



ORDINARY COUNCIL MEETING AGENDA – 17 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

ORDINARY COUNCIL MEETING AGENDA

Mission Statement: *West Wimmera Shire Council will work in partnership with the community, business and government to develop and enhance a productive, healthy and safe community by providing leadership, services, advocacy and good governance*

TO BE HELD: **Thursday 17 November 2016**

LOCATION: **Gymbowen Community Hall**

COMMENCEMENT: **4.00pm**

REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Bruce Meyer, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer
Richard Hicks Tom Houlihan	Ashley Roberts Acting General Manager Corporate & Community Services
Jodie Pretlove	Robyn Evans General Manager Infrastructure Development & Works

Members of the Gallery are advised that the following Local Law applies to this meeting:

West Wimmera Shire Council Local Law No.7, 2012

38. Gallery to be silent

- (1) Any member of the public addressing the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates*
- (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.*

Vision Statement: *West Wimmera Shire delivers the very best experience and opportunity that rural living has to offer*



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1.0 WELCOME

2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire.

3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

3.1 APOLOGIES

Venkat Peteti, General Manager Corporate & Community Services (on leave)

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

All councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via Docs On Tap.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2012.



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5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS LISTED IN THE COUNCIL KEPT COUNCILLOR DIARY

5.1 COUNCILLOR TREVOR DOMASCHENZ

07/11/2016	Councillor Induction – Day 1
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
11/11/2016	Remembrance Day Event, Edenhope
15/11/2016	Transport Issues Briefing Session, Horsham
15/11/2016	Wimmera Development Association Board Meeting & AGM, Horsham
16/11/2016	Edenhope Flora Reserve Committee Public Meeting, Edenhope
17/11/2016	Council Meeting and Community Forum, Gymbowen

5.2 COUNCILLOR RICHARD HICKS

07/11/2016	Councillor Induction – Day 1
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
10/11/2016	Lawloit CFA Meeting
11/11/2016	Remembrance Day Event, Kaniva
17/11/2016	GMIDW re Roads and Transport Groups
17/11/2016	Council Meeting and Community Forum, Gymbowen

5.3 COUNCILLOR TOM HOULIHAN

04/11/2016	Official Opening of new Douglas Tennis Courts
07/11/2016	Councillor Induction – Day 1
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
11/11/2016	Remembrance Day Event & WW1 plaque unveiling – Minimay
14/11/2016	WWSC Municipal Emergency Management Meeting, Kaniva
17/11/2016	Council Meeting and Community Forum, Gymbowen

5.4 COUNCILLOR BRUCE MEYER

07/11/2016	Councillor Induction – Day 1
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
11/11/2016	Remembrance Day Event & WW1 plaque unveiling – Minimay
17/11/2016	Council Meeting and Community Forum, Gymbowen



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5.5 COUNCILLOR JODIE PRETLOVE

07/11/2016	Councillor Induction – Day 1
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
11/11/2016	Remembrance Day Event & WW1 plaque unveiling – Minimay
16/11/2016	Dinner with Glenelg Hopkins CMA Board, Horsham
17/11/2016	Council Meeting and Community Forum, Gymbowen

