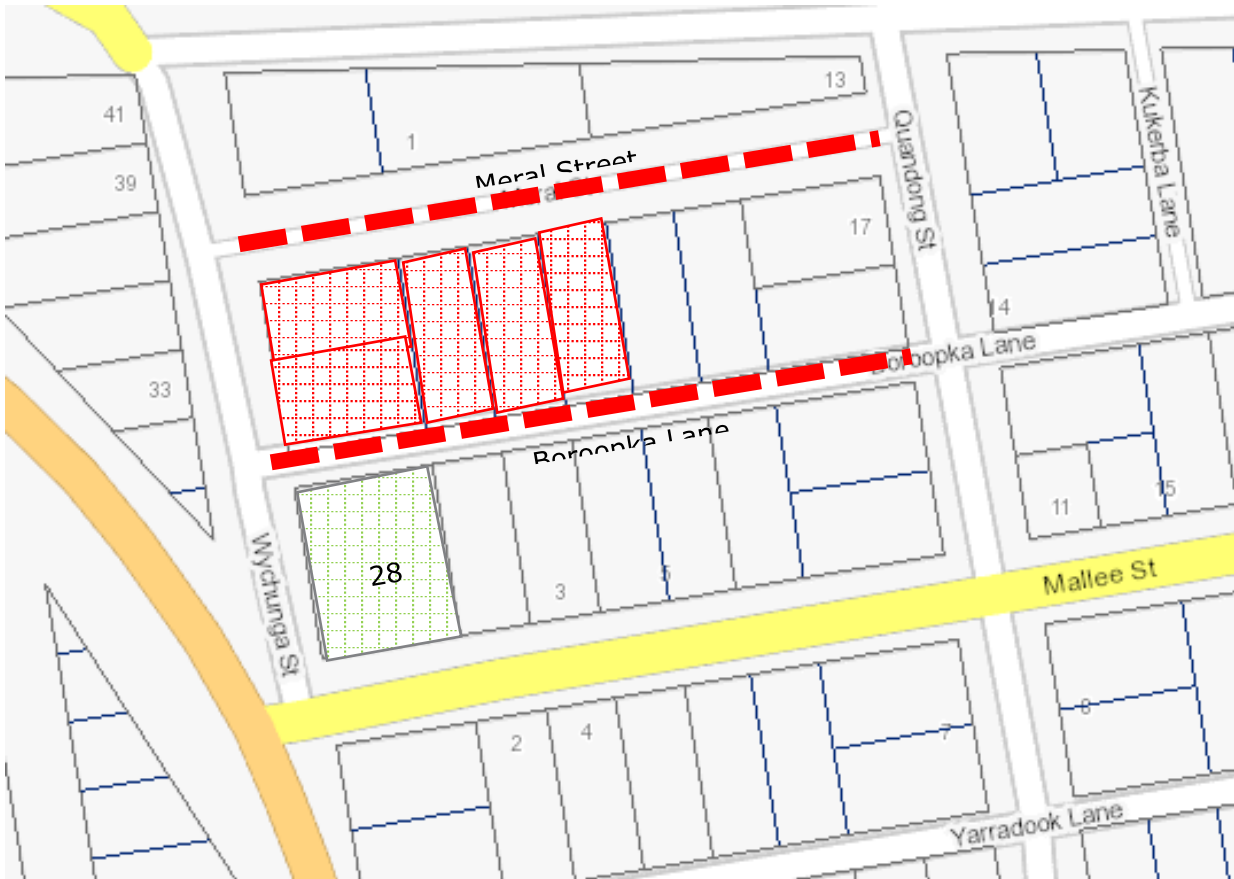
Following the request from the WTU Pty Ltd of Lascelles to close and discontinue Boroopka Lane and Meral Street with the intention to lease this piece of land for expansion of their business, the Council provided the "in-principle" approval to formally start the process of the road closure.

As a part of the process, the Council officers sought feedback on the proposal by advertising it in the local newspapers. At the closure of the advertising period on 25 June 2021, no formal objection to the proposal was received. This justifies that the adjoining landholders have no issues with the proposed development.

Meral Street is an unused road reserve and does not exist in Council's Road Register. The proposed section of Boroopka Lane currently exists in Councils Road Register but only as an unused road reserve denoted by "Null Pavement" in the Road hierarchy.

As a coordinating road authority, Yarriambiack Shire Council has the authority to close and or discontinue, a section of road or a road in a road reserve under the *Lands Act 1958*, the *Local Government Act 1989* and Section 12 of *Road Management Act 2004*.

