



STATUTORY COUNCIL MEETING AGENDA – 1 NOVEMBER 2017 WEST WIMMERA SHIRE COUNCIL

TO BE HELD:

Wednesday 1 November 2017

LOCATION:

**West Wimmera Shire Council Chamber
49 Elizabeth Street, Edenhope**

COMMENCEMENT:

9:00am

REQUIRED TO ATTEND:

Councillors	Senior Management Group
Trevor Domaschenz Richard Hicks	David Leahy Chief Executive Officer
Tom Houlihan Bruce Meyer	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 – CHIEF EXECUTIVE OFFICER

2.0 OPENING PRAYER – CHIEF EXECUTIVE OFFICER

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 ELECTION OF TEMPORARY CHAIRPERSON

Local Law No 7, 2017 – Meeting Procedure and Common Seal Local Law Part 3 Clause 14(3) stipulates the Chief Executive Officer (CEO) will be the First Temporary Chair of the meeting at which the election of Mayor is to be conducted. The CEO as First Temporary Chair will call for nominations for a Second Temporary Chair.

FOR DECISION

RECOMMENDATION:

That Council elect Cr (to be inserted) to the position of Second Temporary Chair.

4.0 APOLOGIES AND LEAVE OF ABSENCE

5.0 DECLARATION OF CONFLICT OF INTEREST



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6.0 ELECTION OF MAYOR

Pursuant to Section 71 of the Local Government Act 1989 (LGA89), and Local Law No 7, 2017 – Meeting Procedure and Common Seal Local Law Part 3 Clause 13, that Council elect a Councillor as Mayor.

Council may determine to elect a Mayor for a term of 2 years pursuant to S71 (2) of the LGA89

Legislative Implications – Extract Local Government Act 1989

71. Election of Mayor

- (1) *At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.*
- (3) *The Mayor is to be elected—*
 - (a) *after the fourth Saturday in October but not later than 30 November in each year; or*
 - (ab) *if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or*
 - (b) *as soon as possible after any vacancy in the office of Mayor occurs.*
- (4) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (5) *[substituted by No. 76/1995 s. 10(2), repealed by No. 5/2001 s. 30(1).]*
- (6) *The Mayor of a Shire Council may be titled the President.*
- (7) *Any reference to "Mayor" includes a reference to "Lord Mayor" or "President" as the case may be.*

72. Term of office

- (1) *The office of Mayor becomes vacant—*
 - (a) *at 6 a.m. on the day of the election of the Mayor; or*
 - (b) *if he or she dies or ceases to be a Councillor; or*
 - (ba) *if his or her office as a Councillor is suspended for any period under this Act; or*
 - (c) *if he or she resigns in writing which is given at a Council meeting or to the Chief Executive Officer; or*
 - (ca) *if he or she becomes ineligible to hold office under section 81J(2), 81J(2A) or 81K; or*
 - (d) *if he or she is ousted from office.*
- (2) *For the avoidance of doubt, the office of Mayor becomes vacant under subsection (1)(b) at 6 a.m. on the day of a general election whether or not the Mayor has completed his or her term of office as resolved by the Council under section 71(1).*
- (3) *Any Councillor is eligible for election or re-election to the office of Mayor.*

RECOMMENDATION:

That Council elect Cr (to be inserted) as West Wimmera Shire Council Mayor for 2017/2018.



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7.0 DATE AND PLACE OF COUNCIL MEETINGS – SCHEDULE FOR 2018

FILE NUMBER: AD0183

REPORT AUTHOR: ELIZABETH MATUSCHKA

GOVERNANCE & EXECUTIVE SUPPORT OFFICER

FOR DECISION

Introduction

Pursuant to Meeting Procedure and Common Seal Local Law No.7 Part 4 Clause 17, Council determines the schedule for its Ordinary Council Meetings for the next calendar year at its annual Statutory Council Meeting.