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

21/10/2016	Community Group Meeting re 150 th anniversary of Aboriginal Cricket Tour to England
21/10/2016	Glenelg Hopkins Catchment Management Authority
24/10/2016	Harrow Bush Nursing Centre AGM
24/10/2016	Senior Management Group
24/10/2016	Edenhope College School Council Meeting
25/10/2016	Post-Council Staff Meeting
25/10/2016	Apsley Alligators Playgroup
26/10/2016	Harrow Discovery Centre
27/10/2016	GWM Water Stakeholder Workshop, Horsham
27/10/2016	VicRoads
28/10/2016	Geoff Langsworth and Jan Lampard
28/10/2016	Safety Week for Works Department, Edenhope
02/11/2016	Declaration of Poll – Victorian Electoral Commission
02/11/2016	Senior Management Group – Strategic Planning Meeting
03/11/2016	Building Healthy, Caring & Engaged Communities, Harrow
03/11/2016	Revitalisation & Leadership in Challenging Times, Apsley
04/11/2016	Emergency Management CEO Engagement Forum, Ararat
07/11/2016	Councillor Induction – Day 1
09/11/2016	Senior Management Group
09/11/2016	Stavely Project Natural Resource & Land Use Inventory & Impact Assessment, Horsham
10/11/2016	Annual Statutory Meeting, Kaniva
10/11/2016	Councillor Forum, Kaniva
10/11/2016	Councillor Induction – Day 2
11/11/2016	Remembrance Day Event & WW1 plaque unveiling – Minimay
11/11/2016	Jakob Kelly Architects
14/11/2016	Regional Development Victoria
14/11/2016	Senior Management Group
15/11/2016	Transport Issues Briefing Session, Grampians Barwon SW Passenger Services Cost & Feasibility Study
15/11/2016	Wimmera Development Association Board Meeting & AGM, Horsham
17/11/2016	Council Meeting and Community Forum, Gymbowen



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5.7 GENERAL DELEGATES REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 20 October 2016, be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

10.0 ASSEMBLY OF COUNCILLORS RECORD

Nil

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 SECTION 86 COMMITTEE STATUS – HARROW DISCOVERY CENTRE FILE NUMBER: AD0041

REPORT AUTHOR: DAVID LEAHY, CEO

FOR DECISION

Introduction

The following report is to provide Councillors with an update on the recent meeting with representatives of the Harrow Discovery Centre regarding the Section 86 Committee status at the centre.

Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

Background

Section 86 committees are formed by resolution of Council (in accordance with section 86 of the Local Government Act) and are classified as a special committee of Council. They are delegated certain powers and are required to meet a number of regulations to remain compliant.

The role of the Section 86 Committee at the Harrow Discovery Centre is currently to meet prior to the Incorporated Management Committee to allocate the funds contributed by Council to the management of the centre.

Once the management committee has the funds it is allocated across the operations of the facility, there is little or no involvement of the Section 86 Committee in the ongoing operations of the centre.

Due to the limited involvement of the Section 86 Committee in the day to day management of the facility, a proposal was put to Council about dissolving the section 86 status. Senior officers were directed to meet with the representatives of the management committee to discuss the options of dissolving the status and advice was also sought from the MAV.

The advice from the MAV was that as it is a committee formed via resolution of Council, it must also be dismantled by a resolution of Council. Once this was explained along with



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the various requirements of a Section 86 Committee, there was general agreement from the Discovery Centre reps that the status was no longer relevant to the management of the facility.

Also the fact that a number of the essential requirements of a Section 86 were not necessarily being met meant that they were in agreement with the proposal to remove the status.

In its place it was agreed that a user agreement or licence to operate will be developed that will enable the Shire to deal directly with the Management Committee of the facility.

Risk Management Implications

A formal agreement will need to be developed and signed by both parties once the committee status is removed.

Legislative Implications

As a special committee of Council it is essential that the status (section 86) is removed by formal resolution.

Environmental Implications

Nil

Financial and Budgetary Implications

Funds that are currently allocated to the section 86 committee and further allocated to the Management Committee, will now go directly to the Management Committee.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

- Asset Capitalisation Policy
- Asset Management Policy
- Business Assistance Scheme Policy
- Community Halls Policy
- Recreation Policy



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Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017

- Strategic Objective 2: Increased community amenity – protect unique values of our rural communities
- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

Continued dialogue with the Discovery Centre Management Committee and representation on the committee by the Shire is essential.

Conclusion

The removal of the section 86 status of the Discovery Centre Committee will make no difference to the day to day operation of the facility.