After approval from Council, the officer will then commence the gazettal process to formally close and discontinue the stated roads. The road reserve will then be passed back to DELWP in which the land can then be leased or bought by the business.



Proposed Road Closures



Land currently owned by the requestor



Imminent purchase of land by the requestor

RELEVANT LAW

- *Land Act of 1958*
- *Local Government Act*
- *Road Management Act*

COUNCIL PLANS AND POLICIES

From the council plan strategic objectives 1 and 4 apply to this decision.

Objective 1: Good Governance

Objective 4.1: Economic Growth within the municipality

RELATED COUNCIL DECISIONS

Boropka Lane and Meral Street Closure in Lascelles – 27 January 2021

OPTIONS

Option 1: Accept officer's recommendation

Option 2: Deny the request

AGENDA	Ordinary Meeting of Council
Issue Date: 25 August 2021	

SUSTAINABILITY IMPLICATIONS

- Economic: Supports the economic development of the town.
- Social: The expanded business might lead to an increase in local employment.

COMMUNITY ENGAGEMENT

The request to provide feedback on proposed closure and discontinuance on Boroopka Lane and Meral Street was advertised on local papers for four weeks and closed on 25 June 2021. No formal objection/submission was received.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation i) Introduce a new policy, program and/or service; or j) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?		YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	Not applicable	

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
Reputational Risk - Residual Risk Level Low	Risk of community accusing Council of not supporting business opportunity in the region. This approval will reduce the risk and promote economic development.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

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

15 REPORTS FOR DECISION – DIRECTORATE 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

15.1 Permits Issued by Community Development and Wellbeing Department July 2021

RECOMMENDATION

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

Reference No	Name / Location	Description	Date of Issue
Local Laws Permits			
11/21	Warracknabeal	Outdoor Dining, Movable Advertising Signage	6/7/2021
Firewood collection Permits			
	Brim	Firewood Collection Permit	2/7/2021
	Brim	Firewood Collection Permit	5/7/2021
	Warracknabeal	Firewood Collection Permit	8/7/2021
	Brim	Firewood Collection Permit	9/7/2021
	Minyip	Firewood Collection Permit	9/7/2021
	Hopetoun	Firewood Collection Permit	9/7/2021
	Lascelles	Firewood Collection Permit	15/7/2021

15.2 Draft Domestic Animal Management Plan 2021-2024

Prepared by Craig Byron, Ranger / Local Laws Officer

SUMMARY

A four-year Domestic Animal Management (DAMP) Plan is a statutory requirement for every Victorian municipality under the *Domestic Animal Act 1994*. It is intended to provide Yarriambiack Shire Council (Council) with a management plan for all dogs, cats and domestic animal businesses within the municipality. Council's existing Domestic Animal Management Plan was adopted by Council in November 2017 and expired on the 30 June 2021. This plan is expected to operate from 1 July 2021 through to 30 June 2024. The DAM Plan is due to be presented to the Secretary (of the Department of Economic Development, Jobs, Transport and Resources) by 4 December 2021.

RECOMMENDATION

That Council:

Endorse the Draft Domestic Animal Management Plan 2021-2024 after it has been made available for public viewing for a period of 30 days.

ATTACHMENTS

[Attachment: *Draft Domestic Animal Management Plan 2021-2024*](#)

DISCUSSION

The Domestic Animal Management plan addresses responsible pet ownership and animal welfare by focussing on registration, identification, dog attacks, nuisance behaviour, dangerous/ menacing/restricted breed dogs, and animal businesses. It also deals with Council's domestic animal control services, authorised officer training, emergency management and matters relating to the enforcement, compliance and evaluation of the Council's control measures.

RELEVANT LAW

Under Section 68A of the *Domestic Animals Act 1994*, every Council must prepare a domestic animal management plan, as follows:

68A Councils to prepare domestic animal management plans

- (1) *Every Council must, in consultation with the Secretary, prepare at 4-year intervals a domestic animal management plan.*
- (2) *A domestic animal management plan prepared by a Council must—*
 - (a) *set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and*
 - (b) *outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and*
 - (c) *outline programs, services and strategies which the Council intends to pursue in its municipal district—*
 - i) *to promote and encourage the responsible ownership of dogs and cats; and*

- (ii) *to ensure that people comply with this Act, the regulations and any related legislation; and*
 - (iii) *to minimise the risk of attacks by dogs on people and animals; and*
 - (iv) *to address any over-population and high euthanasia rates for dogs and cats; and*
 - (v) *to encourage the registration and identification of dogs and cats; and*
 - (vi) *to minimise the potential for dogs and cats to create a nuisance; and*
 - (vii) *to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and*
- (d) *provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and*
- (e) *provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and*
- (f) *provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.*
- (3) *Every Council must—*
- (a) *review its domestic animal management plan annually and, if appropriate, amend the plan; and*
 - (b) *provide the Secretary with a copy of the plan and any amendments to the plan; and*
 - (c) *publish an evaluation of its implementation of the plan in its annual report.*

COUNCIL PLANS AND POLICIES

Dangerous Dog and Restricted Breed Policy.