Declaration of Interests

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

Background

Ordinary Council Meetings are held on a monthly basis, with the exception of January when there is no meeting. The same timing applies to the Assembly of Councillors Councillor Forum.

The eleven Ordinary Council Meetings for the year are held in the following locations:

- Four in Edenhope.
- Four in Kaniva.
- Three in a regional location other than Edenhope or Kaniva, followed by an evening meal with the community and a Community Forum. For the sake of equity, these three meeting locations are chosen so that one is in the north of the Shire, one is in the south of the Shire, and one is roughly in the centre of the Shire.

For the information of Councillors, the following chart lists the locations where Community Forums have been held for the period 2009-2017 (based on the best available information at the time of writing this report):



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Town/Locality	2009	2010	2011	2012	2013	2014	2015	2016	2017
Apsley		Sep					Oct		
Benayeo	May			Jul					Apr
Charam					Jul				
Connewirrecoo			Mar						
Dorodong		Sep						Apr	
Douglas			Nov						
Goroke	Jul						Jul		
Gymbowen			Aug					Nov	
Harrow						Oct			
Lawloit							Apr		
Lillimur					Apr				Jul
Minimay						Jul			
Nurcoun									Oct
Peronne					Oct				
Poolaijelo				Oct					
Serviceton			May			Apr			
Telopea Downs	Mar			Apr				Jul	

Risk Management Implications

Not commented on.

Legislative Implications

West Wimmera Shire Council is required to meet on a regular basis, to conduct its formal business.

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:



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Advocacy Policy
Communications Policy
Community Engagement Policy
Customer Service 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 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

Council Meetings and Community Forums are publicised on the Shire's website and Facebook page. Advertisements are placed in the local newspapers. Flyers are distributed throughout the Shire.

Conclusion

Council meets regularly to conduct its business, and takes every opportunity to interact and engage with the local community, to listen to its issues and concerns.



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OFFICER RECOMMENDATION:

That Council adopt the proposed meeting schedule (date, time and place) as listed below, as the dates and venues for the Ordinary Meetings of Council, Community Forums, Assembly of Councillors Councillor Forums and Statutory Meeting of Council for 2018:

Month	Date	Meeting	Venue
February	Wed 7 Feb 2018	Councillor Forum	Edenhope
	Wed 21 Feb 2018	Ordinary Council Meeting	Kaniva
March	Wed 7 Mar 2018	Councillor Forum	Kaniva
	Wed 21 Mar 2018	Ordinary Council Meeting	Edenhope
April	Wed 4 Apr 2018	Councillor Forum	Edenhope
	Wed 18 Apr 2018	Ordinary Council Meeting & Community Forum	Douglas (south WWSC)
May	Wed 2 May 2018	Councillor Forum	Kaniva
	Wed 16 May 2018	Ordinary Council Meeting	Kaniva
June	Wed 6 Jun 2018	Councillor Forum	Edenhope
	Wed 20 Jun 2018	Ordinary Council Meeting	Edenhope
July	Wed 4 Jul 2018	Councillor Forum	Kaniva
	Wed 18 Jul 2018	Ordinary Council Meeting & Community Forum	Serviceton (north WWSC)
August	Wed 1 Aug 2018	Councillor Forum	Edenhope
	Wed 15 Aug 2018	Ordinary Council Meeting	Kaniva
September	Wed 5 Sep 2018	Councillor Forum	Kaniva
	Wed 19 Sep 2018	Ordinary Council Meeting	Edenhope
October	Wed 3 Oct 2018	Councillor Forum	Edenhope
	Wed 17 Oct 2018	Ordinary Council Meeting & Community Forum	Peronne (central WWSC)
November	Wed 7 Nov 2018	Councillor Forum	Kaniva
	Wed 7 Nov 2018	Statutory Meeting	Kaniva
	Wed 21 Nov 2018	Ordinary Council Meeting	Kaniva
December	Wed 5 Dec 2018	Councillor Forum	Edenhope
	Wed 19 Dec 2018	Ordinary Council Meeting	Edenhope



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8.0 APPOINTMENTS TO REGIONAL AND STATE BODIES

Council makes a series of appointments to regional and State bodies as detailed below. Councillors also sit on other State bodies as individuals, but usually receive Council endorsement.