It has the potential to make the management of the facility more streamlined and remove the need to have committee members undertake meetings that have limited purpose in the management of the facility.

OFFICER RECOMMENDATION:

That Council resolve to remove the Section 86 Committee Status from the Harrow Discovery Centre and deal directly with the incorporated management committee.

Attachments:

No.	Name	RecFind Ref
12.1.1	Letter to Harrow Discovery Centre, 27 Sep 2016	16/003748
12.1.2	Letter to Harrow Discovery Centre, 28 Oct 2016	16/003748



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 REQUEST TO NAME SYPOTTS CORNER – CONSIDERATION AFTER CALL FOR PUBLIC SUBMISSIONS

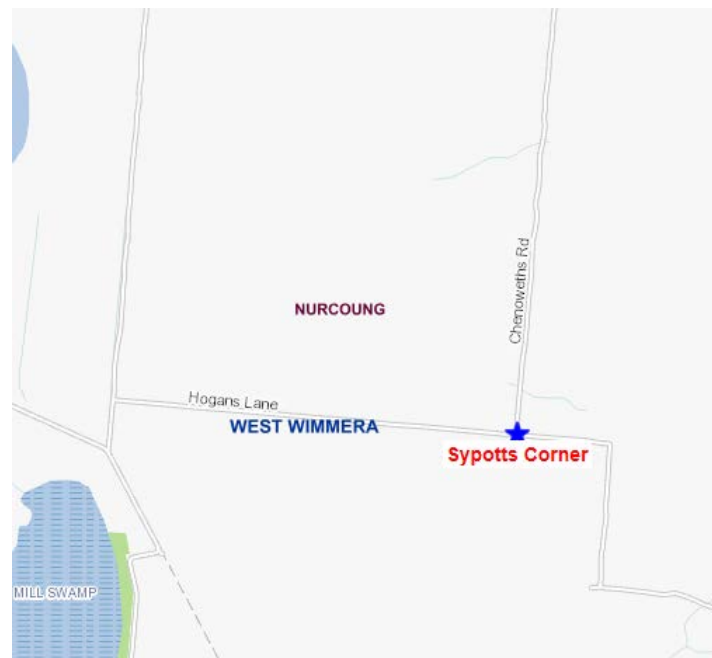
FILE NUMBER: PS0045

**REPORT AUTHOR: ANGELA VEITCH, CORPORATE SUPPORT
TRUDIE HOLLAND, RATES OFFICER**

FOR DECISION

Introduction

At its meeting on 21 July 2016 Council considered a request to erect a sign on the southern end of Chenoweths Road, Nurcoun, known locally as “Sypotts Corner”.



Council has undertaken public consultation and did not receive any submissions relating to the request. This report presents Council with alternate courses of action for consideration and decision.

Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.



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Background

On 21 July 2016 Council resolved:

- 1. That Council investigate community support for placing a sign labelled ‘Sypotts Corner’ on the corner of Chenoweth and Lears Road Nurcoun.**
- 2. That the costs of investigating this community support be allocated to the Community Support Fund.**

Since this was resolved, officers have discovered that the location proposed is not the corner of Chenoweth and Lears Road. According to Vic Names, Chenoweth Road meets Hogans Lane to the west and an unnamed road to the east. The unnamed road continues on to Lears Road. Officers have proceeded with public consultation based on the corner located at the southern end of Chenoweths Road, as this is the location originally requested by the constituent.

A public notice was placed on Council’s website on 12 September 2016 and in the Kaniva Times and West Wimmera Advocate on Wednesday 14 September 2016 seeking submissions to provide comment either supporting or objecting to the proposal to name the corner on the southern end of Chenoweths Road, Nurcoun, “Sypotts Corner”. Letters were posted to the adjoining land owners.

At the closing of submissions on Monday 17 October 2016, no submissions were received.

Risk Management Implications

Not commented on

Legislative Implications

Geographic Place Names Act 1998
Guidelines for Geographic Names 2010 (Version 2 January 2013)

Environmental Implications

Not commented on

Financial and Budgetary Implications

It is estimated that the cost of a sign and labour to install it would be less than \$500.



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Policy Implications

Road and Street Naming Policy

Council Plan Implications

Nil

Communication Implications

Guidelines for Geographic Names 2010 (Version 2 January 2013) states the required process to notify of the place name change.

A public notice was placed on Council's website on 12 September 2016 and in local papers on 14 September 2016. Submissions were invited until Monday 17 October 2016.

Conclusion

Council could choose not to proceed with any action as there have been no further submissions in the affirmative or may choose to proceed with the naming request as there were no submissions in the negative.

Officers recommend continuing the required steps with the Office of Geographic Names to name the corner Sypotts Corner.

OFFICER RECOMMENDATION:

That Council authorises officers to proceed with the required steps in accordance with the Office of Geographic Names to name the corner on the southern end of Chenoweths Road, Nurcoun, "Sypotts Corner".

Attachments: Nil



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14.2 CONSIDERATION OF WEST WIMMERA SHIRE COUNCIL'S 2015 / 2016 ANNUAL REPORT

FILE NUMBER: AD0068

REPORT AUTHOR: ASHLEY ROBERTS, FINANCE MANAGER

FOR DECISION

Introduction

Section 131 of the Local Government Act 1989 (the Act) requires that Council produces and provides an Annual Report to the Minister for Local Government by 30 September each year. Council, in accordance with Section 134 of the Act, is required to consider the Annual Report within 30 days of submitting the report to the Minister.

The 2015-2016 Annual Report for West Wimmera Shire Council was submitted in PDF format to the Minister prior to the deadline of 30 September 2016.

Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

Background

The Annual Report summarises Council operations and provides general information about Council's activities over a 12 month period to 30 June 2016. The report contains statutory requirements and various local government indices along with the audited Financial Statements and the Performance Statement.

The Annual Report also provides a summary of the achievements and outcomes as per the Council Plan. Departmental reports provide additional information regarding Council's activities throughout the 2015/2016 financial year.

The Victorian Auditor General's Office (VAGO) has audited Council's financial statements and provided an independent audit report that is also included in the Annual Report. The Performance Statement has also been audited by VAGO, and an independent audit report has been issued and included in the Annual Report.

Risk Management Implications

Council's reputation would be negatively impacted if the Annual Report was not submitted and presented in a professional manner. Council can be named specifically in an Auditor-



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General report to Parliament if there are matters of concern or inaccuracies relating to the Financial Statements, or if they are not submitted before the deadline.

Legislative Implications

Sections 131 and 134 of the Act require Council to provide and consider the Annual Report. It also requires that Public Notice be given that the Annual Report, including the report from the Victorian Auditor General Office, has been prepared and can be inspected at the Council office.

Section 134 (2) (b) of the Act requires that Council advertise at least 14 days prior to the Council Meeting at which the Annual Report will be discussed. Council has met this advertising obligation by including that Council will consider the Annual Report in the Ordinary Council Meeting advertisement.

Environmental Implications

Nil

Financial and Budgetary Implications

Council formally adopted the 2015-16 Annual Financial Statements and 2015-16 Performance Statement at its September Ordinary Council Meeting. A detailed report into the 2015-16 Financials was submitted to Council at that time.

The 2015-16 Annual Report includes the 2015-16 Financial Statements and 2015-16 Performance Statement

Policy and Council Plan Implications

Nil

Communication Implications

In accordance with Sections 131 and 134 of the Act, public notice was provided on 2 November that:

- Council would consider the Annual Report for 2015/2016 at the Ordinary Council Meeting to be held at Gympowen on Thursday 17 November 2016.
- That Council has received the Audit Report in relation to the 2015/2016 accounts.
- Those copies of the Annual Report, including the Audit Report, will be available for inspection at Council's two customer service centers and on Council's website.



