

MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 01 AUGUST 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET, NHILL COMMENCING AT 3:00PM.

AGENDA

1.	Acknowledgement of the Indigenous Community and Opening Prayer
2.	Apologies
3.	Confirmation of Minutes
4.	Declaration of Interests
5.	Public Question Time
6.	Deputations
7.	Correspondence
8.	Assembly of Councillors
8.1	Record of Assembly
9.	Planning Permit Reports

9.1 Application for Planning Permit 1592-2018 – 160 Rupps Road Nhill

10. Reports Requiring a Decision

10.1 Financial Report for the Period Ending 30 June 2018

10.2 Wimmera Mallee Pioneer Museum Committee of Management - allocation of funds

11. Special Committees

11.1 Rainbow Town Committee

12. Late Reports

No report

13. Other Business

14. Confidential Matters

- 14.1 Supply of Bulk and Bowser Fuel and Variation to CEO Delegation
- 14.2 Contract 2018/19-02 Provision of Early Years Services 2019-2023

15. Meeting Close

Present:

Crs R Ismay (Mayor), R Lowe (Deputy Mayor), T Schneider, R Gersch, D Nelson, D Colbert

In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Janette Fritsch (Acting Director Infrastructure Services), Ms Shelley Gersch (Executive Assistant), Mr Andre Dalton (Coordinator Planning and Development) (items 1-9.1), Mr Simon Landrigan (Coordinator Community Development) (items 14.1-14.2), Ms Peta Foster (Supported Playgroup Coordinator) (items 14.1-14.2)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr R Ismay opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

No apologies

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Special Council Meeting held on Wednesday 18 July 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs T Schneider/R Lowe

That the Minutes of the Council Meeting held on Wednesday 18 July 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed

CARRIED

Attachment: 1

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

• Direct; or

- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;
 - d) because of receipt of an applicable gift;
 - e) as a consequence of becoming an interested party; or
 - f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

No questions

6. **DEPUTATIONS**

No deputations

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer:	Chief Executive Officer
Attachment:	2

Introduction:

The following correspondence is tabled for noting by Council:

- Ms Jessie Holmes, CEO Yarriambiack Shire Council
 - Congratulating her on her appointment to CEO at Yarriambiack Shire Council
- Western Highway Action Group
 - Letter sent to Premier to support the continuation the Western Highway Duplication and corresponding email

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Gersch/D Nelson

That Council notes the attached correspondence.

CARRIED

Attachment: 2

8. ASSEMBLY OF COUNCILLORS

Responsible Officer:	Chief Executive Officer
Attachment:	3 & 4

Introduction:

The attached Assembly of Councillors Records are presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

Options:

1. That Council accepts the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs T Schneider/R Lowe

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3 & 4

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT 1592-2018 – 160 RUPPS RD NHILL

Responsible Officer: File: Assessment: Applicant: Owner: Subject Land: Proposal:	Acting Director Infrastructure Services Planning – Applications 167460 Michael Goodwin Luv-a-Duck Pty Ltd Lot 1 PS737805, 160 Rupps Road, Nhill Buildings and works for the construction of a marshalling
Zoning & Overlays:	yard shelter Farming Zone (FZ) No Overlays
Attachments:	Attachment 5 – Site plans Attachment 6 - Elevations

Summary:

This report recommends that Council approves planning permit 1592-2018 for the construction of a marshalling yard shelter at 160 Rupps Road, Nhill.

Background:

In June 2018, Luv-a-Duck applied for a planning permit for building and works for the construction of an attached unenclosed shelter structure (annex) to extend the area of the duck marshalling yard.

Proposal Details:

The proposal is to construct an extension to the size of the marshalling yard on the north eastern aspect of the existing abattoir. The proposed unenclosed annex is 15m wide x 33 m long, to cover a proposed increase in the area of the existing marshalling yard to a total area of 1485 square metres. In the applicant's submission, it states that:-

"The purpose of the marshalling yard is to house and calm any crated live birds that are delivered to the processing plant. The current marshalling yard consists of two adjacent and joined structures, an original 1990's roof line, and a 2011 built roof line by Spanlift. There are three to four partially loaded trucks used every day to deliver crated birds.

The proposed extension is needed for two reasons, firstly to increase the livestock holding capacity of the marshalling yard at the high standards Luv-a-Duck maintain on site, and secondly to allow an operational area for the marshalling yard activities to continue while essential and major repairs on the original 1990's structure are completed. Spanlift will be commissioned for both portions of this work and they will match the proposed extension and the repair section to the structure they supplied in 2011. This is intended to provide a cohesive appearance to the joined structures of the marshalling yard.

During construction there will be a temporary increase in heavy traffic from the delivery of bulk materials, structural steel sheeting and cranes. The removal of building waste will add several truck movements with most material suitable for recycling. There will be a temporary increase in contractor cars and personnel numbers over the four to six week build period.

On completion of the proposed works the site traffic will return to previous levels and patterns".

Requirement for Permit:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with a building or works associated with a use in Section 2 of Clause 35.07-1.

Under the provisions of the planning scheme, 'abattoir' is a Section 2 Use in the Farming Zone (FZ).

Subject site & locality:

The subject site is known as 160 Rupps Road, Nhill and is currently used for the purposes of an 'abattoir' – defined under the scheme as "*Land used to slaughter animals, including birds. It may include the processing of animal products*". The facility is the primary abattoir for Luv-a-Duck. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

The abattoir is located approximately 3.32 km to the north west of the Nhill Post Office. There is a dwelling located approximately 1.1km to the south and another dwelling located approximately 1.74km to the north east.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

Public Notification:

Section 52 of the Planning and Environment Act 1987 prescribes the requirements relating to giving notice as such:

s52 Notice of application

- (1) Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—
- (a) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- Given the proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposal will not adversely impact upon the landscape and general amenity of the area;
- The proposal is in keeping with the existing use of the subject land; and
- The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

It is therefore determined that the proposal will not cause material detriment to any person.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required Section 52 Notices: Not required

Internal Referrals:

- Engineering: In order to assess any damage to Rupps Road caused by the increase in truck movements to and from the site, an inspection by Council will be required prior to and at the conclusion of works. Any damage shall be repaired at the cost of the applicant.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with the construction of an annexed shelter – marshalling yard shelter.

Planning Scheme Requirements:

State Planning Policy Framework

Clause 11 – Settlement Clause 11.01 –Victoria Clause 11.15 – Wimmera Southern Mallee Clause 14.01 - Agriculture Clause 17 – Economic Development

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions Clause 35.07 Farming Zone

Overlay Provisions

None Applicable.

Particular Provisions:

None applicable.

General Provisions

Clause 65 - Decision Guidelines, states that:-

"Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause". The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy
- Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined.

