



ORDINARY COUNCIL MEETING MINUTES – 15 FEBRUARY 2017 WEST WIMMERA SHIRE COUNCIL

ORDINARY COUNCIL MEETING MINUTES

***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*

HELD: Wednesday 15 February 2017

LOCATION: Edenhope Council Chamber

COMMENCEMENT: 7.00pm

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer
Richard Hicks Tom Houlihan Jodie Pretlove	Venkat Peteti General Manager Corporate & Community Services
	Robyn Evans General Manager Infrastructure Development & Works

***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

The CEO read the opening prayer.

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

3.1 APOLOGIES

Nil

3.2 LEAVE OF ABSENCE

Nil

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.

Nil

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.

Nil

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.

4.2.1 WARREN MCDONALD, CHETWYND – FLOOD DAMAGE AT CHETWYND HALL

- Flood damage at Chetwynd Hall occurred last year.



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- Toilets at the Chetwynd Hall were damaged, but subsequently found that this was not covered by insurance. This toilet block was built by the Glenelg Shire in about the 1960s.
- Will now spend \$84,000 on the Hall using the insurance payout.
- Would like some guidance from Council, what can be done about fixing the toilets?

GMIDW: Would like to talk to you about this issue, then bring a proposal back to Council, ownership issue of the toilet block is a problem and needs to be resolved. Will arrange to meet with you.

GMCCS: Has been liaising with Emergency Management Victoria, waiting for an answer.

4.2.2 ALAN GOLDSMITH, EDENHOPE GOLF CLUB – CORELLA ISSUES

- A large number of Corellas were on the second green of the golf club last week, and created so much damage that the green was unplayable. Corellas were there again last night. Can Council assist?

Mayor: This matter will be addressed later in the meeting.

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

5.1 COUNCILLOR BRUCE MEYER (MAYOR)

16/12/2016	Wimmera Regional Library Corporation Board Meeting
16/12/2016	Pre-Christmas Dinner with Apsley Action Group, Apsley
19/12/2016	Tim Nowell, Camperdown Dairy International
21/12/2016	CEO David Leahy
26/12/2016	Mullagh Wills Foundation – Journey to the G Celebration, Melbourne
04/01/2017	CEO David Leahy
11/01/2017	CEO David Leahy
20/01/2017	CEO David Leahy
25/01/2017	CEO David Leahy
25/01/2017	Dinner with Australia Day Ambassador, Dr Nouria Salehi OAM
26/01/2017	Australia Day Event in Apsley and presented Citizen of the Year Award to Tanya Turner and Community Event of the Year Award to Apsley Racing Club
26/01/2017	Australia Day Event in Edenhope
30/01/2017	CEO David Leahy



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30/01/2017	“Backroads” ABC TV Program Screening, Harrow Hermitage Hotel
31/01/2017	CEO Annual Performance Review
01/02/2017	Councillor Forum, Kaniva
04/02/2017	Kaniva Car & Bike Show
07/02/2017	CEO David Leahy
09/02/2017	Council Planning Workshop, Gorokey
10/02/2017	Council Planning Workshop, Gorokey
11/02/2017	Henley on Lake Wallace
13/02/2017	Council Planning Workshop, Gorokey
15/02/2017	CEO David Leahy
15/02/2017	Council Meeting, Edenhope

5.2 COUNCILLOR TREVOR DOMASCHENZ

16/12/2016	Edenhope’s Carols by the Lake
24/01/2017	Wimmera Mallee Tourism Meeting, Sheep Hills / Warracknabeal
30/01/2017	“Backroads” ABC TV Program Screening, Harrow Hermitage Hotel
31/01/2017	CEO Annual Performance Review
01/02/2017	Councillor Forum, Kaniva
09/02/2017	Council Planning Workshop, Gorokey
10/02/2017	Council Planning Workshop, Gorokey
11/02/2017	Henley on Lake Wallace
13/02/2017	Council Planning Workshop, Gorokey
14/02/2017	Wimmera Development Association Board Meeting, Horsham
15/02/2017	Council Meeting, Edenhope

Has also visited the Visitor Centres at Edenhope and Harrow, and attended the recent Edenhope Vision and Voice meeting

5.3 COUNCILLOR RICHARD HICKS

25/01/2017	Dinner with Australia Day Ambassador, Dr Nouria Salehi OAM
26/01/2017	Australia Day Event in Kaniva & presented Young Citizen of the Year Award to Jonathon Kyle
31/01/2017	CEO Annual Performance Review
01/02/2017	Councillor Forum, Kaniva
03/02/2017	Wimmera Southern Mallee Regional Transport Group Meeting
09/02/2017	Council Planning Workshop, Gorokey
10/02/2017	Council Planning Workshop, Gorokey
13/02/2017	Council Planning Workshop, Gorokey
13/02/2017	RoadSafe Wimmera Meeting, Horsham
15/02/2017	Council Meeting, Edenhope

5.4 COUNCILLOR TOM HOULIHAN

25/01/2017	Dinner with Australia Day Ambassador, Dr Nouria Salehi OAM
26/01/2017	Australia Day Event in Apsley



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26/01/2017	Australia Day Event in Edenhope
26/01/2017	Australia Day Event in Minimay
26/01/2017	Australia Day Event in Harrow
31/01/2017	CEO Annual Performance Review
02/01/2017	Meeting with residents at Minimay Store, Lake Charlegrark, Edenhope Bowling Club, Johnny Mullagh Park
14/01/2017	Harrow B&S Ball
29/01/2017	Meeting with residents at Minimay Store, Lake Charlegrark, Edenhope Bowling Club
30/01/2017	“Backroads” ABC TV Program Screening, Harrow Hermitage Hotel
01/02/2017	Councillor Forum, Kaniva
02/02/2017	Geoff Drucker & Leigh Newbury, Countrywide Energy
02/02/2017	CEO David Leahy
03/02/2017	Funeral of Tari Sondhu
03/02/2017	Geoff Drucker & Leigh Newbury, Countrywide Energy
03/02/2017	CEO David Leahy
03/02/2017	Tennis under lights at Harrow
06/02/2017	Geoff Drucker, Countrywide Energy
06/02/2017	CEO David Leahy
07/02/2017	GWM Water Van at Douglas re West Wimmera Rural Pipeline Project
07/02/2017	GWM Water Van at Harrow re West Wimmera Rural Pipeline Project
09/02/2017	Council Planning Workshop, Goroke
10/02/2017	Council Planning Workshop, Goroke
11/02/2017	Henley on Lake Wallace
12/02/2017	Chetwynd Hall Working Bee
13/02/2017	Council Planning Workshop, Goroke
14/02/2017	Electronic ID for Sheep & Goats Workshop, Edenhope
15/02/2017	Council Meeting, Edenhope

Moved: Cr Tom Houlihan

Seconded: Cr Trevor Domaschenz

That Council send letters of congratulations to Edenhope’s Mr Jesse Iese – 2016 Horsham Sports & Community Club Sports Star of the Year, and Ms Zoe Hawker – 2016 Junior Sports Star of the Year.

