



ORDINARY COUNCIL MEETING AGENDA – 17 MAY 2017 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: **Wednesday 17 May 2017**

LOCATION: **Edenhope Council Chamber**

COMMENCEMENT: **7.00pm**

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

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 BRUCE MEYER (MAYOR)

21/04/2017	Wimmera Regional Library Corporation Board Meeting, Birchip
21/04/2017	CEO David Leahy, Kaniva
25/04/2017	Anzac Day Ceremony, Goroke
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	West Wimmera Shire Tourism Advisory Committee (video link)
27/04/2017	CEO David Leahy, Kaniva
30/04/2017	Youth Art at Lake Charlegrark
02/05/2017	CEO David Leahy, Kaniva
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
04/05/2017	New MAV President, Cr Mary Lalios, Edenhope
09/05/2017	Variation to Rate Capping Community Consultation, Kaniva
10/05/2017	Morning Tea with Edenhope Volunteers
10/05/2017	Kaniva & District Progress Association KDPA
12/05/2017	MAV State Council, Melbourne
15/05/2017	CEO David Leahy, Kaniva
16/05/2017	Kaniva Community Sporting Complex Meeting
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	Council Meeting, Edenhope

5.2 COUNCILLOR TREVOR DOMASCHENZ

25/04/2017	Anzac Day Ceremony, Edenhope
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	West Wimmera Shire Tourism Advisory Committee (video link)
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
04/05/2017	New MAV President, Cr Mary Lalios, Edenhope
08/05/2017	Variation to Rate Capping Community Consultation, Edenhope
09/05/2017	Wimmera Development Association Board Meeting, Stawell
16/05/2017	Wimmera Mallee Tourism Meeting
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	Council Meeting, Edenhope



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5.3 COUNCILLOR RICHARD HICKS

20/04/2017	VLGA Forum: Rate Capping & Local Gov Act Review, Melbourne
21/04/2017	Western Highway Action Committee Meeting, Ballarat
25/04/2017	Anzac Day Ceremony, Kaniva
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	Community Meeting with GrainCorp, Lillimur
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
09/05/2017	Variation to Rate Capping Community Consultation, Kaniva
11/05/2017	MAV Workshop: Effective Decision Making & Strategic Planning
16/05/2017	Kaniva Men's Shed
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	Council Meeting, Edenhope

5.4 COUNCILLOR TOM HOULIHAN

25/04/2017	Anzac Day Ceremony, Harrow
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	West Wimmera Shire Tourism Advisory Committee (video link)
30/04/2017	Youth Art at Lake Charlegrark
01/05/2017	West Wimmera Pipeline Project Steering Committee, Edenhope
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
08/05/2017	Calico & Candles Meeting, Harrow
10/05/2017	Harrow Discovery Centre Committee Meeting
12/05/2017	Grampians Central West Local Gov Waste Forum, Daylesford
16/05/2017	Kaniva Community Sporting Complex Meeting
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	Council Meeting, Edenhope

5.5 COUNCILLOR JODIE PRETLOVE

25/04/2017	Anzac Day Ceremony, Apsley
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	West Wimmera Shire Tourism Advisory Committee (video link)
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
04/05/2017	New MAV President, Cr Mary Lalios, Edenhope
08/05/2017	Variation to Rate Capping Community Consultation, Edenhope



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09/05/2017	Variation to Rate Capping Community Consultation, Kaniva
12/05/2017	2017 Volunteering Recognition Award Ceremony, Horsham
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	Council Meeting, Edenhope

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

21/04/2017	Mayor Bruce Meyer
21/04/2017	Windmill Café
21/04/2017	Victorian Department of Sport & Recreation
24/04/2017	Senior Management Group
25/04/2017	Anzac Day Ceremony, Edenhope
26/04/2017	Kaniva Hub User Groups (video link)
26/04/2017	NBN Representative re update
26/04/2017	West Wimmera Shire Tourism Advisory Committee (video link)
27/04/2017	Senior Management Group Budget Meeting
27/04/2017	REMPPLAN Training, Horsham
01/05/2017	Senior Management Group
01/05/2017	West Wimmera Pipeline Project Steering Committee, Edenhope
02/05/2017	Kaniva Hub Meeting, Kaniva
02/05/2017	Mayor Bruce Meyer
03/05/2017	Councillor Forum, Edenhope
04/05/2017	Councillor Budget Briefing, Edenhope
04/05/2017	New MAV President, Cr Mary Laliotis, Edenhope
08/05/2017	Regional Development Victoria
08/05/2017	Variation to Rate Capping Community Consultation, Edenhope
09/05/2017	Senior Management Group & Managers
09/05/2017	Variation to Rate Capping Community Consultation, Kaniva
10/05/2017	Wimmera Southern Mallee Regional Partnerships Meeting, Horsham
10/05/2017	Calico & Candles
10/05/2017	Committee Meeting re 1868-2018 Aboriginal Cricket Anniversary Events
11/05/2017	LG Pro CEO Forum, Melbourne
12/05/2017	MAV State Council, Melbourne
15/05/2017	Senior Management Group
15/05/2017	Kaniva Hub Meeting, Kaniva
15/05/2017	Mayor Bruce Meyer
15/05/2017	Edenhope College School Council Meeting
16/05/2017	GWM Water
17/05/2017	Councillor Budget Briefing, Edenhope
17/05/2017	Citizenship Ceremony, Edenhope
17/05/2017	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

