



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

**HELD:** Thursday 20 June 2019

**LOCATION:** Kaniva Council Chamber

**COMMENCEMENT:** 2.00pm

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IN ATTENDANCE:	
Councillors	Senior Management Group
Jodie Pretlove, Mayor	David Leahy Chief Executive Officer
Trevor Domaschenz	
Richard Hicks	Ashley Roberts Director Corporate & Community Services
Tom Houlihan (until 3:40pm)	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*



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

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## ORDINARY COUNCIL MEETING MINUTES – 20 JUNE 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

Nil

#### 3.2 LEAVE OF ABSENCE

Cr Bruce Meyer

#### 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.*

No written questions on notice received.

#### 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.*

No verbal questions received.



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

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

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

16/05/2019 CEO David Leahy  
16/05/2019 Minister Adem Somyurek MP, Minister for Local Government  
16/05/2019 Official Sod Turning by Minister Somyurek at Edenhope Hall  
Redevelopment Site  
17/05/2019 MAV State Council, Melbourne  
21/05/2019 2019/2020 Budget Infrastructure Bus Tour of West Wimmera Shire  
23/05/2019 Workshop: Review of Councillor Code of Conduct  
23/05/2019 Wimmera Primary Care Partnership Meeting  
24/05/2019 National Volunteer Week 2019 – Morning Tea, Edenhope  
24/05/2019 Community Information Evening – Edenhope Hall Redevelopment  
29/05/2019 CEO David Leahy  
29/05/2019 Luke Wilson, Cross Border Commissioner  
29/05/2019 Special Confidential Council Meeting, Edenhope  
31/05/2019 North West Municipalities Association Meeting & AGM, Warracknabeal  
03/06/2019 CEO David Leahy  
04/06/2019 Councillor Forum, Kaniva  
05/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
06/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
09/06/2019 Apsley Cup, Edenhope  
11/06/2019 CEO David Leahy  
12/06/2019 Morning Tea for Men's Health Week, Edenhope Men's Shed  
16/06/2019 Australian Local Government Assoc National Congress, Canberra  
17/06/2019 Australian Local Government Assoc National Congress, Canberra  
18/06/2019 Australian Local Government Assoc National Congress, Canberra  
20/06/2019 Council Meeting, Kaniva

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

16/05/2019 Official Sod Turning by Minister Somyurek at Edenhope Hall  
Redevelopment Site  
17/05/2019 Volunteering Recognition Awards 2019 – Gala Dinner, Horsham  
21/05/2019 2019/2020 Budget Infrastructure Bus Tour of West Wimmera Shire  
23/05/2019 Workshop: Review of Councillor Code of Conduct  
28/05/2019 Draft Budget 2019/2020 Information Session, Edenhope  
29/05/2019 Special Confidential Council Meeting, Edenhope  
04/06/2019 Councillor Forum, Kaniva  
05/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
06/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
11/06/2019 Wimmera Development Association Board Meeting



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16/06/2019	Australian Local Government Assoc National Congress, Canberra
17/06/2019	Australian Local Government Assoc National Congress, Canberra
18/06/2019	Australian Local Government Assoc National Congress, Canberra
20/06/2019	Council Meeting, Kaniva

### 5.3 COUNCILLOR RICHARD HICKS

16/05/2019	Official Sod Turning by Minister Somyurek at Edenhope Hall Redevelopment Site
21/05/2019	2019/2020 Budget Infrastructure Bus Tour of West Wimmera Shire
22/05/2019	MAV Workshop: Understanding Council Finances, Wycheproof
23/05/2019	Workshop: Review of Councillor Code of Conduct
27/05/2019	Draft Budget 2019/2020 Information Session, Kaniva
28/05/2019	Industry Event Launch: On Rail to the Nation & Port, Horsham
29/05/2019	Special Confidential Council Meeting, Edenhope
29/05/2019	Making a Difference @ Harrow & District Recreation Reserve
30/05/2019	Wimmera Southern Mallee Regional Transport Group
04/06/2019	Councillor Forum, Kaniva
05/06/2019	Annual Advocacy Trip to Melbourne, to meet with Government reps
06/06/2019	Annual Advocacy Trip to Melbourne, to meet with Government reps
06/06/2019	MAV Rural & Regional Forum, Melbourne
14/06/2019	Western Highway Action Committee Meeting, Beaufort
20/06/2019	Council Meeting, Kaniva

### 5.4 COUNCILLOR TOM HOULIHAN

15/05/2019	DELWP Event: A Climate Journey, Horsham*
16/05/2019	Official Sod Turning by Minister Somyurek at Edenhope Hall Redevelopment Site
23/05/2019	Workshop: Review of Councillor Code of Conduct
23/05/2019	Douglas Mine Environment Review Committee Meeting*
27/05/2019	Dergholm Recreation Reserve Inc Public Meeting
28/05/2019	Draft Budget 2019/2020 Information Session, Edenhope
29/05/2019	Special Confidential Council Meeting, Edenhope
31/05/2019	Grampians Central West Waste & Resource Recovery Meeting
04/06/2019	Councillor Forum, Kaniva
07/06/2019	Glenelg Hopkins Catchment Management Authority Dinner
09/06/2019	Apsley Cup, Edenhope
12/06/2019	Kaniva Community Sporting Complex Committee Meeting*
17/06/2019	Municipal Fire Management Planning Committee*
18/06/2019	Wimmera Mallee Sustainability Alliance (WMSA) Meeting*
20/06/2019	Council Meeting, Kaniva

\*No RSVP received



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Mayor: Cr Houlihan, I repeat my request that you RSVP to events and invitations listed in the Councillor Diary, by contacting the Governance Officer. This is a standard requirement of the role of a Councillor.

### 5.5 COUNCILLOR BRUCE MEYER

16/05/2019 Official Sod Turning by Minister Somyurek at Edenhope Hall  
Redevelopment Site  
21/05/2019 2019/2020 Budget Infrastructure Bus Tour of West Wimmera Shire  
22/05/2019 Kaniva & District Progress Association Meeting  
23/05/2019 Workshop: Review of Councillor Code of Conduct  
27/05/2019 Draft Budget 2019/2020 Information Session, Kaniva  
29/05/2019 Special Confidential Council Meeting, Edenhope  
29/05/2019 Kaniva Museum Committee Meeting  
30/05/2019 Wimmera Regional Library Corporation Board Meeting  
03/06/2019 Lockhart Racecourse & Recreation Reserve Public Meeting  
04/06/2019 Councillor Forum, Kaniva  
05/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
06/06/2019 Annual Advocacy Trip to Melbourne, to meet with Government reps  
12/06/2019 to 20/06/2019 *On Leave*

### 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

Nil



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### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

#### RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 15 May 2019, be taken as an accurate record and confirmed.

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

1. That the Minutes of the Ordinary Meeting of Council held on Wednesday 15 May 2019, be taken as an accurate record and confirmed.
2. That the Minutes of the Special Meeting of Council held on Wednesday 29 May 2019, be taken as an accurate record and confirmed.

