



## COUNCIL MEETING MINUTES – 17 FEBRUARY 2021 WEST WIMMERA SHIRE COUNCIL

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<b>HELD:</b>	<b>Wednesday 17 February 2021</b>
<b>LOCATION:</b>	<b>Zoom Meeting</b>
<b>COMMENCEMENT:</b>	<b>2.00pm</b>
<b>PUBLIC ACCESS:</b>	<b>Live Streaming from Council’s website <a href="http://www.westwimmera.vic.gov.au">www.westwimmera.vic.gov.au</a></b>

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<b>REQUIRED TO ATTEND:</b>	
<b>Councillors</b>	<b>Senior Management Group</b>
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor	Paul Brumby Interim Chief Executive Officer (CEO)
Trevor Domaschenz Tom Houlihan	Ashley Roberts Director Corporate & Community Services (DCCS)
Tim Meyer	Mark Marziale Director Infrastructure Development & Works (DIDW)
	<b>Officers:</b> Kaddie Cother, Governance Support Officer Anna Ferguson, Communications Officer

*The West Wimmera Shire Council Governance Rules  
set out the meeting procedure rules for this Council Meeting.*

*Members of the public are reminded that they are required to remain silent  
during this meeting, except during Section 4.0 Questions from the Gallery.*

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

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



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## COUNCIL MEETING MINUTES – 17 FEBRUARY 2021 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

#### 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 Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**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 – CEO

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire. Amen.

### 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

None Declared



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*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.*

### 4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

#### 4.1 WRITTEN QUESTIONS ON NOTICE 2:07pm

*Governance Rules – Division 8 Section 53:*

*53.4 Questions submitted to Council can be submitted as follows:*

*53.4.1 In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and*

*53.4.2 Placed in the receptacle designated for the purpose at the place of the meeting at least two hours prior to the Council meeting, or be lodged electronically at the prescribed email address at least two hours prior to the Council meeting.*

*53.5 No person may submit more than two questions at any one meeting.*

The Question on Notice template is available from the Edenhope and Kaniva Council Offices, and from Council's website.

Written Questions on Notice submitted to Council no later than the deadline of 5:00pm on the Monday in the previous week to the relevant Council Meeting, will be included in the Agenda.

Written Questions on Notice submitted subsequent to that deadline can be lodged electronically to [govmanager@westwimmera.vic.gov.au](mailto:govmanager@westwimmera.vic.gov.au), no later than two hours prior to the Council Meeting.

### RECOMMENDATION:

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



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**Moved:** Cr Jodie Pretlove

**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)**

### **4.1.1 Geoff Langsworth – Lake Wallace Walking Track**

I attended the Council Meeting held 21<sup>st</sup> August 2019 and raised the question regarding the deteriorating state of the walking track, in particular the section near the Sydney Road intersection.

Seventeen months have passed since the question was raised and nothing has been done to repair the track.

I request that Council write to me advising what action is being proposed and when this action will occur.

#### **Original Question & Response: 21 August 2019**

The condition of the walking track around the Lake is rapidly deteriorating and requires immediate attention, to prevent potential accidents and injuries.

**My questions to the Council/Councillors are:**

- 1. Is the Council/Councillors aware of the poor condition of the track?**
- 2. What actions to repair the track are planned?**
- 3. When will work commence to address the problem?**

Mayor: The Lake Wallace Walking Track was part of a Council Plan within the last couple of years. Most recently we have been focusing on the retaining wall at Lake Wallace

Director IDW: Council is aware of the condition of the track. There was \$10,000 allocated in the 2019-2020 draft budget to repair the damage to the track. The current budget has \$7500 for this purpose, which is an amount carried forward from last financial year. The track has been inspected, faults have been painted in high visibility paint to make them obvious. Limestone is being added at the moment to rectify parts of the track.



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Cr Domaschenz: I walked the track this morning, and had a good look. It won't be a big job to repair.

Director IDW: Last 2 years \$10k allocated for major repairs for the track, \$7500 is also included in the current budget. Originally constructed with asphalt.

### **4.1.2 Helen Hobbs – Digital Management of Websites & Social Media Pages**

The Silo Art Trail website still lists only 6 of the 12 silos with no links to accommodation options. [www.siloarttrail.com](http://www.siloarttrail.com)

Despite Covid updates appearing on their site, it is clear no-one is managing this site. This outdated information then transfers across to Visit Victoria, Visit Grampians, Visit Horsham and Tourism Australia websites.

The Silo Art Facebook page has over 34K followers and has not once featured the Goroke Silo.

The Visit Wimmera Mallee site is not user friendly and contains many inaccuracies, spelling and grammatical errors including the Kaniva Information Centre being located at the Midway Motel address. The Silo Art page still does not list Kaniva or Goroke.  
[www.visitwimmeramallee.com.au/silo-art-trail/](http://www.visitwimmeramallee.com.au/silo-art-trail/)

The old Wimmera Mallee Tourism website is still live and adds to the confusion for visitors. A simple redirect on this page would fix the problem.

The Wimmera website is missing a significant amount of information and their social media pages last mentioned Kaniva, Edenhope and Harrow in 2017.  
<https://www.thewimmera.com.au/holiday-125/travel-and-accommodation>

The WWSC Visit West Wimmera site, despite being advertised on brochures and adverts for several years, is still not functional.

**Given the upcoming peak holiday season, can Council prioritise that these websites be updated?**

**If this is not possible, could Council consider allowing volunteer administrators the log in details so errors can be corrected?**

Mayor – As best to my knowledge, these websites are not run by West Wimmera Shire Council.

Cr Domaschenz – Previously staff from the West Wimmera Shire Council have not had access, since a meeting yesterday we can encourage that the 2 suggestions be considered.

Mayor – Will attempt to rectify the issue as much as we can.



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### 4.2 VERBAL QUESTIONS WITHOUT NOTICE

*Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, following the removal of standing orders and when prompted by the Mayor (Governance Rules Division 8 S53.4.3)*

*Members of the Gallery providing verbal questions without notice at a Council Meeting must state their name, to be recorded in the minutes (Governance Rules Division 8 S53.4.4)*

*No person may submit more than two questions at any one meeting (Governance Rules Division 8 S53.5)*

#### 1. Andrew Farran – Community Hub/Hall

It is noted that the hub/hall has been built, that the Library has been installed, and that the 17th February Council Meeting is to be held there but that the public and media are to be excluded from that meeting - apart from a virtual presence (contrary to Section 66 of the Local Government Act Victoria);

It is noted further that no formal opening of the building has been held and very little by way of information concerning plans and arrangements for its use, etc. has been provided to the public.

I ask:

**When will Shire residents be advised of what the Council proposes for the hub/hall's use, for public access, and for what purposes, etc., and for its completion by way of both interior and exterior decorations; and what acknowledgement will be given to donor contributions to the project?**

Mayor – Still legal issue with the building contractor, once all in order there will be an opening, while we are working with issues with legal ramifications we are limited to what we can do. We have been allowing limited use within the building, the library is fully operational. We are hamstrung by legal issues.

Cr Pretlove – Steering committee meeting yesterday, all that were at that meeting are aware of what's going on. Money held back with the final payment to make sure everything has been covered. If we started to use it with legal issues not rectified, worried there may be a counter claim.





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### 2. Valerie Collins – Tourism Committee

I have applied for and been told verbally by Helen Roll that I have acceptance to the Tourism Committee. At today's date there has been no communication regarding the acceptance of my application or, when the committee will commence operation.

**My question is; Why is there no recognition of my application, and/or notification of acceptance? Thank you.**

Mayor - Staffing matter, council has resolved to place those people on the committee. A couple from the committee have suggested a change. According to the council resolution, we ask that Paul notify those who have been accepted.

### 3. Valerie Collins – Lost in the Bush

Considering the outrage of the participants and community who were involved in the submission for funding of the concept 'Lost in the Bush', when are we to expect the full disclosure of events, considerations and conversations that led to the "Breach of Trust" described within the publication "Trickle Down Tourism Behind Closed Doors". The community is waiting for this disclosure and it is expected that this issue will receive priority consideration. Thank you.

Mayor – There was a submission to put in to the creative arts group for funding, it wasn't defined what the paintings were going to be. I have never seen a list nor has it been defined what was going to be painted to the best of my knowledge. I am unaware that there was intent to paint that story, the letter of support is a mystery to me.

Cr Domaschenz – the presentation that the group brought to council contained 3 items that were of historic events that happened in our shire. My position is in the West Wimmera Advocate today.

#### **RECOMMENDATION:**

**That Council resume Standing Orders. 2:22**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council resume Standing Orders.**

**Carried (5/0)**



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

#### **5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)**

17/12/2020	Major Projects Plan & Workshop
17/12/2020	WWSC Audit & Risk Committee Meeting
18/12/2020	CEO Paul Brumby
06/01/2021	Harrow & District Recreation Reserve Changeroom Facilities Opening
06/01/2021	Goroke Recreation Reserve with Danielle Green
08/01/2021	CEO Paul Brumby
11/01/2021	Cricket Trail – Content Discussion
22/01/2021	CEO Paul Brumby
26/01/2021	Australia Day Awards Ceremony – Kaniva & Harrow
03/02/2021	Councillor Forum
10/02/2021	McArthur Recruitment CEO Briefing
10/02/2021	Councillor Induction (Dividers 3 & 9)
11/02/2021	Wimmera Southern Mallee Councils Introduction to Regional Approach
12/02/2021	Wimmera Regional Library Board Meeting
17/02/2021	Agenda Review with Senior Management Group
17/02/2021	Council Meeting

#### **5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)**

17/12/2020	Major Projects Plan & Workshop
17/12/2020	WWSC Audit & Risk Committee Meeting
18/12/2020	Wimmera Southern Mallee Regional Transport Group Meeting
03/02/2021	Councillor Forum
05/02/2021	Wimmera Southern Mallee Regional Transport Group Meeting
10/02/2021	McArthur Recruitment CEO Briefing
10/02/2021	Councillor Induction (Dividers 3 & 9)
11/02/2021	Wimmera Southern Mallee Councils Introduction to Regional Approach
17/02/2021	Agenda Review with Senior Management Group
17/02/2021	Council Meeting



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### 5.3 COUNCILLOR TREVOR DOMASCHENZ

17/12/2020	Major Projects Plan & Workshop
18/12/2020	Wimmera Southern Mallee Housing Briefing
20/01/2021	Wimmera Mallee Tourism Meeting
26/01/2021	Australia Day Awards Ceremony – Edenhope
03/02/2021	Councillor Forum
09/02/2021	Wimmera Development Association Board Meeting
10/02/2021	McArthur Recruitment CEO Briefing
10/02/2021	Councillor Induction (Dividers 3 & 9)
11/02/2021	Wimmera Southern Mallee Councils Introduction to Regional Approach
17/02/2021	Agenda Review with Senior Management Group
17/02/2021	Council Meeting

### 5.4 COUNCILLOR TIM MEYER

17/12/2020	Major Projects Plan & Workshop
06/01/2021	Harrow & District Recreation Reserve Changeroom Facilities Opening
26/01/2021	Australia Day Awards Ceremony – Kaniva & Harrow
03/02/2021	Councillor Forum
10/02/2021	McArthur Recruitment CEO Briefing
10/02/2021	Councillor Induction (Dividers 3 & 9)
11/02/2021	Wimmera Southern Mallee Councils Introduction to Regional Approach
17/02/2021	Agenda Review with Senior Management Group
17/02/2021	Council Meeting

### 5.5 COUNCILLOR TOM HOULIHAN

17/12/2020	Major Projects Plan & Workshop
26/01/2021	Australia Day Awards Ceremony – Harrow, Dergholm & Edenhope
03/02/2021	Councillor Forum
10/02/2021	McArthur Recruitment CEO Briefing
10/02/2021	Councillor Induction (Dividers 3 & 9)
11/02/2021	Wimmera Southern Mallee Councils Introduction to Regional Approach
11/02/2021	Douglas ERC Consultative Discussion
<del>11/02/2021</del>	<del>Lemon Springs Illegal Dumpsite Update</del>
<del>17/02/2021</del>	<del>Budget Meeting</del>
17/02/2021	Agenda Review with Senior Management Group
17/02/2021	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**

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 16 DEC  
2020**

**RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday 16 December 2020 be taken as an accurate record and confirmed.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That the Minutes of the Council Meeting held on Wednesday 16 December 2020 be taken as an accurate record and confirmed with amended change from Cr Domaschenz as stated:**

**Cr Domaschenz asked the Mayor whether he had a conflict of interest as his family are on the Edenhope / Apsley Football Club committees.**

**Carried (5/0)**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

**9.0 NOTICES OF MOTION**

**10.0 COUNCILLOR FORUM RECORD – 3 FEB 2021**

**RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday 3 February 2021 be received and noted.**



**COUNCIL MEETING MINUTES – 17 FEBRUARY 2021  
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**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the Record for the Councillor Forum held Wednesday 3 February 2021 be received and noted.**

**Carried (4 for /1 abstained)**

**11.0 DEPUTATIONS AND PETITIONS**



## 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

### 12.1 COUNCILLOR GIFT POLICY

**FILE NUMBER: AD0006**

**REPORT AUTHOR: PAUL BRUMBY, INTERIM CHIEF EXECUTIVE OFFICER**

#### FOR DECISION

##### Introduction

Section 138(1) of the Local Government Act 2020 (the Act) states that a *Council must adopt a Councillor gift policy*.

##### Declaration of Interests

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

##### Background

The aim of this policy is to provide clear guidelines to ensure Councillors are not compromised in the performance of their duties by accepting gifts or benefits which may result in a sense of obligation or could be interpreted as an attempt to influence. This helps to protect and promote public confidence in the integrity of the Council.

##### Risk Management Implications

Failure to adopt a Councillor Gift Policy creates the risk that Councillors have no clear guidance on how to manage the offer, acceptance and/or declining of gifts.

##### Legislative Implications

Section 138(1) of the Act states that *a Council must adopt a Councillor gift policy within the period of 6 months after this section comes into operation*.

Section 138(1) of the Act came into operation on 24 October 2020, so Council has until 24 April 2021 to adopt a Councillor Gift Policy.

##### Environmental Implications

Nil



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### Financial and Budgetary Implications

The development of the Councillor Gift Policy has been undertaken in-house using existing resources and budgets.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policies:  
Councillor Code of Conduct Policy  
Fraud & Corruption Control Policy

### Council Plan Implications

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

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

### Communication Implications

Each Councillor has been provided with a copy of the Councillor Gift Policy as part of this report.

The Councillor Gift Policy is a Council policy and will be made available to the community on Council's website.

### Conclusion

Council is required by the Act to adopt the Councillor Gift Policy within the period of six months after a general election.

### **OFFICER RECOMMENDATION:**

**That Council adopt the draft Councillor Gift Policy.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tim Meyer**

**That Council adopt the draft Councillor Gift Policy.**

**Carried (5/0)**



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**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1.	Draft Councillor Gift Policy	





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### 12.2 COUNCILLOR AND STAFF INTERACTIONS POLICY

**FILE NUMBER: AD0006**

**REPORT AUTHOR: PAUL BRUMBY, INTERIM CHIEF EXECUTIVE OFFICER**

#### **FOR DECISION**

##### Introduction

Section 146(3)(c) of the Local Government Act 2020 (the Act) states that the Chief Executive Officer is responsible for *managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.*

##### Declaration of Interests

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

##### Background

The aim of this policy is to provide guidance and support for Councillors and Council Staff in the performance of their duties. It complements the Councillor and Staff Codes of Conduct and supports compliance with the Local Government Act 2020.

This Policy also provides assistance to Councillors in getting the information they need to perform their role in a timely manner and through the appropriate channels.

##### Risk Management Implications

Failure to adopt a Councillor and Staff Interaction Policy creates the risk that Councillors and Council Staff have no clear guidance on how to interact in a way that ensures that Councillors get the information they need to perform their role in a timely manner and through the appropriate channels, whilst maintaining a safe workplace for all Council staff.

##### Legislative Implications

Section 146(3)(c) of the Local Government Act 2020 (the Act) states that the Chief Executive Officer is responsible for *managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.*



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### Environmental Implications

Nil

### Financial and Budgetary Implications

The development of the Councillor and Staff Interaction Policy has been undertaken in-house using existing resources and budgets.

### Policy Implications

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

Councillor Code of Conduct Policy

Staff Code of Conduct

Councillor Expenses Policy

Fraud & Corruption Control Policy

### Council Plan Implications

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

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

### Communication Implications

Each Councillor has been provided with a copy of the Councillor and Staff Interaction Policy as part of this report.

The Councillor and Staff Interaction Policy is an internal policy and a copy will be made available to all members of Council staff.

### Conclusion

The Chief Executive Officer is required by the Act to be responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

### **OFFICER RECOMMENDATION:**

**That Council adopt the draft Councillor and Staff Interaction Policy.**



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**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That Council adopt the draft Councillor and Staff Interaction Policy.**

**Carried (5/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1	Draft Councillor and Staff Interaction Policy	



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### 12.3 COUNCILLOR CODE OF CONDUCT POLICY

**FILE NUMBER: AD0006**

**REPORT AUTHOR: PAUL BRUMBY, INTERIM CHIEF EXECUTIVE OFFICER**

#### **FOR DECISION**

##### Introduction

Section 139(1) of the Local Government Act 2020 (the Act) states that a *Council must develop a Councillor Code of Conduct.*

The current Councillor Code of Conduct was last reviewed and adopted by Council on 20 June 2019.

##### Declaration of Interests

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

##### Background

Section 139(2) of the Act states that *the purpose of the Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.*

##### Risk Management Implications

Failure to update the Councillor Code of Conduct to align with the 2020 Local Government Act exposes Council to the risk that the Councillor Code of Conduct adopted in June 2019 (under the Local Government Act 1989) fails to meet all of the obligations that Council has under the 2020 Act.

##### Legislative Implications

Section 139(4) of the Local Government Act 2020 states that *a Council must review and adopt the Councillor Code of Conduct within the period of 4 months after a general election.*

##### Environmental Implications



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Nil

### Financial and Budgetary Implications

The review of the Councillor Code of Conduct has been undertaken in-house using existing resources and budgets.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policies:  
Councillor Gift Policy  
Councillor and Staff Interactions Policy  
Fraud & Corruption Control Policy

### Council Plan Implications

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

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

### Communication Implications

The Councillor Code of Conduct Policy requires each elected Councillor to sign the policy after it has been adopted.

The Councillor Code of Conduct Policy is a Council policy and will be made available to the community on Council's website.

### Conclusion

Council is required by the Act to review and adopt the Councillor Code of Conduct within the period of four months after a general election.

### **OFFICER RECOMMENDATION:**

**That Council adopt the draft updated Councillor Code of Conduct Policy.**



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**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That Council will include the current table from the previous Code of Conduct to be added to the draft updated Councillor Code of Conduct Policy.**

**Carried (5/0)**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tim Meyer**

**That Council adopt the draft updated Councillor Code of Conduct Policy.**

**Carried (5/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1	Draft Councillor Code of Conduct Policy	



### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 PROPOSED TREE REMOVAL – APSLEY FLOWERING GUM

**FILE NUMBER: PSO389**

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

#### FOR DECISION

##### Introduction

Consideration of a report on the damaged Flowering Gum tree adjacent to the Wimmera Highway in the township of Apsley.

##### Background

This tree is a large Red Flowering Gum and is situated on the outer separator between the Wimmera Highway and the North service road in the township of Apsley.

This tree is listed in the National Trust database as a significant tree due to its size and significance in the landscape.

##### 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 amenity works within townships by the Parks & Gardens staff.

##### Legislative Implications

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

##### Environmental Implications

This flowering gum tree has been attractive in appearance particularly when flowering and provides substantial shade value in summer. With the loss of the large structural limb on the north side, the tree has lost its aesthetic value as it has no balanced canopy.

##### 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 tree removal	\$1,400.00
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Cost of stump removal	\$800.00
Cost of traffic control	\$400.00
Total	\$2,600.00

### Policy Implications

This tree's future will be considered having regard to Council's Street Tree Policy. Clause 5.7 of the Policy states that where an inspection reveals that a tree is in a dangerous condition it should be removed immediately, and immediate removal is required in such cases to minimise the risk to a third party.

### 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

A customer request was received from Phill Shiells of Apsley dated 2 December 2020. Phil advised that a large section of the tree has come down which he called the SES to remove last night. The customer request was logged to see if this could be cleaned up as they left quite a bit. However this has left the tree lopsided and both he and the SES believe there are white ants in the tree. At the minimum they would like the tree to be assessed as they believe it is now a severe concern of coming down.

At the request of Councils Works Manager Mr Terry Ough, a site visit was conducted on Friday, 3 December 2020 by Andrew Nelson of Nelson's Tree Services for the purposes of data collection and to assess tree and site conditions.

On 9 December Nelsons Tree Services submitted an arborist report to Council on the condition of the tree.

The report stated that the tree is listed in the National Trust database and that the tree was noted to be in poor condition during an assessment by the National Trust in 2004. The tree has seen a number of limbs removed over time generally as a result of dieback.

The majority of the trees foliage is weighted to the south towards the Wimmera Highway with significant decay in the main stem.

The report summary stated that there is a large wound in the main trunk which is the likely source of dysfunction with ongoing dieback and limb failure. It is considered that the tree no longer meets the requirements for inclusion as a significant tree due to its compromised structure and recent failures with removal and replacement recommended.

An email was sent to the National Trust on 8 January 2021 advising of the condition of the tree and its recommendation for removal in the arborist report.





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The National Trust’s Significant Tree Committee reviewed the arborist report and concluded that the tree should be removed and a like for like replacement should be given, with propagation from seed of the original tree if at all possible.

An assessment was carried out by the National Trust in 2004, and a previous arborist reports was commissioned by Council in 2019 to assess the trees health and wellbeing and remedial action was taken as per the recommendations.

### Conclusion

This National Trust listed Flowering Gum tree is an iconic tree and has been a significant attraction for the township and district of Apsley. Due to the large section of the tree breaking off this has left approximately half of the tree remaining diminishing the trees appearance, and the majority of the tree is weighted to the south towards the Wimmera Highway. There is noted decay in the remaining trunk which poses a continued risk. The arborist report and the National Trust have both recommended that the tree is removed.

### OFFICER RECOMMENDATION:

- 1. That Council approves of the removal of the Red Flowering Gum tree in the outer separator at Apsley, based on the recommendation in the arborists report and the recommendation of the National Trust.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That The biggest flowering gum in the Southern Hemisphere at Apsley be trimmed back to the extent necessary for safety and it is given a chance to coppice.**

**That branches that are removed be allowed to be retained and that a “This was the largest flowering gum in the Southern Hemisphere “sign be erected.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1.	Customer Request	CRM 3711/2020
2.	Arborist Report 2019	C20/006866



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3.	Arborist Report 2020	C20/10264
4.	Letter National Trust	C21/741
5.	Photos	C21/195



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### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 COMPLAINT HANDLING POLICY

**FILE NUMBER: AD0041**

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

#### **FOR DECISION**

##### Introduction

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

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

A draft updated Complaint Handling Policy is provided for Council's information and adoption.

##### Declaration of Interests

No officer declared an interest under the *Local Government Act 2021(the Act)* in the preparation of this report.

##### Background

Council adopted its Complaints Handling Policy at its February 2020 Council Meeting. The advent of the *Local Government Act 2020* has necessitated a review of the existing policy, with some amendments being made to ensure the policy aligns with the updated Act a review as well as maintaining alignment with Victorian Ombudsman's publication *Councils and complaints – A good practice guide*.

The changes include:

- Amending the definition of a complaint to reflect the wording used in S.107 of the Act.
- Inserting a legislative context into the policy
- Inserting a reference to the Council Plan into the policy



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- Addition of Appendix 2 outlining the external integrity agencies a complaint may be referred to if the complainant disagrees with Council's resolution of the complaint
- Addition of Section 12 of the policy which conforms with s.107(1)(c) and s.107(1)(f) of the Act outlining that Council may opt not to deal with a complaint that may otherwise be subject to a statutory review.

### Risk Management Implications

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

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

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

### Legislative Implications

Council is required under s.107 of the *Local Government Act 2020* to develop and maintain a Complaints Policy. Under the phased implementation of the Act the Complaints Policy needs to be adopted by 31 December. As Council's existing Complaints Handling Policy is due for revision in February 2021 it was considered timely to include the requirements of the Act in this cyclical revision.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Whilst investigating complaints may consume Council time and will most likely incur some costs, it is possible that being able to effectively resolve complaints may actually lead to a revision of practices and processes which may have a positive effect on productivity and resource allocation, over time actually saving Council money.



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### Policy Implications

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

Community Engagement Policy  
Complaints Handling Policy  
Customer Service Policy  
Human Rights Policy  
Information Privacy Policy  
Public Interest Disclosures Policy

### Council Plan Implications

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

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

### Communication Implications

The Complaints Handling Policy, once adopted, is freely available to anyone who wishes to peruse it. It will be placed on Council's website and copies will be on display at Council's Customer Service Centres. All staff shall be provided with a copy.

### Conclusion

The Complaints Handling Policy provides Council with an overarching guide to effective resolution of complaints made against it. It mitigates Council's risk and provides Council with an opportunity to improve services by utilising complaints to potentially drive improvements.



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**OFFICER RECOMMENDATION:**

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

**Moved: Cr Tim Meyer**

**Seconded: Cr Jodie Pretlove**

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

**Carried (5/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
	Draft revised 2021 Complaints Handling Policy	C21/000584



## 14.2 RISK MANAGEMENT POLICY

**FILE NUMBER: FM0055**

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

### **FOR DECISION**

#### Introduction

West Wimmera Shire Council (Council) maintains a Risk Management Policy which provides a framework for which Council can undertake risk mitigation activities.

This report presents an update of the Risk Management Policy previously adopted by Council at the February 2018 Council Meeting

#### Declaration of Interests

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

#### Background

Risk Management is one of the fundamental building blocks of an effective corporate governance system.

Risk Management allows for the identification and mitigations of risk and risk-driven behaviours which may have negative affect upon the operation and service delivery of Council.

The Risk Management Policy allows Council to create a framework to effectively manage and mitigate all potential risks to Council's operations.

There have been relatively minor changes to the existing Risk Management Policy from this revision. These include updating the standards referenced within the policy to meet the latest AS ISO 31000:2018 standard, along with a number of grammatical corrections as well as the insertion of a statement outlining the Relevance of the Policy to the Council Plan objectives.

#### Risk Management Implications



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The Risk Management Policy provides Council with a framework to enable the identification and treatment of risk. It is a fundamental internal control document of Council. It provides the first step in the process of minimising risk to Council.

### Legislative Implications

Whilst the *Local Government Act 2020* makes no direct reference to Council requiring a Risk Management Policy per se, there are many references within the legislation (and its antecedent the *local Government Act 1989*) to Council managing risk.

There are also of course other legislative requirements for Council to maintain risk controls, including the *Occupational Health and Safety Act 2004*

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

There are negligible financial and budgetary implications of the Risk Management Policy to Council. There may be some minor compliance costs with the maintenance and implementation of systems, however there will be an overall benefit to Council arising from implementing an effective Risk Management system, from which one direct financial benefit will be the reduction of Council's exposure to potential fines and/or compensation claims.

### Policy Implications

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

### Council Plan Implications

This report supports the following section/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.





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### Communication Implications

Risk Management is the responsibility of all staff and Councillors. The policy and will be made available to all staff.

Whilst Council requires all contractors to have demonstrated risk management policies of their own, Contractors who perform regular on-site work for Council will also be expected to abide by the provision of Council's Risk Management Policy.

### Conclusion

The Risk Management Policy provides Council with the basis for establishing and maintaining an effective risk management control environment. Effective risk management is a fundamental building block of any effective system of good governance.

### **OFFICER RECOMMENDATION:**

**That Council adopts the revised Risk Management Policy**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tim Meyer**

**That Council adopts the revised Risk Management Policy**

**Carried (4 for/1 abstain/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1	Draft revised Risk Management Policy	C21/000699



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### 14.3 COMMUNITY ENGAGEMENT POLICY

**FILE NUMBER: AD0068**

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

#### **FOR DECISION**

#### Introduction

West Wimmera Shire Council (Council) resolved at its December 2020 meeting:

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That Council resolve to undertake public consultation on the draft Community Engagement Policy prior to the results from this consultation along with the draft policy being presented to the February 2021 Council Meeting.**

**Carried (5/0)**

This report provides Council with feedback from that consultation process and seeks that Council adopts the updated Draft Community Engagement Policy as attached.

#### Declaration of Interests

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

#### Background

Council adopted in principle its Community Engagement Policy at the December 2020 Council Meeting. Part of the resolution was to undertake community engagement on the policy.

This community engagement took the form of adverts requesting feedback in regional media and via our social media feeds and website. A survey is provided for members of the public to provide feedback, which can be accessed from Council's social media site, website or over the front counter in hard copy form.



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An animation and explanatory video have also been recorded and posted to Council's website and social media outlining the intent of the policy and importance of providing feedback.

The community engagement on the policy was open to Friday 29 January. Feedback was collated and provided to Councillors via email on 3 February 2021.

The majority of the feedback received related to definitions and wording around the document, with a number of respondents commenting on Council's perceived lack of ability to undertake a solid community engagement process.

Whilst the feedback on the wording and definitions included in the document can be taken into consideration with the draft policy document being amended accordingly, the commentary about Council's ability to perform is not specifically addressed in this policy, apart from it being noted that a part of community engagement is measuring the impact and success of that engagement which to now has not occurred. It is also worth noting that individual's perception on Council's performance can often be influenced by whether outcomes or Council's activities suit their own agendas.

It is also noted that the Community Engagement principles contained within the *Local Government Act 2020* are new to that Act and were not included in the *Local Government Act 1989*, and as such are new to Council.

There are relatively minor changes to the draft policy document itself arising from the community feedback received. A definition of IAP2 has been added to the document and some minor wording and grammatical corrections have been made across the document.

One item of feedback that was consistent was that Council could benefit from a summary document outlining what Community Engagement was. Council Officer will prepare such a document and make this available to our Community alongside the policy.

### Risk Management Implications

Pursuant to the *Local Government Act 2020* Council is required to adopt its Community Engagement Policy 1 March 2021. If Council does not adopt its Community Engagement Policy by 1 March 2021 it will clearly be in breach of the *Local Government Act 2020*, Council may also be at serious reputational risk if it fails to comply with this requirement.

### Legislative Implications

Section 55 of the *Local Government Act 2020* requires that Council adopt a Community Engagement Policy that complies with the community engagement principles outlined within s.56 of the Act by 1 March 2021 (s.55(3)).



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### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

There are likely to be some costs involved in community engagement activities. These will need to be factored into project and line budgets.

### 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

Each project Council works on will need to include a community engagement plan, as will many other tasks of Council, including the development of the Community Vision, Council Plan and Financial and Asset Plans.

The Community Engagement Policy shall be distributed to all staff, and an education program shall be undertaken with Council staff to ensure compliance.

The Community Engagement Policy once adopted shall become a publicly accessible document and shall be made available on Council's website.



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### Conclusion

The Community Engagement Policy is a fundamental element of the Local Government Act 2020. It provides an overarching governance framework for the implementation of the process Council will employ to involve its community in the process of local government and is therefore one of the fundamental governance documents of Council.

### **OFFICER RECOMMENDATION:**

**That Council adopt the draft Community Engagement Policy**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tim Meyer**

**That Council adopt the draft Community Engagement Policy**

**Carried (4 for/1 abstain/0)**



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### **14.4 APPOINTMENT OF COMMUNITY REPRESENTATIVE TO WIMMERA REGIONAL LIBRARY CORPORATION BOARD**

**FILE NUMBER: PS0025**

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

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) resolved to remain a member of the Wimmera Regional Library Corporation (the Corporation), along with Horsham Rural City Council, upon the withdrawal of the three other member Councils (Hindmarsh shire Council, Northern Grampians Shire Council and Yarriambiack Shire Council) on 30 June 2020.

With the reduction in the number of member Council's the Board was reduced to a total of four voting members (one Councillor and one officer representative from each remaining member). The board considered that this reduction presented an opportunity to involve the community in board decisions and subsequently it was resolved that a community representative from each member municipality be presented to the board.

This report seeks that Council ratify the appointment of a community representative to represent the West Wimmera Shire community on the Wimmera Regional Library board.

##### Declaration of Interests

The writer of the report declares that he is the Council officer representative on the Wimmera Regional Library Corporation Board.

##### Background

The Wimmera Regional Library Corporation resolved to add a community representative from each of the West Wimmera Shire Council and the Horsham Rural City Council to its board. This brings the number of board members to six, three being from each municipality.

The Corporation advertised for expressions of interest (EOIs) from interested parties willing to become community representatives on the Corporation's board in both the West Wimmera Shire and Horsham Rural City Council. Unfortunately there was not a significant number of responses from the West Wimmera community initially. Subsequent interest was received from Ms Bev Mitchell from Goroke.



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Ms Mitchel has been involved for many years as a volunteer across a number of activities in the Goroke Region and has been a long time library member.

Ms Mitchell is considered a suitable appointment as Council's community representative on the Corporation board

### Risk Management Implications

Council should endeavour to maintain representation on the Corporation board to ensure that its interests are represented. Appointing a community member also provides for representation from the library users. Having appropriate representation on the board minimises the risk that decisions that negatively impact on service delivery may be made.

### Legislative Implications

Whilst the *Local Government Act 2020* does not specifically mention library corporations, it is considered good practice for Council to authorise appointments to any regional boards it funds.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

The board positions are voluntary in nature and do not attract a salary.

### Policy Implications

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

### Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.



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- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

### Communication Implications

Council will inform the Corporation's Chief Executive Officer upon the ratification of the appointment of Ms Mitchell to the board. Ms Mitchell will then be invited to all following Corporation board meetings.

### Conclusion

Ms Bev Mitchell has expressed interest in becoming West Wimmera Shire's community representative on the Wimmera Regional Library Corporation board. Ms Mitchell is an active member of the Goroke district community and represents an appropriate person to represent our community on the Corporation's board.

A report will be presented to the February 17 Council Meeting to formally resolve Ms Mitchell's appointment.

### **OFFICER RECOMMENDATION:**

**That Council ratify the appointment of Ms Bev Mitchell as West Wimmera community representative on the Wimmera Regional Library Corporation board.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tim Meyer**

**That Council ratify the appointment of Ms Bev Mitchell as West Wimmera community representative on the Wimmera Regional Library Corporation board.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref





**14.5 REVENUE AND RATING PLAN (S93) – RATING SYSTEM  
CONSIDERATIONS**

**FILE NUMBER:**

**REPORT AUTHOR: LEILANI DAWES, RATES COORDINATOR**

**FOR DECISION**

Introduction

West Wimmera Shire Council (Council) is required to adopt a Revenue and Rating Plan (The Plan) by 30 June 2021 in accordance with Local Government Act 2020 s93.

The Revenue and Rating Plan will repeal and replace the existing Rating Strategy and will incorporate and extend the scope of this document.

This report aims to determine Council's position with regards to the Rating related components of The Plan.

Declaration of Interests

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

Background

The Revenue and Rating Plan, will include Council's Rating System. A Rating System is developed to provide a fair and equitable policy for all ratepayers. It is a 4 year plan, and the strategy will govern West Wimmera Shire Council's rates components, calculation and distribution. The Local Government Act 1989 part 8 allows for a range of rates and charges to be levied. The Plan will detail the intent and parameters of the rates and charges that will be levied by West Wimmera Shire Council.

The Rating System details the rating structure and outlines the charges included for consideration, along with the legislative framework applicable as imposed by the *Local Government Act 1989*. The rating system determines how Council will raise money from properties and the proportion contributed by each property, but does not dictate the total amount to be raised.

The Local Government Act 1989 allows Council to determine the distribution of the rates and charges across the community through General Rates, Municipal Charges, Service Fees and Charges and Special Rates and Charges. There are options for Rebates and Early Payment Incentives.



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**Service Fees and Charges:** In setting the waste charges, a cost recovery model based on the user pays principle has previously been determined as most beneficial to Council and the most sustainable for our Ratepayers. Only those ratepayers within a compulsory township waste collection zone or a service by application are liable for the waste collection charge. Currently cost recovery is sitting at around 70% and is considered to include costs for Kerbside pickup, disposal and transfer station sites (FY 2020/21 Adopted budget).

**Special Rates and Charges:** Council currently has no projects with Special Rates and Charges levied. No proposals have been put forward for the coming term that would suit this option at this point in time.

**Rebates:** West Wimmera Shire Council currently administers the DHHS funded pensioner Concession on rates accounts. Councils are also able to grant a rebate or concession on rates and charges to assist ‘proper’ development and the preservation of buildings or places of historical, environmental, architectural or scientific importance within the municipality. ‘Proper’ development can cover land use, economic development and environmental objectives. A council resolution that grants such a rebate or concession must demonstrate how the whole community will benefit as a result.

**Early Payment Incentives:** s168 allows Council to declare incentives for prompt payment of rates. The current cash position of Council is strong, and incentives for cash flow are not currently required.

**General Rates, Municipal Charges:** Council in previous years determined that a simple formula of a uniform general rate, with a fixed municipal charge has worked well.

Some of our neighbouring Councils have a farm and general rate or “differential rates”. Council has traditionally established a uniform rate that is seen as providing a sustainable income to Council without being an impost on the rate payer. Alternative rating scenarios have been presented to Council demonstrating the impacts of varying rating structures on the community. It is noted that due to Farm properties accounting for 93% of the Shires current valuation base, any differential to reduce the farming rate, had a proportionally higher impact on the remaining property types. Review suggested that continuation of a uniform rating strategy with a municipal charge will result in an equitable rates distribution through the community.

**Valuation Base:** Council may use Site Value (SV), Net Annual Value (NAV) or Capital Improved Value (CIV) as the system to raise rates. West Wimmera Shire currently uses CIV. This method of valuation includes all improvements and hence is often supported on the basis that it more closely reflects ‘capacity to pay’ and better meets the equity criteria than SV or NAV. The use of CIV base offers greater flexibility in developing rating packages.



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The Fire Services Property Levy is calculated on the CIV and continued use of this reinforces the principle of calculating rates based on CIV.

Rate Caps: The State Government introduced a rate capping framework that has been effective from 1 July 2016. Council has been approved a higher rate cap by the Essential Services Commission (ESC) to vary the rate increase cap for the 2017/18, 2018/19, 2019/20 and 2020/21 years at 3.5%. Moving forward, unless a subsequent application is made and approved, Council will be limited to the Ministers cap. For 2021/22 this has been set at 1.5%.

### Risk Management Implications

The Rating Strategy provide guidance on how Council's rating system will impose rates within stipulated thresholds and legislation.

### Legislative Implications

*Local Government Act 2020*

*Local Government Act 1989*

*Valuation of Land Act 1969*

In particular:

*Local Government Act 2020 s93 – Revenue and Rating Plan*

*Local Government Act 1989 Part 8 – Rates and Charges on Rateable Land*

*Local Government Act 1989 Part 8A – Rate Caps*

### Environmental Implications

Nil

### Financial and Budgetary Implications

The rates raised by Council make up a significant portion (approximately 35%) of Council revenue each year. The rating component of the Revenue and Rating plan will assist Council determine the budget each year, in particular with relation to the distribution of rates between General and Municipal Charges, the calculation and cost recovery parameters of waste collection service fees and any rebates or concessions that may be provided.

### Policy Implications

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

Asset Capitalisation Policy

Asset Disposal Policy

Asset Management Policy



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Asset Management Strategy  
Borrowings Policy  
Business Continuity Policy  
Community Engagement Policy  
Council Grants Policy  
Council Major Hall Hire Policy  
External Hire of Plant 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 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- 

### Communication Implications

Community Engagement of Revenue and Rating Plan will be required in alignment with the Community Engagement Policy

### Conclusion

The rating component of the Revenue and Rating Plan will guide the distribution of Rates and Charges across the community for the next 4 years.

### **OFFICER RECOMMENDATION:**

**That Council support development of the following components of the Revenue and Rating Plan:**

- **Service Fees and Charges s162: Council seeks full cost recovery through service fees and charges for waste recovery under a ‘User Pays’ Principal.**
- **Special Rates and Charges s163: No Special Rates and Charges will be levied.**



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- **Incentives for Prompt Payment s168: No Incentives for Prompt Payment will be offered.**
- **Rebates and Concessions s169: No Additional Rebates or Concessions will be levied.**
- **Rate Capping Part 8A: No Application for Higher Rate Cap will be made**
- **Municipal Charge s159: Maintain a municipal charge**
- **Valuation System s157: Continue with Capital Improved Valuation Base.**
- **General Rates s160, s161: Continue with a uniform general rate.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That Council support development of the following components of the Revenue and Rating Plan:**

- **Service Fees and Charges s162: Council seeks full cost recovery through service fees and charges for waste recovery under a ‘User Pays’ Principal.**
- **Special Rates and Charges s163: No Special Rates and Charges will be levied.**
- **Incentives for Prompt Payment s168: No Incentives for Prompt Payment will be offered.**
- **Rebates and Concessions s169: No Additional Rebates or Concessions will be levied.**
- **Rate Capping Part 8A: No Application for Higher Rate Cap will be made**
- **Municipal Charge s159: Maintain a municipal charge**
- **Valuation System s157: Continue with Capital Improved Valuation Base.**
- **General Rates s160, s161: Continue with a uniform general rate.**

**Carried (5/0)**



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**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
	Rating System Presentation Feb 2021	
	Local Government Better Practice Guideline Revenue and Rating Strategy	
	GG2013G017 Ministerial Guideline for Differential Rating	



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### 14.6 MINUTES OF AUDIT & RISK COMMITTEE MEETING HELD 17 DECEMBER 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 17 December 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 not have any role in relation to financial management issues or have any executory role or powers.



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### 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 17 December 2020.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council receives and adopts the minutes of the prior Audit and Risk Committee meeting held 17 December 2020.**

**Carried (5/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
	2020 12 17 Audit Committee MINUTES - unconfirmed	E21/000003



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### 14.7 FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 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 31 December 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 31 December 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.

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

##### Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

##### Legislative Implications

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

##### Environmental Implications



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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 31 December 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 31 December 2020 be received and noted.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That the Financial Performance Report as at 31 December 2020 be received and noted.**

**Carried (5/0)**



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**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
<b>1</b>	<b>Financial Performance Report as at 31 December 2020</b>	<b>E21/000004</b>



## COUNCIL MEETING MINUTES – 17 FEBRUARY 2021 WEST WIMMERA SHIRE COUNCIL

### **14.8 COMMUNITY STRENGTHENING GRANTS – ADDITIONAL CATEGORY FILE NUMBER: PR0119**

**REPORT AUTHOR: SARAH ELLIS, MANAGER BUSINESS PERFORMANCE  
AND DEVELOPEMNT**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) has a Council Grants Policy which allows for the Community Strengthening Grants program rounds to run in February and August each year.

Council has an opportunity to expand the program to assist community groups in their covid-19 recovery.

##### Declaration of Interests

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

##### Background

Councils Standard Community Strengthening Grants program includes three categories.

1. Community Projects Funding is for a maximum of \$5,000 on a \$2 for \$1 basis
2. Community Events Funding is for a maximum of \$750.
3. Facilities Upgrades and Equipment Purchases Funding is for a maximum of \$5,000 on a \$2 for \$1 basis

Covid-19 has affected many community groups across the shire impacting their ability to fundraise and run their standard programs. This has affected their ability to pay for regular outgoings.

Council has the ability to amend its grants scheme to assist community groups who are struggling with their annual commitments (ie insurance, utilities, registrations etc.)

##### Risk Management Implications

There is a risk that due to the increase financial pressure placed on community groups by Covid-19, some group may fold, impacting the greater West Wimmera community.



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There is a risk that a new category maybe oversubscribed.

There is a potential reputational risk to Council if they are not seen to be supporting community groups where it is appropriate.

### Legislative Implications

None known.

### Environmental Implications

None known.

### Financial and Budgetary Implications

Each year Council allows budget for each of the three categories in the community strengthening grants program. These grants have been under subscribed in the past resulting in over \$100,000 currently budgeted across the three categories. There is approximately \$25,000 remaining that still needs to be paid to previously successful project that have not completed their final acquittal.

Current available budget

<b>Community Events</b>	\$ 11,200.00
<b>Community Project</b>	\$ 34,102.00
<b>Facilities Upgrades &amp; Equipment</b>	\$ 80,452.00
<b>TOTAL</b>	<b>\$125, 754</b>
Less (outstanding grants)	\$25,000
<b>Total Available</b>	<b>\$100,754</b>

### Policy Implications

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

- Council Grants Policy



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### Council Plan Implications

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

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

### Communication Implications

Community Strengthening Grants are advertised across the community each round, if changes are approved these will be included in the advertising.

### Conclusion

The Covid-19 Pandemic has had an impact on community groups across the shire, the Community Strengthen Grants provides a way that Council could provide some relief to these groups that are volunteer run.



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**OFFICER RECOMMENDATION:**

- 1. That Council includes a new category to the Community Strengthening Grant program for FY20/21 Round 2 only to supports West Wimmera Shire Community Groups Covid-19 Recovery**
- 2. That the new category is call “Covid19 Recovery Funding” with up to \$500 available for community groups and includes the following guidelines**
  - a. Assist with organisation running cost who have not had the ability to make money or fundraise during the Covid pandemic.**
  - b. Can include insurance, electricity, affiliation fees and other goings.**
  - c. Can be retrospectively applied for but needs to be for expenditure from to 1st July 2020- 31st June 2021.**
  - d. Priority will be given to organisations who are not already receiving funding support from council or using council facilities.**
  - e. Council has the authority to make a final decision on the level of funding provided to each organisation dependant on the uptake of the program.**
  - f. 100% of approved funding will be available for groups once proof of expenditure is provided.**
  - g. Successful applicants remain eligible for other streams of funding through the community strengthening grants.**
- 3. That Council increase the events funding from up to \$750 to \$1000 for FY20/21 round 2 to allow for the additional COVID-19 safe requirements for any events.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the report to be taken back to March forum and be voted on in March Council Meeting**

**Carried (5/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>





**15.0 LATE ITEMS OF BUSINESS**

**Pursuant to West Wimmera Shire Council Governance Rules – Division 3 Section 20:**

***20. Urgent Business***

*If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council, and only then if it:*

*20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and*

*20.2 cannot safely or conveniently be deferred until the next Council meeting.*

**16.0 SEALING SCHEDULE**



**COUNCIL MEETING MINUTES – 17 FEBRUARY 2021  
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**17.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a))  
RECOMMENDATION**

- 1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 4:35 pm to resolve on matters pertaining to the following items:**

**17.1 GOROKE RECREATION RESERVE PAVILION & CHANGE  
ROOMS TENDER**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

- 1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 4:35 pm to resolve on matters pertaining to the following items:**

**GOROKE RECREATION RESERVE PAVILION & CHANGE ROOMS  
TENDER**

**Carried (5/0)**

- 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: Goroke Recreation Reserve Pavilion & Change Rooms Tender**

**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;

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that 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 and private commercial information provided by the tenderers.

**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 Tim Meyer**

**Seconded: Cr Tom Houlihan**

**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 5:16pm.**

**Carried (4/0/1(absent))**

**MEETING CONCLUDED: 5:16PM**

**NEXT MEETING: 17 MARCH 2021  
KANIVA SHIRE HALL**