



## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday 20 February 2019

**LOCATION:** Edenhope Council Chamber

**COMMENCEMENT:** 2.02pm

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IN ATTENDANCE:	
Councillors	Senior Management Group
Jodie Pretlove, Mayor	David Leahy
Trevor Domaschenz	Chief Executive Officer
Richard Hicks	Ashley Roberts
Tom Houlihan (from 2.04pm)	Director Corporate & Community Services
Bruce Meyer	

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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 MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

### 2.0 OPENING PRAYER

The CEO read the opening prayer

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

#### 3.1 APOLOGIES

Mark Marziale, Director Infrastructure Development & Works (family leave)

#### 3.2 LEAVE OF ABSENCE

Nil

#### 3.3 DECLARATION OF CONFLICT OF INTEREST

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

None declared

### 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.*

None received

2:04pm: Cr Houlihan joined the meeting



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### 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.*

#### 4.2.1 TONI DOMASCHENZ, EDENHOPE – LAKE WALLACE MANAGEMENT PLAN

- I am the Secretary of the Friends of Lake Wallace Committee.
- Can you provide an update on the Lake Wallace Management Plan – what is the status of its development?
- Which staff within Council are responsible for the Plan?
- Can Council meet with parties who are interested in the development of the Plan?

CEO: Council was planning to manage the development of the Lake Wallace Management Plan internally, however doesn't currently have the staffing capacity. The Director of Infrastructure Development & Works is pursuing external resources to facilitate this project. Council is planning to commence the development of the Lake Wallace Management Plan in the current financial year.

#### 4.2.2 TONI DOMASCHENZ, EDENHOPE – WEST WIMMERA PIPELINE PROJECT

- What is the status of the West Wimmera Pipeline Project?
- Note that there are now water restrictions in Harrow.
- Is another Community Consultative Committee (CCC) meeting being planned?

CEO: The business case for the West Wimmera Pipeline Project was presented to the Victorian State Government just prior to 2018 State Election. It will also be presented to representatives from the Federal Government. GWM Water intend to organize another CCC meeting to provide them with an update. Council has commenced discussions with Southern Grampians Shire, to develop an advocacy strategy for the project. CEOs and Mayors from Wimmera Regional Councils are planning their annual delegation trip to Canberra for September/October 2019, once the new Federal Government has settled in after the May 2019 Election. This trip will include lobbying for the Pipeline Project.



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### **4.2.3 TONI DOMASCHENZ, EDENHOPE – SUPPORT FOR NEW BUSINESSES IN EDENHOPE**

- Great to see that there is a new business in town called “Now Dach’s a Gallery”.
- It is a tourism-focused museum and gallery, and includes Airbnb accommodation and Airbnb Experience packages.
- Will Council be supporting this type of business? Can Council give online support? Can grants be obtained? Can Council modernize its approach to tourism?

Mayor: New businesses can apply to Council for funding through our Business Assistance Scheme. Details can be found on Council’s website.

### **5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS PRIOR TO AGENDA BEING ISSUED**

#### **5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)**

27/12/2018	Dr Anne Webster, Candidate for National Party Preselection, Mallee
15/01/2019	Andrew Conlon, MAV Presidential Candidate
17/01/2019	CEO David Leahy
24/01/2019	Lake Charlegrark Project Committee – Project Closeout
25/01/2019	Dinner with Australia Day Ambassador Ms Susan Calwell
26/01/2019	Australia Day Events in Edenhope and Harrow
30/01/2019	CEO’s Annual Performance Review, Edenhope
30/01/2019	CEO David Leahy
02/02/2019	<i>On leave for ten days, returning 13 Feb 2019</i>
13/02/2019	CEO David Leahy
16/02/2019	Lake Charlegrark Country Music Marathon
19/02/2019	Project Advisory Group Meeting – Edenhope Hall Redevelopment
20/02/2019	Council Meeting, Edenhope

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

22/01/2019	Wimmera Mallee Tourism, Warracknabeal
23/01/2019	Hugh Koch, Southern Grampians Shire, Hamilton
30/01/2019	CEO’s Annual Performance Review, Edenhope
04/02/2019	Harrow Recreation Reserve Project Meeting with DELWP
06/02/2019	Councillor Forum, Kaniva



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09/02/2019	Henley on Lake Wallace
12/02/2019	Edenhope Hall Redevelopment Meeting
12/02/2019	Wimmera Development Association Board Meeting
16/02/2019	Lake Charlegrark Country Music Marathon
19/02/2019	Wimmera Mallee Tourism, Kaniva
20/02/2019	Council Meeting, Edenhope

### **5.3 COUNCILLOR RICHARD HICKS**

30/01/2019	CEO's Annual Performance Review, Edenhope
04/02/2019	Harrow Recreation Reserve Project Meeting with DELWP
06/02/2019	Councillor Forum, Kaniva
08/02/2019	Western Highway Action Committee, Ballarat
12/02/2019	Edenhope Hall Redevelopment Meeting
13/02/2019	Project Control Group Meeting – Harrow Rec Reserve Upgrade
20/02/2019	Council Meeting, Edenhope

### **5.4 COUNCILLOR TOM HOULIHAN**

23/01/2019	Hugh Koch, Southern Grampians Shire, Hamilton
26/01/2019	Australia Day Event in Dergholm
04/02/2019	Harrow Recreation Reserve Project Meeting with DELWP
05/02/2019	Wimmera Mallee Sustainability Alliance
06/02/2019	Councillor Forum, Kaniva
12/02/2019	Edenhope Hall Redevelopment Meeting
20/02/2019	Council Meeting, Edenhope

### **5.5 COUNCILLOR BRUCE MEYER**

25/01/2019	Dinner with Australia Day Ambassador Ms Susan Calwell
26/01/2019	Australia Day Event in Kaniva
30/01/2019	CEO's Annual Performance Review, Edenhope
04/02/2019	Harrow Recreation Reserve Project Meeting with DELWP
06/02/2019	Councillor Forum, Kaniva
12/02/2019	Edenhope Hall Redevelopment Meeting
15/02/2019	Wimmera Regional Library Corporation Board Meeting
20/02/2019	Council Meeting, Edenhope

### **5.6 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

Nil

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

#### RECOMMENDATION:

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 December 2018, be taken as an accurate record and confirmed.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 December 2018, be taken as an accurate record and confirmed.**

**Carried (4/1)**

**Cr Hicks called for a division**

**For: Cr Hicks, Cr Domaschenz, Cr Pretlove, Cr Meyer**

**Against: Cr Houlihan**

### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil





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### 9.0 NOTICES OF MOTION

#### 9.1 PERMIT TO REMOVE NATIVE VEGETATION – CR TREVOR DOMASCHENZ – NOM 2019/02

##### Preamble

On 8 Feb 2018 an application was made to WWSC for a permit to remove native vegetation.

Following objections the application was referred to the Department of Environment, Land, Water & Planning (DELWP) who did not object to the permit subject to conditions.

The trees 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.

WWSC voted 5/0 on May 16 2018 to approve the permit.

My reasoning was that with DELWP approving the application and with the native vegetation offsets protected to the satisfaction of DELWP that it resulted in long term native vegetation gain.

A lot of these isolated unprotected paddock trees are near end of life and because they will vanish naturally from the landscape over time are referred to as the living dead in the Victorian Civil & Administrative Tribunal (VCAT) hearing. A study published by the Wimmera Catchment Management Authority (WCMA) showed that with old age etc there was a 22% reduction of our live Buloke trees over a 15 year period. Grey box has a similar longevity.

In my opinion this VCAT decision, if allowed to become a precedent, will result in broad scale long term net loss of habitat and native vegetation to the community over time. Without suitable offsets there will be no regeneration and where will future generations be in 100 years.

It has created confusion, anger and happiness among farmers and the wider community.

It has created confusion to regulators and decision makers.

This notice of motion is designed to create debate and to bring the relevant parties together at a suitable location in the West Wimmera Shire urgently.



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### Motion

**That the West Wimmera Shire Council urgently contact all relevant stakeholder representatives seeking clarification on site of the recent VCAT decision's by order**

- 1. In application P1 133/2018 the decision of the responsible authority is set aside.**
- 2. In planning permit P1503 no permit is granted.**

Moved: Cr Trevor Domaschenz

Seconded:

That the West Wimmera Shire Council urgently contact all relevant stakeholder representatives seeking clarification on site of the recent VCAT decision's by order

- In application P1 133/2018 the decision of the responsible authority is set aside.
- In planning permit P1503 no permit is granted.

The motion lapsed for lack of a seconder

Cr Hicks moved an amended motion:

Moved: Cr Richard Hicks

Seconded: Cr Bruce Meyer

That the West Wimmera Shire Council urgently contact all relevant stakeholder representatives seeking a high level meeting in West Wimmera Shire, to clarify recent changes and interpretations to regulations pertaining to native vegetation clearance.

Motion Carried (5/0)



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The amendment became the motion:

**Moved: Cr Richard Hicks**

**Seconded: Cr Bruce Meyer**

**That the West Wimmera Shire Council urgently contact all relevant stakeholder representatives seeking a high level meeting in West Wimmera Shire, to clarify recent changes and interpretations to regulations pertaining to native vegetation clearance.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
9.1.1	Notice of Motion 2019/02 – 11 Feb 2019	E19/000121

## **10.0 ASSEMBLY OF COUNCILLORS RECORD**

### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 6 February 2019 be received and noted.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 6 February 2019 be received and noted.**

**Carried (4/1)**

**Cr Hicks called for a division**

**For: Cr Hicks, Cr Domaschenz, Cr Pretlove, Cr Meyer**

**Against: Cr Houlihan**



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### **11.0 DEPUTATIONS AND PETITIONS**

Nil



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### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 RESPONSE TO LOCAL GOVERNMENT INSPECTORATE GOVERNANCE EXAMINATION REPORT & RECOMMENDATIONS

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CHIEF EXECUTIVE OFFICER**

#### **FOR DECISION**

##### Introduction

The following report and associated attachment is provided as an update to the response provided to the Local Government Inspectorate, following receiving their report and meeting with representatives on December 10 2018.

It is also recommended that Council endorse both the report and the response to be made public documents and accessible on the Council Website.

##### Declaration of Interests

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

##### Background

The Local Government Inspectorate undertook a Governance Examination and an Investigation in October 2018 at West Wimmera Shire and presented their findings to the Mayor and CEO on Monday 10 December 2018.

Following the presentation by the Inspectorate representatives, the CEO presented the material to the Councillors present at a Councillor only discussion session prior to the 19 December 2018 Council meeting.

The report required the CEO to respond to the findings of the report, including proposed actions by 31 January 2019. The response (which is attached) was provided on Friday 25 January via email with a hard copy also sent.

Following the response being provided, the CEO has communicated a number of times with representatives of the Inspectorate on a number of the items.



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A number of the recommendations have been actioned, such as the development of a complaints handling policy, the realignment of a number of governance functions, the review of the procurement policy and researched suitable training providers for records management responsibilities for staff.

Regular status reports will be provided to Council as the various actions are undertaken and it is envisaged that the Inspectorate will re-visit West Wimmera to audit the progress made on the agreed items.

### Risk Management Implications

Non-compliance with the requests and recommendations could result in further action being taken by the Inspectorate.

### Legislative Implications

There are a number of legislative compliance issues raised in the Inspectorate report which Council is obliged to comply with.

### Environmental Implications

Nil

### Financial and Budgetary Implications

Nil

### Policy Implications

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

- Asset Management Policy
- Communications Policy
- Community Support Fund Policy
- Corporate Credit Card and Purchase Cards Policy
- Council Grants Policy
- Councillor Code of Conduct Policy
- Councillor Expense Entitlement & Support Policy
- Fraud Control Policy
- Media Relations Policy
- Procurement Policy
- Protected Disclosures Policy
- Support to Community Events 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.

### Communication Implications

A media statement has been prepared by Council, and the various documents will be available on the Council's website.

### Conclusion

The exercise of the Governance Examination was of great benefit to senior staff in particular and the advice provided by the Inspectorate staff will assist in providing direction within the various governance functions of the Council.

It is imperative that every effort is made to comply with the recommendations and the Inspectorate representatives will re-visit West Wimmera within six months of receiving the response to assess progress and provide further recommendations where necessary.

### **OFFICER RECOMMENDATION:**

**That Council endorse the response to the Governance Examination and Investigation, provided to the Local Government Inspectorate and approve the documents to become publicly available via the Council website.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Tom Houlihan**

**That Council endorse the response to the Governance Examination and Investigation, provided to the Local Government Inspectorate and approve the documents to become publicly available via the Council website.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
12.1.1	Governance Examination Response	C19/000815
12.1.2	Governance Examination	C18/000805



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### 12.2 DELEGATIONS REVIEW

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CHIEF EXECUTIVE OFFICER**

### FOR DECISION

#### Introduction

Council is required to review and update its delegations in a number of different categories periodically and this report and attachments provide the reviewed and updated delegations for the S6, S7 and S11 (Authorised Officers) delegations.

The S6 and S11 delegations are presented for Council endorsement and the S7 delegations are presented for Councillors information.

#### Declaration of Interests

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

#### Background

An update to the various delegations was provided via Maddock's website in December 2018 and the suggested adjustments have been made to the attached documents.

The delegations that have been reviewed are S6 (Council to members of staff), S7 (CEO to staff) and S11 (Authorised Officers update).

There are considerable changes to a number of areas in the S6 delegations and to assist in highlighting the alterations, the areas that have been altered have been coloured yellow for new items and red for items that will be removed from the final document. The final document that is stored on the records management system will have the colouring and various items removed or updated.

The S7 delegations have significant additions with the inclusion of the 2018 Building Regulations and the removal of the 2017 interim regulations. The recorded version will have the interim regulations removed.

Due to a number of staff movements, there is a requirement to update the S11 delegations to authorise two officers who will be undertaking duties as Local Laws Officers during 2019 as the permanent officer is on 12 months leave without pay. The position of Manager





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Planning and Environment is currently vacant and this will require the S11 documents to return to Council once the position has been reviewed and filled in some capacity.

### 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
- 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



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Protected Disclosures Policy  
Temporary Street Closures 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 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.

Staff have also investigated a program that will provide exception reports on delegations, when the updates from Maddocks are provided. This will significantly reduce the amount of material that is required to be read by Councillors and Senior Staff following a review.

### **OFFICER RECOMMENDATION:**

1. **In the exercise of the powers conferred by s 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S6 instrument of delegation, West Wimmera Shire Council (Council) RESOLVES THAT –**
  - a) **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
  - b) **The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.**



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- c) On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
  - e) The instrument be signed and sealed.
2. In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S11 instrument of appointment and authorisation (the instrument), West Wimmera Shire Council (Council) RESOLVES THAT -
- a) The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.
  - b) The instrument comes into force immediately the Common Seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
  - c) The instrument be signed and sealed.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Trevor Domaschenz

1. In the exercise of the powers conferred by s 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S6 instrument of delegation, West Wimmera Shire Council (Council) RESOLVES THAT –
- a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - b) The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.
  - c) On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.



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d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

e) The instrument be signed and sealed.

2. In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S11 instrument of appointment and authorisation (the instrument), West Wimmera Shire Council (Council) RESOLVES THAT -

a) The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.

b) The instrument comes into force immediately the Common Seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.

c) The instrument be signed and sealed.

Carried (5/0)

### Attachments:

No.	Name	RecFind Ref
12.2.1	Reviewed S6 Delegations (Council to staff)	C19/001292
12.2.2	Reviewed S7 Delegations – (CEO to staff) (for Councillors' information)	C19/001292
12.2.3	S11 Delegations – Authorised Officers	C19/001292



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



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### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 COMPLAINTS HANDLING POLICY

**FILE NUMBER: AD0041**

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

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) at times receives complaints from various sources concerning Council services or the actions of Councillors and/or Council Officers. A Complaints Handling Policy provides Council with a framework to:

- Recognise what is a complaint
- Identify what is not a complaint (i.e difference between a complaint and a request for service)
- Undertake a satisfactory investigation into a complaint
- Use complaints as a driver of business and service development and improvement

A draft Complaint Handling Policy is provided to Council for adoption. This version of the Complaints Handling Policy takes into consideration feedback received from the Councillor Forum held 6 February 2019.

##### Declaration of Interests

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

##### Background

Whilst various other Council Policies touched on the subject of complaint handling (i.e Protected Disclosure Policy, Information Privacy Policy) Council has not previously had a clearly defined process for receiving or handling complaints.

This anomaly was noted by the Local Government Inspectorate on their recent governance audit on Council, who suggested that it was best practice to formalise a policy.

Without having a clearly defined complaints handling process Council runs the risk of complaints not being effectively investigated and of complaints going unresolved. It is also



## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

a potential risk that Council may not be able to effectively or efficiently derive learnings and business and /or service improvements from correctly handling complaints.

The draft Complaints Handling Policy was produced by referencing and benchmarking a number of other Victorian Councils policies and the Victorian Ombudsman's better practice statements. The draft policy is presented in a 'worked up' version including revisions proposed after review by the Senior Management Group.

### Risk Management Implications

As previously stated, Council is at risk in multiple areas if complaints are not received and handled effectively:

- Reputational Risk – Council may face severe reputational risk if it is seen to not respond and act on complaints made
- Operational Risk – without a strong process for responding to complaints Council may not be able to learn from them and may continue to repeat the same actions which may not result in the best allocation of resources
- Financial Risk – Council may face financial loss from legal action taken against it or Councillors or Officers as a result of not responding appropriately to a complaint. Council may also suffer financial loss from not learning to allocate resources more efficiently as a result of not handling complaints effectively.

The provision of the Complaints Handling Policy assists in the mitigation of these risks.

### Legislative Implications

Whilst there is no direct legislative requirement for Council to have a Complaints Handling Policy, it is clearly good practice to do so. Councillors and Officers have fiduciary duties, both by statute (i.e under multiple sections of the *Local Government Act 1989*) and common law to act in 'good faith' and in the best interest of Council in alignment with the goals of the organisation (i.e Council Plan).

A Complaint Handling Policy assists Council in acting in accordance with those fiduciary duties and, just as importantly, to be transparent in doing so and to 'be seen' to be acting in good faith.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Whilst investigating complaints may consume Council time and will most likely incur some costs, it is possible that being able to effectively resolve complaints may actually lead



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to a revision of practices and processes which may have a positive effect on productivity and resource allocation, over time actually saving Council money.

### Policy Implications

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

Advocacy Policy  
Communications Policy  
Community Engagement Policy  
Councillor Code of Conduct Policy  
Customer Service Policy  
Fraud Control Policy  
Human Rights Policy  
Protected Disclosures 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 Complaints Handling Policy, once adopted, is freely available to anyone who wishes to peruse it. It will be placed on Council's website and copies will be on display at Council's Customer Service Centres. All staff shall be provided with a copy.

### Conclusion

The Customer Complaints Policy not only fills a gap in Council's governance framework, it also provides Council with an overarching guide to effective resolution of complaints made against it. It mitigates Council's risk and provides Council with an opportunity to improve services by utilising complaints to potentially drive improvements.





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### **OFFICER RECOMMENDATION:**

**That Council adopt the draft Complaints Handling Policy.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That Council adopt the draft Complaints Handling Policy and notes that this policy should be reviewed on an annual basis.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.1.1	Draft Complaints Handling Policy	C19/00685



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### 14.2 FINANCIAL REPORT AS AT 31 DECEMBER 2018

**FILE NUMBER: FM0062**

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

#### **FOR DECISION**

##### Introduction

One of the principles of sound financial management involves the regular review of an entity's financial performance and position. This report provides Council with a review of Council's financial performance and position at the end of December 2018.

##### Declaration of Interests

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

##### Background

The *Local Government Act 1989* ('the Act') requires Council to implement the principles of sound financial management (s.136 (1)). Section 138(1) of the Act requires that Council be presented with a statement comparing budgeted revenue and expenditure for the financial year to date at least every three months.

The financial reports show an analysis of the actuals to budget forecasts at 31 December 2018. Where significant variances that are greater than \$20,000 and 10% between actual amounts and forecast figures at 31 December 2018, a note is provided to give an explanation for the variance. The financial reports include a Comprehensive Income Statement, a capital report and Balance Sheet to give a true indication of Council's operations, the capital works program and the financial position.

The report also includes Budget adjustments following the mid-year review.

##### Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

##### Legislative Implications

Section 138(1) of the *Local Government Act 1989* requires that Council is provided with financial reports a minimum of every three months comparing the budgeted revenue and expenditure with actual revenue and expenditure.



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### Environmental Implications

Nil

### Financial and Budgetary Implications

Financial and budgetary performance reporting and oversight form the fundamental building blocks of sound financial management. Without oversight of financial and budgetary performance Council may find itself unable to meet its obligations and desired community outcomes.

### Policy and 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 Finance Manager will continue to work with officers and managers to educate and enable financial management of their department.

### Conclusion

Council's financial performance and position at 31 December 2018 is attached for Council's information, in accordance with the requirements of S.138 (1) of the Act.

### **OFFICER RECOMMENDATION:**

**That the financial reports as at 31 December 2018 be received and noted.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Tom Houlihan**

**That the financial reports as at 31 December 2018 be received and noted.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.2.1	Financial Performance Report December 2018	E19/000088



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### 14.3 MUNICIPAL EARLY YEARS PLAN 2019-2021

**FILE NUMBER: CS0096**

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE & COMMUNITY SERVICES & TRACEY BONE, EARLY YEARS CO-ORDINATOR**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council), along with other Victorian Councils play a vital role in initiating and providing Early Years (EY) services to our Community, directly providing Kindergarten services and Maternal Child Health services.

Effective planning for these EY services is critical in providing a safe and healthy start in life for our young residents.

The Municipal Early Years Plan provides a framework to effectively plan the provision of these vitally important services. This report presents a final draft Municipal Early Years Plan to Council for adoption. The draft as presented takes into consideration the feedback given by Council at the Councillor Forum held 6 February 2019.

##### Declaration of Interests

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

##### Background

In May 2008 the Municipal Association Victoria (MAV), acting on behalf of Victorian councils, signed the Victorian State – Local Government Agreement with the Victorian Government. This agreement acknowledges the key contribution and role of local government in the delivery and strategic planning of public services at the local level.

Following on from this agreement, the MAV (again operating on behalf of all Victorian councils) signed an agreement with the Department of Employment and Early Childhood Development (now known as the Department of Education and Training) a Partnership Agreement, which recognises the relationship between local government and the state in EY programs and specifically acknowledged the leadership role local government has in EY planning.



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The draft Early Years Plan as presented has been developed from a series of stakeholder and public workshops and surveys held over the previous 2 years. This engagement took the form of consultation sessions, a survey provided to all families identified with an EY interest, community planning sessions and kindergarten quality programs, as such it involved a wide variety of stakeholders, including community and regulators. It provides Council with a strategic framework for providing and maintaining EY services such as kindergartens and Maternal Child Health.

The draft Early Years Plan provides a basis by identifying the services Council does provide, including kindergarten and Maternal Child Health, as well as other services such facilities for child care, playgrounds and libraries. It then summarises priority actions which have been identified via the consultation process.

These priorities can be broadly grouped into four areas:

- Social engagement opportunities for families
- Safe play environments
- Support for all families
- Sustainable services

A planning in progress implementation process is also included in the draft Early Years Plan, focusing on these four areas.

### Risk Management Implications

Without effective planning Council may be subject to multiple layers of risk:

- Financial risk emanating from committing to fund services that are unsustainable or not required
- Reputational risk from providing services that are underutilised or not sustainable (i.e ‘wasting money on things that aren’t needed’)
- Operational risk arising from consuming resources on processes and products which are inefficient, and thereby foregoing using those resources where they could be more effectively employed.

The provision of the draft Early Years Plan outlining program priorities helps mitigate this risk.

### Legislative Implications

The *Local Government (Democratic Reform) Act 2003* creates an expectation that local government takes a leadership role in fostering community development. This along with the community planning requirements of the *Local Government Act 1989* (i.e the Council



## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

Plan) and the agreement with DEECD (DET) result in Council being responsible for the strategic planning of EY services. The Early Years Plan fulfils those requirements.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

The provision of all services incurs a budget implication. Council needs to be extremely careful in allocating its scarce financial resources in a manner that provides greatest efficiency in output.

The provision of the draft Early Years Plan provides Council with a template to be able to achieve the best possible allocation of funds for EY service provision.

It is noted that Council receives significant government funding for EY services (with Kindergartens receiving funding of \$338,754 and Maternal Child Health expecting to receive \$169,500 in funding during 2017/18).

### Policy Implications

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

Advocacy Policy

Community Engagement Policy

Playground Management 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.



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### Communication Implications

The implementation of the Early Years Plan will be reviewed on an annual basis and evaluated at the end of the plan period (2021). These reviews and evaluation will form part of the consultation process for the formal review and implementation of the continuing Early Years Plan from 2021 onwards.

### Conclusion

The draft Early Years Plan provides a key strategic document which guides Council to take an efficient strategic direction in the provision of EY services whilst providing for our community's needs and desires.

### **OFFICER RECOMMENDATION:**

**That Council adopts the draft Early Years Plan.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Richard Hicks**

**That Council adopts the draft Early Years Plan.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.3.1	Draft Early Years Plan 2019-2021	C19/000683



## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 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

Nil

3:10pm: The Mayor announced a short break

3:18pm: The meeting resumed

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

#### RECOMMENDATION

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

17.1 MAKING A DIFFERENCE @ HARROW & DISTRICT RECREATION RESERVE – CR RICHARD HICKS - NOTICE OF MOTION 2019/01

17.2 EDENHOPE & DISTRICT COMMUNITY CENTRE REDEVELOPMENT – TENDER NEGOTIATIONS

17.3 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE & REMUNERATION REVIEW





## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

**That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal advice of the Local Government Act 1989 close the meeting to members of the public at 3.18pm to resolve on matters pertaining to the following items:**

- 17.1 MAKING A DIFFERENCE @ HARROW & DISTRICT RECREATION RESERVE – CR RICHARD HICKS - NOTICE OF MOTION 2019/01**
- 17.2 EDENHOPE & DISTRICT COMMUNITY CENTRE REDEVELOPMENT – TENDER NEGOTIATIONS**
- 17.3 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE & REMUNERATION REVIEW**

**Carried (5/0)**

### **RECOMMENDATION**

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

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

**That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 4.48pm.**

**Carried (5/0)**



## ORDINARY COUNCIL MEETING MINUTES – 20 FEBRUARY 2019 WEST WIMMERA SHIRE COUNCIL

### 17.1 MAKING A DIFFERENCE @ HARROW & DISTRICT RECREATION RESERVE – CR RICHARD HICKS - NOTICE OF MOTION 2019/01

That WWSC resolves that the Project Control Group of the “Making a Difference @ Harrow & District Recreation Reserve” be advised that WWSC will not provide financial or in-kind staff support in excess of the \$50,000 currently committed, and that once the \$50,000 is expended any additional expenses or WWSC staff support must be recouped from Project funds.

### 17.2 EDENHOPE & DISTRICT COMMUNITY CENTRE REDEVELOPMENT – TENDER NEGOTIATIONS

1. That Council accepts the tender submitted by 4front Constructions for contract CMO484 “Edenhope Cultural & Community Hub” for the revised lump sum price of \$1,787,631.45 which includes construction of stage 1 and 2 of the building, on the provision the works can commence before the end of March 2019.
2. That Council authorises immediate construction of stage 1 of the building to the value of \$1,471,584.29. Stage 2 should be put on hold pending additional funding being forthcoming from community fundraising and/or government grants, a final decision as to whether stage 2 should be commenced should be made no later than 31 July 2019.
3. The Contract Agreement Documents for Contract CM0484 “Edenhope Cultural & Community Hub” be signed and sealed by Council following their preparation.
4. That forthwith the current project be known as the Edenhope & District Community Centre Redevelopment Project Stage 1, and that the building plans be amended to reflect the changes as presented by Council Officers.
5. That Council endorses staff to complete the negotiations and make any minor changes to the design following final advice from the building surveyor.



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**17.3 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE &  
REMUNERATION REVIEW**

**That this resolution remain confidential.**

**MEETING CONCLUDED: 4.48PM**

**NEXT MEETING: WED 20 MARCH 2019  
KANIVA COUNCIL CHAMBER**