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 April 2017, 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

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 May 2017 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 WIMMERA REGIONAL LIBRARY CORPORATION SERVICE & FUNDING AGREEMENT 2017-2020

FILE NUMBER: PS0026

REPORT AUTHOR: ELIZABETH MATUSCHKA

GOVERNANCE & EXECUTIVE SUPPORT OFFICER

FOR DECISION

Introduction

To consider and approve the Wimmera Regional Library Corporation Service & Funding Agreement 2017-2020.

Declaration of Interests

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

Background

The Wimmera Regional Library Corporation has provided a new Service and Funding Agreement for signing and sealing by Council.

The Agreement outlines the responsibilities of both parties and remains unchanged from the current agreement, which expires on 30 June 2017.

The new Agreement covers the period from 1 July 2017 to 30 June 2020.

The Service and Funding Agreement 2017-2020 details the responsibilities and obligations of the Wimmera Regional Library Corporation and West Wimmera Shire Council, whom it serves. The Agreement is an extension to the existing Wimmera Regional Library Agreement, and constitutes a legally binding contract between the parties to the Agreement.

West Wimmera Shire Council together with Buloke Shire Council, Hindmarsh Shire Council, Horsham Rural City Council, Northern Grampians Shire Council and Yarriambiack Shire Council (the member Councils) established the Wimmera Regional Library Corporation (WRLC) on 16 April 1996, and are signatories to the Regional Library Agreement.



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The Regional Library Agreement establishes the Wimmera Regional Library Corporation (WRLC) as an independent corporate entity, sets out the parameters within which the WRLC may operate, establishes an obligation to comply with the relevant sections of the Local Government Act 1989 and Corporations law, and prescribes a number of key reporting and operating requirements. The latter includes Clause 7.3, which specifies that service agreements should exist between the WRLC and member Councils.

The member Councils:

- Contribute funds to the WRLC to provide public library services across their municipalities.
- Provide, maintain and where necessary replace buildings, furniture and fittings suitable for the delivery of library services.
- Secure, clean and maintain these assets, including associated areas such as gardens, paths, exterior signs and parking areas.

The WRLC's mission is to provide library services that are relevant to the current and future informational, recreational, educational and cultural needs of the communities served.

The Service and Funding Agreement:

- Specifies the minimum level services and standards to apply across the region, as well as Council-specific arrangements for added and/or modified services.
- Operates in conjunction with and supports the underlying principles and objectives of the Regional Library Agreement.
- Comprises five principal parts, which are general conditions, funding arrangements, WRLC's obligation with respect to core services, base level services and standards which will apply to all member Councils, and those added and/or modified services which Councils have negotiated directly with the WRLC.

The Agreement includes the following key clauses in its Schedules:

- West Wimmera Shire Council is to be represented on the WRLC Board by one Councillor and another person appointed by Council.
- The WRLC Board must meet at least six times each year.
- Contributions by member Councils are to be in accordance with the funding formula approved by the WRLC Board.
- Financial contributions by member Councils are payable in quarterly instalments.
- A definition of core services and standards to be provided by the WRLC.



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Risk Management Implications

Nil.

Legislative Implications

The Service and Funding Agreement establishes an obligation to comply with the relevant sections of the Local Government Act 1989 and Corporations law.

Environmental Implications

Nil.

Financial and Budgetary Implications

Council's financial contribution for 2017-2018 is included in Council's draft Budget.

Policy Implications

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

Advocacy 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

Communication Implications

Council will continue to promote the library services provided within the Shire through its Service and Funding Agreement with Wimmera Regional Library Corporation, by maintaining a webpage at <http://www.westwimmera.vic.gov.au/Community/Libraries>.

Conclusion

West Wimmera Shire Council's affiliation with the Wimmera Regional Library Corporation is of significant benefit to the residents of the Shire. The Service and Funding Agreement 2017-2020 will continue and expand these benefits.



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OFFICER RECOMMENDATION:

1. That Council receive, note and agree to the conditions outlined in the Wimmera Regional Library Corporation Service and Funding Agreement 2017-2020.
2. That the Wimmera Regional Library Corporation Service and Funding Agreement 2017-2020 be signed and sealed by Council.

