



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

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**HELD:** Tuesday 17 October 2017

**LOCATION:** Nurcoungh Memorial Hall  
Mitre Road, Nurcoungh

**COMMENCEMENT:** 10.47am

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

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***Vision Statement:***

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



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### TABLE OF CONTENTS

<b>1.0</b>	<b>WELCOME .....</b>	<b>5</b>
<b>2.0</b>	<b>OPENING PRAYER.....</b>	<b>5</b>
<b>3.0</b>	<b>APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST.....</b>	<b>5</b>
3.1	APOLOGIES	5
3.2	LEAVE OF ABSENCE	5
3.3	DECLARATION OF CONFLICT OF INTEREST	5
<b>4.0</b>	<b>QUESTIONS FROM THE GALLERY (maximum of 30 minutes) .....</b>	<b>5</b>
4.1	WRITTEN QUESTIONS ON NOTICE	5
4.2	VERBAL QUESTIONS WITHOUT NOTICE	5
<b>5.0</b>	<b>DELEGATES REPORTS (FOR INFORMATION ONLY) AS LISTED IN THE COUNCIL KEPT COUNCILLOR DIARY.....</b>	<b>6</b>
5.1	COUNCILLOR BRUCE MEYER (MAYOR)	6
5.2	COUNCILLOR TREVOR DOMASCHENZ	6
5.3	COUNCILLOR RICHARD HICKS	7
5.4	COUNCILLOR TOM HOULIHAN	7
5.5	COUNCILLOR JODIE PRETLOVE	7
5.6	DAVID LEAHY (CHIEF EXECUTIVE OFFICER)	7
5.7	GENERAL DELEGATES REPORTS	8
<b>6.0</b>	<b>CONDOLENCES .....</b>	<b>8</b>
6.1	MR ROBIN NUTTALL	8
<b>7.0</b>	<b>CONFIRMATION OF MINUTES FROM PREVIOUS MEETING .....</b>	<b>9</b>
<b>8.0</b>	<b>BUSINESS ARISING FROM PREVIOUS MINUTES .....</b>	<b>9</b>
<b>9.0</b>	<b>NOTICES OF MOTION .....</b>	<b>9</b>
9.1	CR TREVOR DOMASCHENZ – COMMUNITY STRENGTHENING GRANTS PROGRAM – 2017/06	9



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

<b>10.0 ASSEMBLY OF COUNCILLORS RECORD &amp; SPECIAL MEETING OF COUNCIL MINUTES .....</b>	<b>10</b>
10.1 ASSEMBLY OF COUNCILLORS RECORD – 23 AUGUST 2017	10
10.2 ASSEMBLY OF COUNCILLORS RECORD – 25 AUGUST 2017	11
10.3 ASSEMBLY OF COUNCILLORS RECORD – 20 SEPTEMBER 2017	11
10.4 ASSEMBLY OF COUNCILLORS RECORD – 4 OCTOBER 2017	12
10.5 SPECIAL CONFIDENTIAL MEETING OF COUNCIL – 4 OCTOBER 2017	12
<b>11.0 DEPUTATIONS AND PETITIONS.....</b>	<b>12</b>
<b>12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE .....</b>	<b>13</b>
12.1 REVIEW OF MEDIA RELATIONS POLICY	13
<b>13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS .....</b>	<b>16</b>
13.1 EMERGENCY ANIMAL WELFARE SUPPORT SUB-PLAN TO THE MUNICIPAL EMERGENCY MANAGEMENT PLAN	16
13.2 COUNCIL POLICY REVIEW: ENVIRONMENTAL POLICY	20
13.3 REQUEST TO DISCONTINUE AN UNUSED SURVEYED ROAD - APSLEY	23
13.4 ROAD OPENING FOR ACCESS TO DWELLING - BRINGALBERT	27
13.5 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017 - 2021	33
13.6 CHETWYND ASSET DAMAGE: SEPT/OCT 2016 STORM AND FLOOD EVENTS	37
<b>14.0 CORPORATE AND COMMUNITY SERVICES .....</b>	<b>43</b>
14.1 REVIEW OF GUARANTOR POLICY	43
14.2 2016-17 ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT	46
<b>15.0 LATE ITEMS OF BUSINESS .....</b>	<b>56</b>
<b>16.0 SEALING SCHEDULE.....</b>	<b>56</b>
<b>17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89) .....</b>	<b>56</b>
17.1 FLOOD CONTRACT VARIATIONS - SEPT – OCT 2016 AGRN 728	57



## **ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL**

17.2	VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – REQUEST FOR DEBT WAIVER	57
17.3	RECREATIONAL TRAILS STRATEGY – APPOINTMENT OF CONTRACTOR	58



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

### 2.0 OPENING PRAYER

The CEO read the opening prayer

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

#### 3.1 APOLOGIES

Nil

#### 3.2 LEAVE OF ABSENCE

Nil

#### 3.3 DECLARATION OF CONFLICT OF INTEREST

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

Cr T Domaschenz – Agenda Item 12.1 – Media Relations Policy

### 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.*

Nil

#### 4.2 VERBAL QUESTIONS WITHOUT NOTICE

*Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2017.*



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### **4.2.1 MR HEATH McCLURE – REQUEST FOR DEBT WAIVER, VICTORIA FLOODS AND STORMS, SEPT – OCT 2016 AGRN 728**

- Requests a face to face meeting with Council regarding letter he has received from Council.

Mayor: This will be possible at a Councillor Forum, the next Forum is on 1 November 2017 in Edenhope, the exact timeslot for you to attend to be confirmed.

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

#### **5.1 COUNCILLOR BRUCE MEYER (MAYOR)**

22/09/2017	CEO David Leahy, Kaniva
22/09/2017	Wimmera Mayoral Gathering, Horsham
27/09/2017	CEO David Leahy, Kaniva
28/09/2017	Resource Plan for Council Plan & Advocacy Plan – Workshop
01/10/2017	Edenhope New Residents – Afternoon Tea Event
04/10/2017	Councillor Forum, Kaniva
04/10/2017	Special Meeting of Council, Kaniva
06/10/2017	CEO David Leahy
06/10/2017	2017 Skillinvest Regional Awards Presentation Night, Longerenong
10/10/2017	Kaniva Community Sporting Complex Meeting, Kaniva
11/10/2017	Asset Management Workshop, Edenhope
13/10/2017	Wimmera Regional Library Board Meeting, Warracknabeal
13/10/2017	CEO David Leahy, Kaniva
14/10/2017	Kaniva Agricultural Show
14/10/2017	Official Opening of Kaniva Community Hub
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoun

#### **5.2 COUNCILLOR TREVOR DOMASCHENZ**

28/09/2017	Resource Plan for Council Plan & Advocacy Plan – Workshop
04/10/2017	Councillor Forum, Kaniva
04/10/2017	Special Meeting of Council, Kaniva
05/10/2017	2018 Aboriginal Cricket Commemoration Events Committee Meeting
07/10/2017	Goroke Agricultural Show
10/10/2017	Wimmera Development Association Board Meeting, Horsham
11/10/2017	Asset Management Workshop, Edenhope
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoun



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 5.3 COUNCILLOR RICHARD HICKS

04/10/2017	Councillor Forum, Kaniva
04/10/2017	Special Meeting of Council, Kaniva
06/10/2017	Wimmera Southern Mallee Regional Transport Group Meeting
14/10/2017	Kaniva Agricultural Show
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoung

### 5.4 COUNCILLOR TOM HOULIHAN

22/09/2017	Funeral of Brent Forsyth, Hamilton
28/09/2017	Resource Plan for Council Plan & Advocacy Plan – Workshop
03/10/2017	DELWP Climate Change Grants Workshop, Beaufort
04/10/2017	Councillor Forum, Kaniva
04/10/2017	Special Meeting of Council, Kaniva
04/10/2017	Victoria Police Service Medals Presentation, Horsham
07/10/2017	Apsley Alive 2017
07/10/2017	Goroke Agricultural Show
10/10/2017	Kaniva Community Sporting Complex Meeting, Kaniva
11/10/2017	Asset Management Workshop, Edenhope
11/10/2017	Harrow Discovery Centre Committee Meeting
13/10/2017	Grampians Central West Waste – DELWP/SV Consultations on Waste to Energy and E-waste, Ararat
14/10/2017	Kaniva Agricultural Show
14/10/2017	Official Opening of Kaniva Community Hub
16/10/2017	West Wimmera Pipeline Steering Committee Meeting, Harrow
16/10/2017	Community Consultative Committee re Pipeline Study, Harrow
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoung

### 5.5 COUNCILLOR JODIE PRETLOVE

28/09/2017	Resource Plan for Council Plan & Advocacy Plan – Workshop
07/10/2017	Apsley Alive 2017
07/10/2017	Goroke Agricultural Show
11/10/2017	Asset Management Workshop, Edenhope
14/10/2017	Football Netball Club Wind Up Dinner
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoung

### 5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

22/09/2017	Mayor Bruce Meyer, Kaniva
26/09/2017	Post-Council Staff Meeting
27/09/2017	Mayor Bruce Meyer, Kaniva
28/09/2017	Resource Plan for Council Plan & Advocacy Plan – Workshop
01/10/2017	Edenhope New Residents – Afternoon Tea Event
04/10/2017	Councillor Forum, Kaniva



