



ORDINARY COUNCIL MEETING AGENDA – 16 MAY 2018 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday 16 May 2018

LOCATION: Kaniva Council Chamber

COMMENCEMENT: 7.00pm

REQUIRED TO ATTEND:

Councillors	Senior Management Group
Jodie Pretlove, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer
Richard Hicks Tom Houlihan Bruce Meyer	Ashley Roberts Director, Corporate & Community Services
	Peter Rogers Acting Director, Infrastructure Development & Works

Members of the Gallery are advised that the following Local Law applies to this meeting:

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

- (1) Any member of the public asking a question of the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates*
- (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.*

Vision Statement:

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



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1.0 WELCOME

2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire.

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

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

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

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday nine days prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

4.2 VERBAL QUESTIONS WITHOUT NOTICE

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



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

5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)

23/04/2018 CEO David Leahy
24/04/2018 Audit Committee Meeting, Kaniva
25/04/2018 Anzac Day Event – Goroke
26/04/2018 Wimmera Primary Care Partnership Meeting
27/04/2018 Emma Kealy MP Event in Horsham
30/04/2018 CEO David Leahy
02/05/2018 Councillor Forum, Kaniva
03/05/2018 Kaniva Community Hub Committee
07/05/2018 CEO David Leahy
09/05/2018 Budget Meeting with Senior Management Group, Kaniva
15/05/2018 CEO David Leahy
16/05/2018 Ordinary Council Meeting, Kaniva

5.2 COUNCILLOR TREVOR DOMASCHENZ

25/04/2018 Anzac Day Event – Edenhope
27/04/2018 Emma Kealy MP Event in Horsham
02/05/2018 Councillor Forum, Kaniva
08/05/2018 Wimmera Development Association Meeting, Murtoa
09/05/2018 Budget Meeting with Senior Management Group, Kaniva
15/05/2018 Wimmera Mallee Tourism Meeting, Rupanyup
16/05/2018 Ordinary Council Meeting, Kaniva

5.3 COUNCILLOR RICHARD HICKS

19/04/2018 Lunch at “Mind Matters Meet Up” Event in Kaniva
20/04/2018 Western Highway Action Committee, Stawell
25/04/2018 Anzac Day Event – Kaniva
27/04/2018 Emma Kealy MP Event in Horsham
27/04/2018 Farewell Event for Dale Russell, CFA, Horsham
02/05/2018 Councillor Forum, Kaniva
04/05/2018 Wimmera Southern Mallee Regional Transport Group
09/05/2018 Budget Meeting with Senior Management Group, Kaniva
16/05/2018 Ordinary Council Meeting, Kaniva

5.4 COUNCILLOR TOM HOULIHAN

18/04/2018 Meeting with touring team of cricketers, Harrow
18/04/2018 CFA & SES Community Meeting, Edenhope
18/04/2018 Apsley Recreation Reserve Committee of Management
19/04/2018 Grampians Central West Waste Group Meeting
22/04/2018 Edenhope CFA & SES Open Day
23/04/2018 District 17 CFA Brigades & Group Meeting



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25/04/2018	Anzac Day Event – Harrow
10/05/2018	Combined Wimmera Emergency Management Exercise
16/05/2018	Ordinary Council Meeting, Kaniva

5.5 COUNCILLOR BRUCE MEYER

18/04/2018	Kaniva & District Progress Association
20/04/2018	Wimmera Regional Library Corporation
24/04/2018	Audit Committee Meeting, Kaniva
25/04/2018	Anzac Day Event – Apsley
02/05/2018	Councillor Forum, Kaniva
07/05/2018	Kaniva Cultural & Tourism Precinct Project – Info Session
08/05/2018	Kaniva Community Sporting Complex Meeting
09/05/2018	Budget Meeting with Senior Management Group, Kaniva
09/05/2018	Kaniva Museum Committee Meeting
16/05/2018	Ordinary Council Meeting, Kaniva

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

18/04/2018	Ann Vaughan, Harrow Bush Nursing Centre
19/04/2018	Wimmera Southern Mallee Regional Partnership
20/04/2018	Vic Dept of Environment, Edenhope
23/04/2018	Senior Management Group
23/04/2018	Mayor Jodie Pretlove
23/04/2018	Bendigo Bank, Edenhope
23/04/2018	First XI Steering Committee Meeting
24/04/2018	Post-Council Staff Meeting
24/04/2018	Audit Committee Meeting, Kaniva
26/04/2018	MAV Rural & Regional Forum (by video link)
27/04/2018	Environmental Protection Authority EPA, Edenhope
27/04/2018	Emma Kealy MP Event in Horsham
30/04/2018	Senior Management Group
30/04/2018	Kevin Mills, Edenhope Memorial Hospital
30/04/2018	Mayor Jodie Pretlove
30/04/2018	Laurie Close & JD McGennissen
01/05/2018	Diana McDonald, HR Advisor
02/05/2018	Councillor Forum, Kaniva
03/05/2018	Flood Project Meeting
03/05/2018	Kaniva Community Hub Committee
04/05/2018	Central Highlands Area Executive Meeting (by video link)
07/05/2018	Mayor Jodie Pretlove
07/05/2018	Geoff Carracher
08/05/2018	Senior Management Group & Managers
08/05/2018	Wimmera Development Association Meeting, Murtoa
09/05/2018	Yarriambiack Shire Council
09/05/2018	Budget Meeting with Senior Management Group, Kaniva
11/05/2018	MAV WorkCare



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14/05/2018 Rural Outreach Program – Stakeholder Meeting
15/05/2018 OH&S Meeting
15/05/2018 Mayor Jodie Pretlove
15/05/2018 Senior Management Group
16/05/2018 Flood Project Meeting
16/05/2018 Ordinary Council Meeting, Kaniva

5.7 GENERAL DELEGATES REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 17 April 2018, be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

9.1 CONSULTANTS' REPORTS – CR TREVOR DOMASCHENZ – NOM 2018/02

That Councillors review all consultants' reports in draft form before acceptance and payment.

Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion 2018/02	18/001730



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10.0 ASSEMBLY OF COUNCILLORS RECORD

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 2 May 2018 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 JUNE COUNCIL MEETING DATE

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The following report is provided to enable Councillors to alter the date and time for the June Meeting of Council (due to be held in Edenhope on 20 June)

Declaration of Interests

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

Background

The 20 June Council Meeting due to be held in Edenhope, clashes with the return from the National General Assembly of Local Government, of the Mayor, Cr. Pretlove and Cr. Domaschenz.

The National General Assembly runs from the 17th of June to the 20th of June and the two Councillors will be travelling back from Canberra on the 20th.

Options available include;

- Holding the meeting the following day on Thursday 21 June (during business hours),
- Holding the meeting the following Wednesday 27 June or,
- Holding the meeting the week prior on the 13th of June.

It is also a possibility for the meeting to go ahead as scheduled, but if there is any delay with flights or other travel arrangements, there will only be 3 Councillors in attendance and a potential lack of quorum, if a Councillor is required to declare an interest in an agenda item.

The preferred option is to hold the meeting in the week that it is scheduled (21 June) as it provides for suitable spacing between meetings (Assembly and Ordinary Council) to prepare informed reports.



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Risk Management Implications

From a governance perspective, moving the meeting date removes the risk associated with lack of a quorum.

Legislative Implications

Council is required to advertise the change of date (should it occur).

Environmental Implications

Nil

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

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

Any proposed schedule changes for Council Meetings will be advertised to enable the public to attend or submit questions on notice.

Conclusion

Council has the opportunity to discuss the options available to it with respect to the scheduling of the June Council meeting and make a decision at the May meeting of Council.



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OFFICER RECOMMENDATION:

That Council resolves to alter the date of the June Council meeting to 21 June 2018 at am/pm to accommodate the attendance at the ALGA National General Assembly by Mayor Pretlove and Cr Domaschenz.



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12.2 RAIL FREIGHT ALLIANCE MEMBERSHIP OPPORTUNITY

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY - CEO

FOR INFORMATION

Introduction

The following report is provided to provide Councillors with an opportunity to decide whether or not to accept an offer of membership of the Rail Freight Alliance.

Also an offer from the executive officer of the alliance to present to Council on the work undertaken and the benefits of becoming members.

Declaration of Interests

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

Background

The Rail Freight Alliance (formerly the Alliance of Councils for Rail Freight Development), is a group designed to promote investment in rail infrastructure in Victoria. The purpose of the investment is to reduce the freight load placed on rural roads across the state and have the road volumes transition to rail.

Whilst the primary focus is on improving efficiency of freight on rail, the Alliance has also worked on passenger rail proposals by assisting with lobbying and advocacy.

The group have developed a policy document that it reviews annually and uses the document as the basis for budget submissions, both state and federal. They also have a seat at the planning table for the inland rail project and have played a pivotal role in recent rail freight developments in Victoria.

The CEO met with the Rail Freight Alliance executive officer in Melbourne on 10 April and discussed the current activities and the cost associated with membership. The membership fee for a small rural shire is approximately \$3,000.

The executive officer also offered to provide a presentation to Councillors at a suitable time and this could be either face to face or via a video link.



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With the potential upgrade to the Lillimur site, assistance with business case development and lobbying at both a government and industry level would be an advantage for West Wimmera.

The Rail Freight Alliance also holds an annual conference and this year it will be on 27 June in Melbourne.

If Council was to choose to join the Rail Freight Alliance, it would be necessary to discontinue the membership of another group and also to appoint a Councillor and or a senior officer as the delegate to the group.

The meeting schedule is every two months and they are generally held in Melbourne. Occasionally the regular meetings include a field trip to various sites, such as, Intermodal facilities, the Port of Melbourne and rail infrastructure project sites.

Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Up to \$3,000 pa + the costs of travel to meetings and the annual conference.

Policy Implications

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

Council Plan Implications

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

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



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

Communication Implications

Nil

Conclusion

The Rail Freight Alliance has become a strong voice representing Local Governments best interests in the freight sector within Victoria.

It has also started to gain a voice at a national level with its involvement in the Inland Rail project. This coupled with the advocacy work undertaken to assist in the promotion of government investment in the Murray Basin Rail project, it has become a well-respected and well researched group with good connections into government.

A copy of the policy position of the Alliance is available for Councillors viewing.

OFFICER RECOMMENDATION:

That Council resolve to join the Rail Freight Alliance group and commit \$3,000 to the 2018/19 financial year budget to cover the subscription to the Alliance.



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 ADOPTION: PLAY SPACE POLICY

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID GYFORD, ASSETS AND GIS COORDINATOR

FOR DISCUSSION

Introduction

West Wimmera Shire Council (Council) supports the view that play space facilities help develop and improve the childhood experience. The Shire's small towns also benefit from visitor stops with the provision of quality play space facilities.

There is a need for play spaces that are unique and exciting spaces that provide a range of engaging play experiences that are accessible to users of all ages, abilities, cultural and social backgrounds.

There is a need for a balance of facilities to cater for the progression of the users through their development stages, the contribution the play spaces provide for the liveability in, and to provide visitor attractions in the whole Council.

With the adoption of the Municipal Public Health and Wellbeing Plan 2017-2021, and the Access and Inclusion Plan 2017-2020, the link with public health and healthy eating, physical activity and social connectivity must be considered, along with other Council Plan aspirations and objectives.

Declaration of Interests

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

Background

The Play Space Policy (see attached) has evolved with its primary goal to inform the Council of the importance of Play Space areas and their facilities, and to guide the Council into the future.

Council will review the Play Space Policy every four years.



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Risk Management Implications

Without a sound Play Space Policy, Council services cannot be delivered to the acceptance of the community, nor hope to be compliant and sustainable.