Attachments:

No.	Name	RecFind Ref
12.1.1	Letter from Wimmera Regional Library Corporation	17/001628
12.1.2	Wimmera Regional Library Corporation Service & Funding Agreement 2017-2020	17/001628



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12.2 AMENDMENT TO JUNE 2017 ORDINARY COUNCIL MEETING DATE

FILE NUMBER: AD0183

REPORT AUTHOR: ELIZABETH MATUSCHKA

GOVERNANCE & EXECUTIVE SUPPORT OFFICER

FOR DECISION

Introduction

This report seeks Council's consideration to move the Wednesday 21 June 2017 Ordinary Council Meeting to alternative day in June 2017, to accommodate Councillor attendance at the Australian Local Government Association's Annual National Congress in Canberra on 18-21 June 2017.

Declaration of Interests

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

Background

Mayor Bruce Meyer and Councillor Jodie Pretlove will be representing West Wimmera Shire Council at the Australian Local Government Association's Annual National Congress in Canberra on 18-21 June 2017.

The June 2017 Ordinary Council Meeting is scheduled to take place on Wednesday 21 June 2017, making it difficult for Cr Meyer and Cr Pretlove to attend.

Moving this Council meeting to Thursday 22 June 2017, or bringing it forward to Friday 16 June 2017, will overcome this issue and provide the opportunity for all five Councillors to attend the Council Meeting.

Risk Management Implications

Nil

Legislative Implications

Nil



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Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Council Plan Implications

This report supports the following section 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

The amendment to the meeting date will be publicised on the Shire's website, on community noticeboard flyers and in local newspapers.

Conclusion

It is important for West Wimmera Shire Council to be represented at the Australian Local Government Association's Annual National Congress.

OFFICER RECOMMENDATION:

That Council move the Wednesday 21 June 2017 Ordinary Council Meeting to Friday 16 June 2017, commencing at pm, to accommodate Councillor attendance at the Australian Local Government Association's Annual National Congress in Canberra on 18-21 June 2017.

Attachments: Nil



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12.3 COMMUNICATIONS POLICY REVIEW

FILE NUMBER: AD0086

REPORT AUTHOR: DAVID LEAHY – CEO

FOR INFORMATION

Introduction

The following report is provided to enable the endorsement of the reviewed Communications Policy.

Declaration of Interests

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

Background

Councils operate with a communication policy to ensure that when consulting or negotiating with their residents that the process is tailored to the particular issue and is undertaken in a transparent fashion.

The reviewed document that is attached to this report has undergone a considerable make-over by having a number of procedural items removed.

It also places the emphasis on ensuring that senior staff conduct community consultation exercises that are designed to suit the issue at hand. It also states that communication can take many forms, from direct contact, to media releases and newspaper articles and using digital means of communication.

Risk Management Implications

Nil

Legislative Implications

The Mayor is charged with the responsibility of being the primary spokesperson for Council in accordance with the Local Government Act 1989. The Local Government Act also requires the CEO to support the Mayor in their duties.



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Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Advocacy Policy

Councillor Code of Conduct Policy

Customer Service Policy

Media Relations Policy

Social Media 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 policy is a public document and Council needs to ensure that it conducts its business in line with its principles

Conclusion

As with all of the recently reviewed Council policies, the communications policy has been sharpened to contain statements of policy rather than general commentary.

It has separated procedure from policy to make it clearer and easier to understand.

OFFICER RECOMMENDATION:

That Council endorse the reviewed communications policy.

Attachments:

No.	Name	RecFind Ref
12.3.1	Draft Communications Policy	17/001700



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12.4 GRAMPIANS AND BARWON SOUTH WEST REGION PASSENGER SERVICES & COST FEASIBILITY STUDY

FILE NUMBER: PS0082

REPORT AUTHOR: DAVID LEAHY - CEO

FOR INFORMATION

Introduction

The following report is provided to prompt discussion and enable Council to endorse the final report of the Grampians and Barwon South West Region Passenger Services Cost & Feasibility Study.

West Wimmera Shire Council was a financial contributor to the study and the Participating Councils are asked to support the study by endorsing it.

Declaration of Interests

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

Background

The Grampians and Barwon South West Region Passenger Services Cost & Feasibility Study was funded via collaborative funds from Local Government in the region and a grant from the State Government via the Public Transport Ministers Office.

The study was administered by a steering committee consisting of senior staff from Local Government, Department of Economic Development, Jobs, Transport and Resources and a study coordinator from Horsham Rural City.

The study team from John Hearsch Consulting included Mr John Hearsch, Dr Bill Russell and Mr Peter Don. This group has extensive experience in transport planning and in particular rail transport. They have, for a long period of time, been trusted advisors to groups such as the Rail Freight Alliance and Regional Transport Forums on matters concerning both passenger and freight rail services and have the best knowledge of passenger transport infrastructure requirements in Victoria.

The study area covers the 8 Local Government areas across Western Victoria stretching from Ararat to the SA Border and north to Yarriambiack and south to Glenelg.



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The original intent of the study when it was first proposed a number of years ago was to primarily test the possibility of reintroducing passenger rail services to the Wimmera. As more Local Government partners to the study became involved, the study grew to cover both a wider area and also to look into an integrated passenger transport network.

The study was also required to provide ways to upgrade infrastructure to provide a service that will cover as many people as possible. It was also required to provide cost estimates for the various stages of the upgrades.

A total of eleven findings and seven recommendations (broken down into sub-recommendations) were provided of which West Wimmera features in finding 4 and recommendation 3.6 as follows:

- *Finding 4 – Improved or in some instances new or re-scheduled coach services can help support small towns as well as aging in place in the regions by allowing residents to more readily access regional centres for medical appointments, education and training as well as shopping needs not met in smaller towns and visits to friends and family, supporting social inclusion.*
- *Recommendation 3.6 – In cooperation with local communities, a review should be undertaken of local bus services that provide intra-town services and access to regional centres (including services to Edenhope, Goroke, Natimuk, Warracknabeal, Ouyen, Donald, Rupanyup and Minyip). The review is to assess the suitability of scheduled routing and timings and consider options for use of demand responsive type services and greater use of school buses.*

During the discussions on the study document held at the Council Assembly of 3 May, the topic of coach services to Kaniva and Nhill was raised and this will be communicated to the project steering committee.

The key recommendations of the study regarding passenger rail services and improved coach services have an indirect benefit to residents within West Wimmera also.

The various recommendations for government investment are presented in stages as some can be implemented immediately without large scale infrastructure expenditure whilst the larger investments in rail to Horsham and Hamilton require considerable funds to be made available.

Stage 1 is to increase frequency of trains on the Ararat service and decrease travel time by removing a number of stations from the current schedule. These proposals also include a new early morning service and by 2019 further improve the schedule to 5 services per day.

The larger stage 2 of the proposals is targeted for 2021 to 2026 and includes passenger services (on rolling stock similar to the VLocity trains that are capable of speeds exceeding 150kmh), to Horsham and Hamilton (3 services each) and 6 services from Ararat.



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Passengers will be required to change trains at Ballarat to enable travel to Melbourne via the regular services that travel from Ballarat. The reason for the change is that the metropolitan network operates on a different gauge of track.

The study has also looked at coach connections to support the rail service and provide an improved integrated system. These coach services would stretch as far as Mount Gambier in SA and would include increased services between Ballarat and Hamilton. As mentioned previously, greater access to coach services for Kaniva and Nhill will further enhance transport options for West Wimmera residents.

Other improvements are recommended to better overcome isolation in small communities as per the West Wimmera specific items previously mentioned. Improved access to visitor sites such as the Little Desert are included in the package of suggestions for areas like West Wimmera.

Upgrades to amenities along the various routes is also covered which include upgrades to accessible toilets, restoration works at the stations that will be included in the proposed rail service and general accessibility for people with mobility issues. These measures are to ensure that the proposals comply with the Disability Discrimination Act.

The costs associated with the stages are, \$1.6m for the first stage and \$369m for the second stage. The second stage will require track upgrades, station upgrades and upgrades to a number of at grade crossings, 18 on the Hamilton line and approximately 30 on the Horsham line. The crossing upgrades are necessary to enable the VLocity trains to travel at a suitable speed.

Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

West Wimmera provided \$2,000 towards the cost of the study.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Advocacy 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 1: Increase economic activity through the support of existing businesses and new investment
- Strategic Objective 5: Delivering quality Human Services

Communication Implications

The document has been officially launched and media releases provided via the steering committee.

Conclusion

While the document does not mention West Wimmera extensively the result of upgraded passenger transport to the regions does have a positive impact on its residents. The ability to access Melbourne and Ballarat via means other than by motor vehicle, will be welcomed by many.

Access to the integrated network will also be of benefit if coach services are improved and ultimately reach out to Kaniva and Nhill, this will also enable people to gain greater access to West Wimmera from areas to our east.

Councillors have the opportunity to endorse the document or provide any form of feedback that they feel is necessary.

