



ORDINARY COUNCIL MEETING AGENDA – 20 SEPTEMBER 2017 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday 20 September 2017

LOCATION: Kaniva 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 Director Corporate & Community Services
Jodie Pretlove	Robyn Evans Director 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, 2017

42. Gallery to be silent

- (1) Any member of the public asking a question of 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:

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious,
prosperous and self-sustaining, with regional and global connectivity*



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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 nine days 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, 2017.



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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)

18/08/2017 Wimmera Regional Library Board Meeting
21/08/2017 Lisa Chesters MP, Nhill
23/08/2017 Councillor Forum re 2017-2018 Budget, Kaniva
23/08/2017 CEO David Leahy, Kaniva
25/08/2017 Councillor Forum, Edenhope
25/08/2017 Special Meeting of Council to adopt 2017-2018 Budget, Edenhope
25/08/2017 Edenhope Hospital Board Farewell Dinner for Ron Hawkins
28/08/2017 Meet the Victorian SES Board, Ballarat
30/08/2017 VicRoads Municipal Liaison Visit, Edenhope
30/08/2017 Q&A Event with Andrew Broad MP & Emma Kealy MP, Horsham
01/09/2017 CEO David Leahy, Kaniva
06/09/2017 Economic Development Special Committee Meeting, Edenhope
06/09/2017 Councillor Forum, Edenhope
07/09/2017 CEO David Leahy, Kaniva
12/09/2017 Kaniva Community Sporting Complex Meeting
15/09/2017 Wimmera Regional Library Board Meeting
15/09/2017 CEO David Leahy, Kaniva
20/09/2017 Citizenship Ceremony, Kaniva
20/09/2017 Ordinary Council Meeting, Kaniva

5.2 COUNCILLOR TREVOR DOMASCHENZ

22/08/2017 Wimmera Mallee Sustainability Alliance Meeting
23/08/2017 Councillor Forum re 2017-2018 Budget, Kaniva
25/08/2017 Councillor Forum, Edenhope
25/08/2017 Special Meeting of Council to adopt 2017-2018 Budget, Edenhope
30/08/2017 Recreation Trails Steering Committee Meeting
30/08/2017 Q&A Event with Andrew Broad MP & Emma Kealy MP, Horsham
01/09/2017 GWM Water Customer & Stakeholder Workshop, Horsham
06/09/2017 Economic Development Special Committee Meeting, Edenhope
06/09/2017 Councillor Forum, Edenhope
13/09/2017 150 Year Commemoration Events of Aboriginal Cricket Tour
20/09/2017 Citizenship Ceremony, Kaniva
20/09/2017 Ordinary Council Meeting, Kaniva

5.3 COUNCILLOR RICHARD HICKS

18/08/2017 Wimmera Southern Mallee Regional Transport Group Meeting
21/08/2017 Lisa Chesters MP, Nhill
23/08/2017 Councillor Forum re 2017-2018 Budget, Kaniva
25/08/2017 Councillor Forum, Edenhope
25/08/2017 Special Meeting of Council to adopt 2017-2018 Budget, Edenhope



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06/09/2017	Economic Development Special Committee Meeting, Edenhope
06/09/2017	Councillor Forum, Edenhope
14/09/2017	Rail Freight Alliance 2017 Rail Futures Conference (PM), Melbourne
15/09/2017	Rail Freight Alliance 2017 Rail Futures Conference, Melbourne
20/09/2017	Citizenship Ceremony, Kaniva
20/09/2017	Ordinary Council Meeting, Kaniva

5.4 COUNCILLOR TOM HOULIHAN

17/08/2017	Flood Recovery Project Information Session, Dergholm
18/08/2017	Inspection of flooding at Apsley Recreation Reserve
23/08/2017	Councillor Forum re 2017-2018 Budget, Kaniva
23/08/2017	Douglas Mine Environment Review Committee Meeting
23/08/2017	First XI 2018 150 Year Anniversary Aboriginal Cricket Events
25/08/2017	Councillor Forum, Edenhope
25/08/2017	Special Meeting of Council to adopt 2017-2018 Budget, Edenhope
25/08/2017	Flood Recovery Project Information Session, Harrow
02/09/2017	Community Engagement at Reserves Football Match, Laharum
03/09/2017	Indigenous Cultural Training Session, Harrow
06/09/2017	Economic Development Special Committee Meeting, Edenhope
06/09/2017	Councillor Forum, Edenhope
12/09/2017	Kaniva Community Sporting Complex Meeting
13/09/2017	Harrow Discovery Centre Committee Meeting
19/09/2017	First XI 2018 150 Year Anniversary Aboriginal Cricket Events
20/09/2017	Citizenship Ceremony, Kaniva
20/09/2017	Ordinary Council Meeting, Kaniva

5.5 COUNCILLOR JODIE PRETLOVE

21/08/2017	Lisa Chesters MP, Nhill
23/08/2017	Councillor Forum re 2017-2018 Budget, Kaniva
24/08/2017	Flood Recovery Project Information Session, Gorokey
24/08/2017	Wimmera Primary Care Partnership Meeting, Horsham
25/08/2017	Councillor Forum, Edenhope
25/08/2017	Special Meeting of Council to adopt 2017-2018 Budget, Edenhope
25/08/2017	Edenhope Hospital Board Farewell Dinner for Ron Hawkins
30/08/2017	Q&A Event with Andrew Broad MP & Emma Kealy MP, Horsham
06/09/2017	Economic Development Special Committee Meeting, Edenhope
06/09/2017	Councillor Forum, Edenhope
20/09/2017	Lake Charlegrark Project Steering Committee Meeting
20/09/2017	Citizenship Ceremony, Kaniva
20/09/2017	Ordinary Council Meeting, Kaniva

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

17/08/2017	LGPro CEO Forum, Melbourne
21/08/2017	Senior Management Group



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21/08/2017	Lisa Chesters MP, Nhill
22/08/2017	Wimmera Leading Change Breakfast, Horsham
22/08/2017	Post-Council Staff Meeting
23/08/2017	Councillor Forum re 2017-2018 Budget, Kaniva
23/08/2017	Mayor Bruce Meyer, Kaniva
25/08/2017	Councillor Forum, Edenhope
25/08/2017	Special Meeting of Council to adopt 2017-2018 Budget, Edenhope
28/08/2017	Meet the Victorian SES Board, Ballarat
29/08/2017	Senior Management Group
30/08/2017	VicRoads Municipal Liaison Visit, Edenhope
31/08/2017	Helen Mulraney-Roll
01/09/2017	Mayor Bruce Meyer, Kaniva
04/09/2017	Senior Management Group
06/09/2017	Economic Development Special Committee Meeting, Edenhope
06/09/2017	Councillor Forum, Edenhope
07/09/2017	Mayor Bruce Meyer
10/09/2017	Edenhope Bowling Club
11/09/2017	Regional Development Victoria
11/09/2017	Act @ Work Committee Meeting, Edenhope
12/09/2017	Senior Management Group & Managers
12/09/2017	Wimmera Development Association Board Meeting
13/09/2017	150 Year Commemoration Events of Aboriginal Cricket Tour
13/09/2017	Harrow Discovery Centre Committee Meeting
14/09/2017	Wimmera Regional CEO Meeting
14/09/2017	Wimmera Southern Mallee Regional Partnership Meeting
15/09/2017	Mayor Bruce Meyer, Kaniva
18/09/2017	Senior Management Group
19/09/2017	First XI 2018 150 Year Anniversary Aboriginal Cricket Events
20/09/2017	Lake Charlegrark Project Steering Committee Meeting
20/09/2017	Citizenship Ceremony, Kaniva
20/09/2017	Ordinary Council Meeting, Kaniva

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



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7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 16 August 2017, be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

9.1 NOTICE OF MOTION 2017/01 – PROJECT FUNDING – CR TOM HOULIHAN

Preamble:

The Drought Communities Programme funds were announced in 2016 by the Member for Mallee Mr Andrew Broad MP.