The risks are:

- Service levels which do not meet the community expectations.
- An increase in renewal gap which will lead to unsustainability of Council infrastructure.
- Increased litigation risk from poorly maintained infrastructure.

The Play Space Policy mitigates the above risks through consideration of:

- Business case for play space facilities (economic development, tourism)
- Social case for play space facilities, and
- Council's ability to provide quality, safe and compliant play space facilities in an increasingly litigious environment, and
- Design and maintenance in line with the Australian Standards for Playground Safety.

Legislative Implications

Local Government Act 1989

Play spaces are not mandatory services of local government, however if provided, various standards and inspection regimes are required.

The Australian Standards for Playground Safety are useful guidelines to mitigate the legislative risks in the provision of play space facilities.

Public Health and Wellbeing Act 2008

Reference – Municipal Public Health and Wellbeing Plan 2017-2021.
– Access and Inclusion Plan 2017-2020.

Planning and Environment Act 1987

Zoning and location are important to maximise benefits.

Environmental Implications

Play spaces are particularly sensitive environments due to the use by young children of all ages, abilities, cultural and social backgrounds.



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Financial and Budgetary Implications

This report mitigates risk to Council's sustainable budget and financial position by including the life costs of play space facilities into the Play Space Policy.

It is envisaged that Council will develop coherent plans for all current play spaces and will include future developments, upgrades and disposals into the Long-term Financial Plan.

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Procurement Policy
Recreation Policy

Council Plan Implications

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

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

Communication Implications

With the increased requirement of councils to engage with their communities, it will become more and more incumbent on Council to explain Council's policies and strategies. A communications strategy relating to Council's Asset Management Strategy and other associated documents could be considered.

This will be particularly important for the Play Space Policy, as community traditionally struggles with resource constraints with the provision of quality, safe, compliant play space facilities.

Communications will need to support community understanding on:

- Business case for play space facilities (economic development, tourism)
- Social case for play space facilities, and



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- Council's ability to provide quality, safe and compliant play space facilities in an increasingly litigious environment.

Conclusion

The Play Space Policy has been updated to reflect the changing and contemporary approach to asset management at Council, particularly the provision of quality play space facilities.

OFFICER RECOMMENDATION:

That Council adopts the “West Wimmera Shire Council Play Space Policy”.

Attachments:

No.	Name	RecFind Ref
13.1.1	WWSC Play Space Policy	18/001729



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13.2 ADOPTION: RECREATION POLICY

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID GYFORD, ASSETS AND GIS COORDINATOR

FOR DISCUSSION

Introduction

West Wimmera Shire Council (Council) supports the view that sport, recreation and leisure pursuits are important to the individual and the community.

In order to promote fitness, general health and connectivity it is important that adequate opportunities be given for individual and group recreation. Similarly, encouragement should be given to all residents in the use of the facilities and services provided.

Public open space and facilities are an invaluable resource and every appropriate effort must be made to encourage maximum use by an optimum number of persons. Council will encourage the community to contribute to the development of their own social, economic and physical environment.

With the adoption of the Municipal Public Health and Wellbeing Plan 2017-2021, and the Access and Inclusion Plan 2017-2020, the link with public health and healthy eating, physical activity and social connectivity must be considered, along with other Council Plan aspirations and objectives.

Declaration of Interests

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

Background

The Recreation Policy (see attached,) has evolved with its primary goal to inform the Council of the importance of Recreation and its facilities, and to guide the Council into the future.

Council will review the Recreation Policy every four years.



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Risk Management Implications

Without a sound Recreation Policy, Council services cannot be delivered to the acceptance of the community.

The risks are:

- Service levels which do not meet the community expectations.
- An increase in renewal gap which will lead to unsustainability of Council infrastructure.
- Increased litigation risk from poorly maintained infrastructure.

The Recreation Policy mitigates the above risks through consideration of:

- Business case for recreation facilities (economic development, tourism)
- Social case for recreation facilities, and
- Council's ability to provide quality, safe and compliant recreation facilities in an increasingly litigious environment, and
- Design and maintenance in line with the Australian Standards for recreation facilities.

Legislative Implications

Local Government Act 1989

Recreation facilities are not mandatory services of local government, however if provided, various standards and inspection regimes are required.

The Australian Standards for recreation facilities are useful guidelines to mitigate the legislative risks in the provision of recreation facilities.

Public Health and Wellbeing Act 2008

Reference – Municipal Public Health and Wellbeing Plan 2017-2021.
– Access and Inclusion Plan 2017-2020.

Planning and Environment Act 1987

Zoning and location are important to maximise benefits.

Environmental Implications

Recreation facilities are particularly sensitive environments mainly due to the use of the facilities by young children of all ages, abilities, cultural and social backgrounds.

Financial and Budgetary Implications

This report mitigates risk to Council's sustainable budget and financial position by including the life costs of recreation facilities into the Recreation Policy.



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It is envisaged that Council will develop coherent plans for all current recreation facilities and will include future developments, upgrades and disposals into the Long-term Financial Plan.

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Procurement Policy

Council Plan Implications

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

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

Communication Implications

With the increased requirement of councils to engage with their communities, it will become more and more incumbent on Council to explain Council's policies and strategies. A communications strategy relating to Council's Asset Management Strategy and other associated documents could be considered.

This will be particularly important for the Recreation Policy, as community traditionally struggles with resource constraints with the provision of quality, safe, compliant recreation facilities.

Communications will need to support community understanding on:

- Business case for recreation facilities (economic development, tourism)
- Social case for recreation facilities, and
- Council's ability to provide quality, safe and compliant recreation facilities in an increasingly litigious environment.



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Conclusion

The Recreation Policy has been updated to reflect the changing and contemporary approach to asset management at Council, particularly the provision of quality recreation facilities.

OFFICER RECOMMENDATION:

That Council adopts the “West Wimmera Shire Council Recreation Policy”.