**Carried (4/0)**

### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 9.0 NOTICES OF MOTION

Nil

### 10.0 ASSEMBLY OF COUNCILLORS RECORD

#### RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Tuesday 4 June 2019 be received and noted.

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

That the Assembly of Councillors Record for the Councillor Forum held Tuesday 4 June 2019 be received and noted.

**Carried (4/0)**





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### **11.0 DEPUTATIONS AND PETITIONS**

Nil



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### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 REVIEWED COUNCILLOR CODE OF CONDUCT

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY - CEO**

#### FOR DECISION

##### Introduction

In accordance with the recommendations provided through the Local Government Inspectorate - Governance Examination, the following report is provided to enable Councillors to endorse the reviewed Councillor Code of Conduct and sign a declaration to abide by the principles contained within it.

The document has been discussed at length during a workshop specifically to discuss the content and at a subsequent Council Assembly on 4 June 2019.

##### Declaration of Interests

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

##### Background

As part of the response to the governance examination undertaken by the Local Government Inspectorate, a commitment to undertake a review of the Councillor Code of Conduct was provided.

Also a suggestion to review the codes of conduct from Ballarat and Wyndham Councils was made and these documents have been attached to previous reports, for Councillors to make a comparison.

Following a brief presentation of material to the Council Assembly of 3 April 2019, a reviewed document has been distributed to Councillors and the draft was workshopped with Councillors on 23 May. The document was also presented to the Council Assembly of 4 June 2019 for further discussion and comment.

In utilising the Code of Conduct documents of other municipalities, the documents from Ballarat and Wyndham contained the highest volume of content that could be transferred in some form to assist in improving the West Wimmera Code of Conduct.



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The Wyndham document in particular contains a number of sections that have been utilised to assist in strengthening the West Wimmera document and some of the examples are as follows:

- Community Engagement
  - Providing a description on how Councillors should present their own point of view without compromising the Council position
  - Explaining the value of a “disclaimer” to be used when presenting their personal view which may be in contrast to the position of Council.
- Disclosure of Interests and Conflicts of Interest
  - This section reinforces the use of the conflict of interest forms that have been developed to enable the interest to be declared before a meeting.
  - There is also an explanatory table included in the code of conduct to assist Councillors.
- Communications Protocols
  - The Wyndham document provides clear commentary on comments that ensure that personal views do not cause reputational damage or embarrass Council etc. These guidelines have been included in draft West Wimmera document.
  - It also covers off social media interactions.
- Gifts Benefits or Hospitality
  - The detail of the two documents (Ballarat and Wyndham) is quite clear and contains the value of \$50 (at any one time) as a gift and what steps are to be taken to declare any hospitality. By using this information in the draft West Wimmera document, it has made the issues of gifts and benefits easier to understand.
  - The draft document helps clear up the point raised about attending events such as the races etc. in that it is not considered hospitality (as a gift) if Council has paid for the ticket. This is the case with most, if not all hospitality received by Councillors.
- Access to Information
  - The Wyndham document provides clear comment on what Councillors can receive information on (operational matters).
  - The draft document suggests that requests for information should fall within the roles and responsibilities of a Councillor or be a part of a matter expected to come before Council.
  - Requested information will be provided to all Councillors.



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- Dispute Resolution
  - The information in both the Ballarat and Wyndham documents has been used to improve the draft West Wimmera document.
  - This includes a table of information containing a hierarchy and definitions of breaches and the seriousness of breaches.
  - Also the Wyndham document provides support for the Principal Conduct Officer (DCCS) to refuse to apply resources to investigate complaints that are considered to be unsubstantiated or vexatious. This has been transferred to the draft West Wimmera document.

Also added to the draft West Wimmera document is a number of flowcharts that help to explain the process to be followed for alleged breaches of the code.

To ensure that the information contained within the document is suitable, the CEO and Director Corporate and Community Services have held a telephone meeting with the Principal Councillor Conduct Registrar at LGV.

Attached to this report is the current signed version of the West Wimmera Code of Conduct and the draft updated version for Councillors to make a comparison before discussing to adopt.

### Risk Management Implications

Nil

### Legislative Implications

Council will be obliged to review the code of conduct at the commencement of the next Council and the review of the Local Government Act will also trigger a review as there will be items that require changing as a result of the new legislation and regulations.

Once the reviewed Code of Conduct is adopted, Councillors will be required to provide a signed declaration to abide by the requirements of the Code of Conduct. Failure or refusal to sign is considered to be a breach of the code.

### Environmental Implications

Nil

### Financial and Budgetary Implications

Nil



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### Policy Implications

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

Community Engagement Policy  
Councillor Code of Conduct Policy  
Councillor Expense Entitlement & Support Policy  
Election Period Policy  
Social Media Policy

### Council Plan Implications

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

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

### Communication Implications

The response to the recommendations of the Inspectorate Governance Examination has been made public and is posted on the Website. It has been agreed by all that the review will be undertaken and if questioned on the progress of implementing all of the recommendations, Council will be able to explain the progress.

Also at the time of writing, the formal written response to the Inspectorate on the progress of the various recommendations was being prepared for lodging on 1 June and it includes comments on the review of the Code of Conduct.

### Conclusion

When formulating the current Councillor Code of Conduct, the CEO followed a basic template provided by the MAV. It was explained by the Inspectorate staff that the current document contains the bare minimum and is open to interpretation.

By reviewing the document and utilising some information from Codes of Conduct that are considered to be best practice documents, the West Wimmera Shire Council can develop a usable document that will stand the test of time.

While there is a lot of information that can be utilised from other municipalities, it doesn't mean that the current document is completely redundant. There is a lot of good information contained within it that other Councils could benefit from also. This information has been retained in the reviewed version.