Carried (5/0)

5.5 COUNCILLOR JODIE PRETLOVE

16/12/2016	Pre-Christmas Dinner with Apsley Action Group, Apsley
26/01/2017	Australia Day Event in Goroke
26/01/2017	Australia Day Event in Minimay
31/01/2017	CEO Annual Performance Review
01/02/2017	Councillor Forum, Kaniva



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09/02/2017	Council Planning Workshop, Goroke
10/02/2017	Council Planning Workshop, Goroke
11/02/2017	Henley on Lake Wallace
13/02/2017	Council Planning Workshop, Goroke
15/02/2017	Council Meeting, Edenhope

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

16/12/2016	2017 Volunteering Recognition Awards, Horsham
16/12/2016	Edenhope's Carols by the Lake
19/12/2016	Senior Management Group
19/12/2016	Tim Nowell, Camperdown Dairy International
20/12/2016	Strategic Procurement Discussion with external parties
20/12/2016	First IX Committee discussions re 2018 cricket events in WWSC
21/12/2016	Mayor Bruce Meyer, Kaniva
04/01/2017	Mayor Bruce Meyer, Kaniva
09/01/2017	Senior Management Group
11/01/2017	Mayor Bruce Meyer, Kaniva
16/01/2017	Senior Management Group
17/01/2017	Simon Coutts, GWM Water
18/01/2017	Edenhope Hub Meeting
20/01/2017	Mayor Bruce Meyer, Kaniva
23/01/2017	Leadership Briefing for Act@Work
24/01/2017	Visit to Goroke College
25/01/2017	Mayor Bruce Meyer
25/01/2017	Dinner with Australia Day Ambassador, Dr Nouria Salehi OAM
26/01/2017	Australia Day Event in Edenhope
26/01/2017	Australia Day Event in Dergholm
30/01/2017	Senior Management Group
30/01/2017	Mayor Bruce Meyer
31/01/2017	CEO Annual Performance Review
01/02/2017	Councillor Forum, Kaniva
02/02/2017	Wimmera Regional CEO Meeting, Horsham
02/02/2017	Harry Ostendorf, Vision & Voice Edenhope
07/02/2017	Mayor Bruce Meyer
07/02/2017	Senior Management Group
08/02/2017	MAV STEP Program, Edenhope
09/02/2017	Policy Superintendent Paul Margetts
09/02/2017	Council Planning Workshop, Goroke
10/02/2017	Council Planning Workshop, Goroke
13/02/2017	Council Planning Workshop, Goroke
14/02/2017	Senior Management Group & Managers
14/02/2017	Wimmera Development Association Board Meeting, Horsham
15/02/2017	West Wimmera Asset Management Steering Committee
15/02/2017	Mayor Bruce Meyer
15/02/2017	Council Meeting, Edenhope



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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

Nil

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 15 December 2016, be taken as an accurate record and confirmed.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That the Minutes of the Ordinary Meeting of Council held on Thursday 15 December 2016, be taken as an accurate record and confirmed.

Carried (5/0)

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

9.0 NOTICES OF MOTION

Nil

10.0 ASSEMBLY OF COUNCILLORS RECORD & SPECIAL MEETING MINUTES

10.1 ASSEMBLY OF COUNCILLORS RECORD

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 1 February 2017 be received and noted.



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Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 1 February 2017 be received and noted.

Carried (5/0)

10.2 SPECIAL MEETING MINUTES – COUNCILLOR CODE OF CONDUCT RECOMMENDATION:

That the Minutes of the Special Meeting of Council held on Thursday 15 December 2016, be taken as an accurate record and confirmed.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That the Minutes of the Special Meeting of Council held on Thursday 15 December 2016, be taken as an accurate record and confirmed.

Carried (5/0)

11.0 DEPUTATIONS AND PETITIONS

Nil



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 CAPITAL WORKS

FILE NUMBER: AD0176

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

To facilitate a reporting framework that will provide Councillors with an up to date summary of the status of various projects and large recurrent activities, a new format of reporting progress and variances to budgets has been developed.

The following report and attached document provides an indication of the information contained and some guidance on interpreting the report.

Declaration of Interests

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

Background

The Council administration is required under section 138 of the *Local Government Act 1989* to report on the financial status of the Council on a quarterly basis.

This reporting includes any variances to the original budget and how the administration intends to manage the variances. These reports are large detailed finance documents and people have varying degrees of ability to interpret the data contained within them.

To avoid late reporting of variances and any potential confusion on where certain items are reported within the reports, a new format designed to assist in highlighting the status of large budget items and capital works in an easy to understand format has been developed.

The intention is to provide regular reports to Councillors that will highlight current and immediately impending works (both recurrent and capital). These reports will be presented in graph form and be drawn directly from the corporate finance system.



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The format will also enable components of large projects to be broken down into smaller reports to demonstrate variances on the greater detail. An example of this is a large multi-faceted project like the Kaniva Wetlands could be separated into components such as the playground, paths, fencing, wetland, animal enclosures etc. and show where some components will be over their original allocation and savings made on others.

By presenting the reports in graph form, it will demonstrate the original budget, the year to date expenditure and a revised forecast budget. This format will allow for any variations to be alerted to senior staff and Councillors at intervals that are much shorter than the quarterly reports allow for.

An example is if a road reconstruction project encounters an issue very early and requires funds beyond the budget allocation, it can be explained immediately rather than wait until it is discovered in a quarterly report. Invariably the project will need to continue once it has commenced but the reporting of the variance earlier will enable program adjustments to be made and Councillors informed. This will assist Councillors in answering questions from residents on various aspects of the Councils activities.

In addition to the financial component of the report, there will also be capacity to provide some brief explanation of the project status and whether it is on track or likely to take longer than anticipated. It should also be noted that some projects may have a forecast figure below what was originally anticipated and this reporting format will highlight this also.

Risk Management Implications

Nil

Legislative Implications

Council is legislatively required to provide quarterly financial reports. The proposed reports are to ensure that information is provided at the earliest possible opportunity.

Environmental Implications

Not applicable

Financial and Budgetary Implications

This reporting will provide a more regular and transparent structure of sharing important financial information.

Policy Implications

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



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Asset Capitalisation Policy
Asset Management Policy
Borrowing Policy
Corporate Credit Card and Purchase Cards Policy
Councillor Expense Entitlement & Support Policy
Discretionary Fund Policy
Events Policy
Guarantor Policy
Investment Policy
Procurement Policy

Council Plan Implications

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

- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

This reporting framework is designed to improve the communication between staff and Councillors.

Conclusion

By providing the suggested format of reports on capital works and large budgeted items, it will enable Councillors to have more up to date information available to them.

It is also important that any variances to the agreed budget are highlighted in a timely manner. This format will provide this and in an easy to understand format.