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

04/10/2017	Special Meeting of Council, Kaniva
04/10/2017	Victoria Police Service Medals Presentation, Horsham
05/10/2017	2018 Aboriginal Cricket Commemoration Events Committee Meeting
06/10/2017	Mayor Bruce Meyer
06/10/2017	2017 Skillinvest Regional Awards Presentation Night, Longerenong
10/10/2017	Wimmera Development Association Board Meeting, Horsham
11/10/2017	Asset Management Workshop, Edenhope
11/10/2017	Harrow Discovery Centre Committee Meeting
12/10/2017	Brett Harrison, Barengi Gadjin, Horsham
13/10/2017	Mayor Bruce Meyer, Kaniva
14/10/2017	Kaniva Agricultural Show
14/10/2017	Official Opening of Kaniva Community Hub
16/10/2017	West Wimmera Pipeline Steering Committee Meeting, Harrow
16/10/2017	Community Consultative Committee re Pipeline Study, Harrow
17/10/2017	Ordinary Council Meeting & Community Forum, Nurcoun

### 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

#### 6.1 MR ROBIN NUTTALL

Mr Robin Nuttall, former Shire Engineer 1963-1968, Kowree Shire Council

**Moved: Cr Richard Hicks**

**Seconded: Cr Jodie Pretlove**

**That a letter of condolence be sent to the family of the late Mr Robin Nuttall, former Shire Engineer of Kowree Shire Council, acknowledging his tremendous contribution to the Shire.**

**Carried (5/0)**





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

#### RECOMMENDATION:

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 September 2017, be taken as an accurate record and confirmed.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 September 2017, be taken as an accurate record and confirmed.**

**Carried (5/0)**

### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 9.0 NOTICES OF MOTION

#### **9.1 CR TREVOR DOMASCHENZ – COMMUNITY STRENGTHENING GRANTS PROGRAM – 2017/06**

##### Preamble

At our Ordinary Council meeting in Kaniva on 20/09/2017 we awarded grants under round 1 of the 2017/2018 Community Strengthening Grants Program.

Applications were ruled out based on the time between the last funding from council and the current application.

If an organisation receives funding from council they are ineligible for the next two rounds of funding.

This is assuming they successfully complete and acquit their grant.

##### Motion

1. That we reconsider what organisations weren't eligible for Round 1 of the 2017/2018 Community Strengthening Grants Program.
2. That if any organisation is found to be eligible, that we vote at the October Ordinary Council Meeting on whether to fund their proposal.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Jodie Pretlove

1. That we reconsider what organisations weren't eligible for Round 1 of the 2017/2018 Community Strengthening Grants Program.
2. That if any organisation is found to be eligible, that we vote at the October Ordinary Council Meeting on whether to fund their proposal.

**Carried (3/2)**

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Tom Houlihan

**That the Goroke Golf Club application for Round 1 of the 2017-2018 Community Strengthening Grants Program be discussed at the 1 November 2017 Councillor Forum.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
9.1.1	Notice of Motion 2017/06 – Cr Domaschenz	17/003906

## **10.0 ASSEMBLY OF COUNCILLORS RECORD & SPECIAL MEETING OF COUNCIL MINUTES**

### **10.1 ASSEMBLY OF COUNCILLORS RECORD – 23 AUGUST 2017**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 23 August 2017 be received and noted.**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Richard Hicks

**Seconded:** Cr Jodie Pretlove

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 23 August 2017 be received and noted.**

**Carried (5/0)**

### **10.2 ASSEMBLY OF COUNCILLORS RECORD – 25 AUGUST 2017**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Friday 25 August 2017 be received and noted.**

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

**That the Assembly of Councillors Record for the Councillor Forum held Friday 25 August 2017 be received and noted.**

**Carried (5/0)**

### **10.3 ASSEMBLY OF COUNCILLORS RECORD – 20 SEPTEMBER 2017**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 20 September 2017 be received and noted.**

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Richard Hicks

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 20 September 2017 be received and noted.**

**Carried (5/0)**



## **ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL**

### **10.4 ASSEMBLY OF COUNCILLORS RECORD – 4 OCTOBER 2017**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 4 October 2017 be received and noted.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 4 October 2017 be received and noted.**

**Carried (5/0)**

### **10.5 SPECIAL CONFIDENTIAL MEETING OF COUNCIL – 4 OCTOBER 2017**

#### **RECOMMENDATION:**

**That the Minutes of the Special Confidential Meeting of Council held on Wednesday 4 October 2017, be taken as an accurate record and confirmed.**

**Moved: Cr Tom Houlihan**

**Seconded: Cr Trevor Domaschenz**

**That the Minutes of the Special Confidential Meeting of Council held on Wednesday 4 October 2017, be taken as an accurate record and confirmed.**

**Carried (5/0)**

### **11.0 DEPUTATIONS AND PETITIONS**

Nil

11.34am: Cr Domaschenz left the room



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 REVIEW OF MEDIA RELATIONS POLICY

**FILE NUMBER: AD0086**

**REPORT AUTHOR: DAVID LEAHY - CEO**

#### FOR INFORMATION

##### Introduction

This report is provided to inform Councillors of a review of the Media Relations Policy of Council and to seek endorsement.

##### Declaration of Interests

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

##### Background

As a part of a full review of all Council policies, the Media Relations Policy is now due for review.

The policy attached to this report has been reviewed and presented to Councillors at the Assembly of 4 October, with very little change to the previous policy. The only small addition is the reference to the relevant sections of the Local Government Act 1989.

##### Risk Management Implications

Nil

##### Legislative Implications

Council is required under the Local Government Act 1989 to develop and implement policies.

##### Environmental Implications

Nil



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Financial and Budgetary Implications

Nil

### Policy Implications

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

Communications Policy  
Councillor Code of Conduct Policy  
Media Relations Policy  
Social Media 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 reviewed policy will be displayed on the Council web-site with all reviewed Council policies.

### Conclusion

The attached reviewed policy forms part of an overall review of all Council policies and contains very little suggested change to the existing policy.

### **OFFICER RECOMMENDATION:**

**That Council provide endorsement of the reviewed Media Relations Policy.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council provide endorsement of the reviewed Media Relations Policy.**

**Carried (4/0)**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
12.1.1	Reviewed Media Relations Policy	17/003907

11.35am: Cr Domaschrenz returned to the room



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### **13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS**

#### **13.1 EMERGENCY ANIMAL WELFARE SUPPORT SUB-PLAN TO THE MUNICIPAL EMERGENCY MANAGEMENT PLAN**

**FILE NUMBER: AD0201**

**REPORT AUTHOR: MICHELLE ELLIS, EXECUTIVE ASSISTANT  
INFRASTRUCTURE, DEVELOPMENT & WORKS**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) is required to prepare and maintain a Municipal Emergency Management Plan pursuant to Section 20 (1) of the *Emergency Management Act 1986*.

This report introduces a sub-plan of the Municipal Emergency Management Plan to Council for adoption.

##### Declaration of Interests

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

##### Background

The Municipal Emergency Management Plan (MEMP) is a multi-agency plan for the municipal district of West Wimmera Shire.

The purpose of the MEMP is to bring together in an integrated organisational network, the resources of the many agencies and individuals who can take appropriate and timely action to prevent or mitigate, response to and recover from emergencies.

It is also a legislated requirement within the MEMP, that Council identify resources and specify how such resources are to be used for or in emergency prevention, response and recovery. The MEMP is supported by various support sub plans and appendices to provide comprehensive reference material.





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

One of these supporting documents is the Emergency Animal Welfare Support Sub-Plan which has recently been reviewed and endorsed by the West Wimmera Municipal Emergency Management Planning Committee (WWMEMPC):

*Extract from the WWMEMPC meeting minutes 17<sup>th</sup> of July 2017:*

*That the WWMEMP Committee accepts the proposed Emergency Animal Welfare Support Sub Plan draft in principal and minor corrections noted for amendment.*

*Moved: Darren Welsh*

*Seconded: Gavin Kelly*

*Carried*

The draft Emergency Animal Welfare support sub-plan is now endorsed, sighted and signed by Cr Tom Houlihan, Chair of the WWMEMP Committee. The reviewed sub-plan of the MEMP requires Council, as the “owner” of the MEMP, to accept the sub-plan as a component of Council’s MEMP.

### Risk Management Implications

If the MEMP, including supporting plans and appendices are not reviewed by the WWMEMPC and endorsed by Council, Council could be found to be in breach of the Emergency Management Acts.

The risk is mitigated by the review undertaken, the endorsement by the WWMEMP Committee and by the approval of Council.

### Legislative Implications

*Emergency Management Act 1986*

*Emergency Management Act 2013*

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Not commented on

### Policy Implications

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

Business Continuity Policy



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

Communications Policy  
Customer Service Policy

### Council Plan Implications

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

- Strategic Objective 2: Increased community amenity – protect unique values of our rural communities
- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation

### Communication Implications

It will be noted at the next WWMEMP Committee that the endorsed Emergency Animal Welfare Support Sub Plan has been presented to Council Forum for information.

The Wimmera Emergency Management Resource Sharing Program will also be notified that the endorsed Emergency Animal Welfare Support Sub Plan has been presented to Council for information.

### Conclusion

The receiving and noting of the Emergency Animal Welfare Support sub-plan to the Municipal Emergency Management Plan Version 1.1 2015 is a basic governance step for Council in its emergency management responsibilities and compliance with the Emergency Management Acts.