Attachments:

No.	Name	RecFind Ref
13.2.1	WWSC Recreation Policy	18/001729



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13.3 REMOVAL OF 23 SCATTERED NATIVE TREES FOR THE PURPOSE OF CROPPING AT CROWN ALLOTMENT 48 & 52 PARISH OF DINYARRAK, WESTERN HIGHWAY, SERVICETON

FILE NUMBER: P1503/ PA0939

REPORT AUTHOR: BRENDAN O'LOAN, PLANNING CONTRACTOR

FOR DECISION

Introduction

This application was lodged to West Wimmera Shire Council on 8 February 2018 for the removal of 23 scattered native trees within the Farming Zone. The applicant states that the application for removal is to improve machinery access to paddocks to be able to conduct cropping operations safely and effectively.

The application was advertised in the Kaniva Times on 14 February 2018 and adjoining property owners were notified. Three public objections were received. In summary they were concerned that the application for tree removal was more for convenience and not necessary, and that the trees are valuable to the native animals and insects and also valuable to the soil. The application was referred to the Department of Environment, Land, Water and Planning (DELWP) on 2 March 2018 in accordance with Section 55 of the *Planning and Environment Act 1987* (The Act) as a Recommending Authority. DELWP responded on 12 April 2018 that they do not object to the granting of a planning permit subject to conditions.

The trees identified for removal are not considered to be ecologically significant and with the first party offset included as a condition of the permit, the application for tree removal is satisfactory.

Declaration of Interests

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

Background

The application was lodged for the removal of 23 scattered paddock native trees within the subject site which is a Farming Zone. The applicant states that the application for vegetation removal is to improve machinery access to the paddocks to be able to conduct



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cropping operations safely and effectively. The applicant states that the tight proximity of paddock trees means that it is unsafe to operate standard farm machinery to farm effectively within this area. The tree removal area will then be used to grow crops safely and effectively and operate machinery on the farmland.

In accordance with Clause 66.02-2 of the West Wimmera Planning Scheme, to remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)*, DELWP are a recommending referral authority. A Section 55 referral was sent to DELWP on 2 March 2018 for the removal of 23 large trees.

In correspondence received from DELWP on 22 March 2018, further information was requested for the applicant to confirm the number of scattered trees for removal and that the offset requirement will apply if the native vegetation is approved to be removed. The applicant was also required to provide an 'avoid and minimise statement,' that outlines the efforts undertaken to avoid the removal and minimise the impact on biodiversity and other values of native vegetation.

Correspondence from DELWP shows commitment from the Planning Minister to assist farmers with the assessment or assessment fees for applicants who are impacted by the change in the removal threshold that occurred as an outcome of the review of the Native Vegetation Regulations in December 2017. This commitment applies to applications in the Detailed Assessment Pathway under the new 2017 regulations which would have been in the Low-risk pathway under the 2013 regulations. The removal of 23 trees would have been in the High-risk based pathway under the 2013 regulations and the Detailed Assessment Pathway under the 2017 regulations, so does not apply under this commitment however DELWP had already promised Mr Dyer that they would process this application under the Ministerial commitment. The main difference between is that DELWP did not request a complete Ecological report by an accredited Ecologist which would normally be submitted with a Detailed Assessment Pathway application. Nevertheless DELWP still assessed the application as a Detailed Assessment Pathway.

The subject site is located in the Farming Zone and there are no overlays on the property. There are no planning permit triggers for native vegetation removal within the Farming Zone. The planning permit trigger is from the Particular Provision Clause 52.17 Native Vegetation of the West Wimmera Planning Scheme.

The application was advertised in the Kaniva Times on 14 February 2018 and advertised to three adjacent property owners. Three objections were received.

McDonald

- Objected as they felt the application is one for convenience only and will further erode threatened habitat for native animals and insects which are beneficial to farming systems.



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Austin

- Farming should continue around the trees instead of removing the trees. These trees are valuable to our native birds, animals, insects and environment and should be recognised by current and future generations.

van Kempen

- Removal of trees will destroy soil life and impact on groundwater. Without change, farming will be unsustainable and will result in a faster transition to desertification of our farm lands.
- These trees provide a diversity of flora, wildlife and habitat to the Red Tailed Black Cockatoo and habitat for all species of animals. Clearing of vegetation and trees will cause stronger winds, longer heat waves and a reduction in lifestyle.

As specified, DELWP are a Recommending Authority in accordance with Clause 66.04 of the West Wimmera Planning Scheme.

DELWP responded on 12 April 2018 that they have considered the application in accordance with Section 55 of the Planning and Environment Act 1987 and assessed the application as a ‘detailed assessment pathway’. DELWP did not object to the granting of a permit and recommended that the following conditions be included in the permit:

1. *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*
2. *To offset the removal of 1.407 hectares of native vegetation, the permit holder must secure a native vegetation offset that meets the following requirements and in accordance with the Guidelines for the Removal, destruction or lopping of native vegetation (DELWP 2017) and the Native vegetation gain scoring manual-version 2:*
The general offset must:
 - a. *Contribute of 0.246 general habitat units;*
 - b. *Be located with the Wimmera Catchment Management boundary and West Wimmera municipal area;*
 - c. *With a minimum strategic biodiversity value of at least 0.132; and*
 - d. *The offset(s) secured must also protect 23 large trees (refer to Ecological Vegetation Class benchmark).*
3. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) and the Native vegetation gain scoring manual version 2.*
 - a. *A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*



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b. A credit register extract from the Native Vegetation Credit Register.

Before deciding on an application to remove native vegetation within Clause 52.17 the decision guidelines within the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)* must be considered as follows.