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### **OFFICER RECOMMENDATION:**

**That Council endorses the reviewed Councillor Code of Conduct for West Wimmera Shire Council and sign a declaration to abide by the principles contained within the Code of Conduct.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That Council endorses the reviewed Councillor Code of Conduct for West Wimmera Shire Council and sign a declaration to abide by the principles contained within the Code of Conduct.**

**Carried (3/1)**

**A Division was called**

**For: Cr Richard Hicks, Cr Jodie Pretlove, Cr Trevor Domaschenz**

**Against: Cr Tom Houlihan**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
12.1.1	WWSC – Code of Conduct – 2016	EDOC009829
12.1.2	WWSC – reviewed Code of Conduct – May 2019	AD0007



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### 12.2 SECTION 86 COMMITTEE STATUS – ECONOMIC DEVELOPMENT COMMITTEE

**FILE NUMBER: ED0001**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### **FOR DECISION**

#### Introduction

The following report is provided to enable Councillors to agree on extinguishing the section 86 status of the Economic Development Committee.

The review of the section 86 status of a small number of committees is a recommendation from the Governance Examination undertaken by the Local Government Inspectorate.

#### Declaration of Interests

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

#### Background

Section 86 committees are formed by resolution of Council (in accordance with section 86 of the Local Government Act) and are classified as a special committee of Council. They are delegated certain powers and are required to meet a number of regulations to remain compliant.

The Section 86 Committee that was formed to act as an Economic Development Committee, contains Councillors and senior staff only and therefore does not require the special committee status that is applied under section 86 of the Local government Act.

As the section 86 committees are created by resolution they are also dissolved under resolution. This advice was provided by the MAV and as with the process followed at the Harrow Discovery Centre, general agreement was provided by the committee, that the status was no longer necessary.

All of the reporting requirements associated with a section 86 committee are fulfilled by Council as a part of its regular business. Items such as, the development of an annual report, the provision of primary and ordinary interest returns, are functions that Councils complete and therefore the committee status can be extinguished



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### Risk Management Implications

Operating a section 86 committee that does not comply with the Act could ultimately see Council in breach of the Act.

### Legislative Implications

As a special committee of Council it is essential that the status (section 86) is removed by formal resolution.

### Environmental Implications

Nil

### Financial and Budgetary Implications

Nil

### Policy Implications

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

Asset Capitalisation Policy  
Asset Management Policy  
Business Assistance Scheme Policy  
Community Halls 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.

### Communication Implications

If Council agrees to extinguish the section 86 status of the committee, the resolution will be communicated to the appropriate government agencies.





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### Conclusion

The removal of the section 86 status of the Economic Development Committee will make no difference to the day to day operation of the function.

### **OFFICER RECOMMENDATION:**

**That Council resolves to remove the Section 86 Committee Status from the Economic Development Committee.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Tom Houlihan**

**That Council resolves to remove the Section 86 Committee Status from the Economic Development Committee.**

**Carried (4/0)**

**Attachments: Nil**



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### 12.3 SECTION 86 COMMITTEE STATUS – KANIVA HISTORICAL MUSEUM COMMITTEE

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### **FOR DECISION**

#### Introduction

The following report is to provide Councillors with an update on the recent meeting with representatives of the Kaniva Historical Museum Committee regarding the Section 86 Committee status at the facility.

It is also provided to enable a resolution to extinguish the section 86 status of the committee and have it revert to a standard community committee with a “user agreement” or similar for the site.

#### Declaration of Interests

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

#### Background

Section 86 committees are formed by resolution of Council (in accordance with section 86 of the Local Government Act) and are classified as a special committee of Council. They are delegated certain powers and are required to meet a number of regulations to remain compliant.

The role of the Section 86 Committee at the Kaniva Historical Museum Committee was never clearly explained to the community volunteers when the committee was initially formed. The various reporting requirements and what can be delegated to the committee was not communicated sufficiently and this has led to a number of the requirements not being met.

It was the responsibility of West Wimmera Shire Council to administer the ongoing function of the section 86 committee, which did not occur at a suitable level and this in turn exposes potential breaches of the relevant sections of the Act.

The CEO met with representatives of the committee in Kaniva on 22 May to discuss the options available. It was explained that West Wimmera Shire will continue to program



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building repairs and fulfil its insurance commitments to the facility and that future grant opportunities can be assisted by the shire staff, or they can utilise the LINC Community House to auspice an application.

The advice from the MAV, when investigating the section 86 status of the Harrow Discovery Centre, was that as it is a committee formed via resolution of Council, the status must also be dismantled by a resolution of Council. Once this was explained along with the various requirements of a Section 86 Committee, there was general agreement from the Kaniva Historical Museum reps that the status was no longer relevant to the management of the facility.

Also the fact that a number of the essential requirements of a Section 86 were not necessarily being met meant that they were in agreement with the proposal to remove the status.

In its place it was agreed that a user agreement or licence to operate will be developed that will enable the Shire to deal directly with the Management Committee of the facility. In the period between the extinguishing of the section 86 status and the signing of a “user agreement” or similar, the current site management arrangements will remain in place.

### Risk Management Implications

A formal agreement will need to be developed and signed by both parties once the committee status is removed.

### Legislative Implications

As a special committee of Council it is essential that the status (section 86) is removed by formal resolution.

### Environmental Implications

Nil

### Financial and Budgetary Implications

A continued commitment to essential building maintenance requirements and the costs associated with insurance, all of which is currently budgeted for.

### Policy Implications

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

Asset Capitalisation Policy  
Asset Management Policy



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Business Assistance Scheme Policy  
Community Halls 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 6: Participating in activities that address health and wellbeing issues.

### Communication Implications

Continued dialogue with the Kaniva Historical Museum Committee by the Shire is essential.

Also assistance with the creation of the new committee structure can be provided. The CEO has also offered to attend meetings to assist in communicating the proposed removal of the section 86 status.

### Conclusion

The removal of the section 86 status of the Kaniva Historical Museum Committee will make no difference to the day to day operation of the facility.

### **OFFICER RECOMMENDATION:**

**That Council resolve to remove the Section 86 Committee Status from the Kaniva Historical Museum Committee and a User Agreement for the site be developed to the satisfaction of all parties.**



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**Moved: Cr Tom Houlihan**

**Seconded: Cr Trevor Domaschenz**

**That Council resolve to remove the Section 86 Committee Status from the Kaniva Museum and Historical Special Committee and a User Agreement for the site be developed to the satisfaction of all parties.**

**Carried (4/0)**

**Attachments: Nil**



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

### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 SALE OR EXCHANGE OF CHARAM HALL

**FILE NUMBER: PS0413**

**REPORT AUTHOR: MARK MARZIALE, DIRECTOR INFRASTRUCTURE  
DEVELOPMENT & WORKS**

#### FOR DECISION

##### Introduction

West Wimmera Shire Council (Council) undertook a review of its hall assets in July 2014, and this report provides an update on the status of the Charam Hall, and provides a recommendation to commence the divestment process.

**Subject Land:** 1096 Charam- Wombelano Road, CHARAM [marked with green dot on below aerial map]

Lot 1 TP 249256	VOL 05790 FOL 893
Lot 1 TP 344303	VOL 06208 FOL 428





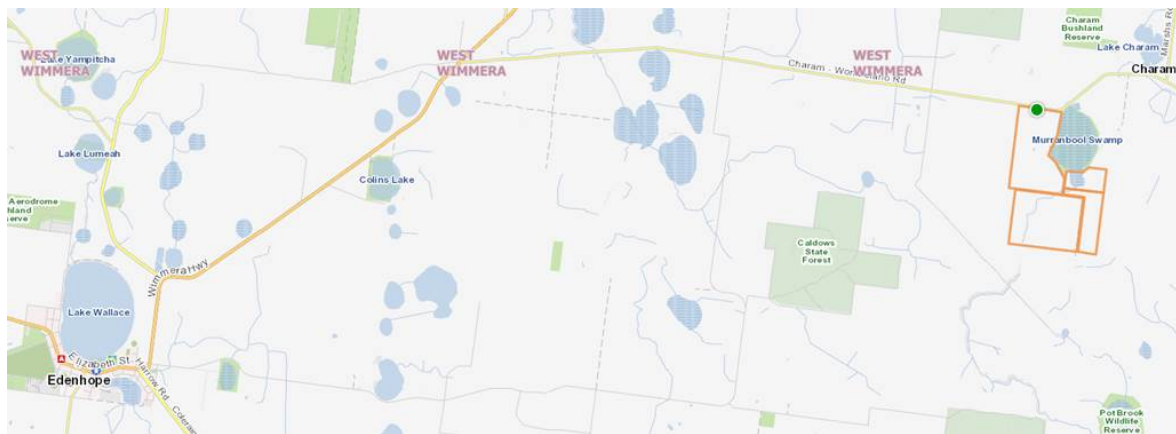
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### Description of the Land

The subject land comprises two (2) titles, which are both owned freehold by Council. It is developed with a hall, three (3) tennis courts, with a small adjoining shelter, and is located 23 km E-NE of Edenhope.

The land is located in a rural area, and adjoining the site to the east, is the CFA station, on its own Crown Land allotment.

### Location Map:



### Declaration of Interests

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

### Background

There are scarce records of the current building's life history, however it is understood to have been constructed around **1969**. Likewise, formal records of the history of community use of the building, such as an access agreements or leases, are not readily available.

Charam Hall has been a registered asset of Council' since 1995, when it was inherited from Kowree Shire at the time of amalgamation. The hall was constructed on the site of the old Charam School, which was closed in 1929.

At the 17 July 2014 meeting of Council, Council resolved as follows (extract only) which in part pertained to a number of its smaller town halls;

*6. That Council adopt the Sena Solutions final report Hall Group and Individual Hall recommendations – Group E halls recommendations;*



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- 23. These halls be removed from the Community Hall portfolio*
- 24. Where necessary, Council facilitate the winding up of incorporated bodies*
- 25. Council liaise with halls that are privately owned to remove from the Halls Portfolio*
- 26. Council ensure that council owned halls that are unsafe are cordoned off from potential visitors to the site or passers by*
- 27. Council dispose of Council owned halls and property that is no longer required.*

The Charam Hall is currently a West Wimmera Shire Council (Council) asset with active use by members of the local community.

The hall was identified during condition inspections early 2016 as a high public risk due to rotten stumps and many joints unsupported.

An emergency order (Building Act) was Issued to the Shire for “restoration to make safe” or demolition of the Charam Hall. Extensive works were carried out on the hall to rectify the condition of the subfloor structure in the 2017 financial year.

At its April 2017 Forum Council received a report discussing asset management options for the Charam Hall.

Council’s previous GM IDW discussed the possible transfer with members of the Charam Tennis Club Inc., in 2016.

### DECISION TO CONSIDER SALE OR EXCHANGE

At its Meeting held 15 October 2018 Council resolved, in accordance with Section 189 of the Local Government Act 1989, to consider the sale or exchange of the subject land, in particular Lot 1 TP 249256 and Lot 1 TP344303, 1096 Charam Wombelano Road CHARAM, after the following actions were undertaken:

1. Ensuring that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
2. Obtaining from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960, a valuation of the land, which is made not more than 6 months prior to the sale or exchange.
3. Given consideration to, and the opportunity to be heard, any person who utilises their right to make a submission under section 223, on the proposed sale or exchange.





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### Risk Management Implications

There are minimal risks to Council in commencing a process of public notice for the purpose of receiving expressions of interests, for further consideration, prior to sale or exchange of the land and improvements thereon.

### Legislative Implications

#### LOCAL GOVERNMENT ACT 1989 - SECT 189

##### Restriction on power to sell land

- (1) Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.
- (2) Before selling or exchanging the land the Council must—
  - (a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
  - (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.
- (3) A person has a right to make a submission under section 223 on the proposed sale or exchange.
- (4) Subsection (3) does not apply to the sale of land that formed part of a road that has been discontinued and which the Council has resolved to sell as the result of a Council exercising its powers under clause 3 of Schedule 10.

Should Council wish to manage potential risks, through the attachment of a caveat, easement/s or covenant over the subject land, then the following legislation will apply:

Transfer of Land Act  
Subdivision Act 1988

#### LOCAL GOVERNMENT ACT 1989 - SECT 101

Whether or not the land would be rateable after being transferred to another organisation is assessed against Section 101, as set out below:



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### Part 5—Rates and charges

#### Division 1—Declaration of rates and charges

##### 101 Rateable land

(1) All land is **rateable** unless it is—

- (a) charitable purpose land; or
- (b) memorial or ex-servicemen purpose land; or
- (c) public purpose land; or
- (d) religious purpose land.

(2) For the purposes of this section—

*charitable purpose land* means land used exclusively for charitable purposes;

*memorial or ex-servicemen purpose land* means land held in trust and used exclusively—

- (a) as a club for, or a memorial to, persons who performed service or duty within the meaning of section 3(1) of the **Veterans Act 2005**; or
- (b) as a sub-branch of the Returned Services League of Australia; or
- (c) by the Air Force Association (Victoria Division); or

#### Environmental Implications

There is no related applications for development of the land, or removal lopping or destruction of any native vegetation on the land. Restoration and re-use of the existing structure, conserves the embodied energy, and minimises the potential carbon emissions which would otherwise be generated by its demolition, or replacement.

#### Financial and Budgetary Implications

The sale or transfer of the land being the Charam Hall will have limited financial implications, other than to enable its removal from Council's Asset Register, along with associated costs.

On the basis that the property is transferred to the incorporated committee, with the property being valued at \$55,000, the rating and other budget implications are as follows;

A new owner of the land would be exempt from paying rates and charges if it were to continue to be used solely for public purposes. However in respect to the proposed transfer to the Charam Community/Tennis Club Inc, such an organisation would still be required to pay the 2018/19 Fire Services Property Levies only – currently \$221.00 Fixed Fire Services Property Levy + Variable Fire Services Property Levy of \$3.19 = Total \$224.19 p.a.



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2018/19 Rates & Charges for Charam Hall based on CIV of \$55,000.00 and classified as “Farming” - (currently classified as Public benefit use). Please note, all figures provided below are approximate:

<b>Rates</b>	\$ 171.93 – refer to below note**
<b>Municipal Charge</b>	\$147.44
<b>State Fire Services Levy</b>	Fixed \$230.00 Variable \$3.19
<b>TOTAL</b>	<b>\$431.56</b>

\*\* depending on whether the use of the land meets the classification definition for Public Purpose Land, and could be classified Public Benefit for rates purposes.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Asset Disposal Policy  
Community Halls Policy

### Council Plan Implications

This report supports the achievement following strategic objectives as part 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 5:** Thriving, safe and diverse local communities.

### Communication Implications

Section 189 of the Local Government Act required public notification for expressions of interest.

### ADVERTMENT – PUBLIC NOTICE OF INTENT TO SELL

Council gave formal notice of its intention to sell or exchange the Charam Hall land, and thereby gave the opportunity for any person/s to utilise their right to make a submission under Section 223, on the proposal sale or exchange.



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### SUBMISSIONS

Submissions were received until 10 December 2018 4pm.

One submission was received from the Charam Community/Tennis Club Incorporated (“the Club”), dated 4 December 2018.

In their letter the Club submits to Council the proposal that the subject lands and improvements thereon, be transferred to the Club, to enable continuity of use by Charam community and other members. The Club did not specify any amount for the purchase or to exchange for the land, and thereby presumes and nominal amount as required for any transaction to be effected.

### Conclusion

The Charam Hall is within 23 km of Edenhope and therefore not easily justifiable for Council to retain as an ongoing asset as a community hall service for the community, hence the recommended divestment of the hall in the *2014 Sena Solutions Report*.

The Tennis Club Charam and Hall Committee has offered to purchase the hall from Council for a nominal amount. There would be costs of ownership and compliance and transferral to the Committee.

The potential divestment would serve to reduce Council’s long term asset renewal gap, at the same time as delivering the asset that would be most valued by the local community.

Given the Council’s adoption of the recommendations July 2014 regarding the strategic review of halls, and the express willingness of the Charam community, through their established incorporated entity, in response to the Notice of Intent to Sell or Exchange land, to take on ownership and ongoing operational responsibilities for the hall, the opportunity for sale or exchange of the Charam Hall may progress.

The sale of the land, would require the Club to provide a nominal payment to progress the transaction.



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### **OFFICER RECOMMENDATION:**

1. That Council notes the information contained in the Report.
2. That in relation to the proposed sale of land being the Charam Hall, situate 1096 Charam- Wombelano Road , Parish of CHARAM, title particulars Volume 8078 Folio 317 and Lot 1 VOL 06208 FOL 428, and in accordance with Sections 189 and 223 of the Local Government Act 1989:

That Council resolves to transfer by sale the Charam Hall, title particulars situate 1096 Charam-Wombelano Road, Parish of CHARAM Lot 1 TP 249256, Volume 05790 Folio 893, and Lot 1 TP 344303, Vol 06208 Fol 428, to Charam Community/Tennis Club Incorporated for a consideration amount of \$1, and with all legal and other transfer costs associated with the transfer by sale of the land, to be borne by the Council.

**Moved:** Cr Tom Houlihan

**Seconded:** Cr Richard Hicks

1. That Council notes the information contained in the Report.
2. That in relation to the proposed sale of land being the Charam Hall, situate 1096 Charam- Wombelano Road , Parish of CHARAM, title particulars Volume 8078 Folio 317 and Lot 1 VOL 06208 FOL 428, and in accordance with Sections 189 and 223 of the Local Government Act 1989:

That Council resolves to transfer by sale the Charam Hall, title particulars situate 1096 Charam-Wombelano Road, Parish of CHARAM Lot 1 TP 249256, Volume 05790 Folio 893, and Lot 1 TP 344303, Vol 06208 Fol 428, to Charam Community/Tennis Club Incorporated for a consideration amount of \$1, and with all legal and other transfer costs associated with the transfer by sale of the land, to be borne by the Council.

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
13.1.1	Copy of Certificates of Title	17/003331
13.1.2	Copy of Public Notice of Intent to Sell or Exchange Land	17/003331
13.1.3	Copy of Submission from Charam Community Association	17/003331



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

### 13.2 REVIEW OF WEST WIMMERA SHIRE COUNCIL PROCUREMENT POLICY

**FILE NUMBER: AD0192**

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

#### **FOR DECISION**

#### Introduction

This report is to enable Council to review the existing Council procurement policy pursuant to S186A of the Local Government Act 1989.

#### Declaration of Interests

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

#### Background

Procurement for local government is guided by legislation (Local Government Act 1989, S186A) and the 2013 Victorian Local Government Best Practice Procurement (VLGBPP) Guidelines.

The underlying principles of the VLGBPP Guidelines direct local governments to ensure their procurement practices:

- Achieve value for money and continuous improvement
- Ensure resources are used efficiently and
- Achieve compliance with relevant legislative requirements
- Achieve high standards of fairness, openness, probity, transparency,
- Minimise the cost of bidding for potential suppliers

In November 2008, amendments to the Local Government Act were passed which included a new section, S186A that requires a Council to prepare and approve a procurement policy.

In response to the legislative amendments, and the Procurement Strategy, the MAV through its services arm, MAV procurement, assisted Councils to prepare or update their procurement policy.

The policy is available for inspection and is posted on Council's website. The policy must also be reviewed annually in accordance with the Local Government Act.



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### Risk Management Implications

The VLGBPP guidelines provide direction for Council for improvements in procurement.

Adopting the updated procurement policy mitigates any risk with not complying with LGV direction. (Refer to 186A (7) in Legislative Implications below)

### Legislative Implications

Extract Local Government Act 1989:

*186A Procurement policy*

*(1) A Council must prepare and approve a procurement policy.*

*(2) A Council must within 12 months after the commencement of section 67 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 prepare and approve a procurement policy.*

*(3) A procurement policy must include any matters, practices or procedures which are prescribed for the purposes of this section.*

*(4) A Council must have regard to guidelines made under subsection (5) in preparing a procurement policy.*

*(5) The Minister may make guidelines with respect to the form or content of a procurement policy.*

*(6) Guidelines made under subsection (5) must be published in the Government Gazette.*

*(7) At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.*

*(8) A copy of the current procurement policy must be available for inspection by the public—*

*(a) at the Council office; and*

*(b) on the Council's Internet website.*

*(9) A Council must comply with its procurement policy.*

*(10) In this section procurement policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.*

Adoption of the reviewed Procurement Policy will meet legislative requirements.

### Environmental Implications

Nil



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### Financial and Budgetary Implications

Nil

### Policy Implications

This report is supported by the following West Wimmera Shire Council 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 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.

### Communication Implications

The Council last reviewed this policy in March 2018, and it has now been subject to another annual review. Auditors, RSD Audit conducted a procurement audit in July 2018 and recommended that Council update its policy to better reflect the Victorian Local Government Best Practice Procurement Guidelines 2013.

Following advice from the Local Government Inspectorate, Council has obtained a copy of the City of Ballarat's Procurement Policy, regarded as a good model to follow and officers have used this as the basis for its new draft policy.

Council officers have now re modelled the City of Ballarat's procurement policy and prepared the new draft as attached.

### Conclusion

The review process is completed and Officers intend to recommend the adoption of the new procurement policy at the June 20 Council meeting.





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### **OFFICER RECOMMENDATION:**

**That Council endorse the West Wimmera Shire Council Procurement Policy as reviewed dated June 2019.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That Council endorse the West Wimmera Shire Council Procurement Policy as reviewed dated June 2019.**

**Carried (4/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.2.1	WWSC Procurement Policy	E19/000248



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

### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 BUSINESS ASSISTANCE – NOW DACH'S A GALLERY

**FILE NUMBER: ED0064**

**REPORT AUTHOR: SARAH ELLIS**

**MANAGER BUSINESS & ECONOMIC DEVELOPMENT**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) has received a request for business assistance funding a new business which has been established. The business is known as Now Dach's A Gallery and is established in Elizabeth Street, Edenhope.

##### Declaration of Interests

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

##### Background

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

Ms Diana-Lee Saville has opened a gallery in the main street of Edenhope known as Now Dach's A Gallery. The gallery/museum/gift shop features a display of Dachshund dogs (Sausage dogs), as well as selling a range of locally made products and since opening, over 500 visitors from across Australia and overseas have visited Now Dach's A Gallery.

Ms Saville is seeking assistance from Council to assist with advertising & printing expenses, furnishings & stock, and a computer. This assistance will allow for the Gallery to expand its reach and bring visitors from further afield while also supporting other local businesses.

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



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### Risk Management Implications

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

Council may budget risk by allocating funds to support new businesses. As with any new venture be it undertaken by council or the private sector there is risk that the business will not be sustainable.

### Legislative Implications

A competitive tender process has been undertaken in accordance with Section 186 (1) of the *Local Government Act 1989*.

An application for a planning permit has been lodged and Council will make an application for a building permit prior to commencement of works.

### Environmental Implications

Not applicable.

### Financial and Budgetary Implications

Council has a budget each year to provide business assistance to new businesses starting up and existing businesses to expand of up to \$15,000. The fund has a current available balance of \$24,000.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Business Assistance Scheme 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 4: Building on our agricultural and business strengths and supporting economic development.



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### Communication Implications

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

### Conclusion

Council has received a request for assistance under the Business Assistance Scheme to help with the cost for a new business start-up within the Edenhope Community.

The request complies with the requirements of Councils Business Assistance Scheme Policy. Council has embedded economic development in its Council Plan. This request provides Council with an opportunity to act upon its council Plan principle to encourage economic development.

Any development within the municipality adds to our regional economy and brings the benefits of new services and products to our municipality.

### **OFFICER RECOMMENDATION:**

**That Council resolves to grant Ms Diana-Lee Saville of Now Dach's A Gallery a grant from the Business Assistance Fund in the amount of \$.....**

**Moved: Cr Tom Houlihan**

**Seconded: Cr Trevor Domaschenz**

**That Council resolves to grant Ms Diana-Lee Saville of Now Dach's A Gallery a grant from the Business Assistance Fund in the amount of \$5000 and a refund of half of the permit fee to the value of approximately \$900.**

**Carried (4/0)**



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Cr Hicks moved an amendment to the motion

**Moved: Cr Richard Hicks**

**Seconded: Cr Tom Houlihan**

**That Council resolves to grant Ms Diana-Lee Saville of Now Dach's A Gallery a grant from the Business Assistance Fund in the amount of \$5000.**

**Motion Lost (1/3)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.1.1	Letter of request & Business Plan from Diane-Lee Saville	C19/003725



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### 14.2 OPENING HOURS KANIVA LIBRARY

**FILE NUMBER: PS0025**

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

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) provides a facility in Baker Street Kaniva for the use of the Wimmera Regional Library Corporation (WRLC) to provide library services to the Kaniva community.

Council has received a request to vary the opening hours at the Kaniva Library. It is stressed that this request does not seek to reduce the overall number of hours, but rather seeks realign the opening hours to suit patronage patterns.

This report provides Councillors information on this proposal with an aim to formally resolve to do so or not at the June Ordinary Council Meeting.

##### Declaration of Interests

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

##### Background

The Kaniva library is currently open for a total 8.5 hours per week spread over the following days:

- Tuesday 3.30 pm – 5.30 pm (2 hours)
- Thursday 10.30 pm – 1.00pm (2.5 hours)
- Friday 3.30 pm – 5.30 pm (2 hours)
- Saturday 10.00am – 12.00 pm (2 hours)

The library officer based at the Kaniva library keeps a record of the number of visits for each of these sessions. It has been apparent for a period of time that the number of library visits on Saturdays has been diminishing to the point where there is on average less than 5 visits over these two hours. The other days see more frequent steady patronage numbers

As a result it is proposed that Council requests that the WRLC vary the opening times for the Kaniva Library to remove the 2 hours open on a Saturday and replace this with



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extending hours on other days (i.e. to keep the library open for an extra hour on two of the other three days). It must be stressed that the total number of hours open will not decrease, but rather the spread of hours will change.

A counter argument could be that opening for two hours on a Saturday allows people who work business hours during the week to access the library. While this may be so, the low number of visits would suggest that this is not a major issue. A solution may be to re-assign the extra hours to Tuesday and /or Friday, allowing for the library to stay open later.

### Risk Management Implications

Council may face reputational risk from a perceived reduction in service by closing the Kaniva library on Saturdays. It is critical that any changes to opening hours be communicated and explained fully to our community and library users.

Council may also be facing resource and cost risk by continuing to allocate resources in an inappropriate manner by continuing to open the Kaniva library when it is not the best time to do so and not opening at times when greater patronage could be achieved.

### Legislative Implications

The Kaniva Library is operated by the Wimmera Regional Library Corporation on behalf of Council. While ultimately Council is the service recipient and director, the service is that of the WRLC who also employ the staff at the Kaniva Library. As such Council will need to request that the WRLC alter the schedule if so desired.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

It is anticipated that there will be little or no financial implications from altering the Kaniva Library operating hours. Ultimately the number of contact hours would not change, but rather spread across different times.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Change Management Policy  
Communications Policy  
Community Engagement Policy  
Recreation Policy



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### Council Plan Implications

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

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

### Communication Implications

It is absolutely imperative that Council and the WRLC effectively communicate any alterations to operating hours at the Kaniva Library to stakeholders. This includes library members, staff and the general community and any other groups who access the library.

It is envisaged that an advertising campaign including press, social media and targeted leaflets be undertaken to do so. It is also proposed that a period of consultation occur before any change is made effective.

### Conclusion

Council has received a suggestion to alter the spread of hours and days that the Kaniva Library operates, by removing the 2 hours the library is open on Saturdays, and allocating those hours to extend opening times on other days of the week. This report provides some information around this proposal for Council to make a formal decision at the June Ordinary Council Meeting.

### **OFFICER RECOMMENDATION:**

**That Council formally requests that the Wimmera Regional Library Corporation vary the operating hours of the Kaniva Library to the following, while maintaining the overall number of hours provided:**

- **Tuesday 3.00 pm – 6.00 pm (3 hours)**
- **Thursday 10.30 pm – 1.00pm (2.5 hours)**
- **Friday 3.00 pm – 6.00 pm (3 hours)**
- **Saturday closed**





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**Moved: Cr Tom Houlihan**

**Seconded: Cr Trevor Domaschenz**

**That Council formally requests that the Wimmera Regional Library Corporation vary the operating hours of the Kaniva Library to the following, while maintaining the overall number of hours provided:**

- **Tuesday 3.00 pm – 6.00 pm (3 hours)**
- **Thursday 10.30 am – 1.00pm (2.5 hours)**
- **Friday 3.00 pm – 6.00 pm (3 hours)**
- **Saturday closed**

**Carried (4/0)**

**Attachments: Nil**



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

### 14.3 ADOPTION OF WEST WIMMERA SHIRE COUNCIL 2019/20 BUDGET

**FILE NUMBER: FM0055**

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

#### **FOR DECISION**

##### Introduction

This report presents West Wimmera Shire Council (Council) with the final draft 2019/20 Budget and updated 2019/20-2022/23 Strategic Resource Plan projections for adoption.

##### Declaration of Interests

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

##### Background

Section 127 of the *Local Government Act 1989* (the Act) requires that Council prepare a budget for each financial year, and that such budget be in the form of and containing the information required by the regulations (currently the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations)). Council's 2019/20 budget as presented complies with these requirements of the Act and the Regulations.

Section 130 (3) of the Act requires that Council must adopt its annual budget by 30 June each year.

As per Section 129 of the Act, Council resolved at its Ordinary Meeting held 19 May 2019 to consult with the community and receive submissions (in accordance with Section 223 of the Act) on the draft budget up to 5.00pm Friday 14 June 2019. Council will hold a special meeting to consider the submissions received on the morning of 20 June 2019 at the Kaniva Council Chamber.

Council has made one alteration to the draft budget as advertised. Council has been informed that it will receive an additional \$345,177 in financial assistance grants. This will reduce the draw down on Council's cash reserves during the 2019-20 year to \$1.024 million from \$1.369 million as originally budgeted, and produce an operating surplus of \$0.632 million, up from \$0.287 million.

The attached draft 2019/20 budget includes rate increases of 3.50% in line with the variation given to Council by the Minister for local Government.



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At the time of writing this report no public submissions on the budget were received. If any submissions are received between the time of this report being written and the Ordinary Council Meeting, Council may opt to resolve to adopt the draft budget including any submissions.

### Risk Management Implications

The provision of an annual budget and medium term Strategic Resource Plan (SRP) form central planks in Council's internal control mechanisms.

The annual budget and SRP allow Council to have a baseline for measuring its financial performance and sustainability, and also allow Council to control and allocate its resources forming a strong mitigation to financial, fraud, operational and reputational risk to Council.

### Legislative Implications

Council is required under the Act to prepare and adopt a budget for each financial year. The budget is required to be adopted by 30 June each year.

Under the Act, Council is also required to prepare and adopt a Strategic Resource Plan. The SRP must include 4 financial years and address both financial and non-financial resources of Council. Council must review the SRP during preparation of the Council Plan and adopt no later than 30 June each year. The draft budget provides these updates to the SRP.

Section 158(1) of the Act requires Council to at least once in respect of each financial year declare its rates and service charges. As the date of declaration must appear on the rate notice, this declaration must be done prior to 30 June each year and must be completed prior to the issue of rate notices.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

The adoption of the Council Budget annually and the four year Strategic Resource Plan are the fundamental building blocks in Council's financial management framework.

The budget sets the basis for which Council Officers implement Council's strategic direction, as contained within the Council Plan, and to ensure the prudent and equitable allocation of Council's resources, whilst the Strategic Resource Plan allows Council to provide short/medium term planning to ensure efficient and sustainable resource allocation.



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

### Policy Implications

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

Advocacy Policy  
Asset Capitalisation Policy  
Asset Management Policy  
Borrowings Policy  
Communications Policy  
Community Engagement Policy  
Fraud & Corruption Control Policy  
Investment Policy  
Procurement Policy

### Council Plan Implications

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

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

### Communication Implications

Consultation is required to be carried out in accordance with Sections 125, 127 and 223 of the Act. The draft Budget and SRP update have been advertised in accordance with the relevant provisions of the Act.

This includes advertising and publishing details of the draft budget in local papers and Council's website. Copies of the draft documents have also been available at Council's Customer Service Centres at Edenhope and Kaniva and also on Council's website.

Council has also held two public information forums on the draft budget. These were also livestreamed via Council's social media. Recordings are available via Council's Facebook page site.



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

Once adopted copies of the adopted Budget and SRP will be placed in Council's customer service centres and on Council's website. Copies of each document will also be forwarded to the Minister for Local Government and the State Library.

### Conclusion

Council is required under the Act to prepare, and after a suitable public submission period and considering any submissions made, adopt a budget each year.

This activity also forms the most fundamental building block in Council's financial management framework and is of critical importance in providing for effective financial management.

The draft budget as presented fulfils all of these requirements.

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Adopt the 2019/20 Budget and forward projections amendments to the Strategic Resource Plan contained within the budget papers, along with any adopted amendments resultant from any public submissions received and considered by Council; and**
- 2. As per the budget document, raise a total amount of rates and charges of \$7,770,648 for the 2019/20 financial year; and**
- 3. That Council declare the following rates and charges:**
  - General rate \$0.2642 cents in the dollar of CIV**
  - Municipal Charge \$152.60**
  - Waste Collection Charge \$313.05 per unit; and**
- 4. Public Notice of the adoption of the budget be made; and**
- 5. Advise any person(s) making a submission as to the outcome of that submission; and**
- 6. Forward a copy of the adopted 2019/20 Budget to the Minister for Local Government, and make copies of the adopted 2019/20 Budget available for public perusal at Council's Customer Service Centres in Edenhope and Kaniva, and also on Council's website.**



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

**Moved:** Cr Richard Hicks

**Seconded:** Cr Trevor Domaschenz

**That Council:**

1. Adopt the 2019/20 Budget and forward projections amendments to the Strategic Resource Plan contained within the budget papers, along with any adopted amendments resultant from any public submissions received and considered by Council including the modified forward by the mayor and CEO; and
2. As per the budget document, raise a total amount of rates and charges of \$7,770,648 for the 2019/20 financial year; and
3. That Council declare the following rates and charges:
  - General rate \$0.2642 cents in the dollar of CIV
  - Municipal Charge \$152.60
  - Waste Collection Charge \$313.05 per unit; and
4. Public Notice of the adoption of the budget be made; and
5. Advise any person(s) making a submission as to the outcome of that submission; and
6. Forward a copy of the adopted 2019/20 Budget to the Minister for Local Government, and make copies of the adopted 2019/20 Budget available for public perusal at Council's Customer Service Centres in Edenhope and Kaniva, and also on Council's website.

**Carried (3/1)**

**A Division was called**

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

**Against:** Cr Houlihan

### **Attachments:**

No.	Name	RecFind Ref
14.3.1	Draft 2019/20 Budget	FM0055



## ORDINARY COUNCIL MEETING MINUTES – 20 JUNE 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 WIMMERA REGIONAL LIBRARY CORPORATION

#### 17.2 SUPPLY AND DELIVERY OF A COMBINATION STEEL ROLLER CM0494

#### 17.3 COUNCILLOR MEDIATION SESSION REPORT 29 JANUARY 2019

#### 17.4 CONFIDENTIAL NOTICE OF MOTION – CR RICHARD HICKS – APPLICATION FOR COUNCILLOR CODE OF CONDUCT PANEL – NOM 2019/06



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

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Richard Hicks

**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 3.17pm to resolve on matters pertaining to the following items:**

**17.1 WIMMERA REGIONAL LIBRARY CORPORATION**

**17.2 SUPPLY AND DELIVERY OF A COMBINATION STEEL ROLLER  
CM0494**

**17.3 COUNCILLOR MEDIATION SESSION REPORT 29 JANUARY 2019**

**17.4 CONFIDENTIAL NOTICE OF MOTION – CR RICHARD HICKS –  
APPLICATION FOR COUNCILLOR CODE OF CONDUCT PANEL –  
NOM 2019/06**

**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 Trevor Domaschenz

**Seconded:** Cr Richard Hicks

**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 3.59 pm.**

**Carried (3/0)**





**ORDINARY COUNCIL MEETING MINUTES – 20 JUNE 2019  
WEST WIMMERA SHIRE COUNCIL**

**17.1 WIMMERA REGIONAL LIBRARY CORPORATION**

**That Item 17.1 and its resolution remain in confidence.**

**17.2 SUPPLY AND DELIVERY OF A COMBINATION STEEL ROLLER  
CM0494**

- 1. That Council accepts the tender submitted by J A Cox Engineering for Contract CM0494 “Supply and Delivery of a Combination Steel Roller” in accordance with the specifications of Contract CM0494 for a lump sum price of \$99,100.00 excluding GST.**
- 2. That the Contract Agreement Documents for Contract CM0494 “Supply and Delivery of a Combination Steel Roller” be signed and sealed by Council following their preparation.**

**17.3 COUNCILLOR MEDIATION SESSION REPORT 29 JANUARY 2019**

**That Item 17.3 and its resolution remain in confidence.**

**17.4 CONFIDENTIAL NOTICE OF MOTION – CR RICHARD HICKS –  
APPLICATION FOR COUNCILLOR CODE OF CONDUCT PANEL –  
NOM 2019/06**

**That Council intends to make application to the Principal Councillor Conduct Registrar under section 81B of the *Local Government Act 1989* for a Councillor Conduct Panel to make a determination of misconduct and/or serious misconduct against Cr Tom Houlihan for multiple and constant previous and ongoing breaches of the WWSC Code of Conduct.**



**ORDINARY COUNCIL MEETING MINUTES – 20 JUNE 2019**  
**WEST WIMMERA SHIRE COUNCIL**

**MEETING CONCLUDED: 4:00PM**

**NEXT MEETING: WED 17 JULY 2019**  
**KANIVA COUNCIL CHAMBER**