Discussion:

The application has been assessed against the State Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 the Responsible Authority must consider, as appropriate (as outlined in detail within the Planning Scheme):

Decision Guidelines:

General Issues

- The State Planning Policy Framework and the Local Planning Policy
- Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.

• Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

• How the use and development makes use of existing infrastructure and services. Planning response:

The proposed building and works is considered to meet the applicable decision guidelines as outlined above.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Planning response:

The proposed building and works is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be prepared for the site. The proposal provides for a more efficient continued operation of the abattoir which is part of the existing Luv-a-Duck enterprise.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Planning Response:

The proposed building and works is considered to:

- Not negatively impact on the natural physical features and resources of the area.
- Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- Not negatively impact upon biodiversity of the area, inclusive of the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

• The proposed buildings and works does not include any additional on-site septic facilities.

Design and siting issues:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Planning Response:

The proposed location of the building and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal will not adversely impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The applicable location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities supports the proposed buildings and works.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Coordinator Planning and Development advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on 7 June 2018. The report is being presented to Council for approval at the meeting on 1 August 2018 (56 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services In providing this advice as the Officer Responsible, I have no disclosable interests in this report. Author – Andre Dalton, Coordinator Planning and Development In providing this advice as the Author, I have no disclosable interests in this report.

RECOMMENDATION:

That Council approves an application to construct a marshalling yard shelter on Lot 1 PS737805, 160 Rupps Rd Nhill, subject to the following conditions:

Endorsed Plans

1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.

<u>Amenity</u>

- 2. The construction of the annexed marshalling yard shelter, must be managed so that the amenity of the area is not detrimentally affected through the:
- (a) Transport of materials, goods or commodities to or from the land;
- (b) Appearance of any buildings, works or materials;
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- (d) Presence of vermin; or
- (e) In any other way.
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

Engineering Conditions

The applicant shall:-

- 5. Commence works only after an assessment by Council of the condition of Rupps Road.
- 6. Notify Council of the conclusion of works to allow for an inspection by Council of Rupps Road
- 7. Meet the cost of any repairs to Rupps Road which in the opinion of Council has been caused as a result of the works

Permit Lapse/Extension

8. The development approved by this permit will expire if one of the following circumstances applies:

- (a) Construction is not commenced within two years of the date of this permit.
- (b) Construction is not completed within four years of the date of this permit.

The responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or
- (b) Within twelve months afterwards for completion.

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

MOVED: Crs D Colbert/R Gersch

That Council approves an application to construct a marshalling yard shelter on Lot 1 PS737805, 160 Rupps Rd Nhill, subject to the following conditions:

Endorsed Plans

1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.

<u>Amenity</u>

- 2. The construction of the annexed marshalling yard shelter, must be managed so that the amenity of the area is not detrimentally affected through the:
- (a) Transport of materials, goods or commodities to or from the land;
- (b) Appearance of any buildings, works or materials;
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- (d) Presence of vermin; or
- (e) In any other way.
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

Engineering Conditions

The applicant shall:-

- 5. Commence works only after an assessment by Council of the condition of Rupps Road.
- 6. Notify Council of the conclusion of works to allow for an inspection by Council of Rupps Road
- 7. Meet the cost of any repairs to Rupps Road which in the opinion of Council has been caused as a result of the works

Permit Lapse/Extension

- 8. The development approved by this permit will expire if one of the following circumstances applies:
 - (a) Construction is not commenced within two years of the date of this permit.
 - (b) Construction is not completed within four years of the date of this permit.

The responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or
- (b) Within twelve months afterwards for completion.

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

CARRIED

Attachments: 5 & 6

10. REPORTS REQUIRING A DECISION

10.1 FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2018

Responsible Officer:	Director of Corporate and Community Services
Attachment number:	7

Introduction:

The Financial Report for the fourth quarter of 2017/18 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

RECOMMENDATION:

That Council notes the Financial Report as presented.

MOVED: Crs R Gersch/T Schneider

That Council notes the Financial Report as presented.

CARRIED Attachment: 7

10.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE OF MANAGEMENT -ALLOCATION OF FUNDS

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks support from Council to approve the allocation of funds from the Wimmera Mallee Pioneer Museum Committee of Management towards the purchase and supply of a ride on mower for the Museum.

In accordance to the limitations and conditions specified in the Schedule, item 6 of the Instrument of Delegation to the Wimmera Mallee Pioneer Museum Committee of Management dated 1 November 2017, the Wimmera Mallee Pioneer Museum Committee of Management seeks support from Council to enter into an agreement exceeding its limit of \$2,000.

Discussion:

At its meeting on 17 July 2018, the Wimmera Mallee Pioneer Museum Committee of Management unanimously agreed to proceed with the purchase of a Rover Ride on Mower.

The Wimmera Mallee Pioneer Museum Committee of Management received a quote from Dimboola Stockfeed and Produce to supply the Rover Ride on Mower for \$4,090.91 excl GST.

The Wimmera Mallee Pioneer Museum Committee of Management has sufficient funds to purchase the ride on mower.

Link to Council Plan:

Strategic Objective 1.1: Strategic Objective 1.3:	An actively engaged community. A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
Strategic Objective 2.1:	Well-maintained physical assets and infrastructure to meet community and organisational needs.
Strategic Objective 3.1: Strategic Objective 3.2:	A strong rural economy and thriving towns. A thriving tourism industry.

Financial Implications:

There are no financial implications.

Risk Management Implications:

There are no risk management implications.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author: Jeff Woodward, Tourism and Economic Development Officer In providing this advice as the Author, I have no interests to disclose.

Officer Responsible: Monica Revell, Director Corporate & Community Services In providing this advice as the Officer Responsible, I have no interests to disclose.

Communications Strategy:

The Wimmera Mallee Pioneer Museum Committee of Management will receive formal notification within 14 days of the Council meeting.

Options:

- 1. Council can approve the Wimmera Mallee Pioneer Museum Committee of Management request to allocate funds towards the purchase of the Rover Ride on Mower.
- 2. Council can decline the request and suggest to the Wimmera Mallee Pioneer Museum Committee of Management to identify another project where the funds can be allocated to.

RECOMMENDATION:

That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$4,090.91 (excluding GST) towards the purchase of the Rover Ride on Mower.

MOVED: Crs R Lowe/D Colbert

That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$4,090.91 (excluding GST) towards the purchase of the Rover Ride on Mower.

CARRIED

11. SPECIAL COMMITTEES

11.1 RAINBOW TOWN COMMITTEE

Responsible Officer:	Director Corporate and Community Services
Attachment:	8

Introduction:

The Rainbow Town Committee held its meeting on 26 June 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Town Committee meeting held on 26 June 2018.

MOVED: Crs T Schneider/R Lowe

That Council notes the minutes of the Rainbow Town Committee meeting held on 26 June 2018.