- *Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity value.*
- *The role of native vegetation to be removed in protecting water quality, prevent land degradation, prevent adverse impacts on groundwater.*
- *The need to manage native vegetation to preserve identified landscape values.*
- *Is the native vegetation protected under the Aboriginal Heritage Act 2006?*
- *The need to remove native vegetation to create defensible space for bushfire purposes.*
- *Whether the native vegetation is removed in accordance with a Property Vegetation Plan*
- *Whether the offsets can be secured.*
- *Consider the impacts on endangered ecological vegetation classes or whether it includes any sensitive wetlands of coastal areas*
- *Consider the impacts on habitat for rare or threatened species.*

Response to decision guidelines:

The trees identified for removal do not have any significant biodiversity value and there is no evidence that this vegetation is critical to the role of groundwater and water quality. The locality is not within a locality with high landscape value because if it was, this would be nominated under appropriate Planning Scheme Overlays. The vegetation is not protected under the Aboriginal Heritage Act 2006 and there is no protection vegetation plan applied to the site. DELWP have considered that the removal of this vegetation will not impact on any rare or threatened species. The applicant has provide an appropriate first party offset which will be protected under appropriate conditions applied to the permit.

Clause 65 of the West Wimmera Planning Scheme also requires Council to decide whether the proposal will produce acceptable outcomes. Part of this decision making process is to consider State Planning Policy and Local Planning Policy.

State Planning Policy

Clause 12.01-2 Native Vegetation

Objective: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategy 3: Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

The application is providing an acceptable offset to compensate for the loss of the native vegetation.

Clause 11.15-4 (Wimmera Southern Mallee) Agricultural productivity



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To protect key agricultural resources, maintain productivity and support the development of industry.

The application is supporting agricultural productivity.

Local Planning Policy

Clause 21.06-5

Objective 1: To establish a strong and vibrant rural agricultural community comprising a range of diversified enterprises that is effectively managed and ecologically sustainable.

The application satisfactorily improves the strength of the agricultural community without having detriment on the ecology.

Risk Management Implications

There are no risks involved to Council with this application.

Legislative Implications

The planning application must be assessed against:

- *The West Wimmera Planning Scheme*
 - o Particular Provision 52.17 Native Vegetation
 - o Clause 65 Decision Guidelines
- *The Planning and Environment Act 1987*

Environmental Implications

The application to remove 23 scattered trees would only have minor environmental implications as the area has not been identified as having significant biodiversity or values. The application has identified an area for first party offsets which is owned by the applicant but on an adjacent lot (CA50). The offset condition proposed by DELWP will be sufficient to ensure there is no net loss to biodiversity.

Financial and Budgetary Implications

No financial implications on West Wimmera Shire Council.

Policy Implications

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

Council Plan Implications

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



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- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

The permit application was advertised by post to three adjoining property owners and was advertised in the Kaniva Times on 14 February 2018. Three objections were received.

Conclusion

The application is to remove 23 scattered native trees. Section 60 of the Act states the responsible authority must consider among other things:

- The relevant planning schemes
- All objections and other submissions which it has received and which have not been withdrawn
- Any decision and comments of a referral authority which it has received
- Any significant social effects and economic effects which the responsible authority considers the use or development may have.

DELWP considers that the offset of the vegetation is reasonable to compensate the loss of the vegetation. The agricultural efficiencies that the removal of the trees will bring in an area that has not been identified as having significant values is acceptable. The three objectors are concerned that this is an application of convenience rather than necessity. With the benefit of the offset site and the increased economic viability of the farming, on balance this application should be supported.

OFFICER RECOMMENDATION

Notice of Decision to Grant a Permit

That Council having given notice of Planning Application No. P1503 under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** for the removal of 23 scattered native trees at Crown Allotment 48 and 52 Parish of Dinyarrak, Western Highway Serviceton in accordance with the endorsed plans and subject to the following conditions:

Department of Environment Land Water and Planning

1. *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*
2. *To offset the removal of 1.407 hectares of native vegetation, the permit holder must secure a native vegetation offset that meets the following requirements and in*



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accordance with the Guidelines for the Removal, destruction or lopping of native vegetation (DELWP 2017) and the Native vegetation gain scoring manual-version 2:

The general offset must:

- a. Contribute of 0.246 general habitat units;*
 - b. Be located with the Wimmera Catchment Management boundary and West Wimmera municipal area;*
 - c. With a minimum strategic biodiversity value of at least 0.132; and*
 - d. The offset(s) secured must also protect 23 large trees (refer to Ecological Vegetation Class benchmark).*
- 3. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) and the Native vegetation gain scoring manual version 2.*
- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b. A credit register extract from the Native Vegetation Credit Register.*

Responsible Authority Conditions:

- 4. The proposed development shall be in accordance with the endorsed plans which form part of this permit and shall not be altered or modified without the consent in writing of the Responsible Authority.*
- 5. Trees approved for removal must be felled in such a manner to avoid damaging remaining standing vegetation. Vehicular access beneath large trees and habitat trees must be prevented.*
- 6. To prevent the spread of weeds, disease and pathogens, all equipment must be made free of soil, seed and plant material before being taken to the works site and again on completion of the project prior to leaving the site.*
- 7. The owners must secure the offset areas either by a Section 173 agreement under the Planning & Environment Act 1987 or a covenant. The owner must make application to the Registrar of Titles to have the Section 173 agreement or covenant registered on the title to the land under Section 181 of the Act. The costs of the preparation, execution and registration of the Section 173 Agreement or covenant must be borne by the owners.*
- 8. This permit will expire if the following circumstances applies:*
 - a) The removal of native vegetation and the offset planting is not started within two years of the date of this permit.*



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Attachments:

No.	Name	RecFind Ref
13.3.1	Ministerial Commitment	18/001729
13.3.2	Native Vegetation Removal Report	18/001729
13.3.3	DELWP response	18/001729



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 CORPORATE CREDIT AND PURCHASE CARDS POLICY AND PROCEDURE

FILE NUMBER: AD0203

REPORT AUTHOR: LOUISE GABBÉ, ASSISTANT FINANCE MANAGER

FOR DECISION

Introduction

As a part of West Wimmera Shire Council's (Council) cyclical policy review, the Corporate Credit and Purchase Cards Policy and Procedure has recently been reviewed. This policy was last reviewed in 2015.