### **OFFICER RECOMMENDATION:**

**That the Emergency Animal Welfare Support sub-plan is received and noted.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Emergency Animal Welfare Support sub-plan is received and noted.**

**Carried (5/0)**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
13.1.1	Emergency Animal Welfare Support sub-plan	17/003154



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.2 COUNCIL POLICY REVIEW: ENVIRONMENTAL POLICY

**FILE NUMBER: AD0208**

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

#### **FOR DECISION**

##### Introduction

This report tables West Wimmera Shire Council's (Council) review of the current Environmental Policy. This policy was last reviewed in 2015.

##### Declaration of Interests

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

##### Background

This attached policy is a low risk policy for Council. It provides a framework for decision making for low risk decisions to be made by officers within the general direction of Council without constant referral back to Council.

Departures from Council's endorsed policies are brought to Council through tabled reports. Councillors can then decide to:

1. Confirm the stated policy, or,
2. Depart from the stated policy on a case by case, exception basis.

##### Risk Management Implications

Case by case decision making by Council would be time consuming and could potentially adversely impact activities due to the Council report cycle. This policy mitigates the risk to Council of case by case decision making and support Council officers with clear guidance and direction when undertaking many day-to-day activities. Departures from Council's endorsed policy will continue to be brought to Council for decisions by exception.

##### Legislative Implications

The legislative basis for mandated activities is provided in the policy.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Environmental Implications

The Environmental Policy will guide Council in achieving the most positive outcomes for any proposed projects that may impact on the environment and will reduce negative impacts and risks of breaches to Council.

### Financial and Budgetary Implications

As a decision making framework, there is an administrative cost to all of the functions underlying the policy however there is little or no additional cost in the actual policy.

### Policy Implications

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

- Environmental Policy

### Council Plan Implications

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

Where the policy has broader organisational impact, relevant officers will be consulted to ensure that all factors are considered and addressed in any project. The adoption of the reviewed policy could be promoted to Council's community

### Conclusion

The adoption of the reviewed policy ensures Council's Environment Policy is appropriate for current times.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

**That Council adopt the Environmental Policy.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That Council adopt the Environmental Policy.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.2.1	Environmental Policy 2017	17/003907



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.3 REQUEST TO DISCONTINUE AN UNUSED SURVEYED ROAD - APSLEY

**FILE NUMBER: PS0007**

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

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) has received written correspondence from a landowner requesting the extension of the lease of an unused surveyed road to facilitate the lease of the road for agricultural purposes from the Department of Environment Land Water and Planning (DELWP).

This report seeks Council's approval to discontinue the use of the road.

##### Declaration of Interests

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

##### Background

Council has received written correspondence from a landowner requesting the extension of the lease of an unused surveyed road to facilitate the lease of the road for agricultural purposes from DELWP.

The road is located to the west of Lot 1 PS308979 (Part CA25, 26) and Lot 1 LP215892 (Part CA26) Parish of Boikerbert, and is approximately 950 metres long, refer attachment.

The Landowner currently owns Lot 1 PS308989 (Part CA25, 26) and Lot 1 LP215892 (Part CA26) Parish of Boikerbert with the unused surveyed road on the western boundary of both allotments. The landowner currently leases a portion of the unused surveyed road from DELWP and wishes to extend the road lease by approximately 950 metres, using the unused surveyed road for the grazing of livestock. The landowner can only apply for the lease of the unused surveyed road if Council gives consent.

An advertisement was placed in the West Wimmera Advocate on 23<sup>rd</sup> August 2017 inviting submissions from the general public. Adjoining landowners were notified in writing on 21<sup>st</sup> August 2017 and no submissions have been received.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

When an unused road is licensed it is effectively declared ‘discontinued’ 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 licensed road is unused, 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.

### Legislative Implications

Pursuant to Section 206, Schedule 10, Clause 3 of the *Local Government Act 1989* Council can resolve to formally discontinue the road.

The road reserve, if discontinued 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 unlicensed road but the grazing of the road reserve 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 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 2017-2021:

- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Communication Implications

An advertisement was placed in the West Wimmera Advocate on 23<sup>rd</sup> August 2017 inviting submissions from the general public. Adjoining landowners were notified in writing on 21<sup>st</sup> August 2017 and no submissions have been received.

### Conclusion

The road reserve is currently unused and unlicensed. No residents in the district use this road. Council may declare the unused road ‘discontinued’ and proceed with advertising including a public notification period.

### **OFFICER RECOMMENDATION.**

**That Council resolve pursuant to Section 206, Schedule 10, Clause 3 of the Local Government Act 1989 to:**

- 1. Declare the unused surveyed road located west of Lot 1 PS308979 (Part CA25, 26) and Lot 1 LP215892 (Part CA26) Parish of Boikerbert not required for public traffic purposes.**
- 2. That Council advertise the road discontinuance in the Victorian Government Gazette.**
- 3. That DELWP be notified in writing of the resolution to discontinue the road.**
- 4. That the applicant be notified in writing of the resolution to discontinue the road.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Jodie Pretlove**

**That Council resolve pursuant to Section 206, Schedule 10, Clause 3 of the Local Government Act 1989 to:**

- 1. Declare the unused surveyed road located west of Lot 1 PS308979 (Part CA25, 26) and Lot 1 LP215892 (Part CA26) Parish of Boikerbert not required for public traffic purposes.**
- 2. That Council advertise the road discontinuance in the Victorian Government Gazette.**
- 3. That DELWP be notified in writing of the resolution to discontinue the road.**
- 4. That the applicant be notified in writing of the resolution to discontinue the road.**

**Carried (5/0)**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
13.3.1	Letter of request from landowner	17/002516
13.3.2	Site plan	17/002516



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.4 ROAD OPENING FOR ACCESS TO DWELLING - BRINGALBERT

**FILE NUMBER: PS0007**

**REPORT AUTHOR: GILLIAN BRADSHAW**

**MANAGER PLANNING & ENVIRONMENT**

#### **FOR DECISION**

##### Introduction

This report is to provide information for West Wimmera Shire Council (Council) consideration on the costs required to construct a road on a surveyed road to facilitate the construction of a dwelling by a landholder. Council is being asked to consider the contribution required from the landholder towards the cost of the road construction. The attached plan identifies the proposed road.

##### Declaration of Interests

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

##### Background

On 16<sup>th</sup> August 2017 Council received an undated letter from a landholder in Bringalbert for Council to construct a road approximately 830 metres long on an unmade surveyed road so that his son could build a dwelling on an allotment along the road.

The surveyed road is located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart.

The section of road to be constructed is located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart and is currently being leased. The lease would need to be cancelled to facilitate the construction of the surveyed road.

Advice received from a senior officer at the Department for Environment Land Water and Planning (DELWP) is that Council can advise the landholder leasing the road that the road is required to be opened and the lease on that part of the road is to be cancelled.

All other options for access to the allotment have been investigated and the proposed road located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart is the one that requires the least amount of native vegetation to be removed (two trees) and the shortest length of road to be constructed.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

The applicant landowner has advised that he would like the road opened as his son is planning to construct a family home on crown allotment 1G parish of Bringalbart. Construction is planned to commence by March 2018 and a planning permit will be required to construct a dwelling on an allotment less than 80 hectares in size (Council has previously issued numerous planning permits for this reason). The construction of the dwelling is expected to be almost complete by spring, October/November 2018.

The owner's son also plans to operate a specialist welding business from the site commencing in approximately two years. At this time he does not require a planning permit as he will be operating his business more than 100 metres from the nearest dwelling other than on his property.

A rural road number address will be required for the new dwelling and this will include naming the road as per the Office of Geographic Names requirements "*Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities – 2016*". Council's Rates Coordinator is responsible for undertaking the road naming process, which can commence once the road is opened.

Council's Works Manager has provided an estimate for the construction of the road to the site of the proposed dwelling at a cost of \$41,307.20.

### Developer contribution precedent

There is no Council policy to offer guidance on this issue and requirements for contributions from ratepayers or developers to contribute towards the construction of roads are assessed on a case by case basis. Some previous examples are listed below for Council's consideration in their decision making for this particular case.

In recent years the following applications have been received, and resolutions:

- Private residents constructed a dwelling off the Ozenkadnook Mortat road and required a road construction for access. Council resolved that the residents paid 25% of the estimated \$10,249 cost.
- A Proprietary Limited company required the upgrade of Don McIntosh Road, Neuarpurr to provide large vehicle access for to and from a piggery. The company paid all costs for the upgrade of the road.
- A Proprietary Limited company required the upgrade of a section of Waits Road, Ozenkadnook to provide large vehicle access to and from a proposed piggery. Council resolved that the company paid all costs over \$30,000, approximately \$28,000.

Other examples of previous applications for road development include:

- A Proprietary Limited company near Kaniva requested the gravel road to the company property be bituminised. This was done with no contribution required from the company.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

- A private resident north of Kaniva requested the gravel road to the feedlot operating on the property be bituminised. This was done with no contribution required from the resident.

### Risk Management Implications

Council will be responsible for the maintenance of the road once construction is completed and the road will be added to the Council road management register and asset register.

The road will need to be named so that it can be placed on Council's road register.

### Legislative Implications

The maintenance of the newly formed road will become the responsibility of Council under the *Road Management Act 2004*.

The road will need to be named so that a rural road number can be provided. Council must comply with the Office of Geographic Names requirements for the naming of roads.

### Environmental Implications

The road reserve contains native vegetation, of which approximately two (2) Red Gum trees need to be removed. The road will provide a safe access to the allotment containing the new dwelling.

Council will not need to apply for a planning permit to remove the native vegetation. The landowner requesting the road opening has agreed to provide an offset for the trees that need to be removed.

This offset will need to be permanently secured and the costs for this should be borne by the landowner requesting the road opening.

### Financial and Budgetary Implications

The landowner has been advised that they may be required to contribute towards the cost of the road.

The Works Manager has provided an estimated cost of \$41,307.20 for the construction of the road to the allotment where the new dwelling will be constructed. This amount may vary slightly due to the site conditions when construction commences. It is recommended that the landowner requesting the road opening pay 25% of the estimated cost for the construction of the road.

The costs for the removal of the vegetation and the provision and securement of the offset should be borne by the landowner requesting the road opening. The landowner has agreed



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

verbally to provide the offset for the trees to be removed. Council will request the landowner for written confirmation for the provision of the offset and the permanent security of the offset area.

### Policy Implications

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

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2020:

- 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.

### Communication Implications

Council has to inform DELWP and the landowner that currently leases that part of the road required to be opened, coloured orange on the attached plan, that the lease may be cancelled.

Adjoining landowners will be advised in writing of the proposed road opening and an advert will be placed in the local newspaper to allow submissions to be received.

The landholder who leases the road has discussed with the Manager for Planning and Environment the proposal to open the road. The road lessee was advised that Council would be advertising the proposal as per the usual procedure and he offered no objection at that time. The road lessee will be notified in writing of the proposal and may lodge a submission if he wishes to, and it will be considered.

If Council receives any submissions objecting to the road opening it would be normal procedure to discuss the matter with the objectors and the applicant to endeavour to achieve a positive outcome.

Advice is being sought from DELWP as to the process to follow should a resolution not be achieved. It is hoped to have this advice available prior to the Council meeting.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Conclusion

The request for the surveyed road located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart is to facilitate the construction of a dwelling on an allotment approximately 830 metres along the surveyed road. The landholder is anticipating commencing construction of a new dwelling in March 2018.

The removal of approximately two (2) Red Gums will not require a planning permit, but an offset which will need to be provided and permanently secured. The landowner has agreed to provide the offset for the vegetation to be removed. It is recommended that the landholder also pay the costs for the removal of the native vegetation and the permanent security of the offset area by a covenant or Section 173 Agreement.

The surveyed road is currently leased and the lessee has been advised that the lease over that part of the road will need to be cancelled. The proposed road opening will be advertised in the local newspaper and invite submissions on the proposal.

The Works Manager has provided an estimated cost of \$41,307.20 for the construction of the 830 metres of road to the allotment, this could vary slightly due to conditions at the time of construction. Council has previously requested a contribution of 25% from landholders to construct a road to a new dwelling.

### **OFFICER RECOMMENDATION:**

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

- 1. Declare the unused, leased, surveyed road located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart as being required for public traffic purposes.**
- 2. That Council advertise the proposed road opening in the local newspaper inviting submissions for a period of 28 days.**
- 3. That the applicant and the adjoining landholders be notified in writing of the proposal to open the road for public traffic purposes.**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

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

- 1. Declare the unused, leased, surveyed road located south of part of crown allotment 41 and north of part of crown allotment 39 in the parish of Bringalbart as being required for public traffic purposes.**
- 2. That Council advertise the proposed road opening in the local newspaper inviting submissions for a period of 28 days.**
- 3. That the applicant and the adjoining landholders be notified in writing of the proposal to open the road for public traffic purposes.**

**Carried (5/0)**

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

**That Council commence the development of a policy with regard to contributions by a developer and Council.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.4.1	Letter from AW Stephens	17/003115
13.4.2	2 <sup>nd</sup> letter from AW Stephens	17/003115
13.4.3	Estimate for road construction	17/003115
13.4.4	Copy lease over surveyed road	17/003115
13.4.5	Part of road to be opened	17/003115





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.5 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 (MPHWP) within 12 months of a council election. West Wimmera Shire Council's (WWSC) last election was October 2016, hence WWSC is required to review their plan before this date.

At the Ordinary Council Meeting of 20 September 2017, Council resolved to publish the MPHWP final draft for a 21 day public exhibition period.

This report is to request that Council adopt the MPHWP, subject to substantive feedback between 17 and 20 October 2017.

##### Declaration of Interests

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

##### Background

The WWSC has developed a final draft of its MPHWP for the period 2017-2021. The plan is currently being advertised in accordance with a 21 day public exhibition for a period.

At the time of writing this report, no substantive feedback has been received. Minor formatting adjustments have been made to the document last presented to Council.

Submissions to date have incorporated feedback from a meeting on 22 September 2017 with Rosie Thomas of Department of Health & Human Services, (DHHS) and a Stakeholder Review Panel meeting on 27 September 2017.

##### Summary of changes:

- Consolidated health statistics within one section of the document;
- Added reference to *Climate Change Act 2017*;
- Summarised links with the Municipal Strategic Statement;
- Moved content of Health Priorities 4 & 5 to the front of the document;



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

- Summarised WWSC's leadership role in supporting its partners in achieving public health and wellbeing objectives;
- Made reference to a *Health and Wellbeing Working Group* to review the progress of MPHWP; and,
- Added missing page numbers and corrected spelling and grammar mistakes.

### 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.”

Adopting the MPHWP with this focus ensures Council is meeting this obligation.

The MPHWP must be adopted by the end of October to avoid having to apply to the relevant Minister for an extension of time. Adopting the MPHWP at the October Council meeting will remove this risk.

### 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”.

This process is almost finalised with the plan presented for endorsement at the October 2017 Council meeting.

### Environmental Implications

There are no environmental concerns regarding the plan.

### Financial and Budgetary Implications

It is anticipated that there will be little financial implications for the current financial year given that the 2017-2021 MPHWP proposes partnerships with key stakeholders in the WWSC.

### Policy Implications

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

Advocacy Policy

Community Engagement Policy

Tourism Policy

Township Amenity Policy



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 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.

### 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. 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.

On 22 September 2017, Council incorporated the feedback of DHHS (Rosie Thomas).

On 27 September 2017, Council incorporated the feedback of a Stakeholder Review Panel.

On 27 September 2017, the MPHWP public exhibition period commenced including posting a copy of the draft MPHWP on Council's website.

At the time of writing this report, no substantive feedback has been received and only minor formatting changes have been made.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

On October 20 2017, a final copy of the MPHWP will be submitted to Council, subject to any substantive feedback, and this final copy will be placed on the WWSC website.

Following the MPHWP being adopted by Council, the plan will be forwarded to the Minister.

### Conclusion

Substantial community input has been encouraged throughout the development of the MPHWP during the last 12 months.

From 27 September 2017, a final draft copy of the MPHWP has been advertised in accordance with a 21 day public exhibition period. At the time of writing this report, no substantive feedback has been received and only minor formatting changes have been made.

A final copy will be submitted to Council on 20 October 2017, subject to any substantive submissions received.

### OFFICER RECOMMENDATION:

**That Council:**

- 1. Note the MPHWP public exhibition period from 27 September to 17 October 2017.**
- 2. Adopt the MPHWP, with a final copy to be provided on 20 October 2017, subject to receiving any substantive submissions.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Jodie Pretlove**

**That Council:**

- 1. Note the MPHWP public exhibition period from 27 September to 17 October 2017.**
- 2. Adopt the MPHWP, with a final copy to be provided on 20 October 2017, subject to receiving any substantive submissions.**

**Carried (5/0)**

**Attachments: Nil**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.6 CHETWYND ASSET DAMAGE: SEPT/OCT 2016 STORM AND FLOOD EVENTS

**FILE NUMBER: 17/000482**

**REPORT AUTHOR: ROBYN EVANS, DIRECTOR INFRASTRUCTURE  
DEVELOPMENT AND WORKS**

#### **FOR DECISION**

##### Introduction

The Chetwynd community has approached West Wimmera Shire Council (Council) over many years about the toilets at Chetwynd. The latest representation was by Warren McDonald at Council's ordinary meeting of 15 February 2017.

The September/October 2016 storm and flood event heavily impacted Chetwynd, particularly the area under Committee of Management.

This report outlines the issues relating to the toilet amenities at Chetwynd community.

##### Declaration of Interests

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

##### Background

Chetwynd was previously a part of the Shire of Glenelg becoming a part of the newly created West Wimmera Shire Council following the 1994 local government amalgamations.

The Victorian Government Gazette of 20 January 1995, amongst other actions, conferred legal transfer of property and assets to newly established Shires' established boundaries.

Individual Councils instigated actions to procedurally transfer assets between the pre-amalgamation local government areas and the newly established local government areas.

The current councils of Glenelg and West Wimmera do not have records of the procedural transfer of assets following the legal conferment.

For one reason or another the toilet amenities at Chetwynd were not recognised as an asset at the time of transfer by West Wimmera and they are not currently identified as a Council



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

owned asset. Following community representations in 2014, Council's Asset Manager at the time contacted Glenelg Shire Council who advised they had not kept records of the assets handover to West Wimmera at the time of amalgamation.

The toilets are regularly used by the local community during local events and recreation at the Chetwynd Hall and tennis courts, as well as by the public, particularly truck drivers. The toilets are claimed to be the only toilets available for travellers and truck drivers between the 77 kilometres from Casterton to Edenhope. This effectively makes them public amenities, no different to the number of other public amenities Council owns and manages across the Shire.

Current National Disaster Recovery and Relief Arrangements (NDRRA) funding restricts spending on non-Council owned assets. If Council were to accept ownership of the Chetwynd toilets, they would be eligible to apply for repair under the NDRRA funding. The usual case, evidence and application process would need to be undertaken and there would be no guarantee that the flood funding for these assets would be approved.