CARRIED

Attachment: 8

12. LATE REPORTS

No report

13. OTHER BUSINESS

MOVED: D Nelson/R Gersch

That Council writes to Ken Lehmann recognising his service to the Band League.

CARRIED

14. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act* 1989, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

RECOMMENDATION:

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider:

- 14.1 Supply of Bulk and Bowser Fuel and Variation to CEO Delegation
- 14.2 Contract 2018/19-02 Provision of Early Years Services 2019 2023

MOVED: Crs R Gersch/R Lowe

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider:

- 14.1 Supply of Bulk and Bowser Fuel and Variation to CEO Delegation
- 14.2 Contract 2018/19-02 Provision of Early Years Services 2019 2023

CARRIED

Council resumed in open session at 3:40pm.

Council resolved to make public the following resolution and attachment 10 from the closed session:

14.1 SUPPLY OF BULK AND BOWSER FUEL AND VARIATION OF CEO DELEGATION

MOVED: Crs R Gersch/D Nelson

- 1. That Council delegates authority to the Chief Executive Officer to enter into appropriate contracts for the supply of bulk and bowser fuel, utilising the services of Procurement Australia and MAV Procurement, to secure competitive priced fuel through local business whilst also ensuring statewide availability.
- 2. That clause 4.1 of the Schedule to the Instrument of Delegation to Chief Executive Officer approved by Council on 21 February 2018 be amended to read:
 - 4.1 awarding a contract exceeding the value of \$200,000 (including GST), or for goods and services exceeding the value of \$150,000 (including GST) except that these limits shall not apply for the supply of fuel for plant and vehicles provided that:
 - 4.1.1 arrangements entered into must satisfy an approved Ministerial arrangement under s186(5)(c) of the Local Government Act 1989 which provides for exemption from other provisions of s186 of the Act requirements for public tendering by a Council, and
 - 4.1.2 the Chief Executive Officer must consider price and any potential detrimental effect on local businesses of any contract entered into, before entering into such a contract.
- 3. That this decision and the revised Instrument of Delegation be published in the minutes.
- 4. That the revised Instrument of Delegation to the Chief Executive Officer be signed and sealed.
- 5. That any consequential amendments arising from this decision be made to Council's Procurement Policy adopted on 7 February 2018.

CARRIED

Attachment: 10

15. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 3.43pm.



ASSEMBLY OF COUNCILLORS RECORD

Assembly of Councillors means a planned or scheduled meeting of at least 3 councillors and one member of council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council; or
- b) subject to the exercise of a function, duty of power of the council that has been delegated to a person or committee; but does not include a meeting of the Council, a special committee of the Council, a club, association, peak body, political party or other organisation.

Requirements to be observed by an assembly of Councillors (Section 80A Local Government Act, 1989)

 Title of Meeting:
 Council Briefing Session

 Date:
 Wednesday 1 August 2018
 Time:
 1:00pm - 3:00pm

Assembly Location: Council Chambers, 92 Nelson Street, Nhill

Present:

Crs. R Ismay (Mayor), D Nelson, R Lowe, R Gersch, T Schneider, D Colbert

Apologies:

In Attendance:

Mr. G. Wood (Chief Executive Officer), Ms J Fritsch (Acting Director Infrastructure Services) (items 2-4) Ms M Revell (Director of Corporate and Community Services) (items 2-4), Ms S Gersch (Executive Assistant) (items 2-4), Mr S Landrigan (Community Development Coordinator) (item 3), Ms P Foster (Supported Playgroup Coordinator) (item 3)

Conflict of Interest Disclosures

- 1. Direct; or
- 2. Indirect interest
 - (a) by close association;
 - (b) that is an indirect financial interest;
 - (c) because of conflicting duties;
 - (d) because of receipt of an applicable gift;
 - (e) as a consequence of becoming an interested party; or
 - (f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

Councillors:

Nil

Officers:

Nil

Matters Discussed:

No.	Detail	Presenter
1.	CEO Update	Greg Wood
2.	Stavely Ground Release	Fiona Clarke, DEDJTR
3.	Early Years Tender	Monica Revell
4.	Councillor Question Time	Greg Wood