OFFICER RECOMMENDATION:

That Council accept the capital works report and direct any questions regarding the report to the appropriate senior officer.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council accept the capital works report and direct any questions regarding the report to the appropriate senior officer.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
12.1.1	Capital Works Variances	17/000415

Moved: Cr Tom Houlihan

Seconded: Cr Trevor Domaschenz

That standing orders be suspended to allow a member of the public who has just arrived to ask a question.

Carried (5/0)

ROB PETTMAN, EDENHOPE FOODWORKS – COMMUNITY CONSULTATION COMMITTEE FOR WEST WIMMERA RURAL WATER SUPPLY FEASIBILITY PROJECT

- Has obtained a nomination form for the Community Consultation Committee.
- Who was this form sent to?
- Would like Edenhope people to be included on this Committee.

CEO: GWM Water sent the nomination form to landholders along the proposed pipeline footprint.

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

That standing orders be restored.

Carried (5/0)



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12.2 REVIEW OF LOCAL LAW NO. 7 – COMMON SEAL AND MEETING PROCEDURE

FILE NUMBER: AD0198

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The following report provides background on a review undertaken of Local Law No. 7 which covers the Common Seal and Council Meeting Procedure which was last reviewed and endorsed in 2012.

Declaration of Interests

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

Background

The West Wimmera Shire Council Local Law pertaining to the management of the Common Seal and Meeting Procedures was last reviewed and endorsed by Council in 2012. The current local law can remain in operation until 1 October 2022 unless it is revoked sooner.

The requirement to operate a Local Law for Council Meeting procedures is contained in section 91 of the Local government Act 1989. The section of the Act is as follows;

1. *A Council must make local laws governing the conduct of meetings of the Council and special committees*
2. *Except as provided in this Act and subject to any local laws, the conduct of meetings of a Council is in the Council's discretion.*
3. *Except as provided in this Act and subject to any local laws and any resolutions of a Council, the conduct of meetings of a special committee is in the special committee's discretion.*
- (3A) *A quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or the special committee.*
4. *Resolutions made at a meeting of a Council or special committee must clearly state the intention and effect of the resolution.*



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Since the last review and endorsement of the local law a number of modifications have been made to the procedure for conducting Council Meetings which need to be reflected in the local law. There were also items that were previously not included in the local law that need to be added and some of these points will necessitate a slight alteration to the agenda.

The proposed modifications to Local Law No. 7 were workshopped with Councillors and Senior Staff at the Council Assembly of 1 February 2017. This enabled Councillors to question any of the modifications.

An example of the proposed modifications include;

- *The inclusion of a clause to allow for the removal of standing orders for public question time to allow for discussion to occur*
- *The removal of the order of items / events within the meeting, to enable greater flexibility in meeting preparation and function*
- *The inclusion of a table of contents*
- *Inclusion of a statement regarding adherence with the principles contained within the code of conduct*
- *An explanation of the process to follow should a quorum not be achieved due to declarations of conflict of interest*
- *The removal of the specified time for a meeting to conclude (11pm) to be replaced with a 4 hour time limit to allow for different meeting start times if Council so chooses and,*
- *A number of wording changes in various sections.*

In addition to the above, there are also some minor adjustments to the Common Seal section of the local law, one pertaining to security of the seal and the other regarding delegations to the CEO.

All of the suggested meeting procedure items ensure that the local law aligns with the meeting processes currently undertaken.

Risk Management Implications

Not adhering to the agreed local law, creates the potential for decisions to be challenged.

Legislative Implications

Section 91 of the Local Government Act 1989 requires Councils to make local laws to govern meeting procedures.

Environmental Implications

Not applicable



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Financial and Budgetary Implications

Nil

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Code of Conduct Policy
Protected Disclosures Policy

Council Plan Implications

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

- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

Following the review of local law by Councillors and subsequent endorsement, the updated version will be made available on the Shire web-site.

Conclusion

While the review of the local law is not required until 2022, the procedural changes that have occurred in recent years and other legislative requirements such as the code of conduct, a review and “re-shaping” of the local law is necessary to ensure that procedures comply with the set standards.

In addition to the above, the make-up of the Council has changed significantly which makes it an opportune time to set meeting standards that suit the Council.

OFFICER RECOMMENDATION:

- 1) That Council endorse the reviewed Local Law No. 7 – Council Meeting Procedure and Use of the Common Seal.**
- 2) That the CEO register the reviewed Local Law with the Ministers Office for inclusion in the Government Gazette.**



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Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

1. That Council endorse the reviewed Local Law No. 7 – Council Meeting Procedure and Use of the Common Seal.
2. That the CEO register the reviewed Local Law with the Ministers Office for inclusion in the Government Gazette.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.2.1	Meeting Procedure & Common Seal Local Law 2017 review	17/000415



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12.3 MAJOR PROJECTS PLAN

FILE NUMBER: PS0460

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The following report and attached plan provides background information on the long term Major Projects Planning and large recurrent expenditure items that will form the first stage of the annual budget development.

Following a presentation to the Council Assembly of 1 February 2017, the figures contained in the plan undergone further scrutiny to ensure that they are accurate and in line with the long term financial plan of Council.

Declaration of Interests

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

Background

During the preparation of the 2016/17 Council budget, it became apparent that there was no formal long-term project planning that linked to the 10 year financial plan. This meant that the process of developing the budget required the finance department to make some assumptions on aspects of its development and this led to a series of reviews with Councillors.

In order to make the process clearer for all involved, the creation of a plan to contain all large items of expenditure (such as, maintenance grading, footpath maintenance, delivered meals etc.) and capital projects such as building upgrades, playgrounds, road reconstructions etc. was agreed to.

The development of the plan has taken since August 2016 to get it to the point that it is now ready to be presented as a draft for discussion and ultimately for decision. Whilst this first version of the plan is for 5 years, the goal of the administration is to have the plan span a 10 year cycle.

There are a number of additional activities that need to be undertaken in conjunction with the Major Projects Plan, such as, the scoping of all the various projects to act as a mini business case for each project and ensure that cost estimates are checked for accuracy and an assessment of each project to provide it with a project score to assist with prioritisation.



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A flowchart explaining the planning process for projects was developed and explained to all staff to enable all projects to be planned in a common formal fashion.

The plan will be reviewed and endorsed by Council annually and once agreed to, the data from the plan will be entered into the budget papers as the first step of developing the annual budget. All of the figures within the plan will be matched against the long-term financial plan to ensure that the organisation is operating within its financial capacity.

Following the entry of the Major Projects Plan data into the preliminary budget, all standard recurrent figures will be entered, such as, wages and salaries, utilities costs and reserve adjustments where necessary. By completing this process it will provide a clear indication of the level of funds available for discretionary allocation.

Contained within the plan are projects that Council is currently committed to and large recurrent items that the Council is also committed to. A notional figure of Council financial commitment, a proposed external funding figure and other contributions figure are included for each project.

The other contributions section is to cover community fund raising efforts for various projects and the external funding section is a proposed figure that will be targeted through grant applications.

