



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

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**HELD:** Wednesday 17 April 2019

**LOCATION:** Connewirricoo Community Centre  
945 Kadnook-Connewirricoo Road

**COMMENCEMENT:** 2.01pm

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

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***Vision Statement:***

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



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## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

The Mayor welcomed everyone to the meeting

### 2.0 OPENING PRAYER

The CEO read the opening prayer

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

#### 3.1 APOLOGIES

Nil

#### 3.2 LEAVE OF ABSENCE

Cr Richard Hicks

#### 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.*

Nil



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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 JD McGENNISKEN – INCREASE IN KANGAROO POPULATION

- Kangaroos everywhere as you drive along, making it more dangerous for all road users.
- Southern Grampians Shire Council are shooting them, what can West Wimmera Shire Council do?

DIDW: In Southern Grampians region a licensed operation is being run, where the kangaroo meat is being used for pet meat. Southern Grampians Shire Council is not involved.

CEO: There is an agreement between individual property owners and the Department of Environment Land Water and Planning (DELWP). This Pet Food Trial is being extended to September 2019, with a view to something more permanent being put in place. Council can put this information on its website and Facebook page.

#### 4.2.2 MARK CAULFIELD – QUINN’S ROAD, CONNEWIRRICOO

- There is no shoulder on east side of Quinn’s road, this part of the road is too skinny.
- When passing a truck there is nowhere to go, there are at least 20 trucks a day. Can this be addressed?

Mayor: Please submit a Customer Request Form.

#### 4.2.3 SUE McCLURE – ROADS

- Huge increase in volume of trucks on local roads, a school bus recently had their windscreen smashed when passing a truck. Have approached West Wimmera Shire Council and Southern Grampians Shire Council about this.



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### 4.2.4 SUE McCLURE – ROADS AND TREES

- This is a Southern Grampians Shire Council and Glenelg Shire Council issue.
- On the Harrow-Coleraine Road, you cannot take a tree down to make way for a road, yet a large land owner did remove a tree. Who makes these rules?

Mayor: Agree that we need to keep improving our roads.

CEO: I am not prepared to comment on behalf of Southern Grampians Shire.

### 4.2.5 JOSIE SANGSTER – WWSC PLANNING DEPARTMENT

- Late last year I made contact with West Wimmera Shire Council's Environmental Health Officer (EHO) and its Planning Department regarding a business opportunity in Harrow.
- On 4 Feb 2019 I sent more information to WWSC with some planning permit questions. I am yet to receive a response. What has happened to the Planning Department at the WWSC?

CEO: The Planning Manager left recently, Council is using consultants in the interim, and is recruiting for a Planning Coordinator. There is a shortage of Planners in Victoria.

DIDW: We are working through a back log of work, our apologies for not responding to you to date.

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

### 5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)

22/03/2019	Wimmera Mayoral Gathering, Horsham
25/03/2019	CEO David Leahy
29/03/2019	DELWP re native vegetation
29/03/2019	Edenhope Debutante Ball, Apsley
01/04/2019	CEO David Leahy
03/04/2019	Councillor Forum, Kaniva
03/04/2019	Cemeteries Trust Meeting, Kaniva
08/04/2019	CEO David Leahy
15/04/2019	CEO David Leahy
17/04/2019	Council Meeting & Community Forum, Connewirricoo



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### 5.2 COUNCILLOR TREVOR DOMASCHENZ

27/03/2019	CEO David Leahy
28/03/2019	Wimmera Mallee Tourism Meeting, Rainbow
29/03/2019	DELWP re native vegetation
30/03/2019	Naracoorte Hockey Assoc – official opening of new surface
03/04/2019	Councillor Forum, Kaniva
03/04/2019	Cemeteries Trust Meeting, Kaniva
07/04/2019	Anne Webster, Nationals Candidate for Mallee
09/04/2019	Wimmera Development Association, Longerenong
16/04/2019	Wimmera Mallee Tourism Meeting
17/04/2019	Council Meeting & Community Forum, Connewirricoo

### 5.3 COUNCILLOR RICHARD HICKS

21/03/2019	Western Highway Transport Corridor Strategy Workshop
22/03/2019	AgDiversity Conference, Bendigo
29/03/2019	DELWP re native vegetation
29/03/2019	Serviceton & District Action Group Meal & Forum
03/04/2019	Councillor Forum, Kaniva
03/04/2019	Cemeteries Trust Meeting, Kaniva
09/04/2019	Lawloit Fire Brigade, official handover of new tanker
11/04/2019	Rail Freight Alliance Meeting, Melbourne
12/04/2019	Rail Freight Alliance Symposium, Melbourne
17/04/2019	<i>Leave of Absence</i>

### 5.4 COUNCILLOR TOM HOULIHAN

29/03/2019	DELWP re native vegetation
01/04/2019	Municipal Emergency Management Planning Committee, Kaniva
03/04/2019	Councillor Forum, Kaniva
03/04/2019	Cemeteries Trust Meeting, Kaniva
07/04/2019	Sheep Races in Harrow
09/04/2019	Lawloit Fire Brigade, official handover of new tanker
17/04/2019	Council Meeting & Community Forum, Connewirricoo

Mayor: I again ask that Cr Houlihan RSVP to events listed in the Councillor Diary, by contacting the Governance Officer in advance of the event.



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### 5.5 COUNCILLOR BRUCE MEYER

03/04/2019	Councillor Forum, Kaniva
03/04/2019	Cemeteries Trust Meeting, Kaniva
09/04/2019	Lawloit Fire Brigade, official handover of new tanker
12/04/2019	Wimmera Regional Library Board Meeting, Horsham
17/04/2019	Council Meeting & Community Forum, Connewirricoo

### 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.

### 6.0 CONDOLENCES

#### 6.1 EVELINE VAN BREUGEL ORD

Served as a Councillor: 2008-2012

Served as Mayor: 2012

Council wishes to formally acknowledge Eveline's dedicated service to the Shire, her enthusiastic contribution to the wider community, and extends its deepest sympathy to her husband Steve and family.

CEO: We will send a letter of condolence to Eveline's family. Eveline served as Council's Community Representative to the Wimmera Development Association (WDA) Board, and subsequently worked at the Wimmera Business Centre in Horsham, which also houses the WDA, prior to relocating to Central Goldfields Shire.

Cr Meyer: Eveline held the contract for the Edenhope Swimming Pool, ran the Sena Solutions consultancy with her husband, then took a job in Horsham. She subsequently moved to Central Goldfields Shire Council. Eveline was a very strong and reliable Councillor, and gave it her all. I can only speak very highly of her. It is very sad that she has passed away at such a young age.

**Moved: Cr Bruce Meyer**

**Seconded: Cr Trevor Domaschenz**

**That Council accepts the Condolence Motion, and forwards to Eveline Van Breugel Ord's family our condolences and deepest sympathy.**

**Carried (4/0)**





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### 6.2 HEATHER PHILLIPS

CEO: Heather Phillips passed away recently. She was a Councillor at Horsham Rural City Council, and also served as Mayor. The CEO believes that the funeral for Ms Phillips will take place on 27 April 2019.

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

#### RECOMMENDATION:

1. That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2019 be corrected on page 32, to read as follows:

**Edenhope Lions Club**

**Project: New Residents Meet and Greet \$250.00**

**Kaniva Playgroup**

**Project: Mik Mak Performance for Kaniva Show 2019 \$750.00**

2. That the amended Minutes be taken as an accurate record and confirmed.

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

1. That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2019 be corrected on page 32, to read as follows:

**Edenhope Lions Club**

**Project: New Residents Meet and Greet \$250.00**

**Kaniva Playgroup**

**Project: Mik Mak Performance for Kaniva Show 2019 \$750.00**

2. That the amended Minutes be taken as an accurate record and confirmed.

**Carried 3/0/1**

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

**Against: 0**

**Abstained: Cr Houlihan**



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### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 9.0 NOTICES OF MOTION

#### 9.1 CR TREVOR DOMASCHENZ – RULES SURROUNDING NATIVE VEGETATION REMOVAL – NOM 2019/05

##### Preamble

Again I am seeking clarification to rules surrounding Native vegetation removal for fencelines and other infrastructure improvements like roads. The exemptions are still not clear following meetings.

Exemptions for the removal of trees for essential maintenance and upgrades need to remain as exemptions and not be affected by pseudo environmental overlays or we will all be spending more on lawyers and consultants than in improving the safety of our roads, securing our boundary fences and improving other infrastructure.

It now appears that the category of large significant trees means you are bundled with extra red and green tape that effects exemptions. A large significant tree is supposedly a tree over 40cm at chest height. I don't know how a tree that can be less than 30 years old is somehow a large significant tree.

The statement “minimum extent necessary” seems to have grown extra meaning. To me “minimum extent necessary” should mean at least a 4 metre fenceline clearance of all trees on title boundaries so that you can put a grader or leveller along to level the fenceline, to protect the bottom wires from rusting out on the tops of mounds, to keep our livestock in, to keep our farms biosecure and to make it safe to erect a new fence or maintain the old.

We now have deer as well as a plague of kangaroos on our roadsides and safety for road users has to be a priority. How do you dodge a kangaroo you can't see because it hops out from behind a big tree less than a metre from the road? If you slide off the road and there is a tree in the table drain it's your kids in the back seat that will probably hit the tree first. Going to footy Saturday there was a big red deer within a km of Edenhope town boundary in broad daylight.



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### Motion

That West Wimmera Shire Council seek to amend the West Wimmera Shire Council Planning Scheme for Native Vegetation with the process beginning at Council Forum May 1 2019.

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That West Wimmera Shire Council investigates the possibility to amend the West Wimmera Shire Council Planning Scheme for Native Vegetation with the process beginning at Council Forum May 1 2019.**

**Carried (4/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
9.1.1	Notice of Motion 2019/05 – Cr Trevor Domaschenz – 8 April 2019	E19/000182

## **10.0 ASSEMBLY OF COUNCILLORS RECORD**

### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 April 2019 be received and noted.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 April 2019 be received and noted.**

**Carried (4/0)**



## **ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL**

### **11.0 DEPUTATIONS AND PETITIONS**

Nil



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### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 RURAL COUNCILS' TRANSFORMATION PROGRAM (RCTP)

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council has participated in a collaborative shared service project titled, Rural Councils' Corporate Collaboration (RCCC), to develop a business case seeking funds via the Rural Councils' Transformation Program (RCTP).

The following report is provided to gain endorsement for the action of submitting the Business Case to Local Government Victoria on 31 March 2019.

##### Declaration of Interests

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

##### Background

Following a report provided by KPMG regarding the long term financial sustainability of Rural Councils, Local Government Victoria gained funds from the state government to facilitate the Rural Councils Transformation Program (RCTP).

The program is designed to promote greater levels of collaboration across groupings of municipalities to create efficiencies that result in savings and improved customer experiences.

The key to succeeding with the proposed collaborative approach is to have the corporate functions of the participants align and enable each municipality to assist in resourcing the various functions.

This can be achieved by having all participating Councils operating on the same basic technology back-bone. An example is utilising a cloud based Microsoft platform that allows for other programs to integrate and therefore enable staff from other Councils to support the various functions when necessary.



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It is also critical to ensure that the program has a suitable technical support function included in it, to avoid any delays in process or system crashes.

The first functions to be loaded into the proposed new platform will be finance and payroll with other items listed for inclusion such as, records, local laws, assets etc.

The lead for this project has been Horsham Rural City Council and the business case development has been completed by KPMG. West Wimmera has been represented in the discussions by the CEO and Director Corporate and Community Services.

When submitting the initial Expression of Interest, the group consisted of 10 Councils. In preparing the business case, the numbers decreased to 9 with the withdrawal of Hepburn Shire. In addition to the withdrawal of Hepburn, three other Councils (Golden Plains, Central Goldfields and Pyrenees) have indicated that they are participants in multiple business cases.

To ensure that the business case prepared by KPMG on behalf of the remaining Councils could maximise its benefit if successful, KPMG have prepared and submitted an Addendum document that includes Records Management as a further shared module to be included. They have also recalculated all of the potential financial benefits using the 6 remaining Councils, (Horsham, Hindmarsh, Buloke, Loddon, West Wimmera and Yarriambiack).

An executive summary – information pack on the Council proposal is attached for Councillors information.

### Risk Management Implications

West Wimmera reps on the steering committee have consistently argued that the program should not be about cutting jobs to protect the shire against any potential loss of population.

### Legislative Implications

Nil

### Environmental Implications

Nil

### Financial and Budgetary Implications

The intention is to have the first elements of the new platform (finance, payroll and possibly records) covered by the grant funds. The RCCC is applying for slightly over to \$5M.



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### Policy Implications

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

Borrowings Policy  
Business Continuity Policy  
Customer Service Policy  
Procurement Policy

### Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.

### Communication Implications

The presentation material provided as an attachment to this report, enables suitable media releases to be created, if the application / business case is successful.

Communication with staff is critical to ensure that key personnel are supportive of the shared model and understand the broader corporate advantage of entering into a shared service model.

### Conclusion

The initial expression of interest phase of the Fixing Country Roads program, included a requirement for applicants to have direct involvement in an RTCP proposal as one of the essential criteria to receive funds. This indicates the direction the government is wishing to take on driving efficiencies in the Local Government sector.

Having the ability to provide a service for other Councils (potentially for a fee) will also off-set West Wimmera's salary commitments. The program will also provide confidence in service delivery for key corporate functions of Council, which will enhance its business continuity.



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### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Notes that West Wimmera Shire Council is a participant in a grouping of Councils that have made an application for funding under the Rural Councils Transformation Program (RCTP) for the following initiative:**
  - a. Rural Council Collaboration project, in conjunction with Horsham Rural City (as the lead Council), Hindmarsh Shire Council, Buloke Shire Council, Loddon Shire Council, Central Goldfields Shire Council, Golden Plains Shire Council, Pyrenees Shire Council and Yarriambiack Shire Council.**
- 2. Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:**
  - a. Submission of a joint business case by 31 March 2019**
  - b. Each Council must pass an accompanying resolution committing to implement the business case, if approved for funding. The Resolution must be lodged with Local Government Victoria by 30 April 2019**
- 3. Approves the submission of the business case by Horsham Rural City Council on behalf of West Wimmera Shire Council.**
- 4. Acknowledges that the grouping may reduce to 6 Councils pending the outcome of other applications which 3 Councils are also participants in and approves the submission of the Addendum (6 Council scenario) to the business case (lodged on 5 April 2019)**
- 5. Approves the implementation of the project within the submitted business case by West Wimmera Shire, subject the application being approved for RCTP funding.**





## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Jodie Pretlove

**That Council:**

1. Notes that West Wimmera Shire Council is a participant in a grouping of Councils that have made an application for funding under the Rural Councils Transformation Program (RCTP) for the following initiative:
  - a. Rural Council Collaboration project, in conjunction with Horsham Rural City (as the lead Council), Hindmarsh Shire Council, Buloke Shire Council, Loddon Shire Council, Central Goldfields Shire Council, Golden Plains Shire Council, Pyrenees Shire Council and Yarriambiack Shire Council.
2. Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:
  - a. Submission of a joint business case by 31 March 2019.
  - b. Each Council must pass an accompanying resolution committing to implement the business case, if approved for funding. The Resolution must be lodged with Local Government Victoria by 30 April 2019.
3. Approves the submission of the business case by Horsham Rural City Council on behalf of West Wimmera Shire Council.
4. Acknowledges that the grouping may reduce to six Councils pending the outcome of other applications which three Councils are also participants in and approves the submission of the Addendum (6 Council scenario) to the business case (lodged on 5 April 2019)
5. Approves the implementation of the project within the submitted business case by West Wimmera Shire, subject the application being approved for RCTP funding.
6. That all savings made from the Rural Councils' Transformation Program (RCTP) be reinvested into better service delivery within and by the West Wimmera Shire Council.

**Carried (4/0)**

### Attachments:

No.	Name	RecFind Ref
12.1.1	RCTP Council Meeting Briefing Pack – West Wimmera	E19/000183
12.1.2	RCTP Briefing Pack - addendum	E19/000184



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 NATIVE VEGETATION ADVOCACY / LOBBYING STRATEGY

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### **FOR DECISION**

##### Introduction

The following report is provided to enable Council to establish a formal position on advocating / lobbying for planning scheme amendments and a potential relaxing of overlay requirements regarding isolated, small scale and previously assumed exempt clearing activities.

##### Declaration of Interests

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

##### Background

In recent months there has been considerable community and Councillor interest in the Native Vegetation Regulations, particularly pertaining to the Environmental Significance Overlay (ESO) relating to the Red Tail Black Cockatoo nesting zones.

Certain activities such as small scale clearing along fence lines and isolated removals for road safety purposes were assumed to be exempt, but recent advice indicates that this is not the case.

An example is the apparent inability to gain a permit for the removal of trees that pose a road safety risk on upgraded sections of the Ozenkadnook – Mortat Road. Councils engineering staff sought approval for the removal of vegetation that encroached on the constructed road, but were denied permission by DELWP and are currently applying via a planning permit with West Wimmera Shire Council.

Council discussed the option of submitting a motion to the Municipal Association Victoria (MAV) State Council to be held on 17 May, for a review of the ESO and other ESO's across rural Victoria that place, what could be considered, severe restrictions on vegetation removal.



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As it could be considered to be a very localised issue, a motion to the MAV State Council was not guaranteed of making it into the agenda, due to it not meeting the criteria for inclusion.

The best approach to take with a localised issue is for Council to enter into dialogue with Department Heads and the relevant Ministers Offices.

To gain the most effective outcome from the dialogue, a structured and factual advocacy / lobbying strategy is required. The strategy should include case studies of where the regulations have adversely affected farm businesses, have exacerbated road safety issues and restricted efficient farming practices.

It should also be highlighted that small shires such as West Wimmera are not suitably resourced to undertake compliance actions on the scale expected by the department.

To ensure that the advocacy strategy is accurate, it is proposed to have representatives from planning and engineering, as well as Councillors develop the packs and they will be presented to the Environment Minister, The Agriculture Minister and the Roads Minister and their relevant advisors.

### Risk Management Implications

There is a genuine risk of litigation if inaccurate and unqualified advice is provided and inappropriate clearing is undertaken.

### Legislative Implications

Council is required to comply with its own planning scheme, The Planning and Environment ACT 1987 and Federal legislation

### Environmental Implications

The strategy is proposed to address isolated, small scale removals and not for large scale clearing of what could be considered valuable remnant vegetation.

### Financial and Budgetary Implications

There will be accommodation and travel costs associated with meeting Ministers in Melbourne.

### Policy Implications

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



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Community Engagement Policy  
Domestic Firewood Collection Policy  
Environmental Policy  
Media Relations Policy  
Street Tree Policy  
Tree Plantations on Unused Road Reserves Policy  
Tree Planting on WWSC Road Reserves 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 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 7: Providing access to and promoting the natural environment.

### Communication Implications

It is important that communications with the farming community and key agency personnel occurs to ensure that all relevant stakeholders are informed of any potential changes to regulations and the implications of any changes.

Council has in the past provided media statements following the various advocacy campaigns and will endeavour to do the same following this particular effort.

### Conclusion

As this item appears to be a localised issue, particularly in relation to the ESO requirements, the proposed approach of negotiating directly with the various Ministers and their advisors, will enable action to be taken in a shorter timeframe.

The proposal to lodge a submission / motion with the MAV State Council, faced a number of obstacles such as it may not have been included in the agenda at all and that there has been no discussion with other affected Rural Shires, who may not wish to participate in a review process.



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

1. That Council endorse the proposal to develop an advocacy / lobbying strategy specifically addressing small scale, isolated, exempt vegetation removal rights within West Wimmera.
2. That Council nominate Cr..... and Cr..... to the working party to develop the strategy and include at least one member from the engineering and planning departments
3. That the CEO convenes a meeting of the nominated members of the working party no later than Friday 3 May 2019.

**Moved:** Cr Tom Houlihan

**Seconded:** Cr Bruce Meyer

1. That Council endorse the proposal to develop an advocacy / lobbying strategy specifically addressing small scale, isolated, exempt vegetation removal rights within West Wimmera.
2. That Council nominate Cr Trevor Domaschenz and Cr Bruce Meyer to the working party to develop the strategy and include at least one member from the engineering and planning departments
3. That the CEO convenes a meeting of the nominated members of the working party no later than Friday 3 May 2019.

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
13.1.1	Blank advocacy template	AD0183



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 INQUIRY FOR POSSIBLE SALE OF COUNCIL LAND AT MIRAM

**FILE NUMBER: FM0002**

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

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) have received an inquiry from a ratepayer as to whether Council would be interested in selling a parcel of Council owned land at Miram, specifically property number 2600112 Williams Street Miram.

This inquiry was discussed with Council at its Councillor Forum held in Kaniva on 3 April 2017. At the forum Council did not in principle agree that this land parcel could be sold, but rather than initiate a sale through private tender that a public tender (or request for quote) process would be more transparent.

This report seeks that Council formally commence a public tender process for the disposal of the Council owned parcel of land at Williams Street Miram.

##### Declaration of Interests

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

##### Background

The property that was the subject of the enquiry is vacant land with an amount of established vegetation. The property is bordered by Williams Street (unsealed road) to the north and vacant crown land to all other sides, and consists of three separate lots (CA 14 Sec 4 PP5535, CA 15 Sec 4 PP5535, CA 16 Sec 4 PP5535) totalling 0.3015 ha in area. The property is currently not rateable open space.

Council makes no current use of the land and has no plans within its current Council Plan or Long Term Financial and Asset Plans to make use of the land parcel.



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

Council may be subject to the following risk from agreeing to sell the land:

- Financial risk arising from incurring unbudgeted costs in the course of selling the property
- Compliance risk arising from not properly following the process of the *Local Government Act 1989* and *Sale of Land Act 1958* whilst selling the land. To mitigate this risk management must ensure that all Council Officers involved in the sale of the property are aware of and do comply with the requirements applicable.
- Reputational Risk from divesting of public land.

On the positive side Council's liability risk exposure to managing the land directly will be reduced if it divests itself of the property.

### Legislative Implications

In selling land Council must comply with Section 189 of the *Local Government Act 1989*, which states:

- Council must issue public notice of its intent to sell the land for at least 4 weeks prior to selling the land (S.189(2)(a))
- Obtain a valuation from a valuer authorised under S.13DA(2) of the *Valuation of Land Act 1960* (S.189(2)(b)) not more than 6 months before the date of sale. Council has recently entered into an agreement with Mr Peter Wigg, Certified Practising Valuer of WBP Group to undertake the valuation of all Council owned property for financial reporting and insurance purposes. This land parcel will be valued under that process which is anticipated to be completed late May 2019.
- A person has the right to make a submission under S.223 of the *Local Government Act 1989* (S.189(3))

Council will also need to comply with the requirements of the *Transfer of Land Act 1958*.

### Environmental Implications

The land at the moment is partially covered by established vegetation. Any removal of this vegetation would be subject to the relevant planning and regulatory processes.

### Financial and Budgetary Implications

The property is currently not rated as it is declared as being used for municipal purposes (open space). Upon transfer to a private owner the property would become rateable to the new owner, adding to Council's rate income.



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

If Council resolved to undertake a sale of the property then Council is required to obtain a valuation within 6 months of the sale as per S.189(2)(a) of the *Local Government Act 1989*. Council would be liable for the costs of obtaining this valuation.

Council would also be liable for an amount of conveyancing costs associated with the transfer of land sold. Without referring to solicitors it is not possible at this stage to ascertain any costs associated with conveyancing the transfer of title.

Divesting the land may lead to a very minor reduction in Council's costs of managing the land.

### Policy Implications

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

Asset Capitalisation Policy  
Asset Management Policy  
Community Halls Policy  
Environmental Policy  
Recreation 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 7: Providing access to and promoting the natural environment.

### Communication Implications

Council needs to give 4 weeks public notice and be prepared to accept submissions on its intent to sell the land if it resolves to sell.

Council also needs to ensure that the general public is aware of the tender.

Any potential purchaser must also be made aware that there may be regulatory requirements around potential development of the land if the sale is to go ahead.

Council officers will prepare tender or request for quote documents for the potential sale of the land once Council resolves to sell the property.





## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### Conclusion

Council has received an inquiry from a ratepayer concerning whether Council would be interested in selling Council owned land at Miram. The block of land is undeveloped open space within the township. After discussion at the Councillor Forum held in Kaniva on 3 April 2019, it was suggested that a public tender or request for quote for the sale of the land would be a more open and transparent method for selling the land.

### **OFFICER RECOMMENDATION:**

1. That Council resolve to dispose of Council owned land at Williams Street Miram being three lots:
  - CA 14 Sec 4 PP5535 Parish of Miram Piram
  - CA 15 Sec 4 PP5535 Parish of Miram Piram
  - CA 16 Sec 4 PP5535 Parish of Miram Piram
2. That Council resolve to instruct Council Officers to initiate a public tender or request for quote process to dispose of the abovementioned land.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Tom Houlihan

1. That Council resolve to dispose of Council owned land at Williams Street Miram being three lots:
  - CA 14 Sec 4 PP5535 Parish of Miram Piram
  - CA 15 Sec 4 PP5535 Parish of Miram Piram
  - CA 16 Sec 4 PP5535 Parish of Miram Piram
2. That Council resolve to instruct Council Officers to initiate a public tender or request for quote process to dispose of the abovementioned land.

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.1.1	Map location of land at Miram	C19/002275



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 14.2 FINANCIAL REPORT AS AT 31 MARCH 2019

**FILE NUMBER: FM0062**

**REPORT AUTHOR: LOUISE GABBE, ACTING 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 March 2019.

##### 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 March 2019. Where significant variances that are greater than \$20,000 and 10% between actual amounts and forecast figures at 31 March 2019, 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.

##### 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.

##### Environmental Implications

Nil



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 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 March 2019 be received and noted.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That the financial reports as at 31 March 2019 be received and noted.**

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.2.1	Financial Performance Report March 2019	AD0183



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### 14.3 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 12 MAR 2019

**FILE NUMBER: FM0021**

**REPORT AUTHOR: LOUISE GABBE, ACTING MANAGER FINANCE**

### **FOR DECISION**

#### Introduction

All meetings of the Audit Committee are minuted in line with good governance practices. The minutes of the meeting held 12 March 2019 are presented in confidence to Council for information purposes in line with the Audit Committee Charter.

#### Declaration of Interests

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

#### Background

Section 139 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 and Risk 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. The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

The Audit and Risk Committee (The Committee) does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management. The Committee does not have any role in relation to issues normally addressed by Council or a sub-committee of Council, which may have delegated powers and financial management responsibilities in relation to budgets, financing decisions and expenditure priorities. The Committee is a separate activity and acts independently of Council and does not have any role in relation to financial management issues or have any executory role or powers.



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

There are significant risk management implications from not providing governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

### Legislative Implications

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

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Not commented on.

### Policy Implications

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

Risk Management 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 minutes of the Audit Committee are distributed to Councillors in confidence.

### Conclusion

The minutes of the previous Audit Committee meeting are attached for Councillor's information.



**ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019  
WEST WIMMERA SHIRE COUNCIL**

**OFFICER RECOMMENDATION:**

**That Council receives and adopts the minutes of the prior Audit Committee meeting held 12 March 2019.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Bruce Meyer**

**That Council receives and adopts the minutes of the prior Audit Committee meeting held 12 March 2019.**

**Carried (4/0)**

**Attachments: Nil**



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 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

### 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 RAISE NOTICE OF MOTION FROM THE TABLE

#### 17.2 APPOINTMENT OF INDEPENDENT MEMBER TO WEST WIMMERA SHIRE AUDIT COMMITTEE

#### 17.3 REASSIGNMENT OF LEASE – KANIVA WINDMILL CAFE



## ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Bruce Meyer

**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 3.25pm to resolve on matters pertaining to the following items:**

**17.1 RAISE NOTICE OF MOTION FROM THE TABLE**

**17.2 APPOINTMENT OF INDEPENDENT MEMBER TO WEST WIMMERA SHIRE AUDIT COMMITTEE**

**17.3 REASSIGNMENT OF LEASE – KANIVA WINDMILL CAFE**

**Carried (4/0)**

### **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 Tom Houlihan

**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 3.48pm.**

**Carried (4/0)**

### **17.1 RAISE NOTICE OF MOTION FROM THE TABLE**

**That this item remain confidential and not be disclosed in the Ordinary Council Meeting Minutes.**





## **ORDINARY COUNCIL MEETING MINUTES – 17 APRIL 2019 WEST WIMMERA SHIRE COUNCIL**

### **17.2 APPOINTMENT OF INDEPENDENT MEMBER TO WEST WIMMERA SHIRE AUDIT COMMITTEE**

- 1. That Council resolves to make an offer to Ms Celeste Gregory, to appoint Ms Gregory to fill the vacant independent member position on the West Wimmera Shire Council Audit Committee.**
- 2. That a letter be sent from Council to Jess Adler, thanking her for her services to the West Wimmera Shire Council Audit Committee.**

### **17.3 REASSIGNMENT OF LEASE – KANIVA WINDMILL CAFE**

- 1. That Council endorses the reassignment of the lease for the Council owned property situated at 41 Commercial Street Kaniva from the current tenant Mr Stuart Hicks and Ms Carmel Solly, to the new business owner Mr Ian Sanders; and**
- 2. That Council sign and seal the reassigned lease for 41 Commercial Street Kaniva in the name of Mr Ian Sanders upon preparation of the necessary documentation by Council's solicitors.**

**MEETING CONCLUDED: 3.48 PM**

**NEXT MEETING: WEDNESDAY 15 MAY 2019  
EDENHOPE COUNCIL CHAMBER**