It is appropriate that Council representatives and alternate representatives to these bodies be appointed.

REGIONAL / STATE BODY	PREVIOUS REPRESENTATIVE/S	PROPOSED REPRESENTATIVE 2017/2018	ALTERNATE REPRESENTATIVE 2017/2018
Big Desert National Park Fire Control Committee	Cr Hicks Director IDW Alt: Cr Meyer		
Crabtree Estate	Cr Meyer Alt: Cr Domaschenz		
Douglas Mine Environment Review Committee	Cr Houlihan Alt: Cr Pretlove		
Grampians Central West Waste and Resource Recovery Group – Forum Group	Cr Houlihan Alt: Cr Domaschenz		
Green Triangle Region Freight Action Plan Implementation Monitoring Group	Cr Hicks Director IDW Alt: None		
Harrow RSL Hall Committee	Cr Houlihan Alt: Cr Pretlove		
Johnny Mullagh Interpretive Centre Inc	Cr Houlihan Alt: None CEO		
Kaniva Community Sporting Complex	Cr Meyer Director CCS Alt: Cr Houlihan		
Little Desert National Park Fire Control Committee	Cr Hicks Director IDW Alt: Cr Pretlove		
Municipal Association of Victoria (MAV)	Cr Meyer Alt: Cr Hicks		
Municipal Emergency Management Planning (MEMP) Committee	Cr Houlihan Director IDW Alt: Cr Pretlove		
Municipal Fire Prevention Committee	Cr Houlihan Director IDW Alt: Cr Domaschenz		
National Timber Councils Task Force	Cr Meyer Alt: Cr Hicks		



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North West Municipalities Association (NWMA)	Cr Meyer Alt: Cr Pretlove		
Primary Care Partnership	Cr Pretlove Alt: Director CCS		
Roadsafe Wimmera	Cr Hicks Alt: Cr Domaschenz		
Rural Councils Victoria (RCV)	Cr Meyer CEO Alt: Cr Houlihan		
Timber Towns Victoria (TTV)	Cr Meyer Alt: Cr Hicks		
West Wimmera Groundwater Management Area Implementation Committee	Cr Meyer Alt: Cr Hicks		
West Wimmera Landcare Network	Cr Domaschenz Alt: None		
West Wimmera Rural Water Supply Project – Feasibility Study	Cr Houlihan Alt: Cr Pretlove		
West Wimmera Shire Cemeteries Trust	All Councillors Sec: Director CCS		
West Wimmera Shire Youth Council	Decision deferred		
Western Highway Action Group	Cr Hicks Director IDW Alt: Cr Meyer		
Wimmera Development Association (WDA)	Cr Domaschenz CEO Alt: Cr Pretlove		
Wimmera Mallee Regional Tourism Association	Cr Domaschenz Alt: Cr Pretlove		
Wimmera Mallee Sustainability Alliance	Cr Domaschenz Alt: Cr Pretlove		
Wimmera Regional Library Corporation (WRLC)	Cr Meyer Director CCS Alt: Cr Hicks		
Wimmera Southern Mallee Regional Transport Group	Cr Hicks Director IDW Alt: Cr Pretlove		

RECOMMENDATION:

That the appointments of Council representatives to regional and State bodies, as detailed in the table above, be accepted and the relevant bodies be advised.