The annual review exercise will include updating these figures to make them more accurate and depending on funding opportunities and changing priorities, the year that a specific item is listed in may change also.

To ensure that the plan can be adjusted according to opportunity, Council may choose to review the plan a number of times each financial year and shift items around if necessary. If multiple reviews are requested by Council, it must also be reviewed against the long term financial plan.

Risk Management Implications

There is a risk associated with not exercising due diligence in project planning as Council may face the prospect of financial loss through variations.

By placing projects and priorities into an agreed plan, it will ensure that initiatives are not lost in the system and will assist with planning work schedules.

Legislative Implications

Council is obliged by legislation to undertake an annual budget process under section 127 of the Local Government Act 1989. The Major Projects Plan is designed to assist with this process.



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Environmental Implications

Not applicable

Financial and Budgetary Implications

The development and endorsement of this plan is the first step in the preparation of the annual budget. It will also enable Council to have a clear understanding of the organisations financial capacity.

The cost of developing the plan is absorbed into Councils day to day administrative expenses.

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Borrowing Policy
Business Assistance Scheme Policy
Business Continuity Policy
Community Grants Policy
Community Halls Policy
Corporate Credit Card and Purchase Cards Policy
Councillor Expense Entitlement & Support Policy
Discretionary Fund Policy
Events Policy
External Hire of Plant Policy
Guarantor Policy
Investment Policy
Playground Management Policy
Procurement Policy
Tourism Policy
Township Amenity Policy

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 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation



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Communication Implications

Once the plan is developed and endorsed it will become a public document and will be used in communications with funding agencies and in discussions with government ministers and local members.

Conclusion

Whilst the development of a Major Projects plan is not a legislative requirement of Council, it is a logical step towards ensuring that the ambitions of the organisation can align with the financial capacity of the organisation.

By having the plan span 5 years and eventually 10 years it will ensure that projects and Council initiatives do not get “lost in the system” and will assist staff in targeting external funding opportunities.

The scoping and assessment of each proposal will provide greater surety that the cost estimates included with projects are more accurate. It will also assist when applying for external funds as it will demonstrate that the project planning process has been thorough and due diligence exercised.

OFFICER RECOMMENDATION:

- 1) That Council endorse the Major Projects Plan and enter the figures for the 2017/18 financial year into the preliminary budget document.**
- 2) That Council commit to a full review of the plan in November each year.**

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

- 1. That Council endorse the Major Projects Plan and enter the figures for the 2017/18 financial year into the preliminary budget document.**
- 2. That Council commit to a full review of the plan in November each year.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.3.1	Draft Major Projects Plan	17/000415



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12.4 SALE OF MIGA LAKE HALL

FILE NUMBER: CM0392

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The following report provides a summary of the activities that have occurred during the sale of the Miga Lake Hall

Declaration of Interests

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

Background

Council resolved to sell the Miga Lake Hall via expression of interest following a strategic halls review in 2014.

Consultation with the local community occurred in early 2015 and it was advertised for expressions of interest in May 2015 and a number of offers to purchase were received through this process.

At the Council meeting of 21 May 2015, Council resolved the following;

That Council:

- 1) *Accept the expression of interest bid of Mark Hancock for the purchase of the Miga Lake Hall, title particulars Crown Grant Volume 5793, Folio 434 being TP 350562 Parish of Turandurey, for the amount of \$5,000*
- 2) *Be responsible for all legal and other transfer costs associated with the transfer;*
- 3) *Pass on the net sale of hall proceeds to the Miga Lake CFA group to be expended on local CFA group operations as seen fit by the group;*
- 4) *Liaise with the Miga Lake community to erect, at Council cost, a suitable plaque detailing the history and background to the Miga Lake Hall and recognising the site from an historical perspective.*

Council initially attempted to employ legal professionals based in Nhill to complete the transaction, but the timing of the project prevented this, so it was decided to employ Russel Kennedy lawyers of Melbourne to complete the sale from a legal perspective.



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As at 18 January 2016 the legal costs alone had totalled \$8,332.53 with more invoices to come. Also at this stage there was agreement between Council and the purchaser to undertake a process to remove a title condition that was proposed to cost less than \$500. The title condition was pertaining to the use of the site and what activities are allowed and not allowed on the site.

Council was still receiving invoices for legal costs associated with the sale as late as June 2016.

Council received a call from representatives of the Miga Lake CFA in October 2016 and a subsequent letter, asking for an explanation as to why the net proceeds had not been forwarded to them.

A response letter was provided explaining the Council resolution and that the legal costs meant that there effectively were no net proceeds to hand over.

As there are no net proceeds of this sale, Council will need to ultimately decide if it wishes to provide some funds to the Miga Lake CFA in the form of a Community Grant for equipment etc. Previously when Council has provided funds to CFA brigades, it has done so upon receiving a community grant application. This enables Council to formally endorse the grant via Council Resolution.

Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

If Council chooses to provide funds to the Miga Lake CFA, it can be undertaken via the Community Grants program or Council may choose to make a budget adjustment.



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Policy Implications

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

Community Grants Policy
Community Halls Policy

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

Communication Implications

Further contact will be made with the CFA group pending the outcome of these discussions and any subsequent decision.

Conclusion

When the process to dispose of the Miga Lake Hall from Council's asset register was originally initiated, it was thought that the exercise would be considerably more straight forward than what it eventually was.

The administrative burden of removing a specific condition from the title extended the time required to complete the transfer and also caused the legal costs to exceed what was originally estimated.

The circumstances where by there was no net proceeds available to be passed on to the local CFA brigade means that Council will ultimately need to decide whether or not to provide them with funds via the community grants program or budget adjustment.

OFFICER RECOMMENDATION:

That Council provide funds up to \$5,000 to the Miga Lake CFA and that the Finance Manager be provided with delegated authority to undertake a budget adjustment to reflect this.



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Moved: Cr Tom Houlihan

Seconded: Cr Trevor Domaschenz

That Council provide funds up to \$5,000 to the Miga Lake CFA and that the Finance Manager be provided with delegated authority to undertake a budget adjustment to reflect this.

Carried (5/0)

Attachments: Nil



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 SECTION 173 AGREEMENT – APSLEY WAR MEMORIAL & PROGRESS ASSOCIATION INC (APSLEY RECREATION RESERVE)

FILE NUMBER: PA0898

**REPORT AUTHOR: GILLIAN BRADSHAW
MANAGER OF PLANNING & ENVIRONMENT**

FOR DECISION

Introduction

This Section 173 Agreement is a condition of a planning permit P1352 granted on 23rd September 2016 for the removal of native vegetation, 15 small to medium sized Red Gum trees to facilitate the extension to the Edenhope-Apsley Football Clubrooms at Apsley.

Declaration of Interests

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

Background

The Apsley Recreation Reserve applied for a planning permit to remove native vegetation, 15 small to medium sized Red Gum trees, to facilitate an extension to the Edenhope-Apsley Football Clubrooms at Apsley.