OFFICER RECOMMENDATION:

- 1. That Council endorse the Grampians Barwon South Passenger Service and Cost Feasibility Study report.**
- 2. Provide comment back to the steering committee that the introduction of scheduled coach services to Kaniva and Nhill be included in Recommendation 3.6**

Attachments:

No.	Name	RecFind Ref
12.4.1	Grampians and Barwon South West Region Passenger Services Cost & Feasibility Study	17/001262



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 BUILT ASSET ISSUE: BROWNS HOUSE AND CALICO & CANDLES – HARROW

FILE NUMBER: PS0484

REPORT AUTHOR: TRENT DAVIS, BUILT ASSETS OFFICER

FOR DECISION

Introduction

Brown's House is a property at 23 Blair Street, Harrow that according to titles records, was transferred to the Shire of Kowree's ownership in November 1988. West Wimmera Shire Council (Council) inherited the building along with all other assets at amalgamation in 1996.

The original building was constructed in the 1890s, therefore giving it some historical significance, with up to three additions to that section of the building, possibly during the early 1900s.

It is estimated the rear section of the building (Brown's House) was constructed sometime during the 1950s and has no real historical significance.

Calico & Candles is run by local volunteers as a small craft and local produce enterprise and Brown's House serves as a display for domestic memorabilia. Colloquially, the rear of the building is called Brown's House and the front is called Calico and Candles.

An Emergency Building Order relating to 23 Blair Street, Harrow was served on Council on Friday 5 May 2017. This report aims to provide Council with an update status on this particular asset.

Declaration of Interests

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

Background

Council officers have been monitoring the condition of the building since 2014. The building, both front and back sections, does not comply with the building regulations and



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haven't been maintained to manage the renewal requirements over many years. The Council Building Surveyor inspected this building in 2014 and recommended several alterations to keep the building opened for public access. These interim alterations were undertaken and consultation about the long-term viability of the building with the community users the Harrow Historical Society (HHS,) commenced.

HHS contest that the building was transferred to Council in a trustee capacity. Whilst there is evidence that Council accepted the transfer of the building, there is no legal evidence, nor documented ongoing relationship with Council and HHS. None the less until 2014 Council allowed the use and sublease of the building by HHS without question, which might suffice as practical evidence of a trustee type of relations.

Critically though, the title is in Council's name, hence the legal ownership is Council's and therefore any related liability.

The building is in need of major refurbishments which was partially allowed for in Council's current budget, with \$82,000 was allocated in the 16/17 budget. Minor repairs only have been undertaken whilst the consultation with the HHS on the agreed intervention continued.

An Emergency Building Order relating to 23 Blair Street, Harrow was served on Council on Friday 5 May 2017.

Risk Management Implications

There are several risks:

1. Emergency Building Order

Mitigation of this risk can only be met by:

- Demolition or restoration, and
- Restriction of public access.

Any works would be conducted to ensure compliance with the relevant standards including:

AS 1684 Timber framing code
Building Code of Australia
AS/NZS 3000 Electrical Standard
AS/NZS 3500 Plumbing Standard

Financial implications are expanded upon under the financial implications section of this report.



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2. The lack of user agreement

Council does not have a user agreement, lease, licence or any other structure to protect Council with the public occupancy of this building. Based on the understanding they are the legal owners, HHS has sublet Calico & Candles to local volunteers. It is the officer's understanding that this sublease is not document either.

Mitigation of this risk could be through a user agreement. This will be deferred to a future Council meeting.

3. Community confidence in Council

Discussions with HHS and other Harrow community members reflect varying degrees of understanding of the risk concerns listed above. Clear communication has been attempted to mitigate this risk, but it would be fair to say that misunderstandings will continue to provide some risk to Council's reputation in this matter.

Summary of condition issues and officer assessment

Calico and Candles (front section)

The front section of the building is in fair condition considering the age of the building. The original shop building has likely had three additions to it, some removing structural supports. There are two main areas requiring rectification:

a) Wall openings missing beam installation (because of a previous wall removal without a building permit,) have left nothing to carry the roof load causing those sections of the roof to sag. This requires installation of beams to pitching plate, with remedial works to sub-floor to carry roof load.

b) The rear quarter right hand side floor has dropped approximately 190mm. This section requires re-stumping. While the whole floor has the original stumps, there is only a variation on the rest of the floor of + or - 15mm.

- Repairs to the floor will trigger the need for the installation of accessible access
- The building works will also bring in the requirement for the accessible unisex toilet
- Because of the works undertaken in this section of the building, there may be an installation of a fire wall on the South side required. This and the energy rating provisions would be determined by the Building Surveyor, but I believe the conditions shouldn't be too onerous if this is the only section of the building to be retained.

The Emergency Building Order requires Council to replace the support beam and ceiling (make the building safe for public access,) and provide an all-access entrance.



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Brown's House (rear section)

This section of the building is in poor condition and public access has been denied.

