



COUNCIL MEETING AGENDA – 21 APRIL 2021 WEST WIMMERA SHIRE COUNCIL

TO BE HELD:	Wednesday 21 April 2021
LOCATION:	Edenhope Community Centre
COMMENCEMENT:	2.00pm
PUBLIC ACCESS:	Open to the Public

REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor	Paul Brumby Interim Chief Executive Officer (CEO)
Trevor Domaschenz Tom Houlihan	Vin McKay Director Corporate & Community Services (DCCS)
Tim Meyer	Mark Marziale Director Infrastructure Development & Works (DIDW)

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.

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

ACKNOWLEDGEMENT:

The West Wimmera Shire Council acknowledges the traditional custodians of the land on which we meet, and pays respect to their elders, past, present and emerging.

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

3.2 LEAVE OF ABSENCE

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.



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4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

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, 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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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)

RECOMMENDATION:

That Council resume Standing Orders.



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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)

- 23/03/2021 Audit & Risk Committee Meeting
- 23/03/2021 Lake Wallace Strategic Plan Community Consultation
- 24/03/2021 EPA Victoria Lemon Springs Illegal Dump Site Community Meeting
- 26/03/2021 Serviceton & District Action Group Community Tea & Forum
- 29/03/2021 McArthur CEO Briefing
- 30/03/2021 Council Planning Session – Day 1
- 31/03/2021 Council Planning Session – Day 2
- 07/04/2021 Councillor Forum
- 09/04/2021 CEO Council Briefing
- 09/04/2021 Birds Eye View – Goroke Silo Art Film
- 13/04/2021 Budget Session
- 13/04/2021 Councillor Briefing on Gender Equality Act
- 13/04/2021 Beverley McArthur MP Meeting
- 16/04/2021 Wimmera Regional Library Corporation Board Meeting
- 21/04/2021 Smart Urban Futures National Online Conference
- 21/04/2021 SMG Agenda Review
- 21/04/2021 Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

- 23/03/2021 Audit & Risk Committee Meeting
- 29/03/2021 McArthur CEO Briefing
- 30/03/2021 Council Planning Session – Day 1
- 31/03/2021 Council Planning Session – Day 2
- 07/04/2021 Councillor Forum
- 09/04/2021 CEO Council Briefing
- 09/04/2021 Birds Eye View – Goroke Silo Art Film
- 13/04/2021 Budget Session
- 13/04/2021 Councillor Briefing on Gender Equality Act
- 13/04/2021 Beverley McArthur MP Meeting
- 21/04/2021 Smart Urban Futures National Online Conference
- 21/04/2021 SMG Agenda Review
- 21/04/2021 Council Meeting



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5.3 COUNCILLOR TREVOR DOMASCHENZ

- 24/03/2021 Lake Wallace Strategic Plan PCG Workshop
- 29/03/2021 McArthur CEO Briefing
- 30/03/2021 Council Planning Session – Day 1
- 31/03/2021 Council Planning Session – Day 2
- 07/04/2021 Councillor Forum
- 07/04/2021 Bowling Club Meeting
- 09/04/2021 CEO Council Briefing
- 09/04/2021 Birds Eye View – Goroke Silo Art Film
- 13/04/2021 Budget Session
- 13/04/2021 Councillor Briefing on Gender Equality Act
- 13/04/2021 Beverley McArthur MP Meeting
- 13/04/2021 Wimmera Development Association April Board Meeting
- 20/04/2021 Wimmera Mallee Tourism Meeting
- 21/04/2021 Smart Urban Futures National Online Conference
- 21/04/2021 SMG Agenda Review
- 21/04/2021 Council Meeting

5.4 COUNCILLOR TIM MEYER

- 23/03/2021 Kaniva & District Progress Association Meeting
- 24/03/2021 EPA Victoria Lemon Springs Illegal Dump Site Community Meeting
- 26/03/2021 Serviceton & District Action Group Community Tea & Forum
- 29/03/2021 McArthur CEO Briefing
- 30/03/2021 Council Planning Session – Day 1
- 31/03/2021 Council Planning Session – Day 2
- 07/04/2021 Councillor Forum
- 09/04/2021 CEO Council Briefing
- 09/04/2021 Birds Eye View – Goroke Silo Art Film
- 13/04/2021 Budget Session
- 13/04/2021 Councillor Briefing on Gender Equality Act
- 13/04/2021 Beverley McArthur MP Meeting
- 21/04/2021 Smart Urban Futures National Online Conference
- 21/04/2021 SMG Agenda Review
- 21/04/2021 Council Meeting



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5.5 COUNCILLOR TOM HOULIHAN

23/03/2021	Lake Wallace Strategic Plan Community Consultation
24/03/2021	EPA Victoria Lemon Springs Illegal Dump Site Community Meeting
29/03/2021	McArthur CEO Briefing
30/03/2021	Council Planning Session – Day 1
31/03/2021	Council Planning Session – Day 2
07/04/2021	Councillor Forum
09/04/2021	CEO Council Briefing
12/04/2021	Apsley Recreation Reserve Meeting
13/04/2021	Budget Session
13/04/2021	Councillor Briefing on Gender Equality Act
13/04/2021	Beverley McArthur MP Meeting
21/04/2021	Smart Urban Futures National Online Conference
21/04/2021	SMG Agenda Review
21/04/2021	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.