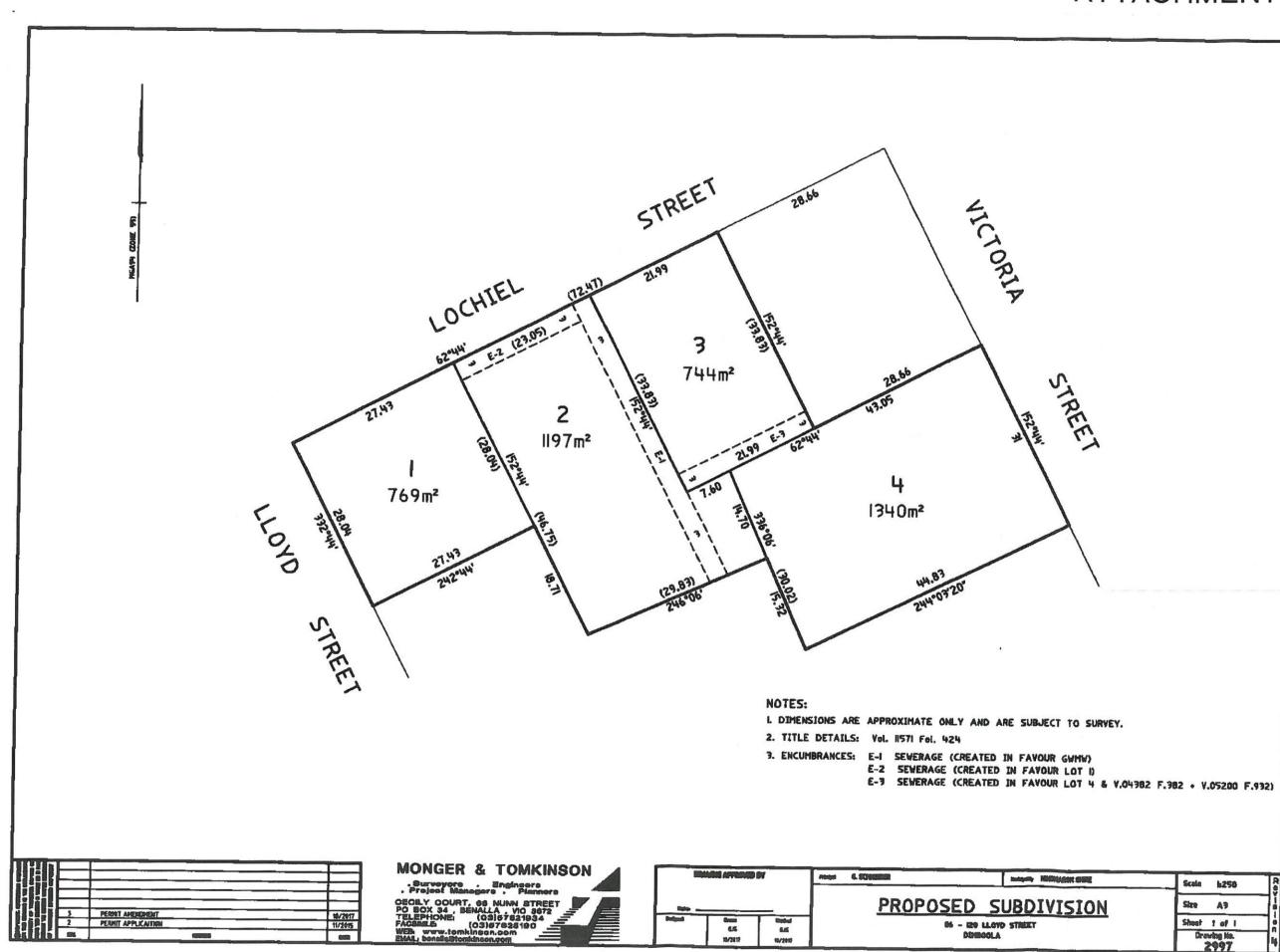
Completed by: Greg Wood

guboel

Signed:

Date: 01/08/2018

Must be kept for four years from date of the assembly. Available for public inspection at Council Offices for 12 months after date of assembly.



ATTACHMENT 1

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	Draving No. 2997	4



Hindmarsh Shire Council Procurement Policy

Adopted 7 February 2018 Amended 15 August 2018

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↓ Hindmarsh

1 Principles

1.1 Background

Hindmarsh Shire Council

- Recognises that:
 - Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives such as sustainable and social Procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.
 - The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities, probity and transparency;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process); and
 - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement.
-) Council's contracting, purchasing and contract management activities endeavour to:
 - support Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
 - take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives;
 - provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - achieve value for money and quality in the acquisition of goods, services and works by Council;
 - ensure that risks are identified, assessed and managed at all stages of the procurement process;
 - use strategic procurement practices and innovative procurement solutions to promote sustainability and best value, in particular making use of collaboration and partnership opportunities;
 - use social procurement to enhance sustainable and strategic procurement to effectively contribute towards building stronger communities and meeting the wider social objectives of Council;

 comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*. The Act is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 186A of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff and temporary employees, contractors and consultants while engaged by Council.

The Act and Council's Procurement Policy are the primary reference point for how all procurement should be performed.

1.3 Purpose

The purpose of this Policy is to:

-) provide policy and guidance to Council to allow consistency and control over Procurement activities;
- *J* demonstrate accountability to rate payers;
- *f* provide guidance on ethical behaviour in public sector purchasing;
-) demonstrate the application of elements of best practice in purchasing; and
-) increase the probability of obtaining the right outcome when purchasing goods and services.

1.4 Treatment of GST

All monetary values stated in this policy <u>include</u> GST except, where specifically stated otherwise.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

Council's Procurement activities shall be performed with integrity and in a manner able to withstand the closest possible audit scrutiny.

2.1.2 Conduct of Councillors and Council Staff

Councillors and Council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will:*

- *t*reat potential and existing suppliers with equality and fairness;
-) not seek or receive personal gain;
-) maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
-) present the highest standards of professionalism and probity;
-) comply with the respective codes of conduct;
-) deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
-) provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated guidelines and procedures, relevant legislation, relevant Australian Standards and the Act.

2.1.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:

Avoid conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council staff, plus their relatives and close associates.

Procurement Policy

- **Declare** that there is no conflict of interest. Where future conflicts or relevant private interests arise, Council Staff must make their manager or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- **Observe** prevailing Council, VGPB and e-hub guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.1.6 Gifts and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which Council is interested.

Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Councillors and Council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO.

2.1.7 Disclosure of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

-) allocated Council budgets for proposed tenderers, unless included in tender documents;
-) information disclosed by organisations in tenders, quotation or during tender negotiations;
-) all information that is Commercial in Confidence information; and

Procurement Policy

pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

2.2 Governance

2.2.1 Structure

Council shall:

-) establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council;
-) ensure that Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - provides prospective contractors and suppliers an equal opportunity to tender/quote;
 - o encourages competition.

2.2.2 Standards

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

-) The Act,
-) Council policies,
- J Council's Codes of Conduct,
- *Local Government Best Practice Procurement Guidelines*
-) Other relevant legislative requirements such as but not limited to the Trade Practices Act, Goods Act, the relevant provisions of the Competition and Consumer Act 2010 and the Environmental Protection Act. Procurement operations are consistent with prescribed rights and responsibilities and they respect the 20 fundamental rights within the Victorian Charter of Human Rights and Responsibilities Act 2006.

2.2.3 Methods

Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- *j* purchasing card;
-) purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
-) under contract following a tender process;

-) using collaborative or aggregated purchasing arrangements with other councils, MAV Procurement, Victorian Government, or other bodies;
-) contracts entered into under an arrangement approved by the Minister for LG;
-) other arrangements authorised by Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies

Council may, at the CEO's discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Council may also choose to seek Requests for Information or Requests for Proposals as a precursor to the tender process.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegations.

Council staff must not disclose allocated tender budgets to suppliers.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.3 **Procurement Processes and Thresholds**

2.3.1 Process

Council procurement processes are based on a number of principles:

Best Value

The benefits of the purchase are weighted against the costs necessary for the optimum result for Council and the local community. Council is not required to accept the lowest tender. Instead, Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to the overall objectives of the Local Government Act.

Best value is often mistaken for meaning the lowest price, however, in terms of the contracting process, best value requires us to balance quality and price with as much transparency as is reasonably achievable. In this context price should take into account the whole life cost of the provision so far as is practicable. It follows that the delivery of best value is dependent upon Council priorities.

Achieving best value also requires *challenging* the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, *comparing* service provision options against all those available, *consulting* with key stakeholders and ensuring *competition* in the open market.



Achieving best value for money must be the basis of all procurement decisions within the Council.

) Open and Fair Competition

All suppliers are treated fairly in an open and transparent manner and have access to the same information. During a public tender process, all prospective providers must be afforded an opportunity to tender.

The commercial interests of suppliers and potential suppliers must be protected.

Late tenders will not be accepted under any circumstances.

Accountability

Council maintains consistency in the approach to procurement across the whole organisation through coherent frameworks, policies and procedures. Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with Council's procurement policies and procedures as set out in this policy and related, relevant Council policies and procedures.

Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by Council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

) Risk Management

Council will manage all aspects of its procurement processes in accordance with its adopted risk management policy and in such a way that all risks, including occupational health and safety are identified, analysed, evaluated, managed, monitored and communicated.

