



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

**TO BE HELD:** Wednesday 18 July 2018

**LOCATION:** Serviceton Bowling Club

**COMMENCEMENT:** 2.00pm

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### REQUIRED TO ATTEND:

Councillors	Senior Management Group
Jodie Pretlove, Mayor Trevor Domaschenz	Ashley Roberts Acting Chief Executive Officer
Richard Hicks Tom Houlihan Bruce Meyer	Andrea Gash Acting Director Corporate & Community Services
	Mark Marziale 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.*

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### ***Vision Statement:***

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



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## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### 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

David Leahy, CEO (Annual Leave)

#### 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)**

25/06/2018	Understanding Social Enterprise Workshop, Goroke
25/06/2018	Peronne Memorial Hall Reserve Committee Public Meeting
26/06/2018	Understanding Social Enterprise Workshop, Goroke
28/06/2018	Wimmera Primary Care Partnership, Horsham
29/06/2018	Harrow Recreation Reserve Project Meeting with CEO
03/07/2018	CEO David Leahy
03/07/2018	CEO David Leahy & Councillor Tom Houlihan
04/07/2018	Councillor Forum, Kaniva
09/07/2018	Dunkeld Community Centre & Tourist Information Centre
12/07/2018	Kaniva Probus Club Meeting
13/07/2018	Goroke Senior Citizens' AGM & Award Presentation
18/07/2018	Ordinary Council Meeting & Community Forum, Serviceton

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

25/06/2018	Understanding Social Enterprise Workshop, Goroke
26/06/2018	Understanding Social Enterprise Workshop, Goroke
28/06/2018	Apsley Racecourse & Recreation Reserve Public Meeting
29/06/2018	Harrow Recreation Reserve Project Meeting with CEO
03/07/2018	Poolaijelo Soldiers' Memorial Hall Committee Public Meeting
04/07/2018	Councillor Forum, Kaniva
09/07/2018	Dunkeld Community Centre & Tourist Information Centre
17/07/2018	Wimmera Mallee Tourism, Nhill
18/07/2018	Ordinary Council Meeting & Community Forum, Serviceton

#### **5.3 COUNCILLOR RICHARD HICKS**

26/06/2018	Business Breakfast with Damien Tomlinson, Horsham
26/06/2018	Rail Futures Conference Reception, Melbourne
27/06/2018	Rail Futures Conference, Melbourne
29/06/2018	Harrow Recreation Reserve Project Meeting with CEO
04/07/2018	Councillor Forum, Kaniva
09/07/2018	Dunkeld Community Centre & Tourist Information Centre
18/07/2018	Ordinary Council Meeting & Community Forum, Serviceton



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### 5.4 COUNCILLOR TOM HOULIHAN

29/06/2018	GWM Water Customer & Stakeholder Workshop, Horsham
03/07/2018	CEO David Leahy & Mayor Jodie Pretlove
04/07/2018	Councillor Forum, Kaniva
10/07/2018	Kaniva Community Sporting Complex Meeting
18/07/2018	Ordinary Council Meeting & Community Forum, Serviceton

### 5.5 COUNCILLOR BRUCE MEYER

22/06/2018	North West Municipalities Association Meeting & AGM
29/06/2018	Harrow Recreation Reserve Project Meeting with CEO
04/07/2018	Councillor Forum, Kaniva
06/07/2018	Goroke Lions Club Annual Changeover Dinner
10/07/2018	Kaniva Community Sporting Complex Meeting
18/07/2018	Ordinary Council Meeting & Community Forum, Serviceton

### 5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

22/06/2018	North West Municipalities Association Meeting & AGM
25/06/2018	Senior Management Group
25/06/2018	Shared Services Project, Horsham
26/06/2018	Post-Council Staff Meeting
26/06/2018	Wimmera Regulatory Services, Horsham
27/06/2018	Wimmera Southern Mallee Regional Partnerships, Horsham
27/06/2018	White Ribbon Australia, Horsham
28/06/2018	Kaniva Visit with Mark Marziale
28/06/2018	Edenhope Remembrance Day Committee
29/06/2018	Harrow Recreation Reserve Project Meeting with Councillors
02/07/2018	Senior Management Group
03/07/2018	Mayor Jodie Pretlove
03/07/2018	Flood Project Planning Meeting
03/07/2018	Mayor Jodie Pretlove & Councillor Tom Houlihan
04/07/2018	Councillor Forum, Kaniva
04/07/2018	Harrow Recreation Reserve Project Meeting
05/07/2018	<i>Commenced Annual Leave (returning Mon 23 July 2018)</i>

### 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.



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### 6.0 CONDOLENCES

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

#### RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 21 June 2018, be taken as an accurate record and confirmed.

### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

### 9.0 NOTICES OF MOTION

#### 9.1 HARROW RECREATION RESERVE UPGRADE PROJECT – NOM 2018/03 – CR DOMASCHENZ

That Council appoint the Mayor (or another Councillor as nominated by the Mayor) to represent Council on the Project Steering Committee of the Harrow and District Recreation Reserve Amenities Upgrade Project.

#### Attachments:

No.	Name	RecFind Ref
9.1.1	NOM 2018/03 – Harrow Recreation Reserve Upgrade Project	18/002517



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### **10.0 ASSEMBLY OF COUNCILLORS RECORD**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 4 July 2018 be received and noted.**

### **11.0 DEPUTATIONS AND PETITIONS**





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### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 LOCAL GOVERNMENT COMMUNITY SATISFACTION SURVEY RESULTS

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### FOR INFORMATION

##### Introduction

The following report is provided as a summary of the results of the Local Government Community Satisfaction Survey.

The survey was conducted by JWS Research and is undertaken at the same time every year. A total 400 residents were surveyed across various age groups and a mix of both mobile and fixed line phone interviews were undertaken, to cater for the diversity of residents.

##### Declaration of Interests

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

##### Background

JWS Research conducted Community Satisfaction Survey interviews during the period between 1 February and 30 March 2018. A total of 400 interviews were completed and the results of the interviews / surveys is attached to this report.

The sample size of residents to be surveyed was determined by matching the demographic profile of West Wimmera as derived from the latest ABS population estimates. Contact information was purchased from an accredited supplier of publicly available phone records and this included up to 10% mobile numbers.

West Wimmera Shire Council's overall performance rating decreased by three index points on the 2017 result. This result still represents a figure slightly above the State-Wide average (59 index points) and a number of points above the Small Rural Shire average (56 index points).

The rating of 61 index points indicates that there are very few changes in the ratings of the core categories. The areas of note that have generated the slight decreased overall rating



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are in community consultation, advocacy and overall Council direction. Interestingly these areas still rate above the State-Wide and Small Rural Shire category averages.

The areas of “core measures” returning the most positive survey results are in the areas of sealed local roads and customer service, which have both returned figures higher than the previous year’s survey and the small rural group averages.

Ratings for customer service have risen to 76 points which is well above the state-wide (70 index points) and small rural group average (69 index points).

The lowest rating was provided to the maintenance of unsealed roads, which returned an index point score of 46. This low rating has a major effect on the overall score of 61. It is also an area (along with sealed local roads) that Council has identified as requiring investment within the 2018/19 budget.

Areas that rated particularly well in the 2017 survey have again rated highly with the appearance of public areas, elderly support services and waste management all receiving very positive ratings.

### Risk Management Implications

Nil

### Legislative Implications

Councils are required to undertake the survey and results are posted on the know your council website.

### Environmental Implications

Nil

### Financial and Budgetary Implications

A small cost is associated with the survey being completed and the cost is controlled by the number of questions asked and level of analysis within the report.

### Policy Implications

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

Advocacy Policy

Customer Service Policy

Media Relations 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 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

Following the presentation of results to Councillors, a media release can be developed for further communication of the results and any actions agreed upon to remedy low scores.

### Conclusion

The community satisfaction survey is undertaken independent of Council operations and provides an opportunity for residents to provide their opinion of the service levels provided by way of a score.

While the survey does not get to every resident, JWS Research attempt to cover all age demographics and have achieved a sample size that is commensurate with the Shire population.

The results are a positive for the Shire (irrespective of the score) as it provides some guidance as to what services are of highest importance and what level of service people are expecting or satisfied with.

A summary of the 2018 survey results has been provided to each Councillor as an attachment to this report and the full report can be provided if Councillors wish to view it in its entirety.

### **OFFICER RECOMMENDATION:**

**That Council notes and accepts the summary report on the customer satisfaction survey results and prepares a media release explaining the outcome of the survey.**



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### Attachments:

No.	Name	RecFind Ref
12.1.1	Community Satisfaction Survey Results – Summary Report	18/002286



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### 12.2 DELEGATIONS AND AUTHORISATIONS REVIEW

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY - CEO**

#### **FOR INFORMATION**

##### Introduction

Council is required to periodically review and update its delegations and authorisations to the CEO and members of Council staff. In addition to this, delegations made by the CEO to other members of staff are also reviewed and a copy of this document is also attached to this report, for Councillors information.

The instrument of delegation is provided for in section 98 of the Local Government Act 1989 and covers a number of different delegations and authorisations.

The ability to appoint authorised officers with certain delegated authority is contained in section 224 of the Local Government Act 1989.

This report is provided to inform Councillors of the most recent review undertaken on the S-6 Delegations (Council to members of staff)

##### Declaration of Interests

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

##### Background

West Wimmera Shire Council subscribes to a delegations update service provided by Maddocks (Law firm specialising in Local Government), which provides information on legislative change that will require a delegations review.

The last review conducted at West Wimmera was 2017 and a minimal number of modifications have been suggested as part of this report.

The subscription service provides template documents on the various Instruments of Delegation, Explanatory Notes and Explanatory Guidelines to assist with the review process.



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As updates are provided by Maddocks on a six monthly basis, the reviews will be provided to Councillors for discussion and endorsement on the same timeframe. The latest update was provided by Maddocks in May 2018.

To assist with the review, the explanatory notes and guidelines have been attached to this report along the updated Instruments of Delegation. The documents that are attached include;

- S1 Explanatory Notes
- S6 Instrument of Delegation, Council to other members of staff
- S7 Instrument of Delegation, Chief Executive Officer to members of staff

### Risk Management Implications

The largest risk faced by Local Government regarding delegations is the potential for legal action to be taken if delegations are incomplete, incorrect or not contained in a register. Inadequate delegations can result in legal challenges if the formal process of delegating a power is unsatisfactory.

### Legislative Implications

The legislative ability to implement Instruments of Delegation is contained in section 98 of the Local Government Act 1989.

The ability to appoint authorised officers with delegated authority / powers is contained in section 224 of the Local Government Act 1989.

### Environmental Implications

Not Applicable

### Financial and Budgetary Implications

Not Applicable

### Policy Implications

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

Asset Management Policy  
Borrowing Policy  
Building Fee Refunds Policy  
Building Permit Information Policy  
Business Assistance Scheme Policy  
Business Continuity Policy



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Commercial Advertising on Council Buildings Policy  
Community Grants Policy  
Community Halls Policy  
Corporate Credit Card and Purchase Cards Policy  
Councillor Expense Entitlement & Support Policy  
Councillor Code of Conduct Policy  
Customer Service Policy  
Environmental Policy  
Human Rights Policy  
Procurement Policy  
Protected Disclosures Policy  
Temporary Street Closures 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 2013-2017:

- 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

Not Applicable

### Conclusion

Utilising the subscription service provided by Maddocks enabled all delegations to be reviewed and circulated to senior staff for any potential modifications.

Future reviews will occur at shorter intervals to ensure that any legislative changes are picked up and the appropriate officer has the correct level of delegation.

### **OFFICER RECOMMENDATION:**

**That Council adopt the reviewed S-6 delegations and note the contents of the reviewed S-7 Delegations as attached to this report.**



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### Attachments:

No.	Name	RecFind Ref
12.2.1	S1 – Explanatory Notes	18/002286
12.2.2	S6 – Council to members of staff July 2018	18/002286
12.2.3	S7 – Staff package July 2018	18/002286





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### 12.3 COMMUNITY REPRESENTATIVE TO WIMMERA DEVELOPMENT ASSOCIATION (WDA) BOARD

**FILE NUMBER: ED0002**

**REPORT AUTHOR: ELIZABETH MATUSCHKA, GOVERNANCE OFFICER**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council's Community Representative position on the Wimmera Development Association (WDA) Board will become vacant on 3 August 2018, and a new representative now needs to be selected.

##### Declaration of Interests

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

##### Background

The Wimmera Development Association (WDA) is a vital link between Government and Industry, proactively lobbying for improved regional infrastructure and the attraction of major infrastructure projects to benefit the Wimmera's local economy.

West Wimmera Shire Council is a member of WDA.

The position of West Wimmera Shire Council's Community Representative to WDA will become vacant on 3 August 2018, when the two-year appointment of Mrs Helen Mulraney-Roll concludes.

Advertising for expressions of interest to attract a new Community Representative to WDA commenced on 1 June 2018 with a deadline of 22 June 2018. Notices were lodged in the local newspapers, flyers were distributed throughout the Shire, and the website and Facebook page also promoted this opportunity.

One expression of interest was received, from Mrs Helen Mulraney-Roll. Councillors were provided with this documentation at the Wednesday 4 July 2018 Councillor Forum.

##### Risk Management Implications

Nil



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### Legislative Implications

Nil

### Environmental Implications

Nil

### Financial and Budgetary Implications

The Community Representative to WDA role is a voluntary one. Council will reimburse the Community Representative for travel costs incurred (if any) to attend Board Meetings.

### Policy Implications

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

### Council Plan Implications

This report supports the following sections 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

The identity of the new Community Representative to WDA will be publicised through the Shire's website.

### Conclusion

The Community Representative position on WDA is an important opportunity for a local resident to contribute to WDA Board Meeting discussions, offering a uniquely grass-roots perspective.



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### **OFFICER RECOMMENDATION:**

**That Council appoint Mrs Helen Mulraney-Roll as the West Wimmera Shire Council Community Representative to the Wimmera Development Association Board for a further two-year term.**

**Attachments: Nil**



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### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 STREET TREE POLICY

**FILE NUMBER: AD0183**

**REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER**

#### FOR INFORMATION

##### Introduction

This report is to enable West Wimmera Shire Council (Council) to review the existing Council Street Tree policy.

##### Declaration of Interests

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

##### Background

Council has a Street Tree policy which provides guidelines for the selection, location, retention, maintenance and amenity of street trees for the enhancement of residential and community amenity in townships within the Municipality.

The last Street Tree Policy review was carried out in 2010.

##### Risk Management Implications

Insurers JLT require that Council develops and adopts a Tree Management Plan for urban street trees to mitigate public liability risk. This plan requires Council to have a traceable link between annual inspections, maintenance reports and verification of completed works.

Council parks and gardens staff conduct annual inspections to mitigate this risk, as well as contracted arborists to access if required

##### Legislative Implications

*Electrical Safety Act 1998*



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### Environmental Implications

The street tree policy and its underlying Street Tree Management Plan ensures that street trees in township zones are managed and maintained to a standard which will not be detrimental to the environment but enhance the environment.

### Financial and Budgetary Implications

Nil

### Policy Implications

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

### Council Plan Implications

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

- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.

### Communication Implications

The Street Tree Policy review was carried out on Thursday 14 June by several key Council staff involved in street tree management. The review included the inclusion of Council's Street Tree Management Plan and the Township Tree Management Plan with Powercor, and deleted a number of procedural items which are included in the Street Tree Management Plan.

### Conclusion

The draft Street Tree Policy provides the Council Officers with an updated policy providing guidance in the following key areas:

1. To provide guidelines for the selection, location, retention, maintenance and amenity of street trees for the enhancement of residential and community amenity;
2. To adhere to risk management principles including meeting insurance requirements and the *Electrical Safety Act 1998*;
3. Linkage with other documents such as the Street Tree Management Plan, and the Township Tree Management Plan with Powercor.



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### **OFFICER RECOMMENDATION:**

**That Council adopt the reviewed Street Tree Policy.**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.1.1	Street Tree Policy	18/002242
13.1.2	Street Tree Management Plan	18/002240
13.1.3	Powercor Tree Management Plan	14/004222



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### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 REPLACEMENT OF EXTERNAL MEMBER TO WEST WIMMERA SHIRE AUDIT COMMITTEE

**FILE NUMBER: AD0185**

**REPORT AUTHOR: ANDREA GASH, MANAGER FINANCE**

#### **FOR DECISION**

##### Introduction

Section 139 of the *Local Government Act (1989)* requires that each Council establish an Audit Committee. The Audit Committee is a formally appointed Advisory Committee of Council.

The Audit Committee's role is to report to Council and provide appropriate advice and recommendations relevant to its charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

Council's Audit Committee Charter mandates to have three external members. One of the external members Ms Anne Champness indicated her willingness to step down from Audit Committee due to her appointment as CEO at another Council. This report seeks Council's approval for a replacement for Ms Champness.

##### Declaration of Interests

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

##### Background

Officers of West Wimmera Shire Council and Hindmarsh Shire Council are working collaboratively in various areas. As part of strengthening our working relationships, officers approached the Director Corporate & Community Services Ms Monica Revell to be an external member in the Audit Committee replacing Ms Champness.

Ms. Revell is a Senior Officer at Hindmarsh Shire Council and has relevant skills and experience to be an external member for West Wimmera Shire Council.



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### Risk Management Implications

A functioning Audit Committee is an essential governance requirement for every Council. It is important to have quality external membership in the Audit Committee. Council Officers are ensuring Council engage quality external Audit Committee members.

### Legislative Implications

The *Local Government Act 1989* requires that each Council establish an Audit Committee.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Budget provisions were made to support the costs associated with Audit Committee external members. There are no additional costs due to the replacement of Ms Champness with Ms. Revell.

### Policy Implications

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

Risk Management Policy  
Fraud and Corruption Control Policy

### Council Plan Implications

This report supports the following section 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 West Wimmera Shire Council Audit Committee Chairman and other external members were notified on the proposed replacement and will be informed on Council's decision.

### Conclusion

Quality external membership is essential to a functional Audit Committee and officers made efforts to maintain quality external membership of the West Wimmera Shire Council Audit Committee.





## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Approve the resignation of Ms Anne Champness as an external member of West Wimmera Shire Council's Audit Committee; and**
- 2. Approves Ms Monica Revell as an external member for the West Wimmera Shire Council Audit Committee.**

**Attachments: Nil**



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### 14.2 2018/19 BUDGET AMENDMENT – RATE IN DOLLAR

**FILE NUMBER: FM0021**

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

#### **FOR INFORMATION**

##### Introduction

West Wimmera Shire Council (Council) adopted its 2018/19 Budget at its Ordinary Meeting 21 June 2018. The budget contained a rate increase of 3.5% in line with Council's rate capping variation granted by the Minister for Local Government based upon independent advice from the Essential Service Commission Victoria.

To apply these rates Council needs to apply a 'Rate in the Dollar' (RID) to the 'Capital Improved Value' (CIV) of each individual rateable property across the municipality. The RID is calculated by dividing the total rates to be raised by the total valuation of all rateable properties across the shire. Unfortunately due to a change in confirmed valuations (detailed further into this report), Council is required to lower the RID from that advertised in the adopted 2018/19 Budget. It needs to be noted that the total amount of rates to be raised for 2018/19 **does not change**, only the RID does.

This report requests Council resolve to amend the RID to accommodate the change in valuations and ensure that Council does not raise in excess of 3.5% additional total rates for 2018/19.

##### Declaration of Interests

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

##### Background

Total rates raised by Council in any budget year is calculated by multiplying the total rates raised in the previous year (including annualised supplemental rates) by the rate increase percentage, in Council's case 3.5%. Annualised supplemental rates are simply any additions or subtractions to Council's rateable property listing that occur throughout a year (either by new properties being developed or consolidation of two or more existing properties into one), averaged over a full twelve month period. For Council this is minor, equating to approximately \$11,200 for the whole of 2017/18.



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

In practice for the 2018/19 Budget year this figure is:

2017/18 Forecast Rates \$6,333,183.47 x (1+3.5%) = \$6,554,844.89

This figure will not change no matter what the RID is.

The RID is the base charge that is used to calculate the level of rates levied on each individual rateable property. Effectively each ratepayers liability is the product of the RID x CIV – that is the valuation as represented by the CIV (the value of each individual property including all improvements) multiplied by the RID.

As Council utilises a uniform rate, without any differentials for differing property uses, to calculate the RID we need to know two things:

1. The total amount of rates to be raised – which we know is \$6,554,844.89; and
2. The total CIV of all rateable properties within the municipality

A problem has unfortunately arisen with the CIV used within the 2018/19 Budget document.

When council officers were preparing the budget Council had not received full certification of the CIV amounts from the Victorian Valuer-General (V-G). We had received preliminary figures from the independent valuer which were used in the budget calculations, pending final certification. It was hoped that certification from the V-G would be received by the time the budget was adopted by Council, and it was assumed that the preliminary figures were accurate.

Unfortunately the valuation figures were not certified until 26 June – which in itself is far too late for Council to achieve legislative compliance with the *Local Government Act 1989* regarding its budget adoption requirements. When Council received notification of the certification it became apparent that the preliminary figures provided to Council were seriously flawed and incorrect, necessitating a re-calculation of the RID figure – it is to re-iterated that the overall rates to be raised will not in any way change. Council officers are in contact with the V-G and independent valuer to attempt to ascertain both why the valuations were not certified earlier, and why the preliminary figures were so inaccurate.

The initial RID calculation as shown in the budget document was:

Rates to be raised \$6,554,844.89 / Total Valuation \$1,841,387,600 = \$0.00355973

To keep the total rate increase to 3.5% this will need to be altered to:

Rates to be raised \$6,554,844.89 / Total Valuation \$2,096,864,300 = \$0.00312602



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

Council will be at reputational risk no matter what course of action is taken. If Council does not change the RID then significantly higher rates will be raised and it stands to be accused of manipulating data to raise higher revenue. It would also be in breach of the rate capping provisions of the *Local Government Act 1989*.

Even doing the right thing and lowering the RID will cause Council some reputational damage as it appears council officers have made a serious error. In mitigation to the officers involved they have acted in good faith with the information provided to them at the time by external parties, however reputational harm has occurred. It is recommended that Council act in a clear and transparent manner in correcting this problem by resolving the lowering of the RID at an open Ordinary Meeting.

### Legislative Implications

As mentioned, failure to amend the RID would place Council in breach of the *Local Government Act 1989* if it fails to implement the certified valuations and lower the RID.

A question is whether amending the RID constitutes a material change to the budget and requires a complete revised budget process to be undertaken.

Section 128 (1) of the *Local Government Act 1989* states:

“A Council must prepare a revised budget if circumstances arise which cause a material change in the budget and which affects the financial operations and position of the Council.”

Discussions with Local Government Victoria resulted in advice to council officers that to comply with the provisions of the *Local Government Act 1989* Council must determine whether a lowering of the CIV constitutes a ‘material change in the budget and which affects the financial operations and position of the Council’. Unfortunately the *Local Government Act 1989* does not define what a ‘material change’ is or give guidance. If Council were to refer to the effects of amending the RID on the ‘financial operations and position of Council’ it would seem that altering the RID does indeed not have any effect on Council’s financial results or position as the total rates levied overall will not change.

It is pertinent to point out that if Council resolves to prepare a revised budget then under S.129 of the *Local Government Act 1989* Council would be required to advertise the revised budget for public consultation for a period 28 days and the revised budget would be subject to public submissions under S.223 of the *Local Government Act 1989* in the same way as the original budget process was.

### Environmental Implications

Not commented on



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### Financial and Budgetary Implications

As previously stated there is no budgetary impact upon the 2018/19 budgeted income levels from modifying the RID.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Fraud & Corruption Control Policy  
Risk Management Policy

### Council Plan Implications

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

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

### Communication Implications

It is important to minimise reputational risk to Council that Council be completely transparent in its response to this problem and provide full details to the public on the proposed rectification of the issue.

### Conclusion

Council has unfortunately found itself in a situation where it is required to amend the RID in the published budget in order to comply with the rate capping provisions of the *Local Government Act 1989*. This has been the result of the valuations certified by the Valuer-General being significantly different to the preliminary figures submitted to Council by the independent valuer. Council needs to decide whether it wishes to amend the RID by resolution or via the preparation of a revised budget.



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

**That Council resolves to amend the Rate in Dollar as published in the adopted 2018/19 Annual Budget from \$0.00355973 to \$0.00312602.**

**Attachments: Nil**



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### 14.3 TAKING REPORT ON OPERATION FLINDERS FROM TABLE

**FILE NUMBER: AD0183**

**REPORT AUTHOR: ASHLEY ROBERTS, ACTING CHIEF EXECUTIVE OFFICER**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) at its June 21 Ordinary Meeting considered a report requesting funding for support of participants of the Operation Flinders Program for 2018. At that meeting Council resolved to lay that report on the table until such time as more information is given. This report seeks to take up that report from the table.

##### Declaration of Interests

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

##### Background

The June 21 Ordinary Meeting included on its Agenda a report requesting funding to assist participation in Operation Flinders 2018.

Council resolved:

***Moved: Cr Richard Hicks***

***Seconded: Cr Bruce Meyer***

***That this item be laid on the table pending the presentation to Council by Acting Sergeant Ferluga on Wednesday 4 July 2018, for future Council consideration.***

***Carried (4/0)***

Acting Sergeant Ferluga attended the July 4 Councillor Forum where he made a presentation on the activities undertaken during the program, and the benefits and success stories resulting from the program.

It is considered appropriate now for the report which was laid upon the table be taken up and considered.



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

If Council resolves not to take up the report from the table then no decision can be made upon the Operation Flinders Report.

### Risk Management Implications

Meeting procedures require Council to resolve to take up an item from the table before any item that has been laid on the table may be considered. Failure to follow meeting procedures represents significant reputational risk to Council. Legal risk also exists where failure to follow correct meeting procedures may result in Council decisions being invalid.

### Legislative Implications

As previously state, failure to follow correct meeting procedure may invalidate any decision made by Council. In this instance, failure to resolve to take the report from the table may invalidate any decision Council makes on funding for Operation Flinders 2018.

### Environmental Implications

Not Commented On

### Financial and Budgetary Implications

There are no direct financial implications from taking the report up from the table. The report to be taken up from the table does include financial implications however.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Communications 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 resolution of this report will form part of the minutes of the Ordinary Meeting.





## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 WEST WIMMERA SHIRE COUNCIL

### Conclusion

At the June 21 Ordinary Council Meeting Council resolved to lay on the table a report which was presented seeking funding support for Operation Flinders 2018 pending Acting Sergeant Ferluga's presentation to the 4 July 2018 Councillor Forum.

Councillor Ferluga subsequently presented to Council at the 4 July Councillor Forum, allowing the report to now be taken up from the table and considered.

Meeting procedure required that a resolution be made allowing the item to be taken up from the table.

### **OFFICER RECOMMENDATION:**

**That Council resolves to take up the report titled 'Funding Request for Operation Flinders' from the table and add it to the agenda for the Ordinary Meeting 18 July 2018 for consideration.**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.3.1	Funding Request to Operation Flinders (Originally presented to June 2018 Council Meeting)	18/001803
14.3.2	Letter from A/Sergeant Ferluga	18/001803



## ORDINARY COUNCIL MEETING AGENDA – 18 JULY 2018 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.*

### 16.0 SEALING SCHEDULE

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

#### RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters 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 SUPPLY OF ASPHALT CMO469

#### RECOMMENDATION

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

**MEETING CONCLUDED:**

**NEXT MEETING:**

**15 AUGUST 2018  
KANIVA COUNCIL CHAMBER**