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9.0 AUDIT COMMITTEE (ADVISORY COMMITTEE) – SECTION 139 OF THE LOCAL GOVERNMENT ACT 1989

139. Audit Committee – (Extract LGA89)

- (1) A Council must establish an audit committee.
- (2) An audit committee is an advisory committee.
- (2A) The chairperson of an audit committee—
 - (a) must not be a Councillor; and
 - (b) must not be a member of Council staff; and
 - (c) must be suitably qualified.
- (3) An audit committee must be constituted in the prescribed manner.
- (4) An audit committee has the functions and responsibilities prescribed for the purposes of this section.
- (4A) Sections 76D, 79 and 81 apply to members of an audit committee as if they were members of a special committee of the Council.
- (5) The Minister may make guidelines for the purposes of this section.
- (6) Guidelines made under subsection (5) must be published in the Government Gazette.
- (6A) The chairperson may require any report prepared by the audit committee to be listed on the agenda for the next Ordinary Meeting of the Council.
- (7) A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.

AUDIT COMMITTEE	PREVIOUS REPRESENTATIVES	PROPOSED 2017/2018 REPRESENTATIVES
Councillors	Cr Meyer Cr Pretlove Alternate: Cr Houlihan	
Independent members	Mr Geoff Price (Chair) Ms Anne Champness Ms Jessica Adler	
Council Officer Contact	Director Corporate & Community Services (DCCS) Finance Manager (FM)	

FOR DECISION

RECOMMENDATION:

That Council elect the representatives to the Statutory Audit Advisory Committee as detailed in the table above for 2017/2018.



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10.0 APPOINTMENTS TO ADVISORY COMMITTEES

COMMITTEE	PREVIOUS REPRESENTATIVES	PROPOSED REPRESENTATIVES 2017/2018
CEO Performance Planning Advisory Committee	All Councillors	All Councillors
West Wimmera Shire Kaniva Recreation Reserve Advisory Committee	Cr Meyer Alt: Cr Houlihan Director CCS Community Members: Kaniva Community Sporting Complex Kaniva Cricket Club Kaniva Hockey Club Kaniva Leeor United Football Club Kaniva Leeor United Netball Club Kaniva Lions Club	
West Wimmera Shire Sustainability Advisory Committee	Cr Domaschenz Cr Pretlove Director IDW	
West Wimmera Shire Tourism Advisory Committee	Kelvin Moar John Langen Lyn Powell Cindy Cross Sue Close Cr Domaschenz Cr Pretlove	

FOR DECISION

RECOMMENDATION:

That Council elect the representatives to the above listed Advisory Committees as detailed in the table above.



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11.0 APPOINTMENTS TO SPECIAL COMMITTEES PURSUANT TO SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989

86. Special Committees of the Council – extract LGA89

- (1) *In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—*
 - (a) *Councillors;*
 - (b) *Council staff;*
 - (c) *other persons;*
 - (d) *any combination of persons referred to in paragraphs (a), (b) and (c).*
- (2) *A Council may appoint members to a special committee and may at any time remove a member from a special committee.*
- (3) *Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.*
- (4) *A Council cannot delegate to a committee the following powers—*
 - (a) *this power of delegation;*
 - (b) *to declare a rate or charge;*
 - (c) *to borrow money;*
 - (d) *to enter into contracts for an amount exceeding an amount previously determined by the Council;*
 - (e) *to incur any expenditure exceeding an amount previously determined by the Council;*
 - (f) *any prescribed power.*
- (5) *A Council may require a special Committee to report to the Council at intervals determined by the Council.*
- (6) *The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.*

COMMITTEE	PREVIOUS REPRESENTATIVES	PROPOSED REPRESENTATIVES 2017/2018
Economic Development Special Committee	All Councillors	
Kaniva Museum and Historical Collection Special Committee	Noel Austin Lyn Powell John Wallis Alison Moar Wayne Rabone Jenny Wallis Barry Witmitz Stephen MacFarlane Wendy Meyer Charlie Pretlove Robyn Jewell Harvey Champness Don McFarlane Cr Bruce Meyer Council Officer (ex officio / non-voting)	



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FOR DECISION

RECOMMENDATION:

That Council nominate the listed Councillors and non-Councillors to the Special Committees as detailed in the table attached pursuant to Section 86 of the Local Government Act 1989.

MEETING CONCLUDED: