



COUNCIL MEETING MINUTES – 19 AUGUST 2020 WEST WIMMERA SHIRE COUNCIL

HELD:	Wednesday 19 August 2020
LOCATION:	Kaniva Council Chamber & Zoom
COMMENCEMENT:	2.00pm
PUBLIC ACCESS:	Live Streaming from Council's website www.westwimmera.vic.gov.au

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor	David Leahy Chief Executive Officer (CEO)
Trevor Domaschenz Richard Hicks	Ashley Roberts Director Corporate & Community Services (DCCS)
Tom Houlihan	Mark Marziale Director Infrastructure Development & Works (DIDW)
	Officers Elizabeth Matuschka, Governance Manager David Pietsch, Manager Planning & Environment

Vision Statement:

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



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1.0 WELCOME

The Mayor welcomed everyone to the meeting

OFFICER RECOMMENDATION:

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian Governments, public access to this meeting be limited to live streaming via Council's website.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian Governments, public access to this meeting be limited to live streaming via Council's website.

Carried (5/0)

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

Nil

3.3 DECLARATION OF CONFLICT OF INTEREST

All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 2020 with regard to Conflict of Interest disclosures.

None received

Cr Houlihan stated he would be leaving the meeting for Item 17.3



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4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

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

4.1.1 QUESTION ON NOTICE FROM MICHAEL HODGES, KANIVA – KANIVA RECREATION RESERVE

Question: The Kaniva Recreation Reserve sits on Crown Land with the WWSC being the Committee of Management. The power and water was upgraded at the same time as the building of the Community Hub at a cost of \$198,683.33. As these upgrades are capital assets and improvements to the Shire, why does the Kaniva community have to pay when the Committee of Management, the WWSC, is liable for these essential assets?

Ashley Roberts, DCCS: These power and water upgrade costs were part of the cost of the overall project budget.

Cr Pretlove: Would like to revisit the project costs then respond to the written Question on Notice.

Mayor Meyer: We need to have the meeting that was due to take place with the borrowers, as part of the loan agreement.

Cr Pretlove: That meeting has already taken place.

Cr Houlihan: Council is the Committee of Management and this project is going to come back and get you.

Mayor Meyer: The power upgrade was a requirement of Kaniva Community Hub Project, as the existing power infrastructure was insufficient to meeting the requirements of the new Hub.

Mayor Meyer: I would like to discuss this matter at the next Councillor Forum.

Cr Hicks: Point of Order – who would be invited to the Councillor Forum? All of the sporting user groups involved?

Mayor: That has not yet been determined.



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Moved: Cr Jodie Pretlove

Seconded: Cr Bruce Meyer

1. That Council hold a Special Meeting of Council in two weeks' time to discuss the power and water upgrade, which was part of the Kaniva Community Hub Project.
2. That this matter then be discussed at the next Councillor Forum and include the relevant sporting and community groups.

Not voted on

Cr Hicks: The September 2020 Councillor Forum is exactly two weeks from today.

Mayor Meyer: The topic of payments for the Kaniva Community Hub Project and in particular the payment of power and water upgrade costs could be brought to the next Councillor Forum for discussion.

Moved: Cr Jodie Pretlove

Seconded: Cr Bruce Meyer

That the Question on Notice from Michael Hodges regarding the Kaniva Community Hub and Kaniva Recreation Reserve be included for discussion at the Wednesday 2 September 2020 Councillor Forum, and that Council will then respond to Mr Hodges.

Carried (5/0)



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RECOMMENDATION:

That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.

Carried (5/0)

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, PRESIDENT OF HARROW DISCOVERY CENTRE

JD Mc Gennissen - President and on behalf of the Harrow Discovery Centre Committee of Management, Josie Sangster and Andrew Farran.

It is noted that a Motion is being proposed under Item 9.1 to form a Committee to develop a proposal to oversee the West Wimmera Indigenous Trail project.

Commendable as the project might be the Preamble to the motion contains factual errors as follows:

- Tarpot was not a member of the First XI of 1868
- Redcap was not from Dergholm
- Most of the First XI of 1868 were not from the Edenhope/Bringalbert area.
- The West Wimmera Shire is not the only Shire represented by the Wotjobaluk players.
- Bringalbert and Lake Wallace were not the only training grounds/stations.



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Our question is:

Is it sound policy and can it be justified to promote a motion, let alone a project, based on misleading facts that may in the event undermine, even distort the character and purpose of the project? What is the purpose of the group and why are representatives from other areas being excluded by the wording of the motion?

Furthermore, it is our understanding that the Bringalbert and Edenhope parts of the trail have already had the signage erected, therefore:

Why would it be necessary to invite representatives from Bringalbert and Edenhope to the committee if those two stages of the West Wimmera Indigenous Trail project were completed in 2018?

Response:

CEO: This matter cannot be debated, as there is a Motion on this topic before Council in Item 9.1 of this Agenda.

Mayor: The West Wimmera Indigenous Trail Project is yet to be completed. Council has previously passed a resolution regarding the makeup of the Committee. We will not discuss the accuracy of the contents of the Notice of Motion in this part of the Agenda.

RECOMMENDATION:

That Council resume Standing Orders.

Moved: Cr Trevor Domaschenz

Seconded: Cr Richard Hicks

That Council resume Standing Orders.

Carried (5/0)



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

5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)

16/07/2020	Wimmera Mallee Tourism Discussion with David Leahy & Tamee Mulraney
17/07/2020	CEO David Leahy
20/07/2020	Interview with WIN-TV re SA Border Closure Issues
22/07/2020	CEO David Leahy
22/07/2020	Kaniva & District Progress Association Meeting
24/07/2020	Wimmera Southern Mallee Media & Council Liaison Meeting
30/07/2020	MAV Mayoral Forum
31/07/2020	CEO David Leahy
31/07/2020	All-Councillor Meeting with CEO David Leahy
05/08/2020	Councillor Forum
07/08/2020	CEO David Leahy
07/08/2020	Wimmera Southern Mallee Media & Council Liaison Meeting
11/08/2020	Dr Anne Webster MP, Member for Mallee
12/08/2020	All-Councillor Meeting with CEO David Leahy
14/08/2020	CEO David Leahy
14/08/2020	Wimmera Regional Library Corporation Board Meeting
18/08/2020	Council Agenda Review with Senior Management Group
19/08/2020	Council Meeting to hear submissions to Governance Rules and Local Law No.8
19/08/2020	Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

16/07/2020	Wimmera Mallee Tourism Discussion with David Leahy & Tamee Mulraney
31/07/2020	All-Councillor Meeting with CEO David Leahy
05/08/2020	Councillor Forum
10/08/2020	Wimmera Primary Care Partnership Meeting
12/08/2020	All-Councillor Meeting with CEO David Leahy
18/08/2020	Council Agenda Review with Senior Management Group
19/08/2020	Council Meeting to hear submissions to Governance Rules and Local Law No.8
19/08/2020	Council Meeting



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5.3 COUNCILLOR TREVOR DOMASCHENZ

- 16/07/2020 Wimmera Mallee Tourism Discussion with David Leahy & Tamee Mulraney
- 21/07/2020 Wimmera Mallee Regional Tourism Meeting
- 31/07/2020 All-Councillor Meeting with CEO David Leahy
- 05/08/2020 Councillor Forum
- 11/08/2020 Wimmera Development Association Board Meeting
- 12/08/2020 All-Councillor Meeting with CEO David Leahy
- 18/08/2020 Wimmera Mallee Regional Tourism Meeting
- 18/08/2020 Council Agenda Review with Senior Management Group
- 19/08/2020 Council Meeting to hear submissions to Governance Rules and Local Law No.8
- 19/08/2020 Council Meeting

5.4 COUNCILLOR RICHARD HICKS

- 16/07/2020 Wimmera Mallee Tourism Discussion with David Leahy & Tamee Mulraney
- 17/07/2020 Wimmera Southern Mallee Regional Transport Group Meeting
- 31/07/2020 All-Councillor Meeting with CEO David Leahy
- 05/08/2020 Councillor Forum
- 07/08/2020 Western Highway Action Committee Meeting
- 12/08/2020 All-Councillor Meeting with CEO David Leahy
- 19/08/2020 Council Meeting to hear submissions to Governance Rules and Local Law No.8
- 19/08/2020 Council Meeting

5.5 COUNCILLOR TOM HOULIHAN

- 31/07/2020 All-Councillor Meeting with CEO David Leahy
- 05/08/2020 Councillor Forum
- 18/08/2020 Council Agenda Review with Senior Management Group
- 19/08/2020 Council Meeting

5.6 GENERAL DELEGATES' REPORTS

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



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6.0 CONDOLENCES

None

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 15 JUL
2020**

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday 15 July 2020 be taken as an accurate record and confirmed.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That the Minutes of the Council Meeting held on Wednesday 15 July 2020 be taken as an accurate record and confirmed.

Carried (5/0)

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil



9.0 NOTICES OF MOTION

9.1 COUNCILLOR TREVOR DOMASCHENZ – NOM 2020/02 – ABORIGINAL CRICKET TRAIL SIGNAGE PROJECT

Preamble

On 18/12/2019 I put up a notice of motion with the following similar Preamble.

The first cricket team to leave Australia's shores was an aboriginal cricket team, mostly from the old Kowree Shire, now part of the West Wimmera Shire. This team mostly from this area trained on the shores of Lake Bringalbert and Lake Wallace, and left Australia for England in 1868 from Edenhope. Some of the more famous members of the team were Tarpot, famous for running backwards, Dick-a-dick for finding the lost children with a memorial at Duffholme, Johnny Mullagh for his all-round cricketing skills and Peter from Lake Wallace, expert in spear throwing and using a stock whip. Redcap from Dergholm represented Australia in all 47 matches and is believed to be the other member for finding the Duff children.

Efforts were made by the Shire in 2002, which ended up with a West Wimmera Walkabout Cricket Trail Committee, and again in 2015 to properly set out the Trail for history purposes and to attract tourists to explore our Shire while reading the wonderful history of Australia's First XI.

Past efforts were not properly followed through. By rolling over in this year's budget the grant and funds not spent last year we now have the opportunity like we had over a year ago to do it properly. It's important that this is as factual as possible. There are many locals who can input their knowledge before it is lost.

A motion was passed That:

1. West Wimmera Shire Council form a committee of seven and Council oversee the project, with a Councillor as Chair and staff to assist. Barengi Gadjin Land Council be invited to the Committee.
2. That Councillor Bruce Meyer be appointed to the Committee.

A subsequent motion was passed that actually named two people.

1. Cr Bruce Meyer, as Chair of the Committee and Nola McFarlane, West Wimmera Shire Council be appointed to the Committee.
2. That expressions of interest be invited from community members from Edenhope, Harrow and Bringalbert.



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Due to the passage of a lot of time, staff changes and upcoming elections we can no longer execute the resolution in its current form.

It concerns me that:

No expressions of interest have been sent out
No committee of seven has been formed
Council doesn't appear to be overseeing the project.

Motion

1. That West Wimmera Shire Council form a committee of seven and Council oversee the project, with a Councillor as chair and staff to assist. Barengi Gadjin Land Council to be invited to the committee.
2. That Councillor Bruce Meyer OAM be offered reappointment to the Committee in the event he is re-elected.
3. That the committee of seven members be comprised of:
Cr Bruce Meyer OAM or his Councillor replacement as Chair of the Committee
One representative from Bringalbert
One representative from Harrow
One representative from Edenhope
Three representatives from the working group, namely:
A West Wimmera Shire Council staff representative
A representative from Regional Development Victoria
A representative from Barengi Gadjin Land Council
4. That expressions of interest be invited from community members from Edenhope, Harrow and Bringalbert.
5. That the terms of reference for the project be made available immediately to all Councillors and a project update be provided at the Council Forum September 2020.



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Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

- 1. That West Wimmera Shire Council form a committee of seven and Council oversee the project, with a Councillor as chair and staff to assist. Barengi Gadjin Land Council to be invited to the committee.**
- 2. That Councillor Bruce Meyer OAM be offered reappointment to the Committee in the event he is re-elected.**
- 3. That the committee of seven members be comprised of:**
 - Cr Bruce Meyer OAM or his Councillor replacement as Chair of the Committee**
 - One representative from Bringalbert**
 - One representative from Harrow**
 - One representative from Edenhope**
 - Three representatives from the working group, namely:**
 - A West Wimmera Shire Council staff representative**
 - A representative from Regional Development Victoria**
 - A representative from Barengi Gadjin Land Council**
- 4. That expressions of interest be invited from community members from Edenhope, Harrow and Bringalbert.**
- 5. That the terms of reference for the project be made available immediately to all Councillors and a project update be provided at the Council Forum September 2020.**

Carried (5/0)

Moved: Cr Trevor Domaschenz

Seconded: Cr Tom Houlihan

That the Indigenous Cricket Trail Committee be given the authority to invite and appoint additional community members to the Committee at their discretion.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion 2020/02	E20/000265



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10.0 COUNCILLOR FORUM RECORD – 5 AUG 2020

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 5 August 2020 be received and noted.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That the Record for the Councillor Forum held Wednesday 5 August 2020 be received and noted.

Carried (5/0)

11.0 DEPUTATIONS AND PETITIONS

Nil



12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 ADOPTION OF GOVERNANCE RULES

FILE NUMBER: AD0107

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

West Wimmera Shire Council released its draft Governance Rules for public comment / submission at the Council Meeting of 15 July.

This report is provided to enable Council to adopt the Governance Rules and comply with the requirements of the implementation schedule for the Local Government Act 2020.

Declaration of Interests

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

Background

Following the Local Government Act 2020 receiving Royal Assent and becoming active legislation, the process of implementing the various requirements of the new act began.

The Governance Rules is the first stage of implementing the requirements of the Local Government Act 2020. The rules include, the meeting rules, election period policy and transparency policy.

Council gained access to a number of templates to assist with the development of the Governance Rules. Council utilised a template provided by Maddocks Lawyers and was greatly assisted by attending webinars on the various topics associated with the development of the Governance Rules and its various components.

The document predominantly contains the meeting procedure for Council and Delegated Committee Meetings. It also contains a number of policies such as the Transparency Policy (previously adopted), the Councillor Expense Policy and the Election Period Policy.

The Councillor Code of Conduct is also included as an Annexure to the Rules.



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Following the adoption of the Governance Rules, Council has a number of other deadlines to meet to ensure compliance with the implementation schedule as prescribed by the state government. These include:

Friday 24 February 2021

- Councillor Code of Conduct

Monday 1 March 2021

- Community Engagement policy

Friday 30 April 2021

- Gift policy

Wednesday 30 June 2021

- Councillor Induction Training – undertaken within 6 months after the Oath of Office is taken
- Annual budget
- Revenue and Rating Plan

Sunday 31 October 2021

- Financial plan
- Council plan
- Community vision
- Annual report

Friday 31 December 2021

- CEO employment and remuneration policy
- Workforce plan
- Recruitment policy
- Staff Code of Conduct
- Complaints policy
- Procurement policy

Thursday 30 June 2022

- Asset Management plans



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While Council staff have completed a number of the above mentioned items in anticipation of a busy period of governance activities, there is a concern that many of these requirements align with the induction of a new Council and the development of a new Council Plan along with a Community Visioning exercise.

Risk Management Implications

Non-compliance with the recommended timelines will result in Council being named as in breach of the implementation requirements.

Legislative Implications

Compliance with the Local Government Act 2020, is an essential requirement of all Local Government Authorities.

Environmental Implications

Nil

Financial and Budgetary Implications

Minor costs of subscribing to information webinars and the appointment of a 0.6 Governance Support Officer to assist with workload.

Policy Implications

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

- Advocacy Policy
- Asset Capitalisation Policy
- Asset Disposal Policy
- Asset Management Policy
- Asset Management Strategy
- Borrowings Policy
- Building Fee Refunds Policy
- Building Permit Information Policy
- Business Assistance Scheme Policy
- Business Continuity Policy
- Change Management Policy
- Communications Policy
- Community & Commercial Advertising on Council Buildings & Structures Policy
- Community Engagement Policy
- Community Halls Policy
- Community Support Fund Policy
- Complaints Handling Policy
- Corporate Credit Card and Purchase Cards Policy
- Council Grants Policy



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Council Major Hall Hire Policy
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support Policy
Customer Service Policy
Domestic Firewood Collection Policy
Election Period Policy
Environmental Policy
External Hire of Plant Policy
Fraud & Corruption Control Policy
Guarantor Policy
Human Rights Policy
Investment Policy
Media Relations Policy
Play Space Management Policy
Procurement Policy
Protected Disclosures Policy
Rate Recovery & Financial Hardship Policy
Recreation Policy
Risk Management Policy
Road and Street Naming Policy
Street Tree Policy
Support to Community Events Policy
Support to Public Art Policy
Temporary Street Closure Policy
Tourism Policy
Township Amenity 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 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

Following the adoption of the Governance Rules, the community will be alerted via the local media and the various documents will be displayed on the Council website.



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Conclusion

The development and collation of the material for the Governance Rules represents a considerable milestone for West Wimmera in the implementation of the Local Government Act 2020.

Work will now continue on the subsequent phases of the implementation process, along with Councillor induction preparations.

OFFICER RECOMMENDATION:

- 1. That Council adopt the Governance Rules as presented.**
- 2. That the Common Seal is applied and signed by two Councillors and the Chief Executive Officer.**

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

- 1. That Council adopt the Governance Rules as presented.**
- 2. That the Common Seal is applied and signed by two Councillors and the Chief Executive Officer.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.1.1	Governance Rules	AD0107



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12.2 LOCAL LAW NO.8 OF 2020 – USE OF THE COMMON SEAL

FILE NUMBER: AD0107

**REPORT AUTHOR: DAVID LEAHY – CHIEF EXECUTIVE OFFICER AND
ELIZABETH MATUSCHKA – GOVERNANCE MANAGER**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) proposes to create a new Local Law, regarding the use of the Common Seal.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* and *Local Government Act 2020* in the preparation of this report.

Background

On 15 February 2017 Council resolved to adopt the West Wimmera Shire Council Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law. This Local Law dictates:

1. Election of the Mayor.
2. Procedures applying to the conduct of Council Meetings.
3. Use of the Common Seal.

Local Law No.7 has a ten year life span, unless it is revoked earlier.

The Local Government Act 2020 came into effect this year, and requires Council to adopt Governance Rules by 1 September 2020. The Governance Rules are a substantial document and must include:

1. Election of the Mayor.
2. Procedures applying to the conduct of Council Meetings.

The Governance Rules are being addressed at this Council Meeting, in an earlier Agenda item.



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Creation of the Governance Rules does not in itself cancel or revoke Local Law No.7 – Meeting Procedure and Common Seal Local Law, even though the Governance Rules will contain a large portion of the content of Local Law No.7.

The Victorian Government has advised that a Local Law can only be revoked through the creation of another Local Law.

Council is therefore now proposing to adopt a new Local Law, named the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal.

Adopting this new Local Law No.8 will achieve the following:

1. Legal revocation of Local Law No.7 in its entirety.
2. A continuance of laws regarding the use of Council's Common Seal.

At the 15 July 2020 Council Meeting, Council resolved to undertake community consultation regarding the new Local Law No.8 for a period of 28 days, from 16 July 2020 to 13 August 2020. Notices were published in the Victorian Government Gazette and local newspapers in relation to this consultation and Council's intention to adopt the new Local Law No.8.

At 11am on Wednesday 19 August 2020 Council will hold a Meeting, at which it will hear submissions (if any) from members of the public who have lodged a written submission by the deadline of 16 July 2020.

Risk Management Implications

Council is managing risk implications by moving to adopt the new Governance Rules and Local Law No.8 at the Wednesday 19 August 2020 Council Meeting, while also revoking Local Law No.7 at the same Council Meeting. This will occur in advance of the 1 September 2020 deadline.