The floor has considerable variation over the complete area, with some variation of 80mm over a distance of 1 metre. If this portion of the building was to be retained, this severe distortion will probably require that section of the floor removed and replaced. Some of the external cladding is in poor condition and the windows and door frames have deteriorated to such an extent that they cannot be repaired. The roof cladding is rusty, has a number of holes in it and requires replacement. External walls and internal load bearing walls are up to 70mm out of plumb, while some piers are nearly 200mm out of plumb, therefore placing considerable stress on those structural elements.

A retainer wall along the North side has also failed that requires replacement.

Extra works required to be undertaken because of the extensive repairs would need to be confirmed by the Municipal Building Surveyor. This investigation would be progressed if Council chooses to restore Browns House and potentially would include the following:

- Fire wall constructed along the South side, and a section of the East end
- Accessible access throughout the complex
- Accessible egress at the rear of the building along with suitable access externally to the front and rear of the building
- Energy requirements upgraded

The Emergency Building Order requires Council to demolish or restore the building. If it is to be demolished, the Emergency Building Order requires Council to weatherproof the new rear exterior of the Calico and Candles.

Legislative Implications

The uncertainty over the legal background of this property could be a risk, however in the case of the Emergency Building Order, it is served against the legal owner. If HHS were the legal owners according to the title, the Emergency Building Order would have been served on them.

Environmental Implications

There are no adverse environmental implications identified.

Financial and Budgetary Implications

Out of the allocated \$82,000 in this year's budget, only \$5,200 is expected to be expended by the end of this financial year. This includes assessment of options and minor repairs to mitigate the worst of Council's risks. As monies cannot be rolled over, the 17/18 budget includes a new allocation to Calico & Candles.



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Other than compliance with the Emergency Building Order, the various options could be staggered across one or more financial years.

Once Council commences any works under building permit, Council has two years to complete the works.

Several options had previously been investigated, however the Emergency Building Order has brought forward Council's need to make a decision regarding the future of this community asset. The financial costs are estimated and do not include contingencies such as large amounts of asbestos in either building.

1. First decision is to demolish Browns House or restore it.

Item	Estimated cost	Notes
Demolish Browns House	35,000	Includes make good rear of Calico & Candles
Restore Browns House	170,000	This is a minimum allocation. Should Council determine to restore Browns House, a consultant will be engaged to provide detailed works and costings.

2. Second decision is to demolish Calico and Candles or to meet the Municipal Building Surveyor's minimal requirements.

Item	Estimated cost	Notes
Demolish Calico and Candles with Browns House	35,000	There are efficiencies in demolishing together and there would no longer be the requirement to make good the rear of Calico & Candles.
Access and support beam	36,000	Includes access ramp at the side of Calico & Candles

Other combinations of decisions could be determined. These options' total costings are estimated as below:

Option 1	Complete demolition	\$ 35,000
Option 2	Demolition of rear (Brown's House) & restoration of front (Calico & Candles) including compliance with current building regulations (this option may require a fire wall – add \$7,500)	\$119,000
Option 3	New build	\$178,000



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Option 4	Restoration of both including compliance with current building regulations	\$260,000
Option 5	Option 2 with shed to replace Brown's House (shed approx. \$33,500)	\$152,500
Diorama	Relocation of the memorabilia avoiding need for volunteer supervision for public viewing. Could offer against options 1 & 2. (Does not include paving)	\$ 12,500

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Building Fee Refunds Policy
Building Permit Information Policy
Business Continuity Policy
Commercial Advertising on Council Buildings Policy
Environmental Policy
Human Rights Policy
Investment Policy
Tourism 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
- Strategic Objective 4: Increase community confidence in Council Service Levels

Communication Implications

Councillors met with the HHS and other members of the Harrow community on Tuesday 11 April 2017. Councillors heard the various opinions of the HHS sub-committee and others.

A further meeting with the GMIDW and the Municipal Building Surveyor on Friday 28 May 2017. At this meeting the HHS was advised that an Emergency Building Order was imminent and that Council would have no option but to comply with that order.



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Communication implications depends on the decision Council makes on this issue. Generally Council would inform the residents about the decision Council determines.

Conclusion

The Emergency Building Order must be complied with, however Council has some options with how they comply with the Order.

The ‘full restoration’ option is one that is not recommended as the social and economic benefit for the Shire could not be easily justified. This leaves Council with options ranging from roughly \$35,000 to \$178,000

The suggestion would be to utilise the current budget allocation and demolish the rear of the building (Brown’s House,) plus some critical repairs to Calico & Candles (approx. \$35,000)

This defers the need for Council to make a determination on the future of Calico & Candles at this point in time.

Concurrently Council could present HHS with the option that they could contribute to the new build of the rear, otherwise in 18/19, Council could move to finalise restoration of Calico and Candles only, costing somewhere between \$104,000 and \$112,000 depending on the need for a firewall.