The Domestic Animal Management Plan 2021-24 covers what programs, services and strategies that Yarriambiack Shire Council uses to identify all dangerous dogs, menacing dogs and restricted breed dogs in the municipal district, and to ensure that those dogs are kept in compliance with *Domestic Animals Act 1994*.

RELATED COUNCIL DECISIONS

Endorsement of Domestic Animal Management Plan 2017-2021

OPTIONS

To make the draft Domestic Animal Management Plan 2021-24 available for public viewing for a period of 30 days, and to be reviewed if any submissions are received from the public.

SUSTAINABILITY IMPLICATIONS

The previous Domestic Animal Management Plan correctly focused on Council's limited resources on the key issues confronting the Shire; an area that covers 7158 Sq Km, which is currently serviced by 1.5 staff. These included unregistered dogs and cats, dogs at large and dog attacks on people and livestock and cats – both wild and nuisance. These key issues have not altered and remain a priority for Council.

COMMUNITY ENGAGEMENT

Draft Domestic Animal Management Plan to be made available on Council website and at Council reception, for public viewing for a period of 30 days.

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation k) Introduce a new policy, program and/or service; or l) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?		YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Not Applicable	

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	By having a Domestic Animal Management Plan that sets out plans, strategies and goals to meet the requirements of the Domestic Animals Act 1994. Adopting the plan within the required timeframes reduces our risk of being non-compliant with the act.	Reduces 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 Lease of 18 Cromie Street Rupanyup

Prepared by Gavin Blinman Director Community Services and Wellbeing.

SUMMARY

For a number of years Emmett Motors has leased the property owned by Council at 18 Cromie Street Rupanyup. The lease has expired and is due for renewal.

RECOMMENDATION

That Council:

Lease 18 Cromie Street Rupanyup to Emmett Motors for one (1) month with an option to extend for a month at \$184 per month being rate set on previous lease.

ATTACHMENTS

[Attachment: Emmetts lease](#)

DISCUSSION

Emmetts have leased Council property at 18 Cromie Street, Rupanyup for many years and the current lease now needs updating, however, in discussions with Peter Emmett they have now purchased land to move their equipment and require a short-term lease extension while they shift stock. Once the land is vacant Council can advertise land for lease or make the decision to sell the block.

RELEVANT LAW

Local Government Act 2020 Part 5 , Division 4 , Section 115

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council Leasing and Licence policy 2019.

RELATED COUNCIL DECISIONS

Council meeting date 28 July 2021 Lease Lascelles Street Hopetoun Gateway BEET.

OPTIONS

Option 1: Council could refuse to enter into a short-term arrangement with Emmett Motors.

SUSTAINABILITY IMPLICATIONS

Economic / Social: Provides a positive outcome for a local based business with an overall benefit to the community of stimulating the economy.

Environmental: The block is maintained by private business at no costs to Council.

Financial: Minor income derived from lease.

COMMUNITY ENGAGEMENT

Business engaged only as short-term nature of lease .

GENDER IMPACT ASSESSMENT

Gender Impact Assessment (GIA)		Status
Does this Council report recommendation m) Introduce a new policy, program and/or service; or n) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?		YES <input type="checkbox"/> A GIA has been completed. NO <input checked="" type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Not applicable	

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	Short term only if lease is long term advertising and valuation would need to occur.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Supporting the short term endorses Council's support of local business within the municipality.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil

CONFLICTS OF INTEREST

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

16 OTHER BUSINESS

16.1 Questions from Councillors

17 CLOSED SESSION – Reports for Decision

17.1 C292-2021 Communications Consultant

17.2 C284-2021 Hotmix – Asphalt Works

17.3 C282-2021 Beulah Modular Changeroom

17.4 ICT Business Transformation Strategy

18 Next Meeting

22 September 2021

CLOSE

_____ **Mayor**