The Department of Environment Land Water and Planning (DELWP) were notified as a Determining authority under Section 55 of the *Planning and Environment Act 1987* and consented to the granting of the planning permit subject to conditions. Condition 6 to 10 of P1352 states:

6. *Only those activities specified in the planning permit application are to be undertaken on the land.*
7. *On expiration of the planning permit, or if the nature of the permitted use or development changes, renewed consent must be sought.*
8. *In order to offset the removal of loss of 0.332ha of remnant patches approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of*



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native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual:

The offset must:

- a. Contribute gain of 0.059 general biodiversity equivalence units*
 - b. Be located within the Wimmera Catchment Management Authority boundaries or West Wimmera Shire municipal district*
 - c. Have a strategic biodiversity score of at least 0.345.*
9. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. The offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:*
- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b. A credit register extract from the Native Vegetation Credit Register.*
10. *Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in the notification.*

This condition is not required for offset on the Native Vegetation Credit Register as it includes monitoring requirements.

Permit Note:

Works affecting protected plants on Crown land will require a Protected Flora License or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DEPI 2014) to determine whether FFG approvals are required. Please contact Pauline Rudolph on (03) 53620754 to discuss the Protected Flora Permit matter.

Discussion with Mr Stephen Hocking, on behalf of the Apsley Recreation Reserve, was conducted about the permanent protection requirement of the planning permit. The Apsley Recreation Reserve is Crown land. Offsets cannot be located on Crown land and must be on freehold land. The issue was resolved with an offer from the Apsley War Memorial & Progress Association offer of land located on Crown allotment 2C Parish of Murrandarra, Casterton-Apsley Road Apsley, to use as an offset and to protect the offset area with a Section 173 Agreement. An offset Management Plan has also been prepared which describes the conservation and management actions of the offset area.



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All requirements of the Planning Scheme and referral authorities have been met. The signing and sealing of the Section 173 Agreement will facilitate the permanent protection of the offset site as required by Conditions 8 and 9.

Attached is a Section 173 Agreement that is required to be signed and sealed by Council because of the above criteria, and a Section 181 form for recording of an agreement.

Risk Management Implications

The Section 173 Agreement ensures compliance with the Planning permit and DELWP condition requirements, therefore negating any risk to Council.

Legislative Implications

By Council signing and sealing the Section 173 Agreement, and then forwarding to Land Victoria for registration on the certificate of title, all legal and legislative requirements are met.

Environmental Implications

The environmental effects of the native vegetation removal have been considered by DELWP and consent has been given to the removal of the native vegetation subject to conditions which the Apsley Recreation Reserve Committee are able to comply with.

Financial and Budgetary Implications

The cost of the registration of the Section 173 Agreement can be borne by Council and would cost approximately \$200.00 - \$250.00.

Policy Implications

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

Environmental Policy

Council Plan Implications

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

Strategic Objective 1: *Increase economic activity through the support of existing businesses and new investment*

Strategic Objective 2: *Increased community amenity – protect unique values of our rural communities*



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Communication Implications

Council advised the applicant in pre-planning meetings that a permanent protection would be required for any offset area, and this was confirmed when the response from DELWP was received and Condition 9 stated the requirement for a permanent protection.

Discussion with Mr Stephen Hocking, on behalf of the Apsley Recreation Reserve, was conducted about the permanent protection requirement of the planning permit. The Apsley Recreation Reserve is crown land and offsets cannot be located on crown land, they must be on freehold land. The issue was resolved with an offer from the Apsley War Memorial & Progress Association offer of land located on crown allotment 2C Parish of Murrandarra, Casterton-Apsley Road Apsley, to use as an offset and to protect the offset area with a Section 173 Agreement. An offset Management Plan has also been prepared which describes the conservation and management actions of the offset area.

Land Victoria will notify Council in writing when the dealing has been registered on the title. The details will then be recorded in the Section 173 Register.

Conclusion

A Section 173 to protect the offset Management Plan meets the conditions of a planning permit P1352 for The Apsley Recreation Reserve Council. The Apsley Recreation Reserve was required to sign the Section 173 Agreement. Council is required to sign and seal the Section 173 Agreement and sign the Application by a responsible authority for the making of a recording of an agreement under Section 181 of the *Planning & Environment Act 1987*.

OFFICER RECOMMENDATION

That Council sign and seal the following Section 173 Agreement and the form for the recording of an agreement under Section 181 of the *Planning & Environment Act 1987*:

Crown allotment 2C Parish of Murrandarra, Casterton-Apsley Road Apsley - Apsley War Memorial & Progress Association PO Box 85 Apsley Victoria

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

That Council sign and seal the following Section 173 Agreement and the form for the recording of an agreement under Section 181 of the *Planning & Environment Act 1987*:

Crown allotment 2C Parish of Murrandarra, Casterton-Apsley Road Apsley - Apsley War Memorial & Progress Association PO Box 85 Apsley Victoria

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
13.1.1	Offset Management Plan	17/000172
13.1.2	Section 173 Agreement	17/000172
13.1.3	Form 181	17/000172



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13.2 PLANNING PERMIT FEES FOR REMOVAL OF NATIVE VEGETATION

FILE NUMBER: DA0054

REPORT AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING & ENVIRONMENT

FOR INFORMATION

Introduction

This report is to inform Council of the impact that the recent increase in planning fees by the State government may have on landowners within West Wimmera Shire who may need a planning permit to remove native vegetation on their property.

Declaration of Interests

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

Background

On October 13th 2016 the State government increased planning permit and planning scheme amendment fees for the first time in approximately 10 years. As a result, most fees at least doubled and some increased by 4 to 10 times the previous amount.

The planning permit application fee for development of land is assessed on the value of the development. The previous fee rate was \$0 to \$10,000 - \$102.00 fee, which covered almost all planning permit applications for removal of native vegetation.

The new minimum planning permit application fees for the development of land is now \$0 to \$100,000 - \$1,080 fee. This is an increase of 10 times the previous planning permit application fee.

The initial penalty for breaching the planning scheme by an individual is five penalty units at \$155.46 per unit = \$777.30, and for a corporate body 10 penalty units = \$1554.60.

The recent increase in planning permit fees now results in the financial penalty being less than the planning permit application fee.

To encourage Shire landholders to continue to apply for planning permit applications to remove native vegetation, it is suggested that Council reduce the amount of the



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development fee for planning permit applications to remove native vegetation to less than the financial penalty. The suggested amount is \$200.00.

Other development applications generally do not have the same environmental impact that the removal of native vegetation does. Once a tree is removed it cannot be replanted. Other development projects may be halted until a planning permit is obtained, without causing undue impact on the environment.

Risk Management Implications

Council can legally reduce or waive planning permit application fees but must record the reason why (see Legislative Implications below).

Recording the reason for reducing the planning permit fee will mitigate the risk.