Probity and Transparency

Councillors and members of staff (and all persons engaged in procurement on Council's behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

2.3.2 Minimum Spend Competition Thresholds

Any Council procurement under the LG Act thresholds must comply with Council's own policy, guidelines and procedures.

Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by Council by analysing the historical size and complexity of the procurement activity and of proposed procurement activities.

2.3.2.1 Tenders

Purchase of all goods and services for which the estimated expenditure exceeds \$150,000 (inclusive of GST) and building and construction works for which the estimated expenditure exceeds \$200,000 (inclusive of GST), must be undertaken by public tender as per the thresholds contained in the Local Government Act, except that these limits shall not apply for the supply of fuel for plant and vehicles provided that:

- Arrangements entered into must satisfy an approved Ministerial arrangement under s186(5)(c) of the Local Government Act 1989 which provides for exemption from other provisions of s186 of the Act requirements for public tendering by a Council, and
-) The Chief Executive Officer must consider price and any detrimental effect on local businesses of any contract entered into, before entering into such a contract.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds.

2.3.2.2 Quotations

Purchase of goods and services having a total valuation of \$150,000 (inclusive of GST) and construction works having a total valuation of \$200,000 (inclusive of GST) or less may be undertaken using the procurement by quotation method as described below:

- J Items with a value up to \$1,000 does not require a written quotation.
- J Items with a value up to \$8,000 Request for Quotation.

A minimum of one written (including email/fax) quotation must be obtained or a preferred supplier used. The details must be recorded before placing an order (similar details must be recorded where more than one supplier has quoted) and documented in Council's records system.

J Items with a value \$8,001 to \$25,000 – Request for Quotation.

Council will request a minimum of two written (including email/fax) quotations.

The quotation offering the best value for money must be confirmed by the supplier on company letterhead and the order placed with that firm.

Details of the suppliers contacted and their quotations must be recorded on at least a simple spreadsheet or similar document in Council's records system.

J Items with a value \$25,001 to \$100,000 – Request for Quotation.

Council will receive a minimum of three written quotations by issuing a written Request for Quotation.

Public advertising is not required.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value outcome.

The original suppliers' quotations must be maintained in Council's records system.

Items with a value \$100,001 to \$149,000/\$199,000 – Public Advertising.

Purchases of \$100,001 and over must be publicly advertised unless prior approval from the Chief Executive Officer is sought to receive a minimum of three written quotations by issuing a written Request for Quotation instead.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value outcome.

The original suppliers' quotations must be maintained in Council's records system.

Public Advertising.

Quotations may be advertised at the Chief Executive Officer's discretion in addition to the methods above. This may occur when a field of potential tenderers has not been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.

2.3.3 Exceptions to obtaining quotations

The required number of quotations must be obtained in all circumstances except for:

- *Emergency response, relief or recovery including urgent medical attention.*
- \int Plant and equipment servicing and spare parts and similar under warranty.
-) Legal services.
- Specialist knowledge and skill or sole supplier of intellectual property.
- *Conferences*, Training Courses, Seminars, Information Forums.
- Sole supplier services such as library, water and fire.
-) At the Chief Executive Officers discretion in accordance with section 2.3.4.

2.3.4 Chief Executive Officers Discretion

In the event of:

- An unforeseen urgency; or
-) a strong preference for continuity of supply; or
-) goods, services or works being of such a specialised nature that there are insufficient known Suppliers from which to seek the required number of quotations.

The Chief Executive Officer may, upon receiving a written explanation from the relevant Director, give approval to seek less than the number of quotations required by section 2.3.2.2.

2.3.5 Shared Services

Where Council has entered into Shared Services with one or more Councils, individual Councils will not be required to obtain tender/quotations. Tenders/quotations will be sought by the lead Council and approved according to the individual Council's procurement policy.



2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

2.4.2 Delegations

2.4.2.1 Council Staff

Council shall maintain a documented scheme of procurement delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of the Council and their respective delegations contained in financial delegations policies

- Acceptance of tenders
- Acceptance of quotes
- Contract term extensions (within authorised budget)
-) Contract amendment (non-financial)
- J Contract amendment (financial)
- Appointment to register of pre-qualified suppliers
- / Credit card purchases
- *J* Procedural exceptions

2.4.2.2 Delegations Reserved for the Council

Commitments and processes which exceed the CEO's delegation and which must be approved by Council are:

- Initial signing and sealing of contract documents.
-) Tender recommendations and contract approval for all expenditure over \$150,000 (inclusive of GST) for goods and services and \$200,000 (inclusive of GST) for construction works in value.
- *Variations and contract term extensions (requiring additional budget).*

2.5 Internal Controls

Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- *f* more than one person is involved in and responsible for a transaction end to end;
- *t*ransparency in the procurement process;

J

-) appropriate authorisations are obtained and documented; and
- *j* systems are in place for appropriate monitoring and performance measurement.

Council will develop and maintain a procurement manual to provide guidance to staff on all operational aspects of procurement. The manual will include all checklists and forms required in Council's procurement process.

2.6 Risk Management

2.6.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

2.6.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes Council to risk. Council will minimise its risk exposure by measures such as:

- J standardising contracts to include current, relevant clauses;
-) requiring security deposits where appropriate;
-) referring specifications to relevant experts;
-) implementing a robust, systematic and unbiased tender evaluation and due diligence process;
- *j* requiring contractual agreement before allowing the commencement of work;
-) use of or reference to relevant Australian Standards (or equivalent); and
-) effectively managing the contract including monitoring and enforcing performance.

2.7 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions. Where this is not possible, approval must be obtained from the appropriate member of Council staff listed in the Council Delegations.

To protect Council's best interests, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate member of Council staff listed in the Council Delegations.



2.8 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

2.9 Contract Management

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

-) establishing system monitoring and meeting the responsibilities and obligations of both parties under the contract; and
-) providing a means for the early recognition of issues and performance problems and the identification of solutions.
-) adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives best value.

2.11 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services' and works. Council may use e-procurement to:

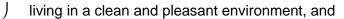
-) reduce transaction costs
-) achieve greater leverage
-) make processes more efficient;
- improve management information and visibility of spend;
-) increasing control and consistency of processes, and
- *j* improve spend compliance.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement policy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

feeling safe,



f receiving good quality and well managed Council services that are value for money

3.2 Achieving Best Value

3.2.1 Requirement

Council's procurement activities will be carried out on the basis of obtaining best value.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of best value.

3.2.2 Approach

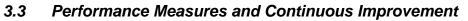
This will be facilitated by:

-) developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout the lifecycle;
-) effective use of competition;
-) using aggregated contracts where appropriate;
- *identifying and rectifying inefficiencies in procurement processes;*
- developing cost efficient tender processes including appropriate use of e-solutions;
-) Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
-) working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to Council's best value objectives through being written in a manner that:

-) ensures impartiality and objectivity;
-) clearly defines Council's requirements;
-) encourages the use of standard products;
-) encourages sustainability;
-) eliminates unnecessarily stringent requirements.



Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

-) highlight trend and exceptions where necessary to enhance performance;
-) improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
-) facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate Council's commitment to the local community and environment on which it impacts. This means Council maximising the benefits of the services it provides across the community and minimising the negative aspects of its activities.

Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

3.4.1 Social Procurement

Social Procurement generates positive outcomes by building on initiatives already undertaken by the Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the Council.

Council is committed to Social Procurement by:

-) ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;
-) achieving greater value for money across the community through the use of effective procurement;
- ensuring all businesses have the same opportunity to tender for Council contracts;
-) enhancing partnerships with other Councils, suppliers and community stakeholders;
-) building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents) and further strengthening the local economy;
-) purchasing ethical and fair trade goods to support equitable, local, national and international trade;

) supporting procurement from local businesses where purchases can be justified on best value grounds.

3.5 Sustainability

3.5.1 General

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment, including but not limited to the following:

-) waste management;
- *j* recycling;

J

J

- *j* energy management;
- *)* emission management;
 - water conservation;
 - green building design; and
 - environmentally sustainable procurement.

3.5.2 Sustainable Procurement

Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. Council aims to achieve this by:

-) taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services;
-) taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured;
-) considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner;
-) considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
-) selecting products / services that have minimal effect on the depletion of natural resources and biodiversity;
-) giving a preference to Fairtrade, or equivalent, and ethically sourced and produced goods and services;
-) working with local suppliers to ensure they are encouraged to bid for Council's business in line with the Procurement Policy;
-) ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured;

-) complying with all Australian regulations and legislation and ensuring our suppliers do the same;
-) training all Council staff on sustainability considerations within the procurement process.

3.6 Diversity

Promoting equality through procurement can improve competition, best value, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

4 Apply a Consistent and Standard Approach

Council will provide effective and efficient commercial arrangements for the acquisition of goods and services.

4.1 Standard Processes

Council will provide effective commercial arrangements covering standard products and provision of standard services across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- pricing where relevant;
- processes, procedures and techniques;
- tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements);
- reporting requirements;
- application of standard contract terms and conditions.

4.2 Performance Indicators

A list of performance indicators will be developed to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels;
- knowledge and skill of Council employees in procurement process;
- level of compliance and understanding of Council procurement policies;
- measuring the success of procurement initiatives e.g. procurement cards.



Council seeks to improve its' performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend
- Number of transactions per supplier
- Compliance
- Supplier performance
- User satisfaction

Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia
- Supplier reports

5 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

5.1 Developing and Managing Suppliers

Developing and managing suppliers is essential to achieving a competitive market capable of delivering Council's services and works requirements.

Council needs to interact with the market and our suppliers in particular to understand their views and what enables and encourages diverse parts of the market to bid for work with Council. At the same time Council will ensure that our relationship with strategic suppliers is mutually productive and that goals are shared. Council aims to develop a relationship with suppliers that creates mutually advantageous, flexible and long term relations based on the quality of performance and best value.

5.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger, more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers

Procurement Policy

- Small to medium sized enterprises (SMEs)
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations

5.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across Council
- Criticality of goods / services to the delivery of Council's services
- Availability of substitutes

5.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners. Council will use its website and local media to promote forthcoming contract opportunities.

6 Review Process

Council endeavours to continually improve its procurement performance such that all relevant policies, guidance and training are continually reviewed and updated.

7 Policy Owner and Contact Details

Responsible Officer:Director Corporate & Community ServicesAdopted by Council:15 July 2015Review Date:February 2018

For further information on this policy, please contact via email: info@hindmarsh.vic.gov.au or phone 03 5391 4444.

Appendix A	Definitions and Abbreviations		
Term	Definition		
Act	Local Government Act 1989.		
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.		
Contract Management	The process that ensures both parties to a contract that fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.		
Council Staff	Includes full-time and part-time Council staff, and temporary employees, contractors and consultants while engaged by Council.		
Probity	Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.		
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.		
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services' and works.		
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts.		
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.		
Social Procurement	Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.		

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Procurement Policy	К Канала Канала	
Tender Process	The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.	
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement procedures prescribed under Section 186 (1) of the Act.	
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This Invitation is not an offer or a contract	
Request for Proposal (RFP)	A request for proposal is generally sent to the supplier market, designed to capture commercial information and pricing. Allows Council to assess suitability and evaluate responses against a set of pre-defined requirements	
Best Value	Best value in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:	
	\int contribution to the advancement of Council's priorities;	
) non-cost factors such as fitness for purpose, quality, service and support; and	
) cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.	
VGPB	The Victorian Government Purchasing Board (VGPB) sets the policies that govern procurement of non-construction goods and services across all Victorian Government departments and some public bodies.	

POLICY

Public Art



Purpose

Art in public places creates distinctive, safe and vibrant environments. It promotes community identity and wellbeing and increases the liveability of the Shire.

Council plays a key role in the development of public spaces and as such holds the key to including public art in its many forms, whether through direct commissions or in partnership with business and other tiers of government, or through community driven initiatives.

This policy guides Council in ensuring our communities have access to high quality, visual artworks in the public realm. This policy provides direction to Council with a clear and transparent process for assessing and making decisions about the design, placement and conservation of public art spaces in the Hindmarsh Shire, with the aim of ensuring artworks are:

Placed strategically.

Relevant to our community

Supported by our community

Appropriate to their context, with consideration given to Indigenous or other heritage within the community, if applicable.

High aesthetic value and of excellent quality

Pose no danger to our environment or to people.

Scope

This policy applies to all areas of public art including:

- Council commissioned or acquired art.
- Art proposed by community groups or individuals.
- Art proposed for public spaces within Council or private developments.
- Permanent pieces.
- Temporary installations.

Definitions

Public Art – Public art may include, but is not limited to, site-specific sculptures, murals, architectural design elements, installations, lighting effects, town entry or streetscape features and decorative paving.

Public art is accessible to a broad audience, and responds to the social, historical, environmental or physical context of a site outside of the traditional gallery system.

Professional Artist – identifies themselves as such on the basis of skills or experience; is accepted as a professional by their peers or the arts industry.

Public space – includes public buildings, public building forecourts, parks, gardens, reserves, sporting grounds, road reserves and other public spaces.