A flood mapping exercise has been undertaken for Chetwynd and the resulting report would be taken into account with any restoration or rebuild of the Chetwynd toilets.

### Risk Management Implications

The risks associated with taking on the asset, are as with any other asset risk – liability, maintenance cost, community expectations, etc. The particular risk with the Chetwynd toilets are that they are known to be flood damaged and require repair and upgrade or replacement.

The risk associated with not taking on asset would be the inequitable treatment of Chetwynd community compared to other public amenities across the Shire supported by Council. This could be mitigated by supporting the community to restore the toilets through a Council funded community grant.

### Legislative Implications

*Local Government Act 1989*

*Planning and Environment Act 1987*

*Public Health and Wellbeing Act 2008*

*Building Act 1993*

Officers believe that current investigations have fully considered the above legislation in relation to any implications for the various options proposed and risks to which Council may be exposed.

Part 15, clause 35 of the Government Gazette of 20 January 1995 in the creation of the new Shires, stipulated that "all property, rights and assets of the former Council are vested in the West Wimmera Shire Council;" Former Shires of Kaniva and Kowree were absorbed,



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

as well as an “area severed” from the Municipal District of Glenelg Shire Council (Part 7, clauses 15 and 16)

### Environmental Implications

Council’s Environmental Health Officer has assessed the site and advises:

*Some note on the public toilets - The wastewater produced by the facilities would need to be managed in a way in which public health and the environment are protected.*

*A Land Capability Assessment (LCA) would need to be carried out to inform the selection, approval, management and maintenance of an onsite wastewater management systems.*

*An estimation of peak daily usage would also be required in order to calculate wastewater flow rates.*

*Installation costs varies considerably, and would depend on the outcomes of the LCA, particularly in relation to the area and condition of land available. The frequency and costs associated with ongoing maintenance also vary, depending on the system.*

*Onsite wastewater management systems are generally not suitable for areas likely to flood more frequently than every 20 years (on average) unless the treatment system is watertight and has mechanisms in place which prohibit floodwaters or wastewater from the land application system from flowing into the tank and from the tank into the premises. These systems are often quite expensive.*

A scaled down version of the Lake Charlegrark amenities building could potentially be used as a design basis, as the system there shares impact design constraints due to the proximity to Lake Charlegrark.

### Financial and Budgetary Implications

If Council accepted ownership of the toilets, there would be little financial cost, if any for the transfer of ownership. Effectively, Council would need to advise DELWP (as the toilets are constructed on DELWP land) who would approve the transfer of ownership conditional on a letter of consent from the Committee of Management. Council would then add the toilets to Council’s asset data base.

The financial impact would be in the additional insurance, maintenance, operational (including cleaning, which would be approximately \$5,200 per annum for a weekly clean,) and depreciation expenses.

As per a plumber’s estimate, the budget to repair the Chetwynd Toilets septic system is approximately \$12,000. This includes allowance for the electrical service, bollards and the building permit application fees.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

Replacing completely may be a cheaper option in the longer-term. Potentially a scaled down version of the Lake Charlegrark amenities building design could be considered, as the Lake Charlegrark building has similar LCA issues as Chetwynd. Another option would be an “off the shelf” building, such as was installed at Henley on Lake Wallace, with the adjustment of a fully sealed septic system (or similar which is appropriate for a flood prone area.)

Rough estimates only have been sought at this stage. More detailed designs and costings would be sought if Council agrees to continue investigating.

### Policy Implications

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

Advocacy Policy  
Asset Management Policy  
Communications Policy  
Community Engagement Policy  
Customer Service Policy  
Environmental 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 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.

### Communication Implications

Department Health and Human Services regular reporting on the progress of flood works have consistently included the community affected assets – the Chetwynd community facilities and the Harrow cricket ground.

15 February 2017 - Warren McDonald presentation to Council’s Ordinary meeting.

10 January 2017 - Emma Kealy correspondence to James Merlino, Minister Emergency Services





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

9 March 2017 – James Merlino’s response to Emma Kealy

1 September 2017 - Chetwynd community information session (DIDW & Manager Planning and Environment).

### Conclusion

Notwithstanding Council’s desire for a sustainable asset base, it is officers’ recommendation in this particular case to accept ownership of the toilets. The amenities operate as public toilets, no different to the other amenities that Council maintains throughout the Shire.

Further, the toilets are an important component of the Chetwynd community’s ability to have community gatherings and events at the hall.

If Council accepts responsibility for the Chetwynd amenities, NDRRA funding may be available.

An LCA should be conducted as whether Council accepts direct ownership responsibility or supports the community to apply for grant funding. An LCA would be required to assess appropriate design, particularly for the waste management system of any restore or replace.

### **OFFICER RECOMMENDATION FOR DISCUSSION:**

**That Council:**

- 1. Authorise officers to investigate the transfer of the toilet facilities at Chetwynd to West Wimmera Shire and report back to Council, OR**
- 2. Authorise officers to facilitate the transfer of the toilet facilities at Chetwynd to West Wimmera Shire Council and investigate options for funding replacement or upgrade and report back to Council.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Tom Houlihan**

**That Council:**

- 1. Acknowledge the toilets at Chetwynd are a Council-owned asset that was not correctly transferred from the Glenelg Shire Council at the time of amalgamation.**
- 2. Authorise officers to facilitate the transfer of the toilet facilities at Chetwynd to West Wimmera Shire Council and investigate options for funding replacement or upgrade and report back to Council.**

**Carried (5/0)**



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
13.6.1	Images of the toilet under flood	17/003907
13.6.2	Emma Kealy to James Merlino 10 January 2017	17/000174
13.6.3	James Merlino to Emma Kealy 9 March 2017	17/000174
13.6.4	Question without notice to Council re Chetwynd Community Toilets 15 February 2017 – extract Ordinary Council minutes	17/000482



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 REVIEW OF GUARANTOR POLICY

**FILE NUMBER: FM0055**

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND COMMUNITY SERVICES**

#### **FOR DECISION**

##### Introduction

This report presents the updated Guarantor Policy to West Wimmera Shire Council (Council) for consideration and adoption.

##### Declaration of Interests

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

##### Background

The Guarantor Policy allows for Council to provide support to local community or sporting groups in terms of providing a guarantee which would enable them to raise funds to be used in their service delivery.

This policy does not provide for Council to grant cash payments to community and/or sporting groups.

In applying for a guarantee from Council, the relevant community/sporting group must provide Council with a budget showing at a minimum proposed repayment schedules and income/fundraising efforts over the period of the guarantee.

No single guarantee will be granted for any period greater than 5 years.

##### Risk Management Implications

Council is subject to various types of risk in providing or not providing guarantees to community and/or sporting groups.

There is obvious financial risk in providing guarantees.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

To this end Council requires that an applicant furnish Council with a Business Plan covering the time of the guarantee. As a matter of course this would include a budget, clearly showing how and when repayments to reduce the guarantee liability Council has entered into is diminished.

Conversely, if Council chooses not to enter into a guarantee with a community/sporting group then it may suffer reputational damage from being perceived as not supporting the community. Council must clearly enunciate the reasons behind not providing such guarantee in order to mitigate this risk.

### Legislative Implications

At all times Council must comply with the provisions of the *Local Government Act 1989* and any other relevant legislation relevant to the individual circumstances.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Ideally there should be limited financial and budgetary implications of Council providing a guarantee to a community/sporting club. However, there remains a risk that if the said community or sporting club defaults on whatever funding arrangements they have made under Council's guarantee, that Council then will become liable for the repayment of that funding.

In this instance Council has the right to initiate legal action against the club to recoup its costs.

### Policy Implications

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



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Communication Implications

The outcome of any Council decision on whether or not to provide a guarantee to a community or sporting group must be handled with care so as to not impugn the reputation of Council. Any decision must be carefully and fully explained to the groups involved and the general community.

### Conclusion

The Guarantor Policy enables Council to provide support in a non-direct cash form to community and sporting groups within our municipality. It allows these groups to be self-supportive in attracting funding while having the support of Council

### **OFFICER RECOMMENDATION:**

**That Council adopts the updated draft Guarantor Policy.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That Council further discuss the updated draft Guarantor Policy at the next Councillor Forum.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.1.1	Draft Guarantor Policy	17/003672



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 14.2 2016-17 ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT

**FILE NUMBER: FM0047**

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND  
COMMUNITY SERVICES & ANDREA GASH, MANAGER FINANCE**

#### **FOR DECISION**

##### Introduction

This report provides West Wimmera Shire Council (Council) with an audited copy of Council's 2016/17 Financial Statements and Performance Statement.

These Financial Statements have been endorsed by Council's Audit Committee and have been certified by the Victorian Auditor General's Office (VAGO) as being 'true and fair'.

##### 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.

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.

The 2016-17 Financial Statements and Performance Statement are produced in line with the requirements of the Act, relevant Australian Accounting Standards, and the *Local Government (Planning and Reporting) Regulations 2014* ('the Regulations').

Council's external auditors, McLaren Hunt Audit & Assurance, acting as agents for the Victorian Auditor General's Office (VAGO), attended Council's Kaniva office on 24<sup>th</sup> and 25<sup>th</sup> August for the purpose of undertaking the audit of Council's 2016/17 Financial Statements and Performance Statement.