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Conclusion

The 2015-16 Annual Report contains information concerning the operations of Council during the 2015/16 year. It also includes the 2015/16 Financial Statements and 2015/16 Performance Statement which have previously been adopted by Council.

OFFICER RECOMMENDATION

That the West Wimmera Shire Council Annual Report for 2015/2016 be adopted by Council.

Attachments:

No.	Name	RecFind Ref
14.2.1	Annual Report 2015-2016	16/004044



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14.3 FINANCIAL REPORT AS AT 31 OCTOBER 2016

FILE NUMBER: FM0062

REPORT AUTHOR: ASHLEY ROBERTS, MANAGER FINANCE

FOR DECISION

Introduction

One of the principles of sound financial management involves the regular review of an entity's financial performance and position. This report provides Council with a review of Council's financial performance and position at the end of the first quarter of the 2016/17 financial year.

Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

Background

The *Local Government Act (1989)* ('the Act') requires Council to implement the principles of sound financial management (s.136 (1)). Section 138(1) of the Act requires that Council be presented with a statement comparing budgeted revenue and expenditure for the financial year to date at least every 3 months.

The financial reports show an analysis of the actuals to budget forecasts at 31 October 2016. Where significant variances that are greater than \$20,000 and 10% between actual amounts and revised budget figures at 31 October 2016, a note is provided to give an explanation for the variance. The financial reports include a Comprehensive Income Statement, a capital report and Balance Sheet to give a true indication of Council's operations, the capital works program and the financial position.

A listing of all budget variations which have been made for the year to date detailing the amount of the variation and the reason for the variation is also included.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.



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Legislative Implications

Section 138(1) of the Local Government Act 1989 requires that Council is provided with financial reports a minimum of every three months comparing the budgeted revenue and expenditure with actual revenue and expenditure. What would normally be a report for the September quarter results was held over one month due to Council elections. It is considered prudent to provide Council with the latest figures possible and as such this report includes figures to October 2016.

Environmental Implications

Nil

Financial and Budgetary Implications

Financial and budgetary performance reporting and oversight form the fundamental building blocks of sound financial management. Without oversight of financial and budgetary performance Council may find itself unable to meet its obligations and desired community outcomes.

Policy and Council Plan Implications

Nil

Communication Implications

The Finance Manager will continue to work with officers and managers to educate and enable financial management of their department.

Conclusion

Council's financial performance and position at 31 October 2016 is attached for Council's information, in accordance with the requirements of S.138 (1) of the Act.

OFFICER RECOMMENDATION:

- 1. That the financial reports as at 31 October 2016 be received and noted.**
- 2. That Council approve the budget variations requested in the financial reports.**



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Attachments:

No.	Name	RecFind Ref
14.3.1	Operating Statement YTD	16/004380
14.3.2	Capital Statement	EDOC008462
14.3.3	Balance Sheet	EDOC008463
14.3.4	Comprehensive Income Statement	EDOC008461 EDOC008464
14.3.5	Notes to the Financial Report	EDOC008466
14.3.6	Budget Variations	



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15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2012), Meeting Procedure and Common Seal Local Law 2012, West Wimmera Shire Council:

25. Urgent Business

Business must not be admitted as urgent business unless it:

- i. Relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- ii. Cannot safely or conveniently be deferred until the next Ordinary Meeting.*

16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal advice of the Local Government Act 1989 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 SUPPLY AND DELIVERY OF A HEAVY RIGID WATER TRUCK

17.2 SUPPLY AND DELIVERY OF A ROAD MAINTENANCE TRUCK

RECOMMENDATION

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public and that the reports for those items remain In-camera and that Council open the meeting to the public at pm.

MEETING CONCLUDED:

NEXT MEETING:

**THURSDAY 15 DECEMBER 2016
EDENHOPE COUNCIL CHAMBER**