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 17 MARCH 2021

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday 17 March 2021 be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES



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9.0 NOTICES OF MOTION

10.0 COUNCILLOR FORUM RECORD – 7 APRIL 2021

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 7 April 2021 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 S11 INSTRUMENT OF DELEGATION AND AUTHORISATION FOR AUTHORISED OFFICERS

FILE NUMBER: AD0183

REPORT AUTHOR: PAUL BRUMBY, CHIEF EXECUTIVE OFFICER

FOR DECISION

Introduction

To enable Council to appropriately conduct its business it has become necessary to provide (by resolution) the appointment of seven authorised officer status with the S11 Delegations.

Declaration of Interests

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

Background

Council is required under the Local Government Act 1989 to exercise its powers of delegation, in accordance with s 224, to appoint authorised officers for certain functions.

These delegations change periodically due to staff movements, the appointment of consulting professionals (predominantly Planning & Building) and through the redeployment of staff or restructuring of functions.

The one attached document was created via the templates provided by Maddocks as part of the subscription to the delegation update service.

Risk Management Implications

Ensuring that the Authorised Officer status of officers undertaking statutory compliance and approval functions, reduces the risk of facing litigation due to inappropriate advice.

Legislative Implications

The delegations comply with the requirements of the *Local Government Act 1989*, the *Food Act 1984*, the *Housing Act 1983*, the *Building Act 1993* and Regulations made under each of those Acts.

Environmental Implications

Nil

Financial and Budgetary Implications

Nil Asset Management Policy, Municipal Health and Wellbeing Plan.



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Policy and Strategy Implications

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

- Asset Management Policy
- Municipal Health and Wellbeing Plan

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

This report and associated attachment are administrative tasks that do not require public communication and the staff concerned will be formally advised of their delegations.

Conclusion

Providing authorised officer status to various officers is periodically required due to requirements of specific tasks and obligations to be undertaken.

OFFICER RECOMMENDATION:

That West Wimmera Shire Council, in the exercise of the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (the instruments), RESOLVES THAT:

1. **The members and contractors of Council staff referred to in the instruments S11 be appointed and authorised as set out in the instruments.**
2. **The instruments come into force immediately the Common Seal of Council is affixed to the instruments, and remains in force until Council determines to vary or revoke it.**
3. **The instruments be signed and sealed.**

Attachments:

No.	Name	RecFind Ref
12.1.1	Instrument of Delegations	
12.1.2	Instrument of Delegation (MBS)	



13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 MAINTENANCE OF GRASS KANIVA

FILE NUMBER: CMO509

REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER

FOR DECISION

Introduction

Consideration of a report on the independent annual review of Contract CMO509 Maintenance of Grass Kaniva.

Background

When awarding Contract CMO509 Maintenance of Grass Kaniva to West Wimmera Shire Council at an ordinary meeting of Council on 19 February 2020, council also resolved that an independent annual review is carried out for the duration of the contract.

This is the first annual review of a three year contract which commenced on 1 March 2020.

Risk Management Implications

Nil

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Cost of review	\$643.50	dje Consulting
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Policy Implications

Nil



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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 3: Quality sustainable community services and infrastructure.

Communication Implications

Contract CMO509 Maintenance of Grass Kaniva was awarded to West Wimmera Shire Council at an ordinary meeting of Council on 19 February 2020. In awarding the contract, Council also resolved that an independent annual review be undertaken for the duration of the contract to ensure the successful bidder abides by all terms and conditions of the contract, and that the levels of service have not diminished from that provided by previous contractors.

With the upcoming anniversary Council Officers engaged David Eltringham OAM, an experienced Local Government Engineer to undertake this annual review. The review was conducted primarily remotely based on information supplied and concluded with a site visit for a visual inspection of all areas and to carry out interviews of several locals and Parks & Gardens team leader Phil Dixon.

All areas listed in the contract schedule except the Caravan Park were inspected and found to be very well maintained as per the specifications for the key areas of mowing, edge trimming, watering and fertilizing.

The review summary stated this assessment of the Contract performance for grass maintenance mowing and associated services for the presentation of public space lawn plantations indicates a high standard of work outcomes, high community praise for the standard of work and general compliance with the contract specifications. The objectives and expected outcomes of the contract are being achieved. General community opinion, as well as visual inspection, is that the township of Kaniva is well cared for, relaxed and orderly, presenting an "oasis" feel.

The review has included a number of recommendation for Councils consideration as follows:

- Maintenance of the east and west highway entrances,
- Commercial Street watering system
- A letter of appreciation to Parks & Gardens team leader Phil Dixon.

Note: The Commercial street watering system is currently in this year's budget