Declaration of Interests

The writer of this report is the holder of a Council credit card.

Background

The Corporate Credit and Purchase Cards Policy was last updated in 2015. The policy allows for the issue of a card for Council Officers and the Mayor of the West Wimmera Shire Council, to use for operational purposes, as deemed appropriate by the Chief Executive Officer and Finance Manager. The use of credit and purchase cards is more prevalent than ever before and if implemented and managed carefully can result in operational efficiencies.

Compliance with the policy will be closely monitored and any minor breaches will result in warnings followed by loss or suspension of cards. More serious breaches may involve disciplinary action or Police involvement as deemed appropriate by the Chief Executive Officer, with unauthorised purchases to be reimbursed to Council.

Risk Management Implications

The proposed policy updates and addresses some inherent risks for Council and rely on risk mitigation procedures to be effective. With all policies that deal with the financial matters of Council, the major risk is financial loss, as well as fraudulent activity and personal gain within this policy.



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The risks addressed by the Corporate Credit and Purchase Cards Policy relate predominately to ensuring Council Officers and the Mayor act in an appropriate manner and maintain a budgetary control and that the Council reputation is not being put at risk.

Council Officers and the Mayor are able to utilise restrictions applied by institutions such as banks for the Corporate Credit and Purchase Cards Policy.

Legislative Implications

The *Local Government Act 1989* (The Act) Section 136 will apply to all finance policies with the guiding principle of sound finance management.

Any use of credit/purchase cards will be in line with the provisions of the *National Credit Consumer Protection Act 2009* and the regulations there under, and also the Reserve Bank of Australia credit card regulations and the terms of the relevant issuers Product Disclosure Statement.

Environmental Implications

Nil

Financial and Budgetary Implications

There are potential and budgetary implications to Council arising from the application of the Corporate Credit and Purchase Cards Policy.

Use of the Corporate Credit and Purchase Cards Policy may result in operational efficiencies but is not likely to alter the expenditure as use of cards is only a mechanism for creditor payment and requires the same authorisation as a purchase through the corporate system. Timing of payments is a consideration, but given minimal amount of credit card expenditure it does not have any impact.

Policy Implications

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

Fraud & Corruption Control Policy
Procurement Policy
Risk Management Policy

Council Plan Implications

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



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

Communication Implications

The communications required for the Corporate Credit and Purchase Cards Policy is more specific to cardholders to ensure cards are not misused due to ignorance of the policy requirements. The requirements for record keeping and consequences of policy breaches also need to be clearly articulated to card holders. It is the responsibility of the Finance Manager to ensure that all Officers and the Mayor are trained in this policy.

Conclusion

The draft updated Corporate Credit and Purchase Cards Policy provides the Council Officers and the Mayor to improve its policy framework in a number of ways:

1. Update relevant sections to ensure consistency with legislative requirements;
2. Amend the policy to allow for improved operational processes in order to increase efficiencies;
3. Provide Officers and the Mayor with clear guidance on expectations of standards of ethical and honest behaviour: and
4. Provide guidance for Officers and the Mayor to be responsible for accounting treatment of expenditures along with financial responsibilities of Council funds.

OFFICER RECOMMENDATION:

That Council adopt the draft updated Corporate Credit Card and Purchase Card Policy.

Attachments:

No.	Name	RecFind Ref
14.1.1	Corporate Credit Card and Purchase Card Policy	18/001559
14.1.2	Corporate Credit Card and Purchase Card Procedure	18/001559



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14.2 KANIVA SPORTING COMPLEX REQUEST FOR ASSISTANCE

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) at its Ordinary Council Meeting held 21 March 2018 considered a request from the Kaniva Community Sporting Complex (the Complex) for assistance with the paying of significantly increased insurance costs.

At that Ordinary Council Meeting Council resolved:

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council consider the Kaniva Community Sporting Complex Inc. request for assistance for one year in covering the increased cost of insurance, pending the Kaniva Community Sporting Inc. supplying additional quotations from insurance providers.

Carried (3/1)

The Complex's Committee of Management (the Committee) has obtained two additional quotes plus the original invoice, being:

- | | |
|--|------------|
| • Local Communities Insurance Services | \$6,052.42 |
| • CGU | \$6,368.18 |
| • QBE | \$7,956.72 |

Declaration of Interests

The Director of Corporate and Community Services declares an interest as a member of the Committee of Management and cheque and payment signatory of the Kaniva Community Sporting Complex.

Background

As has previously been advised to Council, the Complex is a community sporting facility located on the corner of Farmers and Budjik Streets Kaniva. The facility consists of a gym, basketball courts and squash courts. Badminton is also played at the facility.



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The Complex is managed by a volunteer committee of management and sits on Crown Land. Neither the building nor any equipment is listed on Council's Asset Register.

The Complex is funded via contributions made by users, both individuals and groups (i.e junior basketball group, etc). The Kaniva College also makes an annual contribution and in return has access to the facility for school use.

The Complex had incurred a significant increase in insurance costs, arising from a re-valuation of the building, which was recently re-valued for insurance purposes. This re-valuation resulted in an increase in the annual insurance premium from \$2,928.20 to \$6,052.42, a difference of \$3,097.22. It is this difference that the Complex is requesting assistance with.

The large increase in premium can be attributed to the fact that the previous insurance valuation being over 15 years old, arguably resulting in the facility being significantly under-insured in recent years.

Before deciding on what level of assistance, if any, to provide to the Complex, Council asked for the Complex's Committee of Management (the Committee) to provide to Council additional quotations from insurance providers.

The Committee contacted an insurance broker (Riddoch Insurance Services SA) to source insurance quotations on their behalf. The broker was able to furnish two quotes:

- CGU \$6,368.18
- QBE \$7,956.72

These compare to the initial premium charge from Local Communities Insurance Services of \$6,052.42.