When the funds were announced, examples of projects and notional allocations were mentioned and this notice of motion is designed to provide an endorsement of Council for the various assessed allocations and seek to have funds assessed and allocated to the Kaniva Community Hub.

All of the projects mentioned are extremely valuable to West Wimmera Communities and thoroughly deserving of investment via the Drought Communities Programme.

Assessments and approvals have been provided by the funding body for the Lake Charlegrark and Goroke projects and by endorsing these allocations formally, the Council is demonstrating its support for the projects.

By seeking an assessment and potential allocation of funds for the Kaniva Community Hub project, Council is taking steps to reduce the financial risk faced by both the West Wimmera Shire Council and the community fund raisers in Kaniva.

By allocating these funds to the project, it reduces the burden on the volunteer groups required to raise money and ensures Council's risk of financial loss is minimised.

I ask that Councillors give due consideration to the aforementioned motions to enable the Shire to move forward with these and many other worthy community projects.



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Motion:

1. That Council apply to the Drought Communities Programme fund to have an application for \$200,000 assessed for the Kaniva Community Hub.
2. That Council endorse the allocation of \$300,000 from the Drought Communities Programme to the Lake Charlegrark upgrade project.
3. That Council endorse the allocation of \$112,480 from Drought Communities Programme to the Gorokey Little Desert Nature Playspace project.

Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion 2017/01 – Project Funding – Cr T Houlihan	17/003507



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9.2 NOTICE OF MOTION 2017/02 – CEO PERFORMANCE REVIEW – CR RICHARD HICKS

Preamble:

One of the tasks of the Council is to undertake, at least annually, a performance review of the Chief Executive Officer and to set the CEO's Key Performance Indicators.

Council last undertook this activity very early in the new term of this Council at the start of this year. At that time, several Councillors expressed concern that they were unfamiliar with the incumbent CEO and found it difficult to provide a holistic review of his performance.

I believe that it is now an appropriate time for Councillors to undertake another performance review of the CEO. The review should provide feedback and guidance to the CEO on meeting his KPIs, to compliment the CEO on his many managerial and administrative successes and skills, and to provide gentle and respectful encouragement as required.

Motion:

1. That a performance review of the West Wimmera Shire Chief Executive Officer be undertaken as a matter of urgency.
2. That the individual or organisation or entity commissioned to undertake the review be one that has not previously undertaken such a task on behalf of West Wimmera Shire, and that the Council review and select the party to conduct the review.
3. That the draft report on the review be made available to the Council no later than Friday 13 October 2017.

Attachments:

No.	Name	RecFind Ref
9.2.1	Notice of Motion 2017/02 – CEO Performance Review – Cr R Hicks	17/003514



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9.3 NOTICE OF MOTION 2017/03 – ACKNOWLEDGEMENT FOR MS EVANS AS A-CEO – CR RICHARD HICKS

Preamble:

From time to time Shire Officers are requested to undertake duties that are not normally within their remit. I believe it is appropriate that Ms Evans be formally thanked for undertaking additional duties and responsibilities during a period of leave by the CEO.

Motion:

That Council gratefully acknowledge the very professional and inclusive caretakership shown by Ms Robyn Evans during her recent appointment as Acting Chief Executive Officer for the West Wimmera Shire.

Attachments:

No.	Name	RecFind Ref
9.3.1	Notice of Motion 2017/03 – Acknowledgement for Ms Evans as A-CEO – Cr R Hicks	17/003517

9.4 NOTICE OF MOTION 2017/04 – RECORDING OF COUNCIL MEETINGS – CR T DOMASCHENZ

Preamble:

At the beginning of the West Wimmera Shire Special Meeting August 25, Councillor Hicks asked the West Wimmera Advocate media representative not to tape record the meeting.

Motion:

That West Wimmera Shire Council record in the minutes before acceptance of the minutes for the Special Council Meeting of West Wimmera Shire Council held August 25 the following rulings that were made:

- (a) That the West Wimmera Advocate representative not be allowed to tape record the meeting because the motion passed allowing recordings only referred to Ordinary Council Meetings.
- (b) That Council cannot conduct any new business during a Special Council Meeting unless it is on the agenda before the meeting.

Attachments:

No.	Name	RecFind Ref
9.4.1	Notice of Motion 2017/04 – Recording of Council Meetings – Cr T Domaschenz	17/003523



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9.5 NOTICE OF MOTION 2017/05 – DROUGHT FUNDING – CR T DOMASCHENZ

Preamble:

West Wimmera Shire Council was provided with access to \$1.5m in Drought Communities Program funds in May 2016.

A number of projects were nominated to receive portions of the funding and notional sums were nominated in media releases against the various projects.

Most of the projects require a community contribution along with the Shire allocations to ensure that they are capable of being completed.

This notice of motion is designed to protect the funds notionally allocated to projects with a current Memorandum of Understanding from having the funds realigned to other projects.

Motion:

That Council do not realign funds within the forecast allocation of Drought Communities Program funds from projects that have a current Memorandum of Understanding (MoU) for community groups to act as the primary community fundraiser.

Attachments:

No.	Name	RecFind Ref
9.5.1	Notice of Motion 2017/05 – Drought Funding – Cr T Domaschenz	17/003524

10.0 ASSEMBLY OF COUNCILLORS RECORD & SPECIAL MEETINGS OF COUNCIL

10.1 ASSEMBLY OF COUNCILLORS RECORD – 2 AUG 2017

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 2 August 2017 be received and noted.



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10.2 ASSEMBLY OF COUNCILLORS RECORD – 9 AUG 2017

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 9 August 2017 be received and noted.

10.3 SPECIAL MEETING OF COUNCIL – 9 AUG 2017

RECOMMENDATION:

That the Minutes of the Special Meeting of Council held on Wednesday 9 August 2017, be taken as an accurate record and confirmed.

10.4 ASSEMBLY OF COUNCILLORS RECORD – 6 SEP 2017

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 6 September 2017 be received and noted.

10.5 SPECIAL MEETING OF COUNCIL – 25 AUG 2017

RECOMMENDATION:

That the Minutes of the Special Meeting of Council held on Wednesday 25 August 2017, be taken as an accurate record and confirmed.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 DATE CHANGE FOR OCTOBER COUNCIL MEETING

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

This report is provided to enable discussion on options for moving the 18 October 2017 Ordinary Meeting to be held at Nurcoun, forward one day.

Potentially moving the meeting date will enable West Wimmera to be represented at the Rural Councils Victoria, Mayors, Councillors and CEO Forum and inaugural AGM in Melbourne. It will also allow for attendance at the MAV annual conference, on 19 October, also in Melbourne.

Declaration of Interests

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

Background

West Wimmera Shire Council is one of 38 member Councils who form part of Rural Councils Victoria. Membership entitles the Council to a vote at General Meetings via the nominated representative. West Wimmera's nominated delegate is traditionally the sitting Mayor and this year Cr Meyer is the delegate authorised to vote.

Rural Councils Victoria hold a number of forums each year for Mayors, Councillors and CEO's which usually coincide with the MAV State Council meetings to try and reduce travel to Melbourne for rural Council representatives. In 2017, the October forum will include the inaugural AGM of Rural Councils Victoria.

Unfortunately the date chosen coincides with the West Wimmera Ordinary Meeting of Council and community forum to be held in Nurcoun. This would also make attendance at the annual MAV conference difficult due to the need for delegates to either travel to Melbourne on the night of the 18th or travel very early on the morning of the 19th.

An opportunity exists for any Councillor to attend the Rural Councils Victoria forum and AGM, the MAV annual conference, the MAV annual awards dinner and the MAV State Council if they wish to attend.



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All of these forums and conferences present opportunities for Councillors to build their network of Councillor colleagues across the sector and listen to the opinions of other Councils via the debate that occurs on the various motions before the State Council. Also the Rural Councils Victoria format has traditionally enabled input into discussions by all in attendance rather than restrict it to the voting delegate.

It is possible to move the Ordinary Meeting of Council forward one day to Tuesday 17 October and commence proceedings at around midday to enable the meeting and community forum to occur and allow sufficient time for people attending the various meetings in Melbourne to travel on the evening of 17 October.

The community, Councillors and Council staff all appreciate the value of the community forums held at the 3 meetings per year outside of Edenhope and Kaniva. Ensuring that this component of the meeting is not compromised by a smaller than usual Council attendance is extremely important.

Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Expense Entitlement & Support Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.



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Communication Implications

The meeting date and time would be communicated with the Nurcoung community group directly and advertised in local media and Council social media pages.

Conclusion

Attendance at Rural Councils Victoria and the MAV State Council are important opportunities for West Wimmera to contribute to the direction of the sectors peak bodies.

The opportunity to attend the MAV conference and awards evening is an ideal chance for Councillors to increase their network of Councillor colleagues as well as gain up to date information on issues effecting Local Government.

Utilising the day prior to the Rural Councils Victoria forum and inaugural AGM is a solution that will enable attendance at all of the programmed events.

OFFICER RECOMMENDATION:

- 1. That Council moves the date and time of the 18 October 2017 to 17 October 2017 to commence at 12:30pm at the Nurcoung Hall.**
- 2. That the meeting be followed by a community forum with the Nurcoung community (including an afternoon tea)**
- 3. That meeting date and time change be communicated with the Nurcoung community, advertised in the local media and communicated via Councils social media pages.**

Attachments: Nil



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12.2 MAV STATE COUNCIL MOTIONS

FILE NUMBER: AD0183

REPORT AUTHOR: CEO – DAVID LEAHY

FOR INFORMATION

Introduction

The annual MAV conference and awards dinner is approaching on 19 October and will be followed by the State Council Meeting on Friday 20 October.

An opportunity exists for Council to submit a motion to the State Council. The recent correspondence from the MAV indicates that all motions must be pertinent to Local Government and relevant to the entire Local Government sector.

Declaration of Interests

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

Background

Councillors have the opportunity to submit a motion to the MAV State Council to be held in Melbourne on 20 October 2017.

Motions are required to be relevant to the entire sector of Local Government and must be submitted by the end of September.

The October State Council also coincides with the annual MAV state conference which will be held on 19 October 2017 at the same venue. Following the conference the annual awards dinner is held where service awards are provided and awards for excellence in certain fields are also distributed.

Traditionally the October State Council and Conference has been open for any Councillor to attend but the nominated MAV rep is the only person entitled to participate in debate and vote on the various motions.

The conference and subsequent State Council is a great opportunity for Councillors to meet with other Councillors from across the state and also enjoy the awards evening.



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Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Accommodation, conference and dinner costs will be incurred.

Policy Implications

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

Advocacy Policy

Councillor Code of Conduct Policy

Councillor Expense Entitlement & Support Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.

Communication Implications

The outcome of the conference and State Council are communicated to Councillors and are subject to media releases where appropriate.

Conclusion

Council is not obliged to lodge a motion to the State Council and the last time that West Wimmera did lodge a motion, it was to have the MAV promote greater use of video conferencing. The intent of this motion was to improve access for small rural shires with long distances to travel to short (2hr) sessions on various topics.



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West Wimmera has utilised the video conferencing facilities to access Mayor and CEO forums since this motion was passed.

OFFICER RECOMMENDATION:

1. That Council lodge the following motion(s) to the MAV State Council

.....
.....

Or, That Council chooses not to lodge a motion to the MAV State Council

2. That the CEO be authorised to lodge the motion via the online template.

Attachments:

No.	Name	RecFind Ref
12.2.1	Email from MAV regarding State Council, 14 August 2017	17/003353
12.2.2	MAV State Council Motion Template	17/003353
12.2.3	MAV Strategic Work Plan 2017-2019	17/003353



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12.3 REVIEW OF CUSTOMER SERVICE POLICY

FILE NUMBER: AD0086

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The following report presents the reviewed customer service policy for Councils consideration.

Declaration of Interests

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

Background

The customer service policy has been reviewed by the relevant staff associated with delivering front line services to residents.

The reviewed policy contains a number of values statements regarding what the organisation stands for with respect to customer service. The ultimate intention is to have the various values included into a Customer Service Charter, which will act as a guide to ensure that service standards remain high.

It also provides some service standards that the staff strive to comply with when dealing with customers.

The Community Satisfaction results on customer service have been traditionally quite good at West Wimmera with satisfaction levels consistently above the state and small rural shire average scores.

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:

Communications Policy

Community Engagement Policy

Councillor Code of Conduct Policy

Customer Service Policy

Human Rights Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.

Communication Implications

The various standards that are listed in the policy are designed to ensure that open communication is applied in customer service.

Conclusion

The review of this policy is a part of the overall review of Council policies and has not undergone any significant changes from the previous version.

OFFICER RECOMMENDATION:

That Council endorse the reviewed Customer Service Policy as presented.

Attachments:

No.	Name	RecFind Ref
12.3.1	Customer Service Policy	17/003353



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12.4 COMMUNITY STRENGTHENING GRANTS PROGRAM 2017-2018

ROUND 1

FILE NUMBER: PR0105

REPORT AUTHOR: HEIDI GAJIC

TOURISM & COMMUNICATIONS OFFICER

FOR DECISION

Introduction

Round one of the West Wimmera Shire Council Community Strengthening Grants Program 2017-18 closed Wednesday 23 August 2017. Eleven applications were received across the three categories with two applications deemed ineligible as per the guidelines.

Declaration of Interests

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

Background

The Community Strengthening Grants program is designed to promote and increase participation of local residents in community initiatives, to build and strengthen local networks and partnerships and to support community leadership, learning and skill development.

Through the program, council will provide financial assistance to community groups and organisations to support the provision of programs, activities and services which respond to identified community needs, contribute to the building of a stronger community, develop innovative approaches and local social issues and are in accordance with council's strategic objectives.

Risk Management Implications

Community Strengthening Grants present minimal risk to council. The policy requires a successful applicant to manage the grant funding themselves. Each application has been assessed against the policy guidelines, ensuring a transparent and equitable process has been followed.



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Legislative Implications

Nil implications.

Environmental Implications

Nil implications.

Financial and Budgetary Implications

A total of \$48,550.50 is allocated in the 2017-18 budget, for two rounds of Community Strengthening Grants. This funding is allocated across three categories:

- Community Events
- Community Projects
- Facilities Upgrades and Equipment

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Council Grants Policy
Support to Community Events Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

The Community Strengthening Grants program was promoted extensively through advertisement in the West Wimmera Wire, council website, local newspapers, community newsletters, posters and social media.

Community Information Sessions were held in Apsley, Edenhope, Goroke and Harrow (Kaniva cancelled due to lack of attendance) to give community groups direct information on how to apply to this grant program. The information sessions provided the community an important platform to workshop ideas and receive feedback, prior to submitting an application. The information sessions were attended by 24 community representatives, with a further 4 community representatives who were unable to attend the information sessions having a private consultation.



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All applicants received written acknowledgment of receipt of their application, which will be followed up by written notification of the funding decision following the council meeting. Successful applicants will be provided with constructive feedback as appropriate. Unsuccessful applicants are able to request feedback should they wish.

Further media will take place following the confirmation of successful applications, as well as media associated with individual applications.

Conclusion

Round one of the Community Strengthening Grants Program 2017-18 is well-subscribed with strong applications and projects submitted for consideration.

OFFICER RECOMMENDATION:

That Council allocate the following funding to applications under Round 1 of the 2017-2018 West Wimmera Shire Council Community Strengthening Grants:

- Harrow Cemetery Trust \$846.00
- Kaniva 1st Guides \$3,000.00
- Edenhope Tourism Inc. \$750.00
- Bay Riders Community Centre \$750.00
- Apsley Golf Club Inc. \$4,830.00
- Goroke Bowling Club \$1,400.00
- LINK Neighbourhood House \$811.90
- Nurcoung Community Centre Inc. \$2,907.00

Attachments:

No.	Name	RecFind Ref
12.4.1	West Wimmera Shire Community Strengthening Grant applications 2017-18 – Round 1 Summary	17/003329



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12.5 GOROKE LITTLE DESERT NATURE PLAYSPACE PLANS

FILE NUMBER: PS0267

REPORT AUTHOR: KELLIE JORDAN

MANAGER ECONOMIC & BUSINESS DEVELOPMENT

FOR DECISION

Introduction

Playground provision is currently undergoing a considerably more sophisticated phase in terms of design and delivery. The understanding of the play needs for children has advanced enormously in recent years, as has the awareness among planners, designers and advocates such as community members, of just how much more imaginative and natural the playspaces we provide for communities can be. Playspaces are not simply the procurement and delivery of assets, but the creation of ideas, experiences and challenge within an open space or place.

The GLDNP (Goroke Little Desert Nature Playspace) project is ready to proceed to the next stage, being final plans and documentation for tendering. The objectives of the playspace are:

- To create an innovative, safe and educational playspace
- To connect with and promote the natural environment
- To provide a space that unites the community and activates an increase in visitor numbers to Goroke
- To provide children with more opportunity to get active and participate in sport and cultural activities

Declaration of Interests

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

Background

According to council records, the community of Goroke first approached Council in 2014 seeking assistance with upgrading the existing playground in the town.

The Goroke Social Infrastructure Study (2015) indicated that while social infrastructure at the Goroke College is vital, other community infrastructure such as parks and playgrounds will be required to enable positive socialisation.



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Following the receipt of a petition from the Goroke community, council discussed the matter at the December 2015 council meeting and resolved the following action:

That Council:

- 1. Receives and notes the petition from the Goroke community for a new playground at Goroke township*
- 2. Authorise GMCCS to engage internal stakeholders and Goroke community to work towards a proposal that meets community needs and considers risk and financial implications for council*
- 3. Considers this matter as part of the 2016-17 budget process*
- 4. Actively seek grant funding for this project.*

The Senior Management Group and the writer met with representatives of the Goroke community in May 2016. A consultant was engaged to collaborate with the community, including the children at the Goroke College, and develop their ideas into a concept plan to be used for funding applications.

At the announcement of council receiving the Drought Communities Program, an amount of \$112,480 was allocated to this project. An application was also submitted to Sport and Recreation Victoria as part of their 2017-18 Community Sports Infrastructure Fund for \$95,000, which was successful.

Risk Management Implications

Refer to Project Management Plan for risks associated with the project.

Jeavons Landscape Architects, who designed the concept plan, are well-informed on current Australian Playground Safety Standards. The design has been developed to reduce the risk of injury while fostering play and challenge for a diverse range of age groups and skills.

Legislative Implications

Not commented on

Environmental Implications

Jeavons Landscape Architects place high importance on sustainability in children's environments. They do this in numerous ways, ranging from the creation of environments where children have opportunities to engage with nature and to learn about the environment; by sustainable capture and re-use of storm water; protection of sensitive landscapes and habitat; selection of suitable plants; and material selection that prefers long-lasting, environmentally sustainable materials, recycled or salvaged where possible.



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Financial and Budgetary Implications

Council has budgeted \$10,000 in the 2017-18 financial year, intended to contribute to the consultancy costs for design and documentation. The funds for the project will be made up through external funding and community contribution (financial and in kind).

Please note that the costings provided in the Project Management Plan are Probable Opinion Costs (not exact). If any items are over these costs, individual items have been identified that can be scaled back or deferred to a second stage, rather than seeking additional funding.

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Communications Policy
Community Engagement Policy
Environmental Policy
Playground Management Policy
Procurement Policy
Recreation Policy
Street Tree Policy
Township Amenity Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

The following consultation with the community has occurred:

16/05/2016 | Initial community stakeholder meeting
June 2016 | Advice to community regarding seed funding available (Drought Communities Program)
5/07/2016 | Community update



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14/07/2016 | Engagement with Goroke College and input on the design
14/07/2016 | Engagement with Goroke community and input on the design
11/08/2016 | Community engagement session – review draft design
16/08/2017 | Community engagement session – review design
6/09/2017 | Community engagement session – final design review

Refer to Project Management Plan for project -specific communications.

Conclusion

The GLDNP plan has been designed to reflect the aspirations and philosophies being developed by council and the community. It creates a unique nature based play experience that provides all who choose to engage, an opportunity to interact with their environment and provide a sense of connection to their local community.

The space provides a diversity of feels between individual nodes of play including active and explorative play that is reflective of individual age ranges, abilities and aspirations. The playspace will become a theatre for the imagination of the children to create games, interact with each other and their families, and have experiences of a culturally relevant and environmentally sustainable nature. The design ensures not just physical access to the site, but genuine access to a wide range of interactive experiences and space that reflects the diversity of ability.

Following community consultation in August 2017, some minor changes were made to the design, which allow for the shelter to be centralised creating a safer, more inclusive space.

The GLDNP project is prepared to move forward to design development construction and documentation stage, pending council endorsement of the plan.

OFFICER RECOMMENDATION:

That Council endorse the final Design Development Drawings for the Goroke Little Desert Nature Playspace project.

Attachments:

No.	Name	RecFind Ref
12.5.1	GLDNP Design Development Drawings v2.0	17/003498
12.5.2	GLDNP Project Management Plan	16/003347



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 PLANNING SCHEME AMENDMENT C36 – INTRODUCING THE HARROW FLOODWAY OVERLAY INTO THE WEST WIMMERA PLANNING SCHEME

FILE NUMBER: DA0158

REPORT AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING & ENVIRONMENT

FOR INFORMATION

Introduction

This report is to inform West Wimmera Shire Council (Council) of a proposed amendment to the West Wimmera Planning Scheme (the Scheme) to introduce the Floodway Overlay for that part of Harrow that is affected by the flooding of the Glenelg River.

When a formal report is submitted to Council it will include a request to the Minister for authorisation to prepare such an amendment.

Declaration of Interests

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

Background

In 2015 the Glenelg-Hopkins Catchment Management Authority (GHCMA) approached Council advising that there was State government grant funding available to undertake flood investigations for areas that are subject to flooding and do not have any Floodway plan overlay or any development controls.

It was the final round for this type of funding application from the State government. Council needed a Floodway plan overlay for Harrow but had not previously allocated the resources to proceed

The GHCMA advised they would apply for the grant with Council named as a co-contributor, and if the application was successful Council would need to contribute \$15,000. Council agreed and the GHCMA applied for and was successful in obtaining a grant to undertake a flood investigation for the Glenelg River at Harrow. Council paid the required \$15,000 contribution cost toward the total cost of the flood investigation of



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\$93,478. The difference of \$78,478 was covered by GHCMA contributions and 50% State funding.

In December 2015 GHCMA let a contract to undertake the flood investigation at Harrow. A component of the scheduled works included in the contract was the preparation of all the documentation for a planning scheme amendment to introduce the Floodway Overlay into the West Wimmera Planning Scheme.

There was extensive consultation undertaken with the Harrow community as part of the flood investigation, and all community meetings were well attended by members of the Harrow community. The information provided by the members of the community at these meetings was invaluable to the both the GHCMA and the contractor who noted their appreciation of the time and effort members the Harrow community contributed to be part of the project.

The Land Subject to Inundation Overlay (LSIO) is currently shown on the West Wimmera planning scheme maps in Harrow. As a result of the flood investigation the LSIO map will need to be modified to show the amended area covered by the LSIO.

The project is now complete and all the documentation for the planning scheme amendment has been forwarded to Council ready to begin the process of introducing the Floodway Overlay into the West Wimmera planning scheme.

Risk Management Implications

The planning scheme amendment complies with all legislative requirements and when implemented will provide clear direction when assessing future development applications within that part of the Harrow township that are affected by flooding, thus reducing Council's risk in the event of inundation.

The Municipal Emergency Management Plan (MEMP) contains the Municipal Flood Emergency Plan (MFEP) which is being prepared by the State Emergency Service. The information from the Harrow Flood Strategy will provide the information required for the MFEP to ensure that flood events in Harrow may be prepared for thus reducing the risk for Council and the community.

The proposed new planning provisions will improve the application and administration of the West Wimmera Planning Scheme, by providing certainty for Council, GHCMA and landowners.

Legislative Implications

The amendment is consistent with Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

No other Ministerial Directions apply to this amendment.



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The planning scheme amendment complies with all legislative requirements and the MEMP, which is a mandatory requirement for each municipality, will also contain the MFEP.

Environmental Implications

The amendment will have a positive effect on the environment. Flooding has environmental benefits as flood-prone areas may provide valuable habitats for plants and animals and serve as natural water storage areas. Areas of environmental significance, such as swamps, billabongs and wetlands have an important role to play in supporting biodiversity, recycling nutrients and maintaining water quality. By accurately identifying flood-prone areas, these areas can be protected from inappropriate development that may pose a threat to water quality and flora and fauna communities.

As the amendment seeks to control both development from the effects of flooding and the effects of development on flood processes and behaviour, the environmental effect of the amendment also extends to maintaining the ability of the floodplain to store and convey floodwater.

Financial and Budgetary Implications

There is no further cost to Council for the preparation of the documentation for the planning scheme amendment as it was included as part of the scheduled works in the grant obtained by GHCMA.

Given that there is the potential for an increase in the number of Planning Permits triggered by the new controls, it is possible that additional demands will be placed on Council operational planning resources.

It is considered that these increased demands will be offset by the improved performance of the planning scheme and the potential for reduced demands on Council's emergency management response and flood recovery resources.

Policy Implications

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

- Communications Policy
- Community Engagement Policy
- Environmental Policy
- Tourism Policy
- Township Amenity Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:



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- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

This planning scheme amendment is the result of a grant obtained by GHCMA which included meetings being advertised in local newspapers inviting the community to attend.

As mentioned above, the meetings were well attended by members of the Harrow community indicating that the advertising had hit the mark.

The local information provided about the behaviour of the Glenelg River during past floods proved to be a valuable resource to GHCMA and the consultants who conducted the investigation.

Conclusion

This amendment is a result of the GHCMA obtaining a grant to undertake a flood investigation of Harrow, which included the preparation of documentation for a planning scheme amendment to introduce the Floodway overlay into the West Wimmera planning scheme.

This report has been provided to enable Council to endorse the planning scheme amendment C36 as presented at the Councillor Assembly of 6 September 2017. It is also recommended that the West Wimmera planning scheme amendment C36 introducing the Floodway Overlay be forwarded to the Minister for Planning, requesting authorisation to proceed with the planning scheme amendment.



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OFFICER RECOMMENDATION:

That West Wimmera Shire Council seek authorisation from the Minister for Planning to:

1. Prepare and exhibit a planning scheme amendment to introduce the Floodway Overlay into the West Wimmera Planning Scheme.
2. The Amendment applies to land in the West Wimmera Shire in the vicinity of Harrow that is affected by flooding in the Glenelg River during a 1% Annual Exceedance Probability (1% AEP) flood event.

Attachments:

No.	Name	RecFind Ref
13.1.1	Final report - Harrow Flood Investigation 2017	17/002877



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13.2 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017 - 2021

FILE NUMBER: DA0048

REPORT AUTHOR: KELLY RICHARDS

ENVIRONMENTAL HEALTH OFFICER

FOR DECISION

Introduction

All local governments are required to review their Municipal Public Health and Wellbeing Plan within 12 months of a council election. West Wimmera Shire Council's (Council) last election was October 2016, hence Council is required to review their plan before October 2017.

This report summarises the West Wimmera Shire Council Municipal Public Health and Wellbeing Plan 2017-2021(the Plan).

Declaration of Interests

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

Background

Council developed a Municipal Public Health and Well-being Plan for the period 2013-2017, this Plan has been reviewed by the Department of Health and has provided guidance for the direction of the 2017-2021 plan.

There has been a large amount of data and information collected to identify the health and wellbeing needs and priorities for the Communities of the West Wimmera Shire. This information has been collected from a range of different sources including other community service focused areas of Council including Maternal and Child Health, external community service agencies including Vichealth, Wimmera Primary Care Partnership and Edenhope and District Memorial Hospital.

A key basis for the new plan is the recognition of the limited resources of a small council. Given this, the Plan will have a collaborative approach with other health services and activities in the area, to ensure that Council are able to focus on the most relevant and highest value health and wellbeing priorities.



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Risk Management Implications

Under the *Public Health and Wellbeing Act 2008* it states that Council has a role to “protect, improve and promote public health and wellbeing within the municipal district.”

The review and implementation of the new Plan will ensure Council meets this obligation.

There is a risk of over-stretch on Council’s capacity and resources. This will be mitigated by recognising in the Plan the limited resources of a small council and by utilising partnerships within the Shire’s catchment.

Legislative Implications

The *Public Health and Wellbeing Act 2008* states that “a Council must in consultation with the Secretary, prepare a Municipal Public Health and Wellbeing Plan within the period of 12 months after each general election of the Council”.

S(26) Municipal public health and wellbeing plans

(1) Unless section 27 applies, a Council must, in consultation with the Secretary, prepare a municipal public health and wellbeing plan within the period of 12 months after each general election of the Council.

(2) A municipal public health and wellbeing plan must—

(a) include an examination of data about health status and health determinants in the municipal district;

(b) identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing;

(ba) specify measures to prevent family violence and respond to the needs of victims of family violence in the local community;

(c) provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan;

(d) specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan;

(e) be consistent with—

*(i) the Council Plan prepared under section 125 of the **Local Government Act 1989**; and*

*(ii) the municipal strategic statement prepared under section 12A of the **Planning and Environment Act 1987**.*

(3) In preparing a municipal public health and wellbeing plan, a Council must have regard to the State Public Health and Wellbeing Plan prepared under section 49.

(4) A Council must review its municipal public health and wellbeing plan annually and, if appropriate, amend the municipal public health and wellbeing plan.

The process of developing the Plan undertaken has considered the above legislative considerations. The Plan can be endorsed by Council by October 2017.



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Environmental Implications

There are no environmental concerns regarding the Plan.

Financial and Budgetary Implications

It is anticipated that there will be little financial implications given that the 2017-2021 Plan will integrate with key stakeholders in the Shire.

Policy Implications

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

Advocacy Policy

Community Engagement Policy

Tourism Policy

Township Amenity Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

The current Council plan for 2017-2021 lists the following priorities:

6.1 – Improve access to health and wellbeing services

6.2 - Support preventive health programs

6.3 – Improve walking/gopher paths in townships; and

Activity 6.2.3 – Alignment of the Council Plan principles into the Public Health and Wellbeing Plan will occur to support the leadership in the areas of prevention of domestic violence, investment in community infrastructure that promotes a healthy lifestyle and supports mental health initiatives.

The process undertaken has considered the Council Plan priorities.

Communication Implications

Initial community engagement was sought via anonymous survey, which was mailed to all ratepayers in Council's database. The survey was also available through Council's website during April and May 2017.

Respondents were asked to rank public health and wellbeing issues in order of importance.



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Issues included:

- 1 - Healthier Eating and Active Living
- 2 - Improving Mental Health
- 3 - Reducing Harmful Alcohol and Drug Use
- 4 - Preventing Violence and Injury
- 5 - Tobacco Free Living
- 6 - Improving Sexual and Reproductive Health

Council received ninety postal and twenty online responses.

The draft Plan will be advertised in the local newspapers and made available for public comment before the October Council meeting.

Subject to the number of submissions received from the newspaper advertisement, a further report will be presented at the October Councillor forum meeting to discuss any submissions. If no submissions or no substantive submissions are received, a final report will be presented for adoption at the Council meeting in October.

Upon a final draft of the Plan being adopted by Council, a copy of the Plan will be placed on the Council website.

Conclusion

Given the limited resources available for health in the West Wimmera Shire, the Plan will ensure a collaborative approach with other health services and activities in the area, enabling Council to focus on the most relevant and highest value health and wellbeing priorities for the 2017-2021 Plan.

A draft Plan will be available at the October Councillor Forum meeting for further discussion, if any substantive submissions are received. If no substantive submissions are received, the final Plan can be endorsed at the October Council meeting.

OFFICER RECOMMENDATION:

That West Wimmera Shire Council approve the West Wimmera Shire Council Municipal Public Health and Wellbeing Plan 2017-2021 for public exhibition for a period of 21 days.

Attachments:

No.	Name	RecFind Ref
13.2.1	Final draft MPHWP report	17/003297



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13.3 SECTION 173 AGREEMENT PLANNING PERMIT P1356

FILE NUMBER: PA0899

REPORT AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING & ENVIRONMENT

FOR DECISION

Introduction

This report is to inform West Wimmera Shire Council (Council) that a Section 173 Agreement under the Planning and Environment Act 1987 for planning permit P1356 is required to be signed and sealed as per the order of the Victorian Civil and Administrative Tribunal (VCAT) of 20 July 2017.

All requirements of the Planning Scheme and referral authorities have been met. The signing and sealing of the Section 173 Agreement will facilitate the security of the offset sites as required in the planning permit conditions.

Declaration of Interests

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

Background

The owner has applied for a planning permit to remove native vegetation at land located at CA7, Section 3, Lot 2, LP129452, Parish of Kaniva, Budjik Street, Kaniva, and is providing offset sites on crown allotments 30 and 36 Parish of Dopewora.

The planning permit application received seven (7) objections and was subject to an application review by VCAT.

The VCAT hearing was held in Horsham in 20th July 2017 and the decision was released to Council on 21st August 2017, ordering Council to grant a permit with conditions, which included condition 2 from Department of Environment Land Water and Planning (DELWP)

“2 Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must



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meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted Clearing of Native Vegetation –Biodiversity 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.”*

The owner has agreed to enter into a Section 173 Agreement to secure both the offset sites.

All requirements of the Planning Scheme and referral authorities have been met. The signing and sealing of the Section 173 Agreement will facilitate the security of the offset sites as required in the planning permit conditions.

Attached is a Section 173 Agreement that is required to meet the conditions of planning permit application P1356.

Risk Management Implications

The Section 173 Agreement secures the offset sites on crown allotments 30 and 36, Parish of Dopewora, and ensures compliance with Planning permit conditions and requirements, therefore negating any risk to Council

Legislative Implications

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

Environmental Implications

The removal of native vegetation will have an impact on the environment.

This has been considered in the original assessment. The offsets provided have been set by VCAT, meet the requirements of DELWP and will be secured by the registration of the Section 173 Agreement.

Financial and Budgetary Implications

There are no financial or budgetary implications to Council as the cost of the registration of the Section 173 Agreement on the certificate of title will be borne by the owner.

Policy Implications

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



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Environmental 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 4: Increase community confidence in Council Service Levels

There are no implications that are contrary to the Council plan

Communication Implications

Council advised the applicant in the pre-planning meeting that a Section 173 Agreement was required. The Land Victoria office will notify Council in writing when the dealing has been registered on the title.

Conclusion

To implement the VCAT decision, Council is required to sign and seal the Application as a responsible authority for the making of a recording of an agreement under Section 181 of the *Planning & Environment Act 1987* for each agreement.

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*:

- William John Rich and Margery Joy Rich – Crown allotments 30 and 36 Parish of Dopewora.

Attachments:

No.	Name	RecFind Ref
13.3.1	S173 Agreement – WJ Rich	17/003542



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13.4 PROVISION OF OFFSETS FOR ROAD WORKS

FILE NUMBER: DA0054

REPORT AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING & ENVIRONMENT

FOR DISCUSSION

Introduction

The report is to commence discussion on the lack of Council freehold land available, for it to use as a native vegetation offset area for programmed roadworks and other projects, which will require a planning permit to remove native vegetation.

Declaration of Interests

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

Background

Under the current native vegetation regulations *Permitted Clearing of Native Vegetation – Biodiversity Guidelines and the Native Vegetation gain scoring manual (DELWP 2013)* local government has to provide offsets on freehold land for native vegetation removed from road reserves with a planning permit, as does the general public.

In 2009 Council signed an agreement/Memorandum of Understanding (MOU) permitting the removal of native vegetation for maintenance purposes only on Council roads. The removal of trees under the MOU does not require Council to provide offsets. Council keeps a record of all trees removed on a spreadsheet as part of the MOU.

The Department of Environment Land Water & Planning (DELWP) is reviewing the current template for the MOU, and a revised version is expected to be released in September/October. Council will need to sign the revised MOU.

Historically Council was not required to provide offsets on freehold land because until 2007 local government could use the road reserve as an offset area for native vegetation removed to undertake roadworks. Since then major road works have been mostly on main roads which are VicRoads controlled and VicRoads have been responsible for the planning permits to remove the native vegetation and the provision of the subsequent offsets.



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For maintenance works since 2009, Council has been able to use the MOU to remove limited native vegetation impacted by maintenance works, keeping a record of the native vegetation removed, as required.

Those limited works and pending larger works, mean the current MOU has reached its limit without the provision of offsets. Thus Council now needs to apply for planning permits to remove native vegetation and must provide offsets on freehold land for the native vegetation to be removed. Council does not currently own or lease land that can be used to provide offsets for the proposed native vegetation to be removed. Refer 'Environmental Implications' below for investigations taken to date.

The offsets that are provided on freehold land must be protected with either a covenant such as a Trust for Nature covenant, or a legal agreement. Council cannot enter into a Section 173 Agreement under the *Planning and Environment Act 1987* with itself, so another option is to enter a Section 69 agreement under the *Conservation, Forests and Lands Act 1987* with the Secretary for the Department, see below.

69 Power to enter into agreements

- (1) *The Secretary may enter into an agreement with any land owner relating to the management, use, development, preservation or conservation of land in the possession of the land owner or otherwise to give effect to the objects or purposes of a relevant law, in relation to land in the possession of the land owner.*
- (3) *Without limiting subsection (1), the Secretary may under that subsection enter into an agreement with the Trust for Nature (Victoria).*
- (4) *If land is to be granted under Division 3 of Part 3 of the **Traditional Owner Settlement Act 2010** in accordance with a land agreement under that Act, the Secretary may enter into an agreement under subsection (1) with a traditional owner group entity to whom the land is to be granted before the granting of the land, if the agreement provides that it comes into effect on the grant of the land.*
- (5) *In this section **traditional owner group entity** has the same meaning as in Part 8A.*

To determine the amount of land required for an offset area Council's Works department will need to determine which roads are programmed for works for up to the next 5 – 10 years that will require native vegetation removal to facilitate the works. An assessment could then be undertaken on how much native vegetation would need to be removed and approximate the amount of offsets that would be required.

A quote was obtained from Trust for Nature for costings for a covenant based on the Shire protecting an offset on freehold land not owned by the Shire.



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The information provided was that this would be categorised as a Commercial Covenant.

<i>Covenant assessment, preparation and registration -</i>	<i>\$10,925</i>
<i>In-perpetuity stewardship -</i>	<i>\$21,101</i>
	<i>TOTAL - \$32,026</i>

Up-front costs to develop and register a covenant are self-explanatory and importantly, the stewardship component funds the important post-protection visits, management plan and technical advice the Trust provides in perpetuity. This is always critical and can also serve to ensure compliance in situations where the covenant may not have begun as voluntary or incentive based.

Based on the above information, it would appear expensive for Council to obtain a covenant to be placed on an allotment to be utilised for an offset for each planning permit.

An alternative would be to lease/buy an allotment that contains the type of native vegetation likely to be required and protect it with a Section 69 agreement. Costings have not yet been provided for obtaining a Section 69 agreement, but will be provided when available.

Any land that Council considered to purchase/lease should be of a size to meet Councils needs for a number of years. Any offers received would require an inspection of the site and a habitat assessment undertaken to assess the value of the vegetation and whether or not it would meet Councils requirements. The land offered should contain a mix of Red, Yellow or White gums and Stringybark and Buloke trees.

Council could advertise for expressions of interest from the general public for land they would be willing to lease/sell to Council for an offset area. This process does not prohibit Council employees from making a submission. A clear and independent assessment process for the submissions should be in place to ensure an open and fair decision.

Council may advertise for Expressions of Interest through a third party to ensure a fair and independent process is undertaken with no bias. It may be prudent to check with Council's lawyers and the MAV as to the best process for this type of transaction.

Risk Management Implications

Offsets provided for the removal of native vegetation under a planning permit must be located on freehold land, not crown land. ie Council cannot use recreation reserves and the like for offset areas.

Council's Works Department will soon need to apply for planning permits to remove native vegetation to undertake roadworks and Council must provide offsets on freehold land for the native vegetation to be removed. Council does not own or lease land that can be used to provide offsets for the proposed native vegetation to be removed.



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Under the revised MOU Council can undertake minor roadworks without a planning permit but **must** provide an offset for the native vegetation removed on freehold land to facilitate the roadworks.

All major roadworks will require a planning permit to be obtained and an offset to be provided and permanently secured before any works can commence on the road.

The lack of an offset site on freehold land for the removal of native vegetation to undertake roadworks could impact on Council's roadworks programme.

By securing current and future offset needs, Council can minimise impact on its roadworks programme.

Legislative Implications

Council will need to comply with the requirements of the following Acts:

Planning and Environment Act 1987

Conservation, Forests and Land Act 1987

Local Government Act 1989

Environmental Implications

Council's Works department has not progressed the programme of some roadworks due to the need for a planning permit to remove native vegetation and Council is not currently able to provide an offset area on freehold land which would be required by a planning permit.

Council does own two allotments, a vacant allotment near Chetwynd and an allotment currently used as a gravel quarry at Goroke. Both allotments have been assessed and are of low value and not sufficient for use as an offset area for the type of works that are expected to be undertaken in the near future.

Part of any protection for the offset area will include an Offset Management Plan which Council must comply with for a minimum of 10 years. After 10 years the "regrowth" regulation activates and the native vegetation in the offset area is fully protected.

The Offset Management Plan includes fencing, weed control and pest animal management. This work could be undertaken by a Landcare group or similar on behalf of Council ensuring that Council meets its obligations.

Financial and Budgetary Implications

In the short to medium term it may be preferable to lease land for say a 10 year period. This would allow time for Council to budget and set aside money for the eventual purchase of land for a native vegetation offset. 10 years is the usual length of time that an Offset Management Plan is in place on an offset area.



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There will be a cost to Council for the lease/purchase of the land and the legal costs for the permanent security to be placed on the certificate of title of the subject land, which could be a covenant or a Section 69 agreement with the Secretary of the Department. These costs are to be determined and will be provided to Council when available in a future report to Councillor Forum.

Policy Implications

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

Asset Capitalisation Policy

Asset Management Policy

Environmental Policy

Reserve Risk Management Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

It is suggested that Council advertise for an Expression of Interest from landholders for the lease/sale of land to be used as a native vegetation offset. The submissions received need to be assessed to ascertain whether or not they meet Council's offset needs.

When the matter is finalised Council should make the general public aware that it has complied with the native vegetation regulations and provided offsets just as other landowners are required to do.



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Conclusion

It does not appear effective for Council to consider offsets on a road by road project basis.

It would be more effective for Council's roadworks programme as well as financially, for Council to have offsets that can manage Council's needs for now and sometime into the future.

Council needs to consider whether to lease or buy land for the provision of native vegetation offsets. Then whether to place a covenant on the proposed offset area or enter into a Section 69 agreement under the *Conservation, Forests and Land Act 1987* with the Secretary for the Department.

OFFICER RECOMMENDATION

That Council seek to appoint an independent broker to explore options for the lease/sale of land to be used as a native vegetation offset.

Attachments: Nil



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 IN PRINCIPLE ADOPTION OF 2016/17 FINANCIAL STATEMENTS

FILE NUMBER: FM0021

REPORT AUTHOR: ASHLEY ROBERTS – DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

This report seeks:

1. A resolution by Council giving ‘in principal’ approval to Council’s 2016/17 Annual Financial Statements; and
2. Endorsement of two Councillors to certify Council’s 2016/17 Annual Financial Statements.

Declaration of Interests

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

Background

Section 131 (2) of the Local Government Act 1989 (‘the Act’) requires that Council produce as part of its annual report a set of audited Financial Statements for the financial year.

Section 132(2) of the Local Government Act 1989 (the Act) requires that Council give ‘in principle’ approval to its Financial Statements and Performance Statement prior to submission to auditors.

Following this, Section 132 (5) of the Act requires that the Financial Statements and Performance Statement be certified by two Councillors in their final form after any agreed changes recommended by audit have been undertaken.

Therefore to complete its legislative requirements for the provision of annual Financial Statements and Performance Statement Council must follow the following steps:



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1. Council receives a draft set of Financial Statements and Performance Statement for their perusal;
2. Council passes a resolution in accordance with S.132(2) of the Act giving 'in principle' approval to the Financial Statements and the Performance Statement;
3. Council passes a resolution in accordance with S.132(5) of the Act authorising two Councillors to sign the Financial Statements in their final (post-audit) form, and also in accordance with S.132(5) of the Act authorising two Councillors to sign the Performance Statement in its final form;
4. After review by the Victorian Auditor General's contractor and after any required and recommended changes to the draft statements are undertaken, the statements are then signed by the two nominated Councillors, the Chief Executive Officer and the Principal Accounting Officer;
5. The Victorian Auditor General issues an audit opinion upon the Financial Statements and the Performance Statement;
6. The Financial Statements and Performance Statements are inserted into the Annual Report which is forwarded to the minister by 30 September; and
7. In accordance with S.134 of the Act Council meets after sending the Annual Report to the minister to discuss the Annual Report, including the Financial Statements and the Performance Statement.

It is considered prudent for Council to nominate three councillors as being signatories to the statements with any two of the three nominated Councillors having authority to sign the statements on Council's behalf, in case of absence or unavailability of any one of the nominated Councillors.

Risk Management Implications

Not commented on.

Legislative Implications

The recommendations arising from this report ensure compliance with the Local Government Act 1989.

Environmental Implications

Not commented on.



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Financial and Budgetary Implications

Not commented on

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Borrowings Policy
Building Fee Refunds Policy
Communications Policy
Community Strengthening Grants Policy
Community Support Fund Policy
Corporate Credit Card and Purchase Cards Policy
Councillor Expense Entitlement & Support Policy
External Hire of Plant Policy
Fraud Control Policy
Investment Policy
Procurement Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

Not commented on

Conclusion

By adopting the recommendations in this report Council will be fulfilling its obligations under the Local Government Act 1989.



ORDINARY COUNCIL MEETING AGENDA – 20 SEPTEMBER 2017 WEST WIMMERA SHIRE COUNCIL

OFFICER RECOMMENDATION:

1. That council resolves under S.132 (2) of the Local Government Act 1989 to give ‘in principal’ approval to the Financial Statements and Performance Statement for the year ended 30 June 2017.
2. That council resolves under S.132(5) of the Local Government Act 1989 to nominate three councillors as signatories with authorisation given for any two of the three nominated councillors to certify the Financial Statements and Performance Statement for the year ended 30 June 2017 in their final forms.

Attachments:

No.	Name	RecFind Ref
14.1.1	Draft Financial Statements 2016-2017	17/003541



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15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2017), Meeting Procedure and Common Seal Local Law 2017, West Wimmera Shire Council:

28. *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, LOCAL GOV ACT 1989) 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 SENIOR CITIZEN OF THE YEAR 2017

17.2 MANAGEMENT AND OPERATION OF THE EDENHOPE SWIMMING POOL – CM0465

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.

MEETING CONCLUDED:

NEXT MEETING:

**OCTOBER 2017
NURCOUNG COMMUNITY HALL**