Council resolved at the Ordinary Council Meeting held 20 September 2017 to authorise two Councillors to sign the 2016/17 Annual Financial Statements and the Performance Statement.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

The results of the audit and consultation with management were then passed on to VAGO for final certification. VAGO certified Council's 2016/17 Annual Financial Statements and Performance Statement on 22 September 2017.

### Risk Management Implications

Council is exposed to significant financial and fraud risk if the Annual Financial Statements and Performance Statement are not audited. Having the Audit Committee review the end of year process adds another layer of oversight to prevent this.

The audit raised 3 points in the Final Management Letter, two medium risks and one extreme risk, being:

1. The existence of a Detailed Asset Register (Extreme Risk) - Council agrees this is an unacceptable situation which will be rectified immediately. This item came about as a result of the failed implementation during 2016/17 of an Asset Management System (AMS), where the asset registers were to be kept in an electronic format within the AMS. This is actually a significant risk reduction when implemented correctly as it enables secure storage of Council's asset data and removes the residual calculation risk of Council's asset registers being maintained in a spreadsheet.

Unfortunately the system implementation was unsuccessful in that the AMS was not able to provide Council with a detailed listing of each asset and asset segment. Council was able to produce a summary asset register for each class and was able to balance these to the additions, subtractions and depreciation for the year, and agree these to ledger balances. However, a risk arises where individual asset segments may be adversely affected. In this instance the fair value of those individual asset segments may not be able to be accurately assessed.

To rectify this issue Council will undertake a complete physical infrastructure inspection and revaluation during 2017/18.

2. Reinstatement of impairment (Medium Risk) – this item relates to future reinstatement of assets impaired as a result of the September 2016 flood. Council will need to be mindful to reinstate these impairment charges progressively during the 2017/18 year rather than wait until the end of the year. It is also important to split the costing between fair value (reversal of impairment) and extra cost (expensed into Statement of Comprehensive Income)
3. Number of outstanding prior period management letter issues (Medium Risk) – this relates to outstanding issues highlighted by prior audits. A number of these relate to asset management issues which Council believes will be closed off during the 2017/18 year (Council believes these would have been treated if the AMS implementation had have been successful).



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

Also included here are a number of system maintenance and security related items which our current installed version of our corporate software does not provide. Council intends to upgrade its corporate software to the latest version during 2017/18 which should rectify these issues.

Of most concern (the only high risk item) Council has not as yet initiated a change management policy. This should provide a template for processes and procedures when updating systems or practices to lessen the risk of data integrity being corrupted. Council will prepare a draft Change Management Policy during 2017/18.

### Legislative Implications

Section 131 of the Act and the schedules contained within the Regulations set out Council's requirements for end of financial year reporting.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

The 2016-17 Financial Statements contain the following:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works

The financial statements also include a suite of notes providing detail on the figures contained within the five main statements, including an analysis of actual results against original budget.

In terms of financial performance, Council will report an operating surplus of \$1.167 million before other comprehensive items for the year. This climbs to an operating surplus of \$1.315 million for the year after other comprehensive items are included (these relate to movements in the comprehensive income items of the Wimmera Regional Library Corporation and Wimmera Development Association, both of whom Council has an equity investment in, and the first time consolidation of the West Wimmera Cemetery Trust into the Consolidated Accounts).

This operating result was based on operating income of \$28.86 million (\$17.66 million for 2015/16) against operating expenditure of \$27,691 million (\$18.15 million for 2015/16). However, it must be noted that both years figures were skewed by the prepayment of 50% of the 2015/16 allocation of the Federal Financial Assistance Grant (FAG) (paid via the Victoria Grants Commission) on 30 June 2015. This necessitated that amount (\$2.38





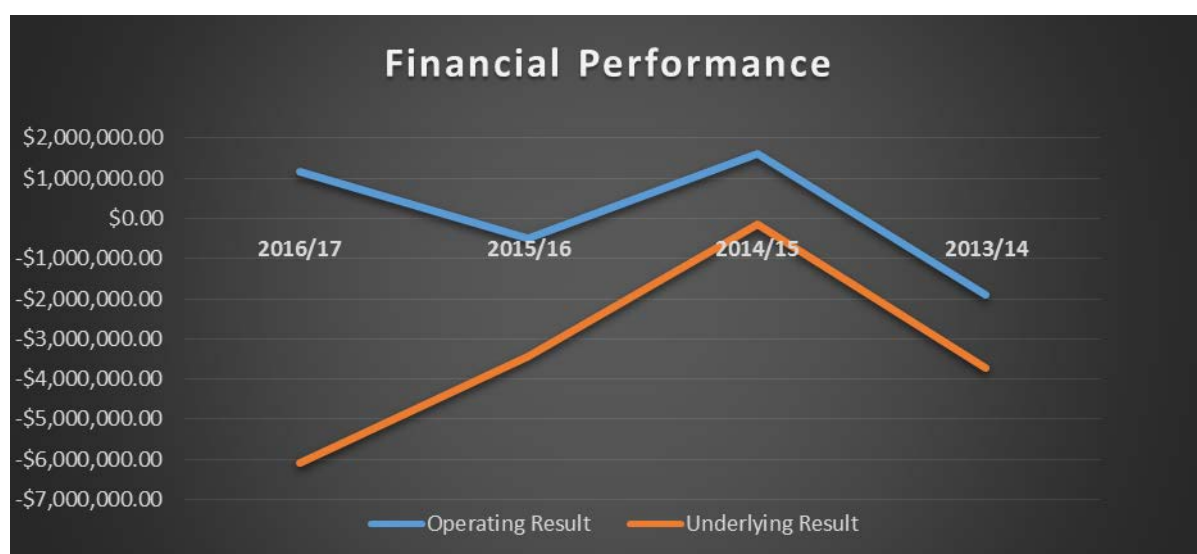
## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

million) being receipted into the 2014/15 year, with the subsequent effect that the operating result for 2014/15 (\$1.60 million surplus) was better than it would otherwise have been, whilst the operating result for the 2015/16 year was worse than it otherwise would have been. No prepayment of the FAG was made in 2015/16. A similar occurrence happened on 30 June 2016, with 50% of the 2017/18 allocation being prepaid in the 2016/17 financial year. This equates to \$2.5 million additional funding being accounted for in the 2016/17 year.

After factoring this in, the 2015/16 result looks far better, showing a considerable surplus, with the 2016/17 result going into deficit.

Another major factor impacting the 2016/17 year was the impact of the September 2016 floods, with an additional \$6.0 million income being received during 2016/17. Council also incurred additional expenditure of \$6.1 million during the year relating to flood relief and recovery. A significant item of expense incurred in the 2016/17 year is a \$2.81 million impairment, or write down, in the value of Council's assets damaged during the September 2016 flood. This impairment charge will be gradually reversed over the next 12 months as flood damaged assets are restored.

Of equal importance is Council's underlying operating result, that being the operating result less any non-recurrent income that is included in that result. This measure removes non-recurrent grants, contributions, and proceeds from asset sales to show what Council's operating result without those 'one-off' income items. For the 2016-17 year Council's underlying deficit was a hefty \$6.09 million. However, one could argue that \$5.1 million of flood related expenditure included in the Comprehensive Income Statement is also non-recurrent in nature. The removal of this expenditure results in an underlying deficit of \$0.99 million for 2016/17. This amount highlights Council's reliance on external funding and low rate base.