Legislative Implications

Local Government Act 1989: Section 111
Local Government Act 2020: Section 14

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:
Communications Policy
Community Engagement 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.

Communication Implications

Council will add the new Local Law No.8 to its website.

Formal Notices will be published in the Victorian Government Gazette and the local newspapers, confirming the adoption of the new Local Law No.8.

Conclusion

Council is proposing to adopt a new Local Law, named the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal, which includes the revocation of Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law.

OFFICER RECOMMENDATION:

- 1. That Council adopts the Local Law No.8 of 2020 – Use of the Common Seal.**
- 2. That Council signs and seals the Local Law No.8 of 2020 – Use of the Common Seal.**



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Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

- 1. That Council adopts the Local Law No.8 of 2020 – Use of the Common Seal.**
- 2. That Council signs and seals the Local Law No.8 of 2020 – Use of the Common Seal.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.2.1	Draft Local Law No.8 – Use of the Common Seal	AD0107
12.2.2	Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law	AD0107



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12.3 REVIEW AND ADOPTION OF DELEGATIONS

FILE NUMBER: AD0186

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The following report is provided following a review of delegations and alterations to the instruments brought about by the Local Government Act 2020, coming into force in March 2020.

It is a requirement under the implementation requirements of the Local Government Act 2020, to have the updated delegations and authorisations adopted by 1 September 2020.

Declaration of Interests

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

Background

As Council is aware, the various instruments of delegation are required to be reviewed a number of times each year. It is also a requirement of the Local Government Act 2020, to complete a full review and update of all instruments by September 1.

Staff previously advised that the S6 Delegations – Council to Senior Staff, were not required to be updated and included for adoption, but advice received during a recent webinar with Maddocks Lawyers, contradicted the previous recommendation. It was advised that it would be in Councils interests to adopt a set of S6 delegations and authorisations and they have been updated and included for adoption.

Other delegations that are part of the necessary suite of delegations required to be adopted by September 1 include, the S11 – Authorised Officers, which has been adopted previously and is compliant with the requirements of the 2020 Act.

A previously presented S13A Instrument of Delegations of CEO Powers Duties and Functions, is now re-presented to Council as the full S13 version and is compliant with the 2020 Act.



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Part of the delegations and authorisations includes, Delegated Committees, Joint Delegated Committees and Community Asset Committees. Both Joint Delegated Committees and Community Asset Committees are a version of a replacement for the section 86 committees that were in place under the 1989 Local Government Act.

Council had previously resolved to extinguish the section 86 status of its few remaining committees and have them operate as independent committees and this has removed the need to establish Delegated Committees and Community Asset Committees in the immediate term.

With respect to Delegated and Joint Delegated Committees, the act spells out what circumstance requires the development of or conversion to one of these committees and what can and can't be delegated.

Under the Local Government Act 2020, the same provisions apply to the S5 instruments (delegations to the CEO), an addition to this is a clause to enable progress payments to be made on contracts and these are included in the reviewed documents and will need to be re-endorsed by Council.

To manage the transition from one Act to the next, a mini review document was provided by Maddocks and was adopted at the June meeting of Council. The S7A instruments of delegation, has now been updated to the full S7 document and is presented to Council and is now presented to the August meeting of Council.

Also attached is an explanatory letter from Maddocks on the reviewed documents to hopefully assist with the explanation.

It is also worth noting that the various instruments are relative to provisions within pieces of legislation and do not necessarily contain every task that each officer is authorised to complete, hence the delegations are heavily weighted towards staff with regulatory and compliance roles.

Risk Management Implications

Not undertaking regular reviews of the various instruments, presents a risk of an action being completed by an officer without the appropriate authority.

Legislative Implications

The instruments within this review are predominantly related to the Local Government Act.

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:

Asset Capitalisation Policy
Asset Disposal Policy
Asset Management Policy
Asset Management Strategy
Borrowings Policy
Building Fee Refunds Policy
Building Permit Information Policy
Business Assistance Scheme Policy
Business Continuity Policy
Election Period Policy
Fraud & Corruption Control Policy
Procurement Policy
Protected Disclosures Policy
Rate Recovery & Financial Hardship Policy
Risk Management Policy

Council Plan Implications

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

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

Communication Implications

Once endorsed by Council, each officer with delegations will have them forwarded to them as a record.

Conclusion

A register of delegations is required to be kept and the CEO is required to report on the delegations twice per year. It is envisaged that this will be undertaken as part of six monthly reviews.



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OFFICER RECOMMENDATION:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, **West Wimmera Shire Council (Council) RESOLVES THAT:**

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, West Wimmera Shire Council (Council) RESOLVES THAT:

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Carried (For: 4 / Against: 0 / Abstention: 1)



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Attachments:

No.	Name	RecFind Ref
12.3.1	P-VIC-S5 August 2020	AD0186
12.3.2	S6 Delegations – Council to Senior Staff – August 2020	AD0186
12.3.3	S7 August 2020	AD0186
12.3.4	Explanatory Letter	AD0186
12.3.5	S13 Delegations – CEO Powers, Duties and Functions	AD0186



13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 PROPOSED TREE REMOVAL – ANDREW LLOYD

FILE NUMBER: PSO389

REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER

FOR DECISION

Introduction

Consideration of a report on a street tree removal application received from Andrew Lloyd of 26 Edinburgh Road Edenhope, for the removal of one large Gum tree adjacent to their property.

Background

This tree is a large Gum tree and is situated on the nature strip at 26 Edinburgh Road Edenhope. The tree is well established and is approximately 35 - 40 years old. The tree is situated between the kerb & channel and the footpath in alignment with other street trees. The initial tree removal request for this tree was received from Andrew Lloyd dated 23 December 2019.

This request has been referred to Council as a second tree removal application has now been received from the applicant.

Risk Management Implications

Any street tree can pose a potential risk to the general public, however this risk is mitigated through Council's street tree management program through its annual inspection and maintenance program.

The applicant has stated that the tree drops nuts on the concrete footpath creating a tripping hazard. This risk could be mitigated by regularly sweeping the path during the seasonal dropping of nuts.

There are no transmission powerlines along this side of the street, but there is a private power line to the neighbouring house approximately 2.0 metres from the tree foilage.



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Legislative Implications

Compliance with the Electrical Safety Victoria (Electric Line Clearance) Regulations 2010.

Environmental Implications

This tree is quite attractive in appearance and provides shade value in summer. The trees removal would have a negative impact on the streetscape.

Financial and Budgetary Implications

The cost of the tree removal will be allocated against the Street tree vegetation removal budget if Council decided that the tree is to be removed.

Cost of removal	\$2,000.00	(approx.)
Cost of stump removal	<u>\$300.00</u>	(approx.)
Total Cost	\$2,300.00	

Policy Implications

The removal of this tree has been assessed as not falling within clause 5.2.1 the Tree Removal criteria in Council's Street Tree Policy.

Council Plan Implications

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

- Strategic Objective 3: Quality sustainable community services and infrastructure.

Communication Implications

The initial tree removal request dated 23/12/19 for the street tree removal was received from Andrew Lloyd stating that the tree is dropping nuts and branches over the footpath causing a tripping hazard. The tree is also growing over the water main servicing his property.

A letter was written to the applicant on 17 January 2020 advising that the reasons for removal do not fall within the criteria of Councils Street Tree Policy.

A further letter was received from the applicant on 11 June 2020 requesting Council to re consider the tree removal application. The applicant advised of dropping gum nuts, and that at certain times of the year the tree sheds a lot of bark which ends up on the footpath creating a trip hazard. The tree also fills his spouts with leaves and neighbours spouts causing water to overflow.



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The applicant advised that he was prepared to pay for the removal if that is an option.

A risk assessment was carried out by Council's Parks and Gardens staff on 17 July 2020 and described the tree as fine with no current risks, and no future risks.

Conclusion

This Gum tree is established, attractive and a well-shaped specimen, and is situated on the nature strip in alignment with other street trees in Edinburgh Road.

The removal of this tree was rejected following the initial request as the reasons for removal did not meet the criteria in Council's Street Tree policy, and a subsequent Council risk assessment determined the tree as having no current risk and no perceived future risk.

OFFICER RECOMMENDATION:

That Council does not approve of the tree removal request from Andrew Lloyd to remove the Gum tree adjacent to his property at 26 Edinburgh Road Edenhope.

Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That Council accepts the request to remove the Gum Tree adjacent to Mr Andrew Lloyd's property at 26 Edinburgh Road Edenhope, and replaces it with a more appropriate tree species.

Carried (For: 4 / Against: 0 / Abstention: 1)

Attachments:

No.	Name	RecFind Ref
13.1.1	Tree Removal Request (1)	C20/005690
13.1.2	Tree Removal Report	C20/002930
13.1.3	Tree Risk Assessment	C20/005731
13.1.4	Letter to Applicant	C20/005691
13.1.5	Tree Removal Request (2)	C20/005695
13.1.6	Map	C20/005693
13.1.7	Photo	C20/005692



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13.2 DRAFT WEST WIMMERA SHIRE COUNCIL CORELLA MANAGEMENT PLAN 2020 - 2024

FILE NUMBER: AD0183

**REPORT AUTHOR: DAVID PIETSCH – MANAGER PLANNING AND
ENVIRONMENT**

FOR DECISION

Introduction

On 18 June 2020, Council was formally presented with a draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 for consideration. The Council resolution from this meeting is as follows:

- 1) *Consider the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.*
- 2) *Resolve to place the draft Plan on public exhibition for a period of four (4) weeks, to allow the community to provide input and feedback.*
- 3) *Notify the community of this opportunity via Council’s website, Council’s Facebook page, the local press, and any other relevant communication modes.*
- 4) *Allow submissions to the draft Plan to be heard at the West Wimmera Shire Council Councillor Forum on Wednesday 5 August 2020, for later decision at the Wednesday 19 August 2020 Council Meeting.*

Community consultation occurred in accordance with the above resolution and four written submissions were received in response to the draft Plan.

Written submissions were provided by:

- Edenhope Golf Club Inc.
- Edenhope Lakeside Tourist Park
- Local resident of Apsley
- The Department of Environment, Lands, Water and Planning (DELWP)

The purpose of this report is to discuss the submissions received and to present the draft Plan to Council for final approval.



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Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 was placed on public exhibition for a four week period between the 24 June and 24 July 2020. In accordance with the Council resolution, the draft Plan was promoted on Council's Facebook page and website. The Plan was also formally advertised in the West Wimmera Advocate which also included a media release.

The purpose of the community consultation was to seek community feedback and input into the draft Plan. The following provides a summary of the submissions received:

Edenhope Golf Club Inc.

- The Edenhope Golf Club employs a full time employee to maintain the 18 hole golf course.
- Corella's have damaged greens, particularly adjacent to the show grounds.
- Greens can be destroyed by Corellas beyond playability within 20 minutes. Greens then required a great deal of work to repair which may take up to 6 months to bring them back to playing level.
- Corellas damage sprinkler systems.
- Gas guns, painted cats and rubber snakes are used to deter birds.
- Inaction of neighbours encourage the birds to stay in the area.
- The short billed Corella is the species invading the area.
- The best plan to manage the Corellas is to begin early, hit them hard which will move them on.

Edenhope Lakeside Tourist Park

- Corellas impact on the peaceful environs of the caravan park.
- A guest last year requested a refund due to being woken up so early by the noise generated by Corellas.
- Trees in the park get stripped bare and new plantings get broken and chewed.
- Corellas create a mess in the park and damage lawns.
- Corellas sit on internal roadways and chew through the tar surface.
- Some sites cannot be used due to Corella droppings on cars and caravans.
- Corellas chew through antenna cables and coaxial cables.
- Past experiences with Council officers using scare guns were unsuccessful and also generated additional noise complaints.
- Appreciate the idea of working collaboratively with other Councils.



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Local Apsley resident

- This is a subject which puts the self-interest of humans over the existential rights of the environment including native birds and animals.
- Agricultural and farming traditions introduced by the early settlers pushed native wildlife aside. Today, wildlife in many instances battles for survival.
- “*Corella Problems in Western Victoria: Chronology of the Management of a Native Pest Species*” was published in 2005 identified issues still valid today.
- Would like to see a more conciliatory attitude towards our natural environment.
- One of the joys of life is to wake up to the dawn chorus. We have the most wonderful and voluble bird population in the world. Australia is generally considered to be the origin of bird life.
- Corellas live with us, above us and we love seeing them around the garden.
- We need to find ways to accommodate their presence in our lives.

Department of Environment, Land, Water and Planning (DELWP)

- Overall the Plan is satisfactory and we are particularly satisfied with the inclusion of a monitoring and review process.
- Where roosting sites are the issue, then finding a place out of town where they can roost without disturbing the townships may help. If they can be scared out of town and left undisturbed in another stand of trees, they may learn to roost in this area. If you are scaring them away from all the available roosting sites they have no choice but to go straight back.
- The Plan looks good from a management point of view.
- The use of laser lights/pointers would need to be cleared with aviation authorities. I am not sure of the success of these for the management of Corellas.
- Also the requirements for a public place permit through Vic Police will be required in some circumstances.
- The use of Hawks have been used with little success and is a costly exercise.

The Short-Billed Corella (also known as the Little Corella) (*Cacatua sanguinea*) as highlighted within the Edenhope Golf Club Inc. submission has now been referenced within the final version of the Plan.

Risk Management Implications

The adoption of a formal West Wimmera Shire Council Corella Management Plan will provide Council with a plan to enact should Corellas become an issue. A clear plan will reduce the risk of Corellas impacting detrimentally on our community.

Legislative Implications

There is no regulatory requirement for Council to undertake Corella control measures.



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The following Acts are relevant to this report:

- Wildlife Act 1975
- Firearms Act 1996
- Prevention of Cruelty to Animals Act 1994
- Catchment and Land Protection Act 1994

Environmental Implications

Corellas are wildlife native to Victoria and part of the West Wimmera landscape. Their migration patterns have been consistent for years, varying slightly according to climatic conditions, water availability and food sources. The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 seeks to reach a balanced approach to appropriately manage Corella flocks within townships.

Financial and Budgetary Implications

The cost to Council in relation to engaging a pest control contractor is anticipated within the 2020 – 2021 Council budget. Other recommendations within the Plan are within the current Local Laws budget and resource allocation.

Policy Implications

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

West Wimmera Council Plan 2017 – 2021 (2.6.2)
Communication Policy
Risk Management Policy
Environmental Policy

Council Plan Implications

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

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 was placed on public exhibition for four weeks for community input and feedback. The Plan was



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promoted via Council’s website, Council’s Facebook Page and a formal notice and media release was included within the West Wimmera Advocate newspaper.

Conclusion

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 has been prepared in accordance with the Council resolution. The draft Plan was placed on public exhibition for a period of four weeks and four written submissions were received. The plan was also referred to DELWP and the Victorian Police.

It is considered that the submissions received have largely supported the Plan and do not require any significant changes to the Plan apart from the inclusion of the Little Corella species. Given the above, it is recommended that Council adopt the Plan as presented.

OFFICER RECOMMENDATION:

- 1) **That Council consider the submissions received in response to the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.**
- 2) **That Council resolve to adopt the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.**

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

- 1) **That Council consider the submissions received in response to the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.**
- 2) **That Council resolve to adopt the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.**

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
13.2.1	Draft West Wimmera Shire Council Corella Management Plan 2020 - 2024	AD0183
13.2.2	Letter from Edenhope Golf Club Inc.	AD0183
13.2.3	Email from the Edenhope Lakeside Tourist Park	AD0183
13.2.4	Email from Apsley resident	AD0183
13.2.5	Email response from DELWP	AD0183



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**13.3 ROAD ANOMALY RECTIFICATION – LAKE CHARLEGRARK ROAD,
LAKE CHARLEGRARK CROWN RESERVE**

FILE NUMBER: AD0183

**REPORT AUTHOR: MARK MARZIALE – DIRECTOR INFRASTRUCTURE
DEVELOPMENT AND WORKS**

FOR DECISION

Introduction

The land	Subject	Lake Charlegrark Road Anomaly, affects the following current land titles: Freehold Title (Farmland) over which Road was constructed: Lot 1 TP393655 volume 8542 folio 054, Parish of BOOROOKI.
Area of the Land Affected		Area of Current Freehold Title to revert to Crown Land Reserve: 582 m2 - marked Reserve No1, section coloured blue, on enclosed plan PS405700P. Area of Freehold Farmland Title – to be acquired: 4870 m2 Road Area (Net) to be Opened: 4288 m2
Owner/Title Holder		Lake Charlegrark Road - West Wimmera Shire Council Lake Charlegrark Crown Land Reserve – Crown Lands DELWP Freehold Title - Lot 1 TP393655 volume 8542 folio 054, Parish of BOOROOKI. – Ambadis Pty Ltd
Financial Transaction		WWSC - \$0 (plus administration costs)
Considerations		Freehold Farmland - \$0 Crown Lands - \$1 (plus administration costs)
CIV 2020	Current	\$TBA



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Use & Development	<p>The Current Disused Road Reserve – has existing use as a Caravan Park and Camping grounds, and is developed with an open sided hall building and amenities block.</p> <p>The adjoining Crown land Reserve is used for recreation area, and is developed with a jetty over the Lake Charlegrark.</p> <p>The Freehold Title is used as Farm land.</p>
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This report seeks to inform Council regarding the proposed rectification of the Lake Charlegrark Road (the Road) anomaly by the Department of Environment Land Water and Planning (DELWP), requesting West Wimmera Shire Council's (Council). This matter is presented for information, and in anticipation of further consideration at the next Ordinary Council meeting.

Declaration of Interests

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

Background

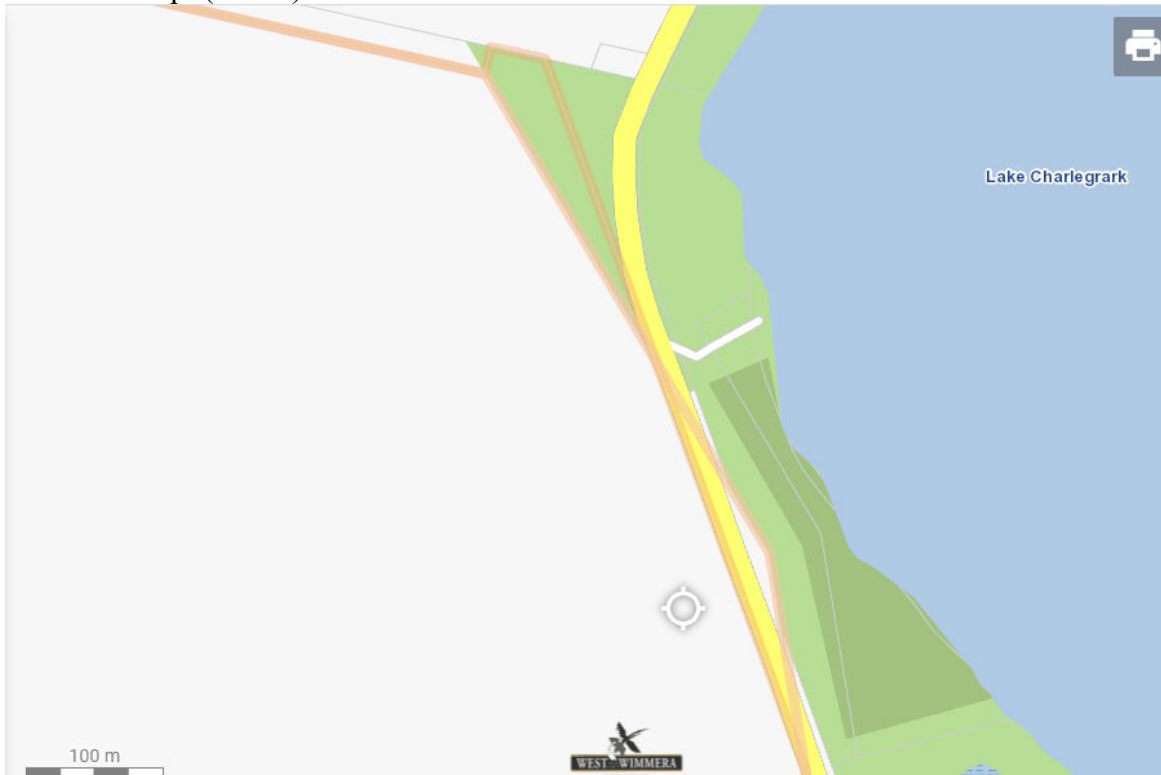
In 2017 a subdivision (S100031H) was undertaken and approved, its purpose was to separate the areas of land involved in this matter, by making distinct parcels to be available for the proposed transfer to Crown Lands, and the proposed road opening over the existing constructed portion of Lake Charlegrark Road, both of which currently sit over that area of the Freehold Farmland title.

DELWP has identified that the bitumen section of the Lake Charlegrark Road [identified by cross hatching on enclosed plan 0206294, MEL-67308] is situated on freehold title volume 8542 folio 054 (Title), held in the name of Ambadis Pty Ltd (Ambadis Land), rather than the section of unreserved government road shown hatched on the Plan and held in Crown Folio Statement Volume 11791 Folio 849 (Crown land) (the Anomaly).

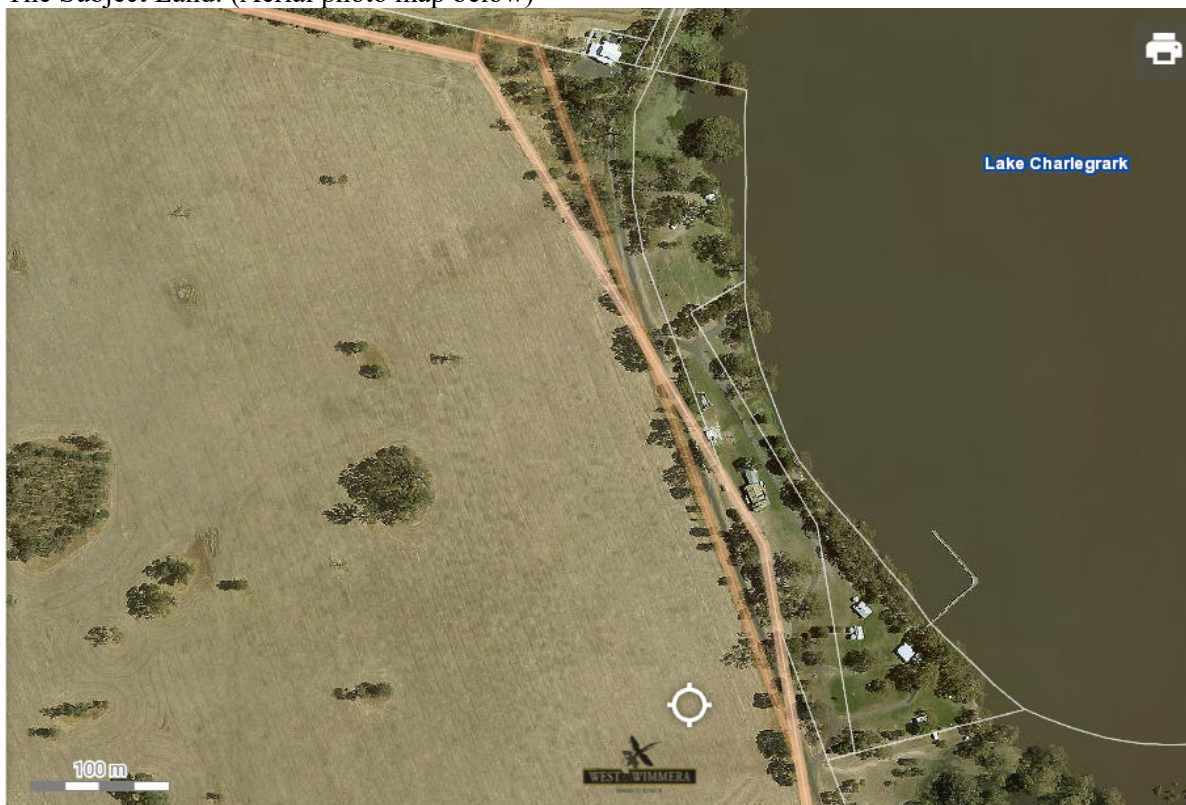


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Location Map: (below)



The Subject Land: (Aerial photo map below)





Risk Management Implications

Council may be subject to the following potential risks, involved in this matter:

- Financial risk - arising from incurring unbudgeted costs or liabilities
- Governance Risk
- Reputational Risk

Legislative Implications

Road Management Act

Local Government Act 2020

Transfer of Land Act 1958 –

Lands Act 1958

Planning & Environment Act 1987 and the West Wimmera Planning Scheme – any prior

Subdivision Act 1988 –

Crown Lands (Reserves) Act

Environmental Implications

The land currently developed, and uses are existing.

Proposed Title boundaries are existing and are unlikely to result in any proposed removal of native vegetation, which would be subject to the relevant planning and regulatory pro.

Financial and Budgetary Implications

Council may have costs associated with public notice, Gazettal.

As this matter is being administered by the VSGO and OSGV, there are no costs associated with conveyancing the transfer of title, other than the time of existing Council staff involved.

Policy Implications

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

Asset Capitalisation Policy

Asset Management Policy

Environmental Policy



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Recreation 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 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 –

Statutory notification, in the Government Gazette, will be required for the Road Opening and Closure process.

Council officers will contact the interested parties directly.

Conclusion

The proposed rectification of the current misalignment of the Lake Charlegrark road is required.

A two stage process is necessary to administer the required road Opening and Closures, and subsequent transfers of affected lands to each responsible party, namely Council and Crown Lands DELWP.

OFFICER RECOMMENDATION:

That Council resolves to agree with the proposed rectification of the Lake Charlegrark Road anomaly, as detailed in the correspondence by the Victorian Solicitor General Office (VSGO), and to undertake the following necessary actions to support the rectification, as set out below:

- 1. Council recognises the bitumen section of the Road identified by cross hatching on enclosed plan 0206294, MEL-67308 (Plan) is situated on freehold title volume 8542 folio 054 (Title), held in the name of Ambadis Pty Ltd (Ambadis Land), rather than the section of unreserved government road shown hatched on the Plan and held in Crown Folio Statement Volume 11791 Folio 849 (Crown land) (the Anomaly).**



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2. In accordance with the proposal of Land Use Victoria, and the Office of Surveyor General Council (OSGV) will provide authorisation and administration support to facilitate the recommended implementation of the following (2) stage process to rectify the Anomaly –

2.1 First Stage - A land exchange of the Crown land and Ambadis Land for no monetary consideration. This would be effected through the following process:

- (a) Council's discontinuance of the road on the Crown land with the consent of the Minister for Energy, Environment and Climate Change (Minister) under s 207B and clause 2 of Schedule 10 to the Local Government Act 1989 (LG Act). Publication of the requisite notice in the Government Gazette will vest in Council the freehold title to both the Ambadis Land (under s 207B(1)(a) of the LG Act) and the Crown land (under s 207B(2A) of the LG Act).
 - (b) A s 207E LG Act application is made by Ambadis Pty Ltd (as the owner of the land in the Title) to Land Use Victoria to amend the Titles Register to excise from the Title the Ambadis Land and include the Crown land in its place.
- 2.2 Second Stage - Council's closure of the road section coloured blue on enclosed plan PS405700P under clause 3 of Schedule 10 to the LG Act and its transfer to the Crown under s 207D of the LG Act for nominal consideration of \$1. DELWP will subsequently reserve this land under s 4 of the Crown Land (Reserves) Act 1978 and include it in the adjoining Lake Charlegrark Recreation Reserve.

3. While we inform you of the planned Second Stage of the Proposal now, DELWP instructs us that it will be progressed at a later time.



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4. Furthermore, as Council agrees to implement the Proposal, the First Stage (as above) will be the land exchange between Ambadis Pty Ltd and Council, is understood to require the following steps:

4.1 The Minister consenting to the road deviation and vesting under clause 2(2) of Schedule 10 to the LG Act. This consent has been obtained and is enclosed.

4.2 Council publishing notice of the proposed deviation and road discontinuance in accordance with s223 of the LG Act.

4.3 Council publishing notice in the Government Gazette:

- (a) of the road deviation, land exchange and road declaration under clause 2(3) of Schedule 10 to the LG Act; and**
- (b) discontinuing the Crown land's road status.**

4.4 The legal representative for Ambadis lodging a s 207E LG Act application at Land Use Victoria to remove the Ambadis Land from the Title and include the Crown land in its place.

This application will need to be accompanied by:

- (a) The Gazettal notice;**
- (b) Minister's Consent;**
- (c) Consent of the mortgagee (NAB) and caveator (Powercor) in connection with the land in the Title; and**
- (d) Nomination and making available of the Title for lodging purposes.**



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Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council resolves to agree with the proposed rectification of the Lake Charlegrark Road anomaly, as detailed in the correspondence by the Victorian Solicitor General Office (VSGO), and to undertake the following necessary actions to support the rectification, as set out below:

1. Council recognises the bitumen section of the Road identified by cross hatching on enclosed plan 0206294, MEL-67308 (Plan) is situated on freehold title volume 8542 folio 054 (Title), held in the name of Ambadis Pty Ltd (Ambadis Land), rather than the section of unreserved government road shown hatched on the Plan and held in Crown Folio Statement Volume 11791 Folio 849 (Crown land) (the Anomaly).

2. In accordance with the proposal of Land Use Victoria, and the Office of Surveyor General Council (OSGV) will provide authorisation and administration support to facilitate the recommended implementation of the following (2) stage process to rectify the Anomaly –

2.1 First Stage - A land exchange of the Crown land and Ambadis Land for no monetary consideration. This would be effected through the following process:

- (a) Council's discontinuance of the road on the Crown land with the consent of the Minister for Energy, Environment and Climate Change (Minister) under s 207B and clause 2 of Schedule 10 to the Local Government Act 1989 (LG Act). Publication of the requisite notice in the Government Gazette will vest in Council the freehold title to both the Ambadis Land (under s 207B(1)(a) of the LG Act) and the Crown land (under s 207B(2A) of the LG Act).**
- (b) A s 207E LG Act application is made by Ambadis Pty Ltd (as the owner of the land in the Title) to Land Use Victoria to amend the Titles Register to excise from the Title the Ambadis Land and include the Crown land in its place.**

2.2 Second Stage - Council's closure of the road section coloured blue on enclosed plan PS405700P under clause 3 of Schedule 10 to the LG Act



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and its transfer to the Crown under s 207D of the LG Act for nominal consideration of \$1. DELWP will subsequently reserve this land under s 4 of the Crown Land (Reserves) Act 1978 and include it in the adjoining Lake Charlegrark Recreation Reserve.

3. While we inform you of the planned Second Stage of the Proposal now, DELWP instructs us that it will be progressed at a later time.

4. Furthermore, as Council agrees to implement the Proposal, the First Stage (as above) will be the land exchange between Ambadis Pty Ltd and Council, is understood to require the following steps:

4.1 The Minister consenting to the road deviation and vesting under clause 2(2) of Schedule 10 to the LG Act. This consent has been obtained and is enclosed.

4.2 Council publishing notice of the proposed deviation and road discontinuance in accordance with s223 of the LG Act.

4.3 Council publishing notice in the Government Gazette:
(a) of the road deviation, land exchange and road declaration under clause 2(3) of Schedule 10 to the LG Act; and
(b) discontinuing the Crown land's road status.

4.4 The legal representative for Ambadis lodging a s 207E LG Act application at Land Use Victoria to remove the Ambadis Land from the Title and include the Crown land in its place. This application will need to be accompanied by:

- (a) The Gazettal notice;**
- (b) Minister's Consent;**
- (c) Consent of the mortgagee (NAB) and caveator (Powercor) in connection with the land in the Title; and**
- (d) Nomination and making available of the Title for lodging purposes.**

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
13.3.1	Ministers (delegated) Consent for Discontinuance of Road on Crown Land Includes Map of Road Opening and Closure	AD0183
13.3.2	Victorian Solicitor General's Office - Proposal to rectify land holdings in Lake Charlegrark Road	AD0183



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 COVID-19 FINANCIAL HARDSHIP RATE RECOVERY POLICY

FILE NUMBER: AD0186

REPORT AUTHOR: LEILANI DAWES, RATES COORDINATOR

FOR DECISION

Introduction

West Wimmera Shire Council (Council) anticipates receiving a number of requests for rate and charges relief as a result of hardship originating from the Covid-19 pandemic and resultant lockdown.

With the recent surge in case numbers in Metropolitan Victoria, and increased restrictions the importance of a flexible policy, with the provisions for tailored solutions has been highlighted. The reviewed COVID-19 Financial Hardship Rate Recovery Policy (the Policy) has been updated to provide a framework for providing relief where appropriate.

A draft copy of the Policy is attached for Councillors information. After considering feedback received at the Councillor Forum a final draft form of the Policy is now provided to the 19 August Council Meeting for adoption.

Declaration of Interests

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

Background

The COVID-19 pandemic has caused government both State and Commonwealth, to institute a series of 'lockdowns' and social restrictions affecting the gathering and activities of people in an attempt to reduce the spread and medical impact of the COVID-19 virus.

Whilst the medical and human benefits of these lock downs appear to have had a significantly positive impact upon the infection rate and medical impact of the virus, there has also been a significant negative economic impact as a side effect of these measures.

This has seen the shuttering of a number of businesses and widespread unemployment. Notwithstanding some significant priming and support from the Commonwealth and State



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Governments, there have been and is likely to be a number of ratepayers and residents within the Shire adversely affected by this economic decline.

Council has reviewed the Policy to ensure it has the flexibility to provide support to eligible recipients.

Key changes include:

- Change in end date timeframes to ‘approved end date’.
Extended payment terms may be required for larger accounts, or heavily impacted businesses. For example, deferral for 6 months, with a payment plan over 24 months to ensure repayment options are sustainable. The previous policy allowed for this, but the reviewed terms simplify the document and improve clarity.
- Update to Application Form to reflect changed timeframes.
- Revised use of language and document tone.

It is important to note that the Policy only applies to those ratepayers negatively affected by the COVID-19 pandemic and lockdown. Council’s existing Rate Recovery and Financial Hardship Policy will continue to apply in all cases where ratepayers claiming hardship relief cannot show that the effects of the COVID-19 pandemic have impacted their hardship.

Risk Management Implications

There are considerable risk implications for Council treated by the Policy.

The effect of the COVID-19 pandemic and lockdown on the economic situation of Council and the shire may be significant and long lasting. Businesses particularly within the shire may be significantly negatively affected to the point that they may cease to trade. This of course will impact with significant flow on damage to Council from lower employment, reduced growth, reduction in rate base and rate payers and ultimately rate income to Council. Providing temporary rate relief and assistance may aid in the mitigation of this risk.

Council is also at serious reputational risk arising from its response to COVID-19. Council may lose public support if it continues to enforce rate charges on ratepayers who have been significantly affected by the economic downturn arising from COVID-19.

Legislative Implications

Any relief or assistance Council provides must be in accordance with the *Local Government Act 1989*. The draft COVID-19 Financial Hardship Rate Recovery Policy complies with that Act.



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Environmental Implications

Not commented on.

Financial and Budgetary Implications

At this stage there is insufficient information available to Council to be able to accurately forecast a financial cost to the amount of rate and charges relief to be given by Council. Due to the timing of rates notice due dates and pandemic restrictions, many impacted ratepayers are yet to receive an account. As a potential indication, Council raised approximately \$7.7 million in rates and charges for the 2019-20 financial year. One percent of this amount equates to \$77,000 dollars. At the 30 June 2020 there was approximately \$260,000 in outstanding rates (excluding Fire Services Property Levies) (approx. 3% of total raised).

Policy Implications

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

Communication Implications

The Policy, if adopted will be available for all ratepayers. As such it must be advertised widely and communicated to the public clearly.

Conclusion

The COVID-19 Financial Hardship Rate Recovery Policy provides for the unique economic situation that has arisen from the COVID-19 pandemic and resultant lockdown. It expands the provisions of our existing Rate Recovery & Financial Hardship Policy by expanding the criteria for assistance to cover those who may have been uniquely affected by the effects of the pandemic.



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OFFICER RECOMMENDATION:

That Council adopt the draft COVID-19 Financial Hardship Rate Recovery Policy as attached.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council adopt the draft COVID-19 Financial Hardship Rate Recovery Policy as attached.

Carried (5/0)

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council commence the development of a Covid-19 Recovery Plan and that initial discussions take place at the next Councillor Forum.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.1.1	WWSC_Council Policy_Covid-19 Financial Hardship Rate Recovery Policy_August 2020 Review	AD0186



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14.2 WEST WIMMERA SHIRE COUNCIL PROCUREMENT POLICY

FILE NUMBER: AD0192

**REPORT AUTHOR: LOUISE GABBÉ, BUSINESS PERFORMANCE
COORDINATOR**

FOR DECISION

Introduction

This report is to enable Council to review the draft Council procurement policy pursuant to the Local Government Act 1989 and Local Government Act 2020.

Declaration of Interests

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

Background

Procurement for Local Government is guided by legislation (Local Government Act 1989 and 2020) and the Victorian Local Government Best Practice Procurement (VLGBPP) Guidelines 2013.

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 probity, transparency, accountability and risk management
- Minimise the cost of bidding for potential suppliers

The policy is available for inspection and is posted on Council's website. The Procurement Policy must be reviewed by Council at least once during each four (4) year term of Council in accordance with the Local Government Act 2020.



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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 Sect 108 (7) in Legislative Implications below)

Legislative Implications

Extract Local Government Act 2020 - *Sect 108 Procurement policy*

1. *A Council must prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for the carrying out of works.*
2. *A Procurement Policy must seek to promote open and fair competition and provide value for money.*
3. *A Procurement Policy must include the following-*
 - (a) *The contract value above which the Council must invite a tender or seek an expression of interest;*
 - (b) *A description of the criteria to be use by the Council to evaluate whether a proposed contract provides value for money;*
 - (c) *A description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods and services;*
 - (d) *The conditions under which the Council may purchase goods without inviting a public tender or expression of interest;*
 - (e) *A description of the process to be undertaken in inviting a public tender or expression of interest;*
 - (f) *Any other matters prescribed by the regulations.*
4. *The contract value to be included in a Procurement Policy in accordance with subsection (3)(a) must not exceed the value prescribed by the regulations for the purposes of this section.*
5. *A Council must review its Procurement Policy at least once during each 4 year term of Council.*
6. *A Council must adopt the first Procurement Policy under this section with 6 months of the commencement of this section.*
7. *Until a Council adopts a Procurement Policy under this section-*
 - (a) *The procurement policy approved by the Council under section 186A of the Local Government Act 1989 which is in effect before the commencement of this section applies as if the procurement policy had been adopted under this section; and*



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(b) The restrictions on the power of a Council to enter into a contract under sections 186 and 186A of the Local Government 1989 as in force before the commencement of this section continue to apply as if those sections had not be repealed.

Adoption of the reviewed Procurement Policy will meet legislative requirements.

Environmental Implications

Nil

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 June 2019, and it has now been subject to another update after the Independent Broad-Based Anti-Corruption Commission (IBAC) special report on corruption risks associated with procurement in Local Government in September 2019 recommended that Council update its policy and to better reflect the new Local Government Act 2020.

Following advice from the Local Government Inspectorate, Council has obtained several copies of other Council's Procurement Policies, in conjunction with the Local Government Act 1989 and the new Local Government Act 2020 to compile a new Council policy.



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Conclusion

The review process is completed and Officers intend to recommend the adoption of the new procurement policy at 19 August meeting.

OFFICER RECOMMENDATION:

That Council adopt the revised West Wimmera Shire Council Procurement Policy.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council adopt the revised West Wimmera Shire Council Procurement Policy.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.2.1	WWSC Procurement Policy	AD0192



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14.3 COMMUNITY REPRESENTATIVE TO WIMMERA MALLEE TOURISM
FILE NUMBER: ED0080
REPORT AUTHOR: ASHLEY ROBERTS – DIRECTOR CORPORATE &
COMMUNITY SERVICES AND TAMEE MULRANEY – BUSINESS
DEVELOPMENT & TOURISM OFFICER

FOR DECISION

Introduction

Council's Community Representative position on the Wimmera Mallee Tourism (WMT) Board is currently vacant, and a new representative now needs to be selected.

Declaration of Interests

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

Background

The Wimmera Mallee Tourism (WMT) is a vital link between Government and Industry, proactively lobbying for improved regional tourism and the attraction to the Wimmera.

West Wimmera Shire Council is a member of WMT and is able to fill 3 positions which sit on the board, 1 x councillor, 1 x officer, 1 x Community representative.

The position for Community Representative has recently been left vacant.

To enable all community members to have an opportunity to register interest in being involved in Wimmera Mallee Tourism, advertising for expressions of interest has taken place.

Advertising for expressions of interest to attract a new Community Representative to WMT commenced on 26 June with a deadline of 20 July 2020. Notices were advertised in the local newspapers, Councils website and Councils Facebook page.

One expression of interest was received, from Mrs Helen Mulraney-Roll (see attached).



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Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

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

Policy Implications

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

Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 4: Building on our Tourism strengths and supporting economic development.

Communication Implications

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



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Conclusion

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

This report request Council formally ratify of the appointment of Mrs Helen Mulraney-Roll as the West Wimmera Shire Council Community Representative to the Wimmera Mallee Tourism for a two-year term or until the State Tourism Review.

OFFICER RECOMMENDATION:

That Council ratifies the appointment of Ms Helen Mulraney-Roll to the position of West Wimmera Shire Council Community Representative to Wimmera Mallee Tourism for a period of two years.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council ratifies the appointment of Ms Helen Mulraney-Roll to the position of West Wimmera Shire Council Community Representative to Wimmera Mallee Tourism for a period of two years.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.3.1	Expression of Interest from Mrs Helen Mulraney-Roll	C20/005475
14.3.2	KDPA letter of support for Helen Mulraney-Roll	C20/005650



14.4 CHANGE MANAGEMENT POLICY

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) employs a number of Information Communication Technology (ICT) systems across its operations. From time to time changes to these systems are required.

The Change Management Policy provides an over-arching guideline to managing these changes.

The review of the Change Management Policy has resulted in some very minor changes being recommended and a standard Change Request Template being added to the policy as an appendix.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Council employs a number of ICT systems in the undertaking of its daily operations. These systems range from Corporate Software suites, banking software, telephone systems, to servers.

From time to time changes may be required to these systems, both in hardware and software terms. These changes can be required from a number of sources, including regulation or statutory change, supplier initiated change (upgrades, warranty patches, etc.), security issues or obsolescence in Council's existing systems.

These changes may occur as a result of many factors, including a change in Council operational requirements, a change in legislative requirements Council is required by law to comply with, a change in vendor circumstances or an ICT security threat becoming apparent for example. The change maybe as minor as installing the most recent upgrade of



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software a vendor has released, or as major as a complete software installation. A change may also occur from replacing or adding staff or resources to a function.

Obviously systems change create a risk situation to Council. To mitigate this risk it is important for Council to have a policy in place to manage any change activities.

A draft of the reviewed Change Management Policy (marked up with changes) has been attached for Councillor's perusal and discussion. Only very minor changes have been included in the revision:

- It is recognised that at times a Project Manager may take on the role of Change Manager (usually only for simple projects), therefore the Project Manager has been added into the definition of Change Manager.
- A standardised Request for Change has been developed and attached to the Policy to be used to initiate the change process.

Risk Management Implications

Council may be at potentially serious risk from change activities. This risk can include:

- Financial risk from Council spending significant amounts of money on failed change implementations;
- Operational risk from Council failing to be able to effectively manage its operations or interrogate its data. This risk may be a reason to implement change also.
- Reputational risk from any failed implementation. Again this risk may be a reason to initiate change if Council faces an inability to comply with regulations or operate effectively with pre-change systems.

The provision of a Change Management Policy forms an important part of Council's internal control process to mitigate risk.

Legislative Implications

There is no direct legislative impact arising from the Draft Change Management Policy, however systems change may be initiated by legislative change to ensure that Council maintains compliance.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Almost all change involves some financial cost to Council. Having a Change Management Policy overlooking change activities allows Council to approach change in a structured manner which will include analysing the financial costs and risks to Council.



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Policy Implications

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

Asset Management Policy
Business Continuity Policy
Change Management Policy
Fraud & Corruption Control 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.

Communication Implications

As with any Council Policy, the Change Management Policy will be distributed to all staff and relevant contractors. It forms an important part of Council's internal control process and as such it is vital that all staff are aware of its content and application.

Conclusion

The Change Management Policy forms an important part of Council's internal control structure aimed at mitigating risk. It forms an over-arching guidance structure for the initiation, approval, implementation and review of systems changes within Council.

OFFICER RECOMMENDATION:

That Council adopt the draft revised Change Management Policy.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council adopt the draft revised Change Management Policy.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
14.4.1	Draft Revised Change Management Policy	FM0021



14.5 COUNCIL EXPENSE POLICY

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required under section 41 of the *Local Government Act 2020* ('the Act') to adopt a Council Expenses Policy (the Policy). Under the timetable for implementation of the Act Council is required to adopt the Council Expenses Policy by 1 September 2020.

Council recently amended its Councillor Expense Policy in May 2020. The policy as adopted in May 2020 is compliant with the Act as adopted. However it was considered a prudent opportunity when reviewing compliance to include a small number of additional items which result in the policy providing additional transparency.

Declaration of Interests

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

Background

Section 41 of the *Local Government Act 2020* states:

41 Council expenses policy

(1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of delegated committees.

(2) A policy adopted by a Council under this section must—

- (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
- (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and



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- (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
- (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

(3) A Council must adopt the first expenses policy under this section on or before 1 September 2020.

(4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the Local Government Act 1989 applies as if it had been adopted under this Act.

The Council Expenses Policy as adopted in May 2020 fulfils these requirements.

The August update to this policy however adds a small number of items which provides greater transparency around Section 42 of the Act – which is concerned with other allowances or entitlements provided to Councillors which may be required to enable them to effectively carry out Council business.

The inclusions to the policy are:

- Addition of a number of other Acts which may impact upon the policy, including:
 - Charter of Human Rights and Responsibilities Act 2006;
 - Freedom of Information Act 1982;
 - Privacy and Data Protection Act 2014; and
 - Equal Opportunity Act 2010.
- Addition of Section 13 of the policy which outlines allowances and entitlements provided to Councillors to assist them in undertaking Council business. This includes IT and communication equipment, etc. Whilst not an actual requirement of the Act for this to be included in the Councillor Expense Policy it is an effective way of transparently communicating all entitlements and allowances which are made available to Councillors.

Risk Management Implications

The Council Expense Policy provides for oversight into the reimbursement of reasonable expenditure incurred by Councillors or Committee Members in the undertaking of Council business. As such it forms a foundation of Council's Anti-Fraud and Corruption Policy.

An effective Council Expense Policy can also mitigate reputational risk to Council.



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Legislative Implications

The draft Council Expense Policy complies with the requirements of S.41 of the *Local Government Act 2020*.

The addition of the section outlining other Allowances and Entitlements provides transparency and guidance to the application of S.42 of the Act.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Councillors are entitled to be reimbursed for reasonable out of pocket expenses incurred in the undertaking of Council business. Council has allowed for an amount of \$28,000 for total Councillor Expenses other than Councillor Allowances in its 2020-21 budget.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Code of Conduct Policy
Councillor Expense Policy
Human Rights 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

Upon adoption, the Council Expense Policy becomes a publicly accessible document and shall be published on Council's website.

Conclusion

The Council Expense Policy ensures Council complies with S.41 of the *Local Government Act 2020*. It recognises that from time to time Councillors and Committee Members may incur out of pocket expenses in the course of undertaking Council business, and provides for reasonable reimbursement of such expenses.



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OFFICER RECOMMENDATION:

That Council adopts amended Council Expense Policy.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council adopts amended Council Expense Policy.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.5.1	Draft Council Expense Policy	FM0021
14.5.2	TD2019/11 ATO Reasonable Accommodation and Meal Expense Reimbursement Rates	FM0021



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14.6 FINANCIAL PERFORMANCE REPORT AS AT 30 JUNE 2020

FILE NUMBER: FM0068

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the Financial Performance Report for the period ended 30 June 2020.

Declaration of Interests

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

Background

The *Local Government Act 1989* ('the Act') requires Council to implement the principles of sound financial management (s.136 (1)). Section 138(1) of the Act requires that Council be presented with a statement comparing actual to 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 30 June 2020. Where significant variances exist between actual amounts and budgeted figures, a note is included to provide an explanation for the variance. The financial reports include a Comprehensive Income Statement, Balance Sheet and Capital Works Statement to give a true indication of Council's operations, capital works program and 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.



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Environmental Implications

Nil

Financial and Budgetary Implications

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

Policy Implications

Nil

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

Conclusion

Council's financial performance at 30 June 2020 is attached for Council's information, in accordance with the requirements of s.138 (1) of the Act.

OFFICER RECOMMENDATION:

That the Financial Performance Report as at 30 June 2020 be received and noted.



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Moved: Cr Trevor Domaschenz

Seconded: Cr Richard Hicks

That the Financial Performance Report as at 30 June 2020 be received and noted.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.6.1	Financial Performance Report as at 30 June 2020	E20/000253



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14.7 MINUTES OF AUDIT & RISK COMMITTEE MEETING HELD 23 JUNE 2020

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the minutes of the Audit and Risk Committee Meeting held on 23 June 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Section 53 of the *Local Government Act 2020* requires that each Council establish an Audit Committee. The Audit and Risk 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



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not have any role in relation to financial management issues or have any executory role or powers.

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 2020* 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 Policies:

Fraud & Corruption Control 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

Not commented on.

Conclusion

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



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OFFICER RECOMMENDATION:

That Council receives and adopts the minutes of the prior Audit and Risk Committee meeting held 23 June 2020.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council receives and adopts the minutes of the prior Audit and Risk Committee meeting held 23 June 2020.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.7.1	Minutes of Audit & Risk Committee meeting held 23 June 2020	E20/000252



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14.8 BUSINESS ASSISTANCE GRANT – BEETANICALS UPDATE

FILE NUMBER: ED0089

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) resolved at its March 2020 Council Meeting to award a Business Assistance Grant to Beetanicals. Included in the resolution awarding the grant was that Council was willing to provide an amount of up to \$5,000 upon presentation of receipts from attendance at trade shows.

Due to the Covid-19 pandemic, the anticipated trade shows have not occurred. Council has received a request that the amount allocated for attendance at trade shows be reallocated to other business activities. This report requests Council's approval for such reallocation.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

At its March 2020 Council Meeting Council considered an application from Beetanicals for a Business Assistance Grant under Council's Business Assistance Scheme.

After consideration of the application Council resolved:

That Council resolves to grant Tanya and Warren Stanley of Beetanicals – natures little helper a grant from the Business Assistance Fund in the amount of \$10,000 upfront, and with receipts from trade shows up to \$5,000.

Unfortunately due to the Covid-19 pandemic the anticipated trade shows have not been held. Council has received a request to reallocate the 'up to \$5,000' that was allocated to trade shows to undertake a direct marketing campaign in place of a trade show campaign.

A quote totalling \$3,000 + GST has been provided (this quote details business strategy and as such is to be treated as commercial-in confidence and will not be disclosed to this public Council meeting).



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Risk Management Implications

There are relatively minor risk implications to Council from re-allocating the Business Assistance Grant. There may be more reputational risk to Council from not reallocating the grant as Council may be seen as not supporting business flexibility in the current pandemic situation.

Legislative Implications

There are no legislative impediments to Council resolving to reallocate the grant. It is however considered appropriate that Council do formally resolve to reallocate the grant funding as it is proposed to be used for a purpose other than what was originally resolved.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

There are no financial or budgetary implications from the reallocation of the funds so long as there is no change to the dollar amounts allocated in the March 2020 resolution.

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.

Communication Implications

If Council resolves to reallocate the funding then the marketing campaign may commence.

Council will be able to further promote and provide marketing opportunities through any subsequent success stories that come from the business growth as part of a business attraction and development campaign.



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Conclusion

Due to reasons beyond the control of Beetanicals (the grant recipient) and Council (the grant provider), it is no longer possible for part of the resolution made at the March 2020 Council Meeting to be implemented – i.e. the Covid-19 pandemic has made it impossible for Beetanicals to attend trade shows.

Beetanicals have shown business initiative in providing a viable and workable alternative use for the allocated funding. Council will need to provide a subsequent resolution to enable the funding to be reallocated.

OFFICER RECOMMENDATION:

That Council resolves that subsequent to the Covid-19 pandemic rendering it impossible for Beetanicals to attend trade shows, that the amount of up to \$5,000 allocated from the Business Assistance Fund payable to Beetanicals upon receipts from trade shows be reallocated to up to \$5,000 upon receipts for other business marketing activities.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council resolves that subsequent to the Covid-19 pandemic rendering it impossible for Beetanicals to attend trade shows, that the amount of up to \$5,000 allocated from the Business Assistance Fund payable to Beetanicals upon receipts from trade shows be reallocated to up to \$5,000 upon receipts for other business marketing activities.

Carried (5/0)

Attachments: Nil



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15.0 LATE ITEMS OF BUSINESS

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

28. Urgent Business

Business must not be admitted as urgent business unless it:

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

Moved: Cr Trevor Domaschenz

Seconded: Cr Tom Houlihan

That Council consider the following late item of business:

**15.1 SOUTH AUSTRALIAN/VICTORIAN HARD BORDER CLOSURE
DURING COVID-19**

Carried (5/0)

**15.1 SOUTH AUSTRALIAN/VICTORIAN HARD BORDER CLOSURE
DURING COVID-19**

Moved: Cr Jodie Pretlove

Seconded: Cr Richard Hicks

- 1. That due to the hard closure of the South Australian/Victorian border, West Wimmera Shire Council write a letter/communicate with the Prime Minister of Australia to request that our Essential Services and Cross Border Community Members within West Wimmera Shire Council be allowed to continue to operate with a common sense approach during the current COVID-19 situation.**
- 2. That this letter be copied to Dr Anne Webster MP, Ms Emma Kealy MP, Premier of South Australia Mr Steven Marshall, Premier of Victoria Mr Daniel Andrews, and other relevant Members of Parliament.**

Carried (5/0)



16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a))

RECOMMENDATION

That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 HIRE OF PLANT AND EQUIPMENT 2020 CM0526

17.2 SUPPLY OF QUARRY AND ROADMAKING MATERIAL CM0527

17.3 CHIEF EXECUTIVE OFFICER CONTRACT

RESOLUTION REGARDING GROUNDS FOR DETERMINING TO CLOSE THE MEETING TO THE PUBLIC

OFFICER RECOMMENDATION

That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

Item 17.1: Hire of Plant and Equipment 2020 CM0526

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.



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Explanation: This report contains Council business information regarding commercial negotiations for the tender of Hire of Plant and Equipment CM0526, and private commercial information provided by the tenderers.

Item 17.2: Supply of Quarry and Roadmaking Material CM0527

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Explanation: This report contains Council business information regarding commercial negotiations for the tender of Supply of Quarry and Roadmaking Material CM0527, and private commercial information provided by the tenderers.

Item 17.3: Chief Executive Officer Contract

Grounds: LG Act 2020 Section 3 Confidential Information definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Explanation: This report contains Council business information regarding the option to offer a further contract to the current Chief Executive Officer, Mr David Leahy.



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Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

- 1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 4.45pm to resolve on matters pertaining to the following items:**

17.1 HIRE OF PLANT AND EQUIPMENT 2020 CM0526

17.2 SUPPLY OF QUARRY & ROADMAKING MATERIAL CM0527

17.3 CHIEF EXECUTIVE OFFICER CONTRACT

- 2. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:**

Item 17.1: Hire of Plant and Equipment 2020 CM0526

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Explanation: This report contains Council business information regarding commercial negotiations for the tender of Hire of Plant and Equipment CM0526, and private commercial information provided by the tenderers.



Item 17.2: Supply of Quarry and Roadmaking Material CM0527

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Explanation: This report contains Council business information regarding commercial negotiations for the tender of Supply of Quarry and Roadmaking Material CM0527, and private commercial information provided by the tenderers.

Item 17.3: Chief Executive Officer Contract

Grounds: LG Act 2020 Section 3 Confidential Information definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Explanation: This report contains Council business information regarding the option to offer a further contract to the current Chief Executive Officer, Mr David Leahy.

Carried (5/0)



RECOMMENDATION

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

Moved: Cr Richard Hicks

Seconded: Cr Bruce Meyer

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 5.35pm.

Carried (3/0)

17.1 HIRE OF PLANT AND EQUIPMENT 2020 CM0526

- 1. That Council accepts all tenders submitted to form a panel of suppliers for Contract CM0526 “Hire of Plant and Equipment 2020” in accordance with the specifications of Contract CM0526 at the tendered rates, and that Council Officers be delegated to appoint further suppliers to the panel as required.**
- 2. That the Contract Agreement Documents for Contract CM0526 “Hire of Plant and Equipment 2020” be signed and sealed by Council following their preparation.**



17.2 SUPPLY OF QUARRY AND ROADMAKING MATERIAL CM0527

1. That Council accepts the tenders submitted by Conundrum Holdings Pty Ltd, G R & K E Hunt, Moree Quarries Pty Ltd, Henschke Industries, Rigby Bros, Tatiara Trench Diggers, Bordertown Stone and TT & GJ Leeming for Contract CM0527 “Supply of Quarry and Roadmaking Material,” in accordance with the specifications of Contract CM0527 at the tendered rates.
2. That Council accepts the tenders submitted by AS & MK Cook, John Bade and McClure Rock Company for Contract CM0527 “Supply of Quarry and Roadmaking Material,” in accordance with the specifications of Contract CM0527 at the tendered rates, subject to them providing evidence of adequate insurance and O H & S documentation as required under the contract.
3. That the Contract Agreement Documents for Contract CM0527, “Supply of Quarry and Roadmaking Material,” be signed and sealed by Council following their preparation.

17.3 CHIEF EXECUTIVE OFFICER CONTRACT

That:

1. Council offers a new two-year contract to Mr David Leahy, commencing on 1 February 2021 and expiring on 31 January 2023, without advertising the position.
2. The remuneration package to be offered in the new contract is the same as Mr Leahy’s current remuneration package, which is \$219,302.24.
3. Council signs and seals the new contract with Mr Leahy no later than Monday 21 September 2020, which is the day before the official Election Caretaker Period commences.
4. In accordance with section 94(6) of the *Local Government Act 1989*, details of David Leahy’s proposed total remuneration as Chief Executive Officer under the new Contract of Employment will be made available for public inspection on Council’s website and at Council’s offices within 14 days after today’s date, and these tasks will be actioned by the Governance Manager.



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MEETING CONCLUDED: 5.36 PM

**NEXT MEETING: MONDAY 14 SEPTEMBER 2020
EDENHOPE COUNCIL CHAMBER & ZOOM**