OFFICER RECOMMENDATION:

That West Wimmera Shire Council:

- 1. Comply with the Emergency Building Order BA1192 by:**
 - a. Demolishing Browns House**
 - b. Form a new exterior rear wall of Calico & Candles**
 - c. Make the roof of Calico & Candles secure and sound, and**
 - d. Construct a compliant access to Calico & Candles**
- 2. Note the Harrow Historical Society’s preferred option as the full restoration of Calico and Candles and the construction of a display rear to Calico & Candles for the Society’s collection of memorabilia**
- 3. Defer the decision of the future of Calico & Candles until such time as Council has determined its community service levels for community activities and the underlying assets to support them.**



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Attachments:

No.	Name	RecFind Ref
13.1.1	BA1192 Emergency Order	17/001700
13.1.2	Visual representation of preferred option of Harrow Historical Society – concept only	17/001700
13.1.3	Letter from Harrow Historical Society	17/001700



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13.2 REQUEST TO CLOSE AN UNUSED SURVEYED ROAD - BENAYEO

FILE NO: PS0007

AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING AND ENVIRONMENT

FOR DECISION

Introduction

Council has received written correspondence from a landowner requesting closure of an unused surveyed road to facilitate the lease of the road from the Department of Environment Land Water and Planning (DELWP). The road is located south of Crown Allotment 41, Parish of Benayeo and north of Lot 1 LP215892 and Lot 2 PS308979 Parish of Boikerbert and is approximately 2.6 kilometres long, (refer attachment.)

Declaration of Interests

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

Background

The Landowner of Crown Allotment 41 Parish of Benayeo is in the process of purchasing the land described as Lot 1 LP215892 and Lot 2 PS308979 Parish of Boikerbert which abuts the southern boundary of the unused surveyed road.

The land owner wishes to use the unused surveyed road for the grazing of livestock, and to create a link between the two properties. The landowner can only apply for the lease of the unused surveyed road if Council gives consent.

Risk Management Implications

When an unused road is licensed it is effectively declared 'unused' for public traffic purposes. The road is then removed from Council's list of roads, and therefore no longer Council's responsibility. The road is currently unlicensed.

The unlicensed road is unused and unmade and the lease of unused surveyed roads has allowed agricultural use in the past. The road is not used by any other residents in the district.



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Council can request a condition be included on the lease by DELWP to have unlocked swing gates placed at each end of the road. This will allow public access along the road, should it be required, and also contain the livestock within the road reserve.

Legislative Implications

Pursuant to Section 204 (1), (2) and (3) of the *Local Government Act 1989* Council can resolve to formally close the road.

The road reserve, if closed would not be subject to the care and responsibility of Council under the *Road Management Act 2004*.

Environmental Implications

There are no negative environmental implications. There is some native vegetation on the licensed road but the grazing of the road by livestock will have little environmental impact on the native vegetation.

Financial and Budgetary Implications

Any costs associated with the subsequent licensing process are borne by the DELWP and/or the Landowner.

If Council relinquishes management of the road reserve, it will not need to undertake maintenance. This will provide a cost saving to Council.

Policy Implications

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

There are no direct implications on Council's plans or policies.

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
- 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



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Communication Implications

The proposed road closure was advertised in the West Wimmera Advocate and all adjoining landowners notified by letter, and no submissions were received.

Conclusion

The road reserve is currently unused and unlicensed. No residents in the district use this road and no submissions were received in relation to the application.

Council can request DELWP to include a condition in the lease for the applicant to provide unlocked swing gates at each end of the road.

Council may now declare the road ‘unused’ and proceed with advertising the road closure in the Victorian Government Gazette along with DELWP, the applicant and adjoining landowners.

RECOMMENDATION

That Council resolve pursuant to Section 204 (1), (2) and (3) of the *Local Government Act 1989* to:

1. Declare the unused surveyed road located south of Crown Allotment 41, Parish of Benayeo and north of Lot 1 LP215892 and Lot 2 PS308979 Parish of Boikerbert not required for public traffic purposes.
2. That Council advertise the road closure in the Victorian Government Gazette.
3. That DELWP be notified in writing of the resolution to close the road.
4. That the applicant and the adjoining landholders be notified in writing of the resolution to close the road.

Attachments:

No.	Name	RecFind Ref
13.2.1	Letter from landowner & Site plan showing unused road	17/000731



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 FINANCIAL REPORT AS AT 31 MARCH 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 third 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 March 2017. Where significant variances that are greater than \$20,000 and 10% between actual amounts and revised budget figures at 31 March 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 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 March 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 March 2017 is attached for Council's information, in accordance with the requirements of S.138 (1) of the Act.

OFFICER RECOMMENDATION:

That the financial reports as at 31 March 2017 be received and noted.

Attachments:

No.	Name	RecFind Ref
14.1.1	Financial Performance Report March 2017	17/001514



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14.2 RATE CAP VARIATION

FILE NO: AD1083

AUTHOR: ASHLEY ROBERTS, ACTING GENERAL MANAGER
CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

This report discusses the opportunity for Council to seek a variation for the rate capping set by the Minister of Local Government for the next four financial years.

Declaration of Interests

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

Background

Council at its Ordinary Meeting held 19 April 2017 resolved:

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council undertakes community consultation to set rates at 3.5% per annum for the financial years 2017-18, 2018-19, 2019-20, 2020-21, and reports back to Council by 17 May 2017 regarding feedback from the community consultation, enabling a decision to be taken by Council on whether to formally apply for a rate cap variation.

Carried (5/0)

Council held community consultation forums in Edenhope on Monday 8 May and also in Kaniva on Tuesday 9 May.

These forums were open to all members of the public. During these forums Council outlined the reasoning behind the application for varying the rate cap. The outcome of these forums is attached for Councillors information.



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Risk Management Implications

Council is exposed to significant financial risk from not being able to effectively fund its operations and capital works. This may result in a cut to future service levels or at a worse case public liability issues for Council as Council's asset fall into disrepair.

Legislative Implications

Section 185E(3)(c) of the *Local Government Act 1989* requires that in any application for a rate cap variation Council shows how the views of ratepayers and the community have been taken into account when proposing a higher rate than the gazetted cap. To do this Council must engage in active consultation with our community in relation to the proposed rate cap variation. Council's chosen methodology for this was to hold two public forums on the proposal.

Environmental Implications

There are no direct environmental implications arising from this item.

Financial and Budgetary Implications

Council has demonstrated that it faces significant asset renewal requirements over the coming years. Council is also experiencing recurring operating losses. These two items combined put Council at risk of becoming financially unsustainable if sufficient funding is not obtained. Council had previously prepared a Strategic Resource Plan and was preparing a Long Term Financial Plan which called for sustained rate increases of 3.5% per annum over ten years to sufficiently fund these issues.

Council has made significant efforts to make operational cost savings where possible and has identified \$89,000 of budget savings from miscellaneous expenditure for the 2017/18 budget (this includes incidental costs such as catering, minor subscriptions and minor equipment purchases) and a further \$18,000 from street lighting costs (due to installation of LED globes) and believes that it has cut expenditure where it can without adversely affecting service delivery.

Whilst making savings of \$107,000 in one year by reducing expenditure assists greatly in improving Council's financial viability and asset renewal gap, Council still is not at a point where it will meet its longer term renewal requirements without requiring cutbacks to its ongoing service delivery.

Council has considered borrowings, however it is not good business practice to borrow funds to renew existing service potential – i.e borrowings should be made to support expanded service delivery, or to provide for increased income or net reduction in costs.



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After considering all options Council considers that its only option is to increase rate income above the 2.0% cap. The implications of a 3.5% rate increase are outlined in the attachment.

It must be remembered that Council has the lowest rate levels across the state. Whilst this has been a reflection of Council's ability to 'do a lot with little' it has led to Council's rate base being lower and less able to absorb cost pressures than if Council was at the average for other Councils. Council's rate as a % of property values is 0.41% compared to the state-wide average of 0.47%, with many other Small Rural Councils being above average.

Policy Implications

Council has no policy on rate capping.

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 5: Delivering quality human services
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

Council application to the rate cap variation will be published by ESC on the website including all documentation that Council provides for the application and the decision taken by the Minister on Council's rate capping application.

Council advertised the public forums in the Kaniva Times, West Wimmera Advocate and the Wimmera Mail Times.

Conclusion

Council is facing severe financial pressure particularly from asset renewal requirements. Council has continued to be the lowest rating council in the state. This coupled with Council's reliance on rate income as its only significant source of own-sourced income has resulted in a position where introduction of rate capping has led Council to a position where it is facing severe financial pressure to maintain its service levels and renew its asset base.



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RECOMMENDATION

That Council resolve to:

1. With reference to the community views expressed during the two consultation sessions concerning a rate cap variation application, that Council make/defer making (delete as appropriate) an application to the Essential Services Commission to vary the rate cap to allow West Wimmera Shire Council to apply a 3.5% rate increase for the 2017/18, 2018/19, 2019/20 and 2020/21 budget years.

Attachments:

No.	Name	RecFind Ref
14.2.1	Rate cap variation presentation	17/001700



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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

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

MEETING CONCLUDED:

NEXT MEETING:

**WEDNESDAY 21 JUNE 2017
KANIVA COUNCIL CHAMBER**