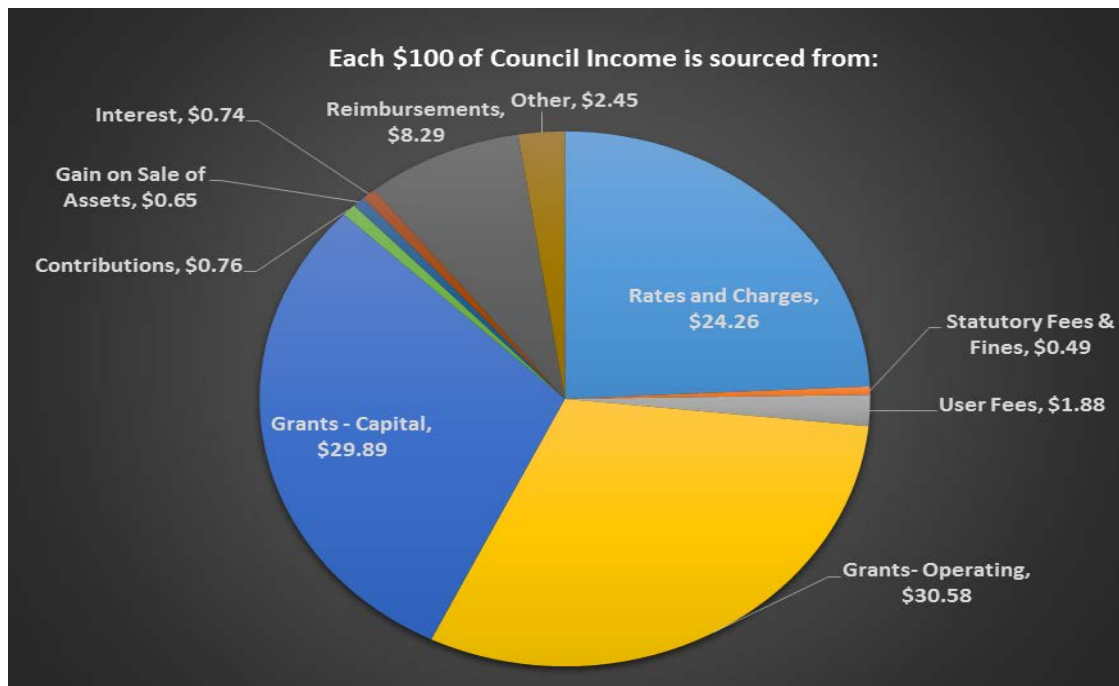




## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

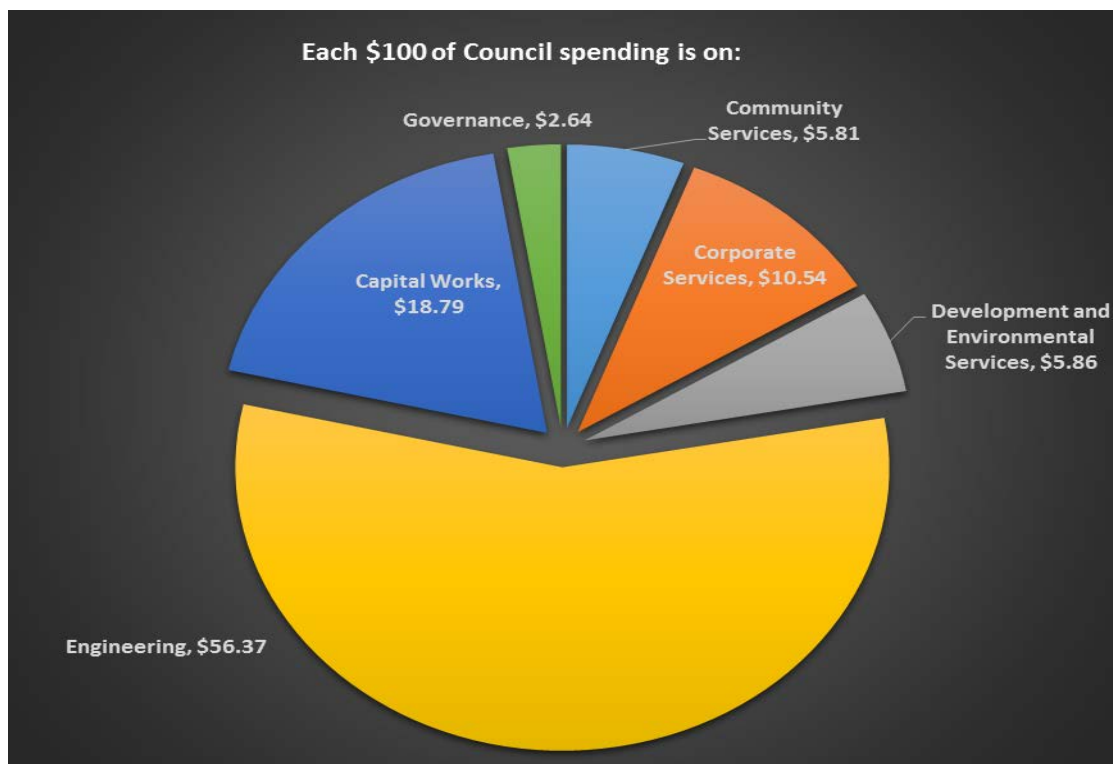
However this information needs to be read in context with all of Council's income and expenditure sources. When analysing Council's financial data we can see that Council incurs a significant depreciation charge of \$6.41 million for 2016/17. This amount represents the consumption of Council's assets annually. If this was removed from Council's underlying result Council would be generating a solid underlying surplus. What this indicates is that Council is dependent upon non recurrent funding sources (particularly capital grants) to fund its asset renewal. It must be said that this is not an uncommon position within local government in Victoria, with all but the largest municipalities facing similar issues. The advent of rate capping has only exacerbated this issue.

The following charts indicate where Council's income comes from and where it spends:





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

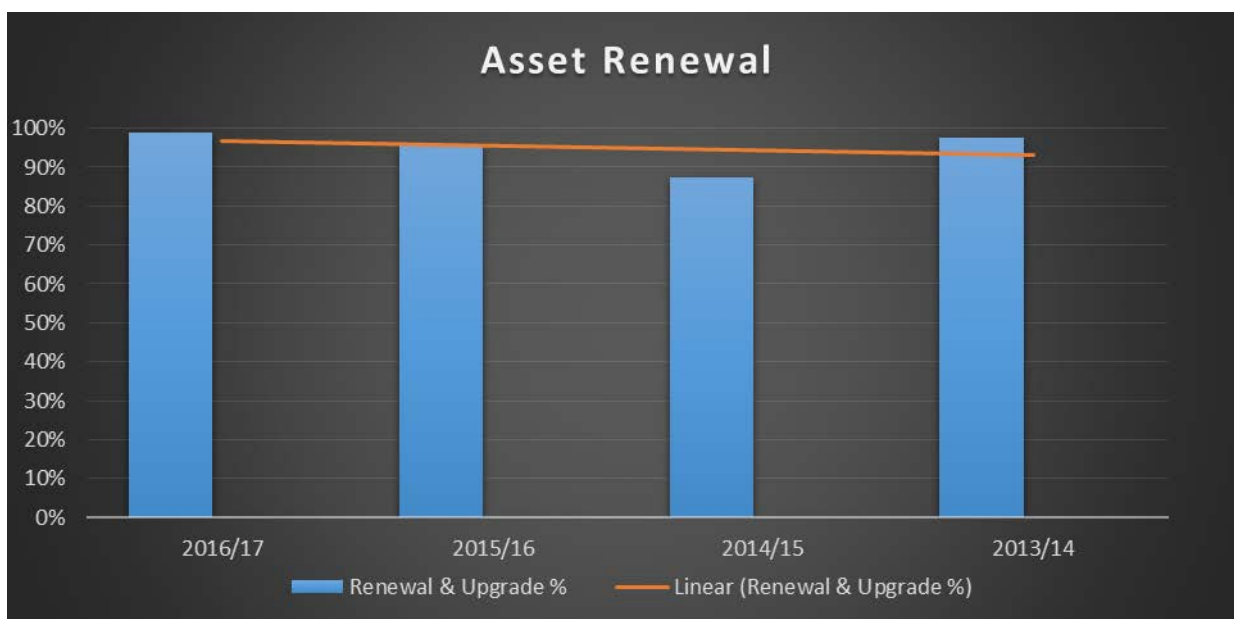
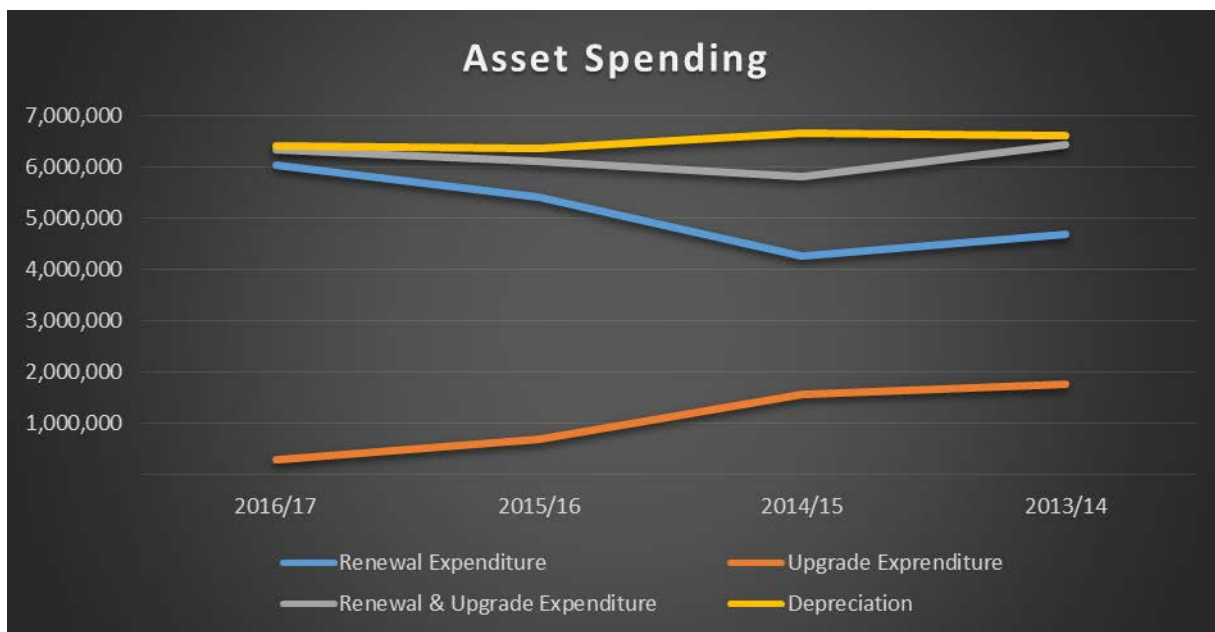


Council's dependence upon grants can clearly be seen from these charts, with grant funding making up \$60.47 of every \$100.00 Council receives.