Risk Management Implications

Council may face reputational risk by not assisting a not for profit community group meet its insurance or regulatory requirements. Conversely Council must consider any reputational risk by providing perceived unwarranted assistance to any group.

Council may also face budget risk by allocating funds which are not in an existing budget.

Legislative Implications

Any funding provided by Council must be in line with the 'principles of sound financial management' outlined within the Local Government Act 1989 and also comply with any other laws.



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Environmental Implications

Not commented on

Financial and Budgetary Implications

Council does not specifically budget for any assistance given to community groups to cover operational costs. Any contribution would require a budget revision, or to be allocated to an existing account.

One potential source of funding for potential assistance to the Complex is from Council's Community Grants fund, which is showing a Year To Date (YTD) Actual expenditure of \$32,303 against a budget of \$53,551. However, the provision of assistance to the Complex for an unexpected operating expense does not fulfil Council's eligibility criteria in its Community Grants Policy guidelines.

Another potential source of funding for this could be Council's Community Donations fund, which is showing a YTD Actual spend of \$4,000 against a budget of \$10,000. This fund would seemingly fit the provision of assistance to the Complex better than Community Grants would.

Council must be careful in its treatment of any assistance given. If Council were to expect a good or service in return for the assistance (ie: sponsorship signage) then it is possible that a Goods and Services Tax (GST) liability would arise to Council, however if Council were to treat the payment as a one-off donation, then it is likely that no GST liability would be incurred by Council.

Policy Implications

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

Advocacy Policy

Community Halls Policy

Community Support Fund Policy

Tourism Policy

Township Amenity Policy

Tree Plantations on Unused Road Reserves Policy

Tree Planting on WWSC Road Reserves Policy

Works Unit Road Reserve Risk Management Policy

Council Plan Implications

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



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- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

It is likely that any decision by Council to provide or not to provide assistance to the Kaniva Community Sporting Complex will be widely discussed by the community. Council must carefully articulate the reasoning behind any decision and precedent that may or may not be set to mitigate any potential reputation risk to Council.

Conclusion

The Kaniva Community Sporting Complex provides an important community facility to the Kaniva community.

The Committee of Management of the Complex has requested Council assistance in covering the insurance bill for the facility, which has increased substantially as a result of a re-valuation of the complex's insurance value. The Committee has provided two additional quotes in addition to the original invoice received, in accordance with Council resolution at the 21 March Ordinary Council Meeting.

OFFICER RECOMMENDATION:

That Council resolves to provide the Kaniva Community Sporting Complex with \$3,097.22 request for financial assistance to cover increased insurance costs, being costed to Council's Community Donations fund account.

Attachments:

No.	Name	RecFind Ref
14.2.1	Email from Riddoch Insurance Services	18/001558



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14.3 REQUEST FOR BUSINESS ASSISTANCE – OVERLANDER MUSEUM KANIVA

FILE NUMBER: FM0021

**REPORT AUTHOR: SARAH ELLIS, MANAGER ECONOMIC AND BUSINESS
DEVELOPMENT**

FOR INFORMATION

Introduction

West Wimmera Shire Council (Council) has received a request for business assistance funding a new business which has been established. The business is known as The Overlander Museum Kaniva and is established in the industrial estate in Kaniva.

Declaration of Interests

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

Background

Council provides an amount of funds (\$15,000) in its annual budget each year to provide business assistance to help new businesses set up and/or to assist existing businesses to expand.

Mr Stuart Hicks is in the process of establishing a museum known as The Overlander Museum Kaniva. The Business is located on the Industrial Estate in Kaniva.

Mr Hicks applied for the Community Strengthening Grant Round 2 (2017/2018) however was unsuccessful. Council resolved at the 21 March 2018 Ordinary Council Meeting:

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschensz

That the Economic Development Manager liaise with the Overland Museum owners to consider the appropriateness of making a funding request under the West Wimmera Shire Council Business Assistance Grants Program.

Carried (4/0)



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After consultation it is considered appropriate for Mr Hicks to apply to Council for Business Assistance, which he has now done.

Mr Hicks is seeking assistance from Council to be able to install a disabled compliant toilet facility. Once this task is complete the museum is ready to open its doors. Mr Hicks has received a quote from Garry Mills plumbing for \$8,530 inc. GST to complete these works.

In accordance with the Business Assistance Scheme Policy adopted by Council at its Ordinary Meeting held 16 August 2017, Mr Hicks has submitted a business plan as attached.

Risk Management Implications

Council may face reputational risk by not assisting a new business to start up in the community. Economic Development is a key factor in the council Plan and Council must be perceived to be supporting development where appropriate.

Council may budget risk by allocating funds to support new businesses. As with any new venture be it undertaken by council or the private sector there is risk that the business will not be sustainable. The provision of a business plan by Mr Hicks mitigates this risk.

Legislative Implications

Any funding provided by council must be in line with the 'principles of sound financial management' outlined within the Local Government Act 1989 and also comply with any other laws.

Environmental Implications

Any waste water disposal system installed will require an approval via the Environmental Health Officer.

Financial and Budgetary Implications

Council has a budget each year to provide business assistance to new businesses starting up and existing businesses to expand of up to \$15,000. To date only two payments have been made from this fund for a total of \$6,172.

Policy Implications

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



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

Communication Implications

Council may highlight the contribution it makes via business assistance by a profile of the business in a future copy of the West Wimmera Wire. This would also represent a form of business assistance by providing marketing and promotion.

Conclusion

Council has received a request for assistance under the Business Assistance Scheme to help with the cost of a new business start-up within the Kaniva Community. The request complies with the requirements of Councils Business Assistance Scheme Policy. Council has embedded economic development in its Council Plan. This request provides Council with an opportunity to act upon its council Plan principle to encourage economic development. Any development within the municipality adds to our regional economy and brings the benefits of new services and products to our municipality.

OFFICER RECOMMENDATION:

That Council approve the request for assistance under the Business Assistance Scheme Policy by Mr Stuart Hicks of The Overlander Museum Kaniva and allocate what Council deems to be an appropriate amount up to \$8,530 from the Business Assistance Fund.

Attachments:

No.	Name	RecFind Ref
14.3.1	Letter of request & Business Plan from Stuart Hicks	18/001729



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14.4 SIGNING AND SEALING OF UPDATED WIMMERA REGIONAL LIBRARY AGREEMENT

FILE NUMBER: AD0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is a member of the Wimmera Regional Library Corporation (the Regional Library Corporation), along with Hindmarsh Shire Council, Rural City of Horsham, Northern Grampians Shire Council, Yarriambiack Shire Council, and until 1 July 2018 Buloke Shire Council.

The Regional Library Corporation is a joint venture between the members and is governed by an agreement between the members setting out the rights and obligations of each member and the Regional Library Corporation.

Buloke Shire Council have resolved to exit the Regional Library Corporation, in accordance with the provisions of the agreement.

Accordingly the agreement between members has been re-drafted to recognise that Buloke Shire Council is no longer a member of the Regional Library Corporation from 1 July onwards. Each member Council is required to sign and seal the revised agreement by 30 June 2018 so as to enable effective continued operations of the Regional Library Corporation from 1 July onwards without Buloke Shire Council as a member.

This report seeks Council to resolve to sign and seal the revised Regional Library Corporation agreement as submitted. A copy of the revised agreement is attached for Councillor's information.

Declaration of Interests

The officer writing this report is a Council representative on the Board of the Wimmera Regional Library Corporation with voting rights.

Background

The Regional Library Corporation is in essence a joint venture agreement set up by the members under Section 196 of the *Local Government Act* 1989. The Regional Library



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Corporation is a legal entity in its own right as a body corporate in succession. It is accounted for via the equity method of investment, where each member contributes an amount of funding to cover the operating costs of the Regional Library Corporation, and in turn has an equity stake in the assets and liabilities of the Regional Library Corporation.

The level of funding required under the agreement is calculated via a number of factors, including population, the number of branches each member operates (including mobile and static branches), and the amount of IT equipment and nature of service delivery each branch undertakes.

During 2016 Buloke Shire Council resolved to withdraw as a member of the Regional Library Corporation, effective 1 July 2018. This means that the Regional Library Corporation will not be providing services to any sites within the Buloke Shire Council from 1 July 2018. Buloke Shire Council will withdraw its funding and its equity share of assets and liabilities from 30 June 2018. The withdrawal has taken place in accordance with the provisions of the existing Regional Library Corporation Agreement, and includes Buloke Shire Council being directly liable for any costs incurred by the Regional Library Corporation which directly relate to the withdrawal of Buloke Shire Council as a member.

The withdrawal of Buloke Shire Council necessitates a re-writing of the agreement between members to take effect from 1 July 2018 stating the rights and responsibilities of the remaining members. In essence the revised Regional Library Corporation Agreement is as the existing agreement without any mention of Buloke Shire Council as a member.

Risk Management Implications

As the Regional Library Corporation is a separate body corporate to Council, the bulk of any risk from operating the library service lies with the Regional Library Corporation rather than Council.

However, as member, Council may see its equity investment deteriorate if the Regional Library Corporation is negatively impacted in any way. Having a Regional Library Agreement which clearly sets out who the members are and their rights and responsibilities is a key part of mitigating this risk to Council.

If Council were to resolve not to sign and seal the revised Regional Library Corporation Agreement, then Council may be subject to significant reputational risk if the reasoning behind such a decision were not communicated. There may also be a significant service deliver and financial risk if Council did not sign and seal the revised agreement as Council may be forced to provide a service itself.

Legislative Implications

Regional Library Corporations are governed by Section 196 of the *Local Government Act 1989 (the Act)*. The Regional Library Corporation Agreement must comply with the provisions of the Act.



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Environmental Implications

Not commented on.

Financial and Budgetary Implications

The Regional Library Corporation Agreement sets out that Council will enter into an agreement with the other members to fund the Regional Library Agreement. It effectively commits Council to do so until such time as Council either resolves to withdraw from the Regional Library Corporation, which must be done in accordance with the provisions of the agreement, or the Regional Library Corporation is wound up. The current contribution amount from Council to the Regional Library Corporation is approximately \$149,000 p.a

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Recreation 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 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

The bulk of the communication implications arising from a revised Regional Library Corporation will fall under the control of the Regional Library Corporation itself. This would include communications with the State Government as well as customers and member of the Library service provided by the Regional Library Corporation.

However, if Council were not to sign and seal the new agreement it must be prepared to effectively communicate its reasons for doing so to the community so as to reduce any potential reputational damage.



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Conclusion

The Regional Library Agreement between members governs the rights and responsibilities of all members in the operation of the library service by the Wimmera Regional Library Corporation. It forms a key part of the risk mitigation platform which enables Council to fund the provision of a robust library service to our community.

With the withdrawal of Buloke Shire Council from the Wimmera Regional Library Corporation it is pertinent to revise the agreement to include only the remaining members.

OFFICER RECOMMENDATION:

That Council resolves to sign and seal the revised Wimmera Regional Library Corporation Agreement.

Attachments:

No.	Name	RecFind Ref
14.4.1	Draft revised Wimmera Regional Library Agreement	18/001729
14.4.2	Letter from CEO Wimmera Regional Library Corporation to CEO West Wimmera Shire Council	18/001729



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15.0 LATE ITEMS OF BUSINESS

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

28. *Urgent Business*

Business must not be admitted as urgent business unless it:

- i. Relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- ii. Cannot safely or conveniently be deferred until the next Ordinary Meeting.*

16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

Nil

MEETING CONCLUDED:

NEXT MEETING:

**20 JUNE 2018
EDENHOPE COUNCIL CHAMBER**