Legislative Implications

Section 20 of the *Planning & Environment Act 1987* “Power to waive or rebate fee that does not relate to an amendment to a planning scheme” and
Section 21 “Reasons for waiver or rebate of fee to be recorded”,

Section 20 (c) (ii) is the relevant reference for this report.

20 Power to waive or rebate fee that does not relate to an amendment to a planning scheme

A responsible authority or the Minister may wholly or in part waive or rebate the payment of a fee, which the responsible authority or the Minister has received in connection with matters that do not relate to an amendment to a planning scheme, if—

- (a) an application is withdrawn and a new application is submitted in its place; or*
- (b) in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because—*
 - (i) of the minor nature of the consideration of the matter decided or to be decided; or*
 - (ii) the requested service imposes on the responsible authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying that service; or*
- (c) in the opinion of the responsible authority or the Minister (as the case may be) the application or determination assists—*



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- (i) *the proper development of the State, region or municipal district;
or*
- (ii) *the proper development of part of the State, region or municipal district; or*
- (iii) *the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or*
- (d) *the application relates to land used exclusively for charitable purposes.*

21 Reasons for waiver or rebate of fee to be recorded

If a planning authority, responsible authority or the Minister wholly or partly waives or rebates the payment of a fee under regulation 19 or 20, the authority or Minister (as the case requires) must cause the matters taken into account and which formed the basis of the decision to waive or rebate the fee to be recorded in writing.

Environmental Implications

Any planning permit application that triggers a native vegetation offset to be provided, will require that offset to be managed for 10 years and be permanently protected by a legal agreement or covenant which is registered on the certificate of title of the land.

It is anticipated with the reduction of the Development fee, that it will provide an incentive to apply for a planning permit to remove native vegetation rather than remove native vegetation illegally, ie, without a planning permit application.

Financial and Budgetary Implications

Council currently receives approximately eight (8) planning permit applications to remove native vegetation per year. The reduction in the planning permit application fee will mean reduced revenue from an approximate \$8,720 to \$1,600, a loss of \$7,120.

The cost in time and legal fees to pursue legal proceedings for the illegal removal of native vegetation can far exceed the \$7,120 in reduced revenue.

The revenue from the planning permit applications may be reduced but the overall benefit will be reduced removal of native vegetation without a planning permit and the legal costs and proceedings that incurs.

The reduction in the development fee for planning permit applications to remove native vegetation should encourage landholders and provide an incentive to continue to apply for planning permits rather than remove native vegetation without a planning permit.



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Policy Implications

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

Council Plan Implications

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

- Strategic Objective 1: Increase economic activity through the support of existing businesses and new investment
- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels

Communication Implications

The reduced fee, if approved, would be amended in the schedule of fees listed in Councils Fee and Charges on the Council website which is available to all Council residents. The Edenhope and Kaniva offices will have revised fees and charges available to residents.

Conclusion

Council may waiver or rebate part of a planning permit fee. The recent State Government increase in planning permit fees now results in the financial penalty being less than the planning permit application fee.

To encourage Shire landholders to continue to apply for planning permit applications to remove native vegetation, it is suggested that Council reduce the amount of the development fee for planning permit applications to remove native vegetation to less than the financial penalty.

It is recommended that a reduction to the development fee \$0 - \$100,000, for native vegetation removal planning permit applications only, be made from \$1,080 to \$200.

OFFICER RECOMMENDATION:

That Council reduce the planning permit development \$0 - \$100,000 planning permit fee from \$1,080 to \$200 for native vegetation removal planning permit applications only.



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Moved: Cr Tom Houlihan

Seconded: Cr Richard Hicks

That Council reduce the planning permit development \$0 - \$100,000 planning permit fee from \$1,080 to \$200 for native vegetation removal planning permit applications only.

Carried (5/0)

Attachments: Nil



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13.3 SINGLE PROPERTY GOROKE – GREY WATER ISSUE

FILE NUMBER: CM0326

**REPORT AUTHOR: NICOLE WEARNE,
ENVIRONMENTAL HEALTH OFFICER**

FOR DECISION

Introduction

Grey water systems were installed on many properties in Goroce under a State funded project auspiced by West Wimmera Shire Council (Council), to help remove grey water from being discharged to the street, as was the practice of the majority of houses in Goroce at the time.

Ongoing problems with the grey water systems have been experienced by many property residents due to highly constrained blocks with heavy clay soils and insufficient area to dispose of wastewater.

This report is to provide information, and a proposed solution for ongoing issues experienced by residents at a particular property within the Goroce township.

The solution was commissioned by Council from Gary Newman, Land Capability Assessor and Wimmera Wastewater Treatment, wastewater system installers.

Declaration of Interests

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

Background

Since the installation of the grey water system to the subject property, there have been ongoing issues with the disposal and drainage of waste water on this site. This property is approximately 1203 square metres, with a house, carport, driveway, shedding and paths, leaving very little area for wastewater drainage for the five adults who reside in the property.

When the original system was installed, the resident refused the use of the rear yard in their property to be used for wastewater drainage, resulting in the default of the front yard for available wastewater drainage. The size of the front yard is inadequate for the effective functioning of the system for most months of the year.



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The resident has contacted Council Officers on many occasions due to their waste water disposal system not working correctly. Currently the black water from the property runs into the septic tank and then into an overly deep 45 square meter absorption trench. Further, the depth of this trench is in heavy clay soils and therefore drainage and/or evaporation is slow.

The grey water from this property is dispersed through a greywater disposal box and pump through a hose that is designed to be moved around the property to spread the water load.

On a number of occasions, it was found that the resident had placed this hose on the front lawn above the septic drainage lines which was overloading the front lawn area with water, and backing up through the septic tank. This often required pumping out the septic tank to relieve the load on the front lawn for which Council regularly paid.

The resident was advised by Council to put his grey water hose back to the gutter in the street at times when his front lawn area is too wet. This was to save further water logging and waste water backing up. This situation has been occurring sporadically for the last two years, however, and as this is untreated grey water, the situation cannot continue.

Gary Newman from Wartook Woods Environmental was asked by the Environmental Health Officer complete a Land Capability Assessment (LCA) at the property to assess the wastewater and drainage needs.

Risk Management Implications

With untreated greywater being released in to the gutter there is ongoing risk to the health of the community who may come into contact with that water that is discharged offsite.

Council is also at risk of legal proceedings from the resident if the works that were completed are not rectified to a standard that meets a standard set out in the Environment Protection Authority's (EPA) Code of Practice for Onsite Wastewater Management.

The EPA could also take action against Council and the landholder however this is deemed unlikely, (see environmental implications below.)

There is a risk that the resident could come back to Council again with issues after the installation of a new system. This would be mitigated through the form of a written agreement for the home owner to take responsibility of the completed system, prior to works commencing on the property

The issue of potential precedent being set for other claims is extremely unlikely for two reasons:

- The circumstances of this property are unique, and



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- There are few unresolved issues left in Goroke from the original, ill-advised installations.