Council delivered a significant capital expenditure program during 2016/17 of \$6.41 million (2015/16: \$6.46 million). Of this \$4.77 million was spent on roads with a further \$0.24 million spent on bridges, all aided by the expanded Roads To Recovery and Flood recovery funding. Of the \$6.41 million spend, \$6.05 million was expended on renewing Council's existing assets, with a further \$0.29 million spent on upgrading Council's existing assets. This amount however was insufficient to cover Council's consumption of its asset base, as measured through depreciation. The following graphs show Council's last four years of asset renewal and upgrade spending as compared to depreciation:



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL



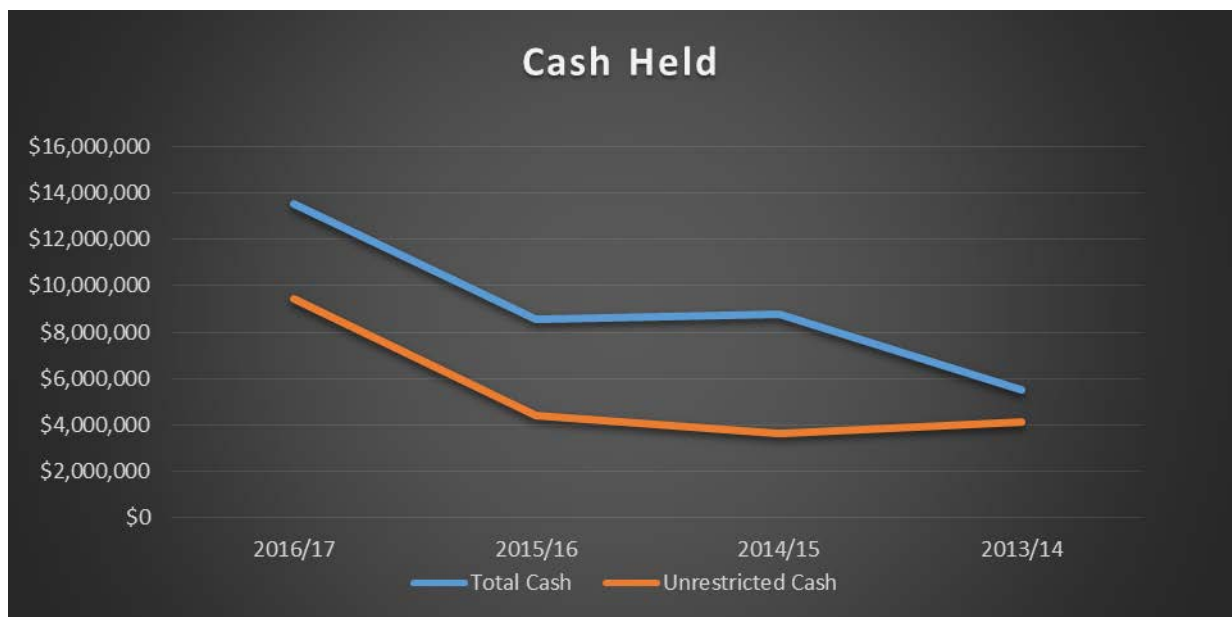
As can be seen, in none of the previous four years has Council met the 100% renewal of its asset base as measured against depreciation. This is a negative trend which may result in loss of service provision and potential into the future if it continues over the long term. Council must assess its asset base and renewal requirements in the context of setting realistic service levels over the medium to long term.

Council's cash position remains healthy, with \$13.52 million in the bank at 30 June 2017. This represents \$4.96 million increase on the previous year.

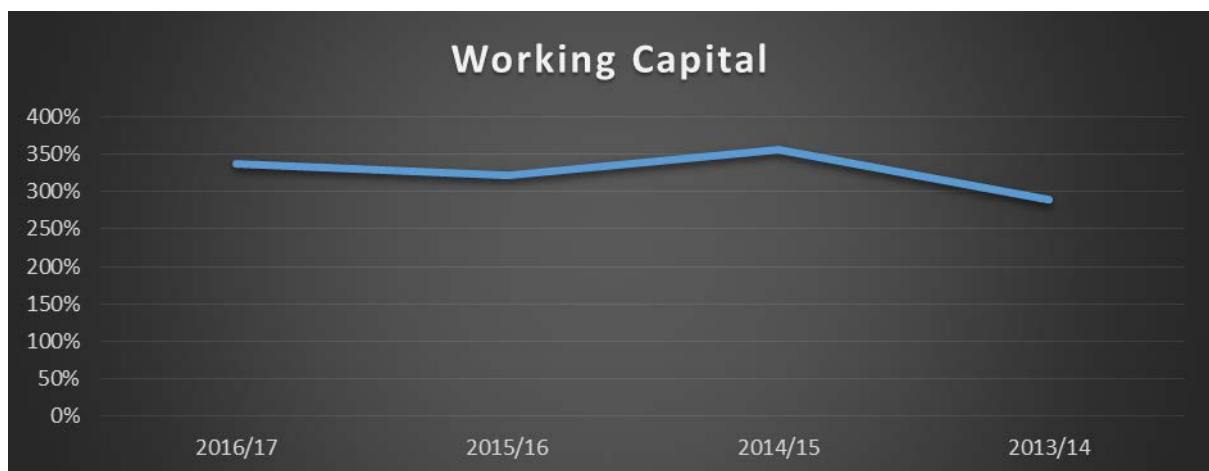


## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

However, care must be taken when assessing the cash figure. Council is holding commitments by way of reserves, unspent grants, and trust deposits of \$4.08 million, leaving an unrestricted cash amount of \$9.44 million. Of course it must be noted that \$3.47 million of the \$4.08 million of funds restricted is held on a discretionary basis which Council may resolve to use for other purposes if the need arises. Cash at year end also includes the FAG prepayment of \$2.5 million in June 2017.



Council retains a solid working capital ratio. This is the coverage of current liabilities by current assets, and measures the ability of Council to quickly cover liabilities. At 30 June 2017 Council had a working capital ratio of 338%.





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

While overall Council has reported an operating surplus for the year, the position would have been very different if the FAG prepayment had not been made at the end of the 2017 financial year. Council has been able to manage costs efficiently throughout the year despite the challenge of flood recovery works, which commenced late 2016, and remain ongoing.

As can be seen there are good and bad points about Council's financial performance for the 2016/17 financial year.

The fluctuating between operating surplus and deficit over the previous four years is not ideal, and is impacted by the prepayment of the FAG in 2016/17 and 2014/15, which highlights Council's reliance on grants funding. This is clearly supported by Council incurring ongoing underlying deficits.

Also of concern is the fact that Council is not, and has not been for the past 4 years, meeting its asset renewal targets (as measured against depreciation expense). Again this highlights how much Council is dependent upon grant funding for asset renewal.

### 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 Engagement Policy  
Fraud Control 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

The Annual Financial Statements and Performance Statement, as cleared by VAGO, are inserted into Council's Annual Report. This document becomes a public document which is available in hard copy and on Council's website.



## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### Conclusion

Council has complied with all legislative requirements in producing the Annual Financial Statement and Performance Statement.

The statements show that Council has produced a reasonable financial performance over the period, given the pre-payment of the FAG funding and the ravages of the September 2016 flood. Council has a strong working capital ratio, and solid cash reserves, and delivered a solid capital expenditure program. However, a note of caution must be shown regarding Council's underlying deficit, and ongoing reliance on grants. Also of concern is the fact that Council has not been meeting its asset renewal requirements over an extended period of time.

Council must remain vigilant in its spending and should undertake a serious analysis of the required capital renewal program in light of desired levels of service.

### **OFFICER RECOMMENDATION:**

**That Council adopt the 2016/17 Financial Statements and Performance Statement.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council adopt the 2016/17 Financial Statements and Performance Statement.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.2.1	2016/17 Financial Statements	17/003700
14.2.2	2016/17 Performance Statement	17/003700
14.2.3	2016/17 Final Management Letter	17/003700





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### 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.*

Nil

### 16.0 SEALING SCHEDULE

Nil

### 17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

#### RECOMMENDATION

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

17.1 FLOOD CONTRACT VARIATIONS - SEPT – OCT 2016 AGRN 728

17.2 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 –  
REQUEST FOR DEBT WAIVER

17.3 RECREATIONAL TRAILS STRATEGY – APPOINTMENT OF  
CONTRACTOR

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

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 12.06pm to resolve on matters pertaining to the following items:

17.1 FLOOD CONTRACT VARIATIONS - SEPT – OCT 2016 AGRN 728

17.2 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 –  
REQUEST FOR DEBT WAIVER

17.3 RECREATIONAL TRAILS STRATEGY – APPOINTMENT OF  
CONTRACTOR

Carried (5/0)





## ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017 WEST WIMMERA SHIRE COUNCIL

### **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.

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Trevor Domaschenz

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 12.26pm.

**Carried (5/0)**

### **17.1 FLOOD CONTRACT VARIATIONS - SEPT – OCT 2016 AGRN 728**

**That Council:**

- 1. Note the contract variations AND**
- 2. Refer the contract variations for the providers of services to the Flood Recovery Project to be signed under Seal.**

### **17.2 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – REQUEST FOR DEBT WAIVER**

- 3. That item 17.2 in these Minutes remain as a confidential matter, and this resolution be excluded from the 17 October 2017 Ordinary Council Minutes.**



**ORDINARY COUNCIL MEETING MINUTES – 17 OCTOBER 2017  
WEST WIMMERA SHIRE COUNCIL**

**17.3 RECREATIONAL TRAILS STRATEGY – APPOINTMENT OF  
CONTRACTOR**

- 1. That Council accepts the quote submitted by Tredwell Management Services for the West Wimmera Recreational Trails Strategy for the lump sum price of \$44,670 (excluding GST).**
- 2. That Council reassign \$15,000 from various miscellaneous operating budget line items to the Recreational Trails Strategy.**

**MEETING CONCLUDED: 12.27PM**

**NEXT MEETING: WEDNESDAY 15 NOVEMBER 2017  
EDENHOPE COUNCIL CHAMBER**