Policy

In supporting and developing public artwork for the shire, Hindmarsh Shire Council (Council) will follow these guiding principles:

- Design and Placement Consideration will be given for the design and placement of public art. Council will respect local history, Indigenous and other heritage, and aim to enhance people's experience of the shire's public space. Public art will not be detrimental to the amenity or environment.
-) Respect Art is subjective, and may not have an outcome everyone agrees with. Respect for all parts of the community will be taken into account when considering the artwork design.
- Value for money Consideration will be given to ensuring the project has an adequate budget to ensure quality of the design and implementation. Consideration will be given to the maintenance and repair costs of the artwork into the future.
- J Quality product Ensuring a high quality product is the result of a well-planned process, of excellent workmanship and high aesthetic value. Consideration will be given to the location to ensure reflective materials are not used if the public artwork is located within a road reserve.

Funding for art in public spaces project may be sourced through the following mechanisms:

-) Council's recurrent budget and capital works program.
- External funding from grants and philanthropic sources.
- Contributions by developers.
- Private businesses and property owners.

Consideration, Consultation and Assessment

The process for considering and assessing public artwork within the shire has three stages.

Stage 1. Proposal consideration and assessment

Council's Manager Economic and Community Development (MECD) will be the first contact for Individuals, community groups or external parties who wish to propose a public artwork. Council's MECD will consult with Council departments, including Local Laws, Risk Management, Asset Management and Planning to determine if any permits are required, and other authorities that may need to be consulted.

Council will consider all public art pieces. Prior to consideration by Council, where necessary, the individual, community group or external party must provide written evidence of 'in-principle' support from the landowner to use the site.

Projects funded by Council, will invite artists to submit proposals in response to a detailed brief.

Priority will be given to a professional, experienced artist who has the requisite skills and capacity to deliver a high quality, durable piece of art that will contribute to the enjoyment and understanding of the public space, and align with the principles of this policy.

Council's MECD will work closely with a range of stakeholders including local community members, and land owners/land managers if not Council prior to the final decision being made.

Stage 2. Community Consultation

After consideration by Council, consultation will occur with the Community. Council will place a public notice in the local newspaper notifying the community of the proposed public artwork.

Designs will be placed on Council's website and Facebook page with Community members having an opportunity to make a submission. Where multiple designs are being considered, the community may have the opportunity to vote on the proposals.

Stage 3. Decision

Councillors will make the final decision, taking into consideration community submissions, on the public art.

The decision taken by Council will be published on Council's website, Facebook page and local media. Community members who made a submission, proposers of the art, and artists will be notified of the outcome in writing.

Contract arrangements

The commissioning of public art will utilise a standard contract, with modifications where required, to incorporate the following requirements:

) Terms and conditions of delivery, presentation and installation timelines;

) Budget and payment schedule;

Copyright and intellectual property;

) Intended life of the artwork;

Insurance;

) Occupational Health and Safety;

Maintenance schedule;

Ownership;

Signage acknowledging the artist and funding body (if required);

Repairs and Damage, and

Building permits and Town Planning Permits where required.

Decommissioning

A work may be considered for removal when:

- \int An artwork is deemed to be beyond repair or less value than the cost of repair;.
-) The cost of ongoing maintenance is prohibitive;

) The artwork is unsafe or presents a danger to the public, and

The artwork is being replaced with a new piece of artwork that has been identified to be more suitable to the site.

DOCUMENT CONTROL

Public Art		Policy	v Category	Council
Version Number	1.0	Policy	v Status	DRAFT
Approved/Adopted By	Council	Appro	oved/Adopted on:	
Responsible Officer	Director Corporate & Community Services			
	Date	Version	Description	
Version History (inc. administrative updates)	July 2018	1.0	Policy creation	

Yanac Public Hall and Recreation Reserve 99th Annual General Meeting Wednesday 18th July 2018 8pm

Present: Councillor Ron Lowe, John Dart, Craig and Jenny Smith, Terry Miller, Bruce Beattie, Mick Dart, Shaun Alexander

Apologies: Councillor Ron Ismay, Jim and Jay Fischer, Susanne Beattie, Lois Miller, Erin Alexander Rebecca Dart

Craig Smith moved, Mick Dart seconded that the apologies be accepted. CARRIED

Terry Miller moved, Bruce Beattie seconded, that the minutes of the last AGM as read be received.

Presidents Report:

It is disappointing that there are no longer dances held at the hall. They have been long time events at the hall. We held a successful Dog Trial again, with \$1000 transferred to the hall account. We were able to purchase a TV and put solar panels on the roof, with the assistance from a Shire grant. Thanks to all those helped in anyway throughout the year and thankyou to Jenny Smith for her hard work.

John Dart moved, Craig Smith seconded that the Presidents Report be accepted.

CARRIED

CARRIED

Treasurers Report:

Balances as at 30th June 2018 Chq acc \$12,631.58 Term Dep \$24,848.96 Petty Cash \$.85 Yanac Yard Dog Committee Account \$1066.75

Jenny Smith moved, Shaun Alexande seconded that the Profit and Loss statement presented be accepted. Books have been audited by Shire in the past, this years books are still to be audited by Hindmarsh Shire.

CARRIED

All positions were then declared vacant.

Councillor Ron Lowe called for nominations.

President- John Dart (nominated by Craig Smith) elected

Vice President - Susanne Beattie (nominated by Bruce Beattie) elected,

Secretary/Treasurer- Jenny Smith (nominated by John Dart) elected

Council Represtantives – Bruce Beattie moved, Shaun Alexander seconded that we appoint Councillor Ron Lowe as our council representatives. CARRIED

Committee

Shaun Alexander moved, Craig Smith seconded that the following be nominated for this years committee.

Jay Fischer, Jim Fischer, Bruce Beattie, Craig Smith, Terry Miller, Shaun and Erin Alexander, Mick and Rebecca Dart

CARRIED

Appointment of Volunteers

Mick Dart moved, Shaun Alexander seconded that the following be appointed as volunteers of the hall committee as they assist regularly at events such as the Yanac Yard Dog Trials and with cleaning and grounds keeping.

Brett and Karen Wheaton Richard and Tracey Morphett Michael and Ann Dickinson Lois Miller Raelene Dart Sandra Webb Shane and Michelle Dickinson Peter & Julie Duperouzel Steve Thompson Mick and Rebecca Dart Murray Miller Adam Webb Tania Rowe

CARRIED

Meeting Closed: 8.22 pm

Yanac Public Hall and Recreation Reserve Committee Meeting Wednesday 18th July 2018 8. 25 pm

Present: Councillor Ron Lowe, John Dart, Craig and Jenny Smith, Terry Miller, Bruce Beattie, Mick Dart, Shaun Alexander

Apologies: Councillor Ron Ismay, Jim and Jay Fischer, Susanne Beattie, Lois Miller, Erin Alexander, Rebecca Dart

Craig Smith moved, Mick Dart seconded that the apologies be accepted. CARRIED

Craig Smith moved Shaun Alexander seconded the motion that the minutes of the last committee meeting as read be received.

CARRIED

Business Arising From Minutes:

Krahes – White Ants and Spiders TV – purchased Solar Panels Installed

Correspondences 7th Feb 2018 to 30th June 2018

12th Feb 2018 – Application to Hindmarsh Shire for grant for Solar Panels
28th Feb 2018 – Parks and Reserves Hire Agreement from Yanac Hockey Club
16th March 2018 – Letter from Yanac Hockey Club – erect 3m fence on hockey field in the centre
March 2018 – Application sent to Horsham Sports and Community Club for grant for sunshades
26th March 2018 – Letter from Hindmarsh Shire approving grant for Solar Panels
23rd April 2018 – Letter to Yanac Hockey Club – granting permission to erect safety fence
April 2018 – Acceptance of Grant letter to Hindmarsh Shire
June 2018- Grant Completion Report to Hindmarsh Shire

Shaun Alexander moved, Bruce Beattie seconded that the correspondences as presented be accepted. CARRIED

Treasurers Report

As per AGM

Jenny Smith moved Terry Miller seconded to cash a cheque of \$50.00 for petty cash.

CARRIED

Shaun Alexander moved Mick Dart seconded that we write to APRA account advising that we no longer want to pay this account.

CARRIED

GENERAL BUSINESS:

Yanac Hockey Club

Hockey Club wrote in March to request permission to erect safety fence in centre of the fields. A brief exec committee meeting held and decided to approve this.

Sunshades

Sunshades were ruined by mice nesting in the Old Yanac CFA Shed. Quoted \$1410.00 to replace.

Craig Smith, Mick Dark moved to apply for grants until Dec 2018 to assist with the cost of replacements. If unsuccessful at that time go ahead and purchase the sunshades ready for the Yard Dog Trials March 2019.

CARRIED

At the time of purchase contact Yanac Hockey Club for some financial assistance toward the cost of replacements,

Repairs and Maintenance

Craig Smith moved, Mick Dart seconded that necessary materials be purchased to replace toilet vents and to purchase sheets of tin to replace vents on supper room roof.

CARRIED

Meeting Closed 8.46pm

Yurunga Committee of Management – Committee Meeting

21 June 2018 – 7.30pm Yurunga Dining Room

Present:J Solly – Chairperson, D Saul, G Nuske – Secretary, K Fisher, J Edelsten, L Gould,
J Woodward – Hindmarsh Shire Council

Apologies: H Fisher, R Ismay – Mayor Hindmarsh Shire Council Moved L Gould, 2nd J Edelsten C/D

Additional Items: Donation of Supper cloth and knitted jacket from Helen Martin – Bendigo

<u>Minutes of the Previous Meeting:</u> Minutes of the previous meeting were accepted on the Motion of K Fisher, 2nd D Saul C/D

<u>Business Arising</u>: Jenny reported that she had placed the information provided by Ian Segman with the irons in the laundry.

Rick McKenzie had started painting the exterior window frames. That a clear finish finish would be placed on the Front Door as well as the Verandah Door in the Dining Room. That we would need also to see about the Laundry Door being opened for painting.

Correspondence:

Correspondence In

(Emails)

-) May 11: Garry Salt to Graham re bypassing water tank & Rick McKenzie painting window frames
- May 11: Jeff Woodward to Jenny re tourism workshop in Nhill, May 22
- May 17: Jeff to Committee re apology for May meeting & painting
- May 21: x2 Garry Salt to Jenny re outside painting
- May 22: Simon to Jenny re options for a new capital
- May 22: Rachael at Bendigo Ornamental Plaster to Jenny re quotes for capital
- May 15: Thank you card from Dorothy Christian
- June 20: Simon to Jenny re Grant, Coach House wall & photos

Correspondence Out

(Emails)

- May 17: Jenny to Jeff re meeting apology & outside painting
- May 21: Jenny to Garry Salt re bypassing tank & details of outside painting quote
- May 21: Jenny to Simon re plaster vent work & options for capital
- May 21: Jenny to Jeff re May meeting was cancelled
- May 22: Jenny to Rachael at BOP re quote for third option for the capital
- May 22: Jenny to Simon re third option for the capital
- May 22: Jenny to Rachael at BOP re not going ahead with new capital

June 20: Jenny to Simon re signing off on Grant, costing for Coach House stonework

June 21: Jenny to Simon re Grant, stone wall & photos

Financial: K Fisher, Treasurer reported the following account details as of the 31.05.2018

General Cheque Account:	\$5,520.94	
Deposits:		
Door Takings	\$113.00 & \$155.00	
Open Day	\$151.15	
Rainbow P-12	\$58.00	
Plum Sauce	\$5.00	
Postcards	\$10	
Mugs	\$60.00	
Donations	\$30.00	
Accounts Paid:		
Rainbow Bakery	\$259.92	
IGA Rainbow	\$233.96	

K Fisher moved that her report be accepted. 2nd D Saul C/D

Jeff Woodward – Hindmarsh Shire Council :

Jeff gave a detailed report on the following.

- That there was an information session on the forth coming Tuesday night in Nhill for those that volunteer at the information Centre. Jeff would present on our behalf information relevant for Tourists coming to Yurunga.
- That there would be in the near future new Tourism signs across the Shire. That Yurunga would be featured on these.
- An overview on Tourism across the Shire
- That he would again follow up on the Vestibule floor.

General Business:

1: Jan reported that she was still following up with T Ismay and Co concerning the new signs for the orchard.

2: Nellies Carpet: After discussion it was felt by the meeting that the carpet offered by Nellie would not be appropriate for use in Yurunga. It was decided to return it to Nellie with our thanks. Jenny would contact her. Graham would have it at his work where she could pick it up from

3: Keeping the House in keeping with its Heritage. Jenny bought to the attention of the meeting a couple of points that she felt weren't in keeping with the house. After discussion G Nuske moved that: *"All prospective donations or extractions from Yurunga be tabled and bought to a meeting for discussion and decision"* 2nd K Fisher C/D

4: Fly Screens: With the windows being painted, it was felt that the flyscreens should also be looked at with a view of replacing the wire as well as the beading. Following discussion, Graham

moved that: "If there is money in the current grant left over this be used towards material etc to replace screens and beading on window flyscreens" $2^{nd} L$ Gould C/D

5: Plum Jam: Graham asked the Chairperson if she was aware if Helen was still going to use the plums in Dawns freezer for either sauce or jam for Yurunga. Lynne said she would ask Helen when she went to pick up the receipt for the moustache holder.

6: Moustache Holder: When the meeting was being closed, Jan bought to the meeting the fact that the sign in the moustache e holder was crooked and she felt needed fixing. Lynne said she was going to Horsham in the next week and would take it back for the framer to look at. Lynne said she would contact Helen about getting the receipt that she had from payment for the framing. No formal decisions were made by the Committee.

Meeting Closed 8.55pm