Legislative Implications

Environmental Protection Act 1970

Environment Protection Authority Victoria – Code of Practice Onsite Wastewater Management 2016

State Environment Protection Policy – Water of Victoria

Environmental Implications

If the grey water system is to be property based and managed, the system must ensure the grey water is effectively managed within property boundaries, and not spreading to adjoining properties.

The proposed system will meet these requirements and will ensure that all drainage of wastewater occurs subsurface as opposed to a hose and sprinkler system which poses ongoing risks.

Flows of grey water to the street are not encouraged by the EPA, however, if it is an improved quality of water, and only at times that the ground is otherwise saturated, this is acceptable.

EPA have also indicated they will accept solutions that improve on a current practice.

Council and GWM Water are in early discussions regarding the sewerage of Goroke. At the time of writing, the sewerage the township of Goroke is not on GWM's plan for the next 5 years. Additionally, as a property outside of the conventional township 'square', there is no guarantee this property would be included in the sewerage project, if and when it happens in the future.

Financial and Budgetary Implications

Wimmera Wastewater Treatment is the only licensed installer in this area of the systems that were recommended in the LCA.

They have provided Council with a quote of \$18,775.00 + GST to complete the works recommended. The systems that have been recommended are specialised Grey Water Treatment Systems which produce a near 'drinking water quality' after treatment, given that in times of high rainfall this water may be required to still have some discharge to stormwater, the highest quality products are required. After contacting the manufacturers of the systems they have advised that, due to the specialised nature of these systems they have limited certified installers in Victoria and South Australia. Wimmera Wastewater



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Treatment is the only certified installer in the area of the Ultra GTS Greywater Treatment System or Rootzone Reedbed System.

This price does include a buffer (if required) of \$1,500 for unforeseen plumbing that may be required.

Policy Implications

Council's Domestic Wastewater Management Plan discusses the need for improvement to poor performing onsite systems. The grey water system at this property is currently a poor performing system.

Council Plan Implications

This issue has no implications to the current Council Plan.

Communication Implications

The resident should be advised that, once these works are completed, that the ongoing responsibility of maintenance of the systems would belong to him and not West Wimmera Shire Council. This will be completed by way of a written agreement with the Resident prior to the works beginning.

Conclusion

The ongoing issues at the affected property has to date, cost Council upward of \$2,000.00, including septic tank pump outs, plumbers' fees, consultant fees and reports, and has the potential to be an ongoing financial burden on Council should the system not be replaced to something that will improve the treatment, contain and dispose of domestic wastewater appropriately.

Installation issues are:

- Should not have been installed in the first instance due to inadequate land size, soil type and household size,
- Black water from the property runs into the septic tank and then into an overly deep 45 square meter absorption trench
- Further, the depth of this trench is in heavy clay soils and therefore drainage and/or evaporation is slow.

The balance of issues is such that Council intervention is likely to be the least bad option for Council.

The undertaking of the recommended solution would be conditional on the resident accepting future responsibility for the system.



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OFFICER RECOMMENDATION:

That Council:

1. Accept the quote from Wimmera Wastewater to rectify the issues with the greywater system located at the subject property, and
2. The cost of works, subject to written acceptance of future responsibility for the system by the resident, be subject to a budget variation.

Moved: Cr Jodie Pretlove

Seconded: Cr Richard Hicks

That Council:

1. Accept the quote from Wimmera Wastewater to rectify the issues with the greywater system located at the subject property, and
2. The cost of works, subject to written acceptance of future responsibility for the system by the resident, be subject to a budget variation.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.3.1	Land Capability Assessment completed by Gary Newman	16/002820
13.3.2	Quote, and slightly altered plan from Wimmera Wastewater treatment	16/003725
13.3.3	Rootzone List of Qualified Installers	17/000409
13.3.4	Ultra CTS Certified Installers	17/000412



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 REQUEST FOR FUNDING FROM APSLEY RECREATION RESERVE

FILE NUMBER: PS0308

REPORT AUTHOR: VENKAT PETETI, GENERAL MANAGER

CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

The report tables the request from the Apsley Recreation Reserve committee (the committee) regarding financial assistance to complete the project at the Apsley Recreation Reserve.

Declaration of Interests

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

Background

Apsley Recreation Reserve upgrade is a project identified as part of the Edenhope, Apsley and surrounds social infrastructure feasibility studies. Council obtained a \$100,000 grant from Sport and Recreation Victoria (SRV) to have umpire change rooms and an all abilities toilet at the Apsley Recreation Reserve.

The original cost of the project is \$162,920 in which Apsley community pledged \$52,920 in cash and \$10,000 in-kind. The grant received from SRV was \$100,000.

Apsley Recreation Reserve Committee wrote a letter to the CEO on 25th Nov 2016 and attended the Council meeting of 15 December 2016 and invited to present to the Assembly held on 1st Feb 2017 to explain the Council the financial difficulties the project is facing.

Discussion

Council as a recipient of the SRV grant is responsible to deliver the project. Council formed a project steering committee consisting of three officers and the Apsley Recreation Reserve Committee representatives. The steering group meets on a regular basis to ensure the delivery of the project.



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The project delivery team is confident on delivering on the SRV funding commitment, however there are other critical ancillary items which were not part of the funding application required to be delivered to comply with regulation and provide a safe public amenity.

These items include installing a new septic system and providing utilities for managing emergencies. In order to complete the project it is anticipated that a further \$46,000 is required.

The Project steering committee worked hard to cut costs of the project and used the in-kind labour where ever possible. The committee was required to invite tenders twice to get the best value for money

Risk Management Implications

The Council is responsible for delivering the project as part of the funding commitment. Any issues with the project delivery would cause reputation issues to Council. The project will not be complete with out installing the new septic system.

Due to the re-tending process this project required an extension of six months to complete.

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

The estimated overrun of \$46,000 is unbudgeted. Officers will make efforts to identify savings from the operations to meet the overrun if Council decides to fund this project.

Policy Implications

None

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



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- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels

Communication Implications

Contact will be made with the Apsley Recreation Reserve Committee to advise the outcomes of the Council decision on their request.

Conclusion

The Apsley Recreation Reserve Committee is working with West Wimmera Shire Council to ensure an excellent community facility is available in Apsley. Financial assistance from the Council will guarantee the successful delivery of the project.

OFFICER RECOMMENDATION:

That Council authorise a budget variation of up to \$46,000 for the Apsley Recreation Reserve project.

Moved: Cr Tom Houlihan

Seconded: Cr Jodie Pretlove

That Council authorise a budget variation of up to \$46,000 for the Apsley Recreation Reserve project.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.1.1	Letter from Apsley Recreation Reserve Committee	16/004669



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14.2 FINANCIAL REPORT AS AT 31 JANUARY 2017

FILE NUMBER: FM0045

REPORT AUTHOR: ASHLEY ROBERTS, MANAGER FINANCE

FOR INFORMATION

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 second quarter of the 2016/17 financial year.

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 January 2017. Where significant variances that are greater than \$20,000 and 10% between actual amounts and revised budget figures at 31 January 2017, 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.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

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 December quarter results was held over one month due to Council not holding an Ordinary Meeting in January. It is considered prudent to provide Council with the latest figures possible and as such this report includes figures to January 2017.



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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 January 2017 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 January 2017 be received and noted.**
- 2. That Council approve the budget variations requested in the financial reports.**

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

- 1. That the financial reports as at 31 January 2017 be received and noted.**
- 2. That Council approve the budget variations requested in the financial reports.**

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
14.2.1	Financial Performance Report January 2017	17/000403
14.2.2	List of Budget Amendments	17/000403



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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

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

That Council consider the following late items of business:

15.1 CORELLA CONTROL AT EDENHOPE GOLF CLUB

15.2 EXPLORING VARIATION OF RATE CAPPING FROM 2017-2020

Carried (5/0)

15.1 CORELLA CONTROL AT EDENHOPE GOLF CLUB

Council received a letter from the Edenhope Golf Club today, regarding damage to the golf course caused by large numbers of Corellas.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

- 1. That Council approve the Local Laws Officer to undertake Corella control actions at the Edenhope Golf Course in partnership with the Edenhope Golf Club.**
- 2. That the Local Laws Officer work with the Edenhope Golf Club to enable them to apply for a permit to undertake the control activities in a Populous Place.**

Carried (5/0)



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15.2 EXPLORING VARIATION OF RATE CAPPING FROM 2017-2020

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That:

1. Council endorses officers' actions to investigate with the Essential Services Commission the options for a variation on the Rate Cap set by the Minister for Local Government.
2. Officers bring back information to Council from the investigation as outlined in 1 above, for Council's consideration and decision.

Carried (5/0)

16.0 SEALING SCHEDULE

16.1 CM04442 NATIONAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (NDRRA)

OFFICER RECOMMENDATION:

That Council sign and seal the following contracts in relation to road construction, heavy plant and contractors, quarry material supply and delivery, and traffic control services for road construction services for the delivery of National Disaster Relief and Recovery Arrangements (NDRRA) within West Wimmera Shire Council:

- CMO442 Formal Instrument of Agreement with Baxter Hire Pty Ltd
- CMO442 Formal Instrument of Agreement with Erin Earthmoving Pty Ltd
- CMO442 Formal Instrument of Agreement with Downer EDI Works Pty Ltd
- CMO442 Formal Instrument of Agreement with Trafficworx Australia Pty Ltd
- CMO442 Formal Instrument of Agreement with CA & MJ Polniak
- CMO442 Formal Instrument of Agreement with Terfo Pty Ltd T/A Mintern Civil
- CMO442 Formal Instrument of Agreement with G&H Hair Earthmoving Pty Ltd
- CMO442 Formal Instrument of Agreement with Balmoral Excavations & Construction P/L
- CMO442 Formal Instrument of Agreement with Henschke Industries Pty Ltd
- CMO442 Formal Instrument of Agreement with Nelson's Tree Services
- CMO442 Formal Instrument of Agreement with McClure Earthmoving (Harrow) Pty Ltd



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- CMO442 Formal Instrument of Agreement with SR & S Whitehead
- CMO442 Formal Instrument of Agreement with WM Warner Pty Ltd
- CMO442 Formal Instrument of Agreement with Chenhall Contracting Pty Ltd
- CMO442 Formal Instrument of Agreement with Jason & Angela Marra T/A J & A Spreading
- CMO442 Formal Instrument of Agreement with Carters Tree Services Pty Ltd

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council sign and seal the following contracts in relation to road construction, heavy plant and contractors, quarry material supply and delivery, and traffic control services for road construction services for the delivery of National Disaster Relief and Recovery Arrangements (NDRRA) within West Wimmera Shire Council:

- CMO442 Formal Instrument of Agreement with Baxter Hire Pty Ltd
- CMO442 Formal Instrument of Agreement with Erin Earthmoving Pty Ltd
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- CMO442 Formal Instrument of Agreement with Terfo Pty Ltd T/A Minterm Civil
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- CMO442 Formal Instrument of Agreement with Chenhall Contracting Pty Ltd
- CMO442 Formal Instrument of Agreement with Jason & Angela Marra T/A J & A Spreading
- CMO442 Formal Instrument of Agreement with Carters Tree Services Pty Ltd

Carried (5/0)



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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 CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW

17.2 PLANT REPLACEMENT PROGRAM: SUPPLY AND DELIVERY MEDIUM GRADER

17.3 SUPPLY OF QUARRY AND ROADMAKING MATERIAL

17.4 DANGEROUS DOG DECLARATION

Moved: Cr Tom Houlihan

Seconded: Cr Richard Hicks

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 8.25pm to resolve on matters pertaining to the following items:

17.1 CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW

17.2 PLANT REPLACEMENT PROGRAM: SUPPLY AND DELIVERY MEDIUM GRADER

17.3 SUPPLY OF QUARRY AND ROADMAKING MATERIAL

17.4 DANGEROUS DOG DECLARATION

Carried (5/0)

RECOMMENDATION

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



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Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 8.40pm.

Carried (5/0)

17.1 CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW

- 6. That the details of this resolution remain confidential, and will not be made public by being added to the Ordinary Council Meeting Minutes.**

17.2 PLANT REPLACEMENT PROGRAM: SUPPLY AND DELIVERY MEDIUM GRADER

- 1. That Council accepts the tender submitted by William Adams for Contract CM0443 “Supply and Delivery Medium Grader,” in accordance with the specifications of Contract CM0443 for the lump sum changeover price of \$274,000.00.**
- 2. That the Contract Agreement Documents for Contract CM0443, “Supply and Delivery Medium Grader” be signed and sealed by Council following their preparation.**



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17.3 SUPPLY OF QUARRY AND ROADMAKING MATERIAL

1. That Council accepts the following tenders for quarry and road making material as submitted by:

- Moree Quarries,
- Conundrum Holdings,
- R A Russell, Powers Creek Gravel,
- Henschke Industries,
- Bordertown Stone, and
- AS & MK Cook,

for Contract CM0444 “Supply of Quarry and Roadmaking Material,” in accordance with the specifications of Contract CM0444 at the tendered rates.

2. That the Contract Agreement Documents for Contract CM0444, “Supply of Quarry and Roadmaking Material,” be signed and sealed by Council following their preparation.

17.4 DANGEROUS DOG DECLARATION

That Council declare:

1. That the two (2) Rottweiler dogs currently belonging to [name] at [address] be declared as “Dangerous” as per the Domestic Animals Act 1994.
2. That the owner of the two (2) Rottweiler dogs complies with all the “Dangerous” dog requirements as prescribed in the DAA within 30 days of Council’s decision.
3. That the name and address listed in part one of this resolution be suppressed from publication in the Ordinary Council Minutes for 15 February 2017.

MEETING CONCLUDED: 8.41PM

**NEXT MEETING: 15 MARCH 2017
KANIVA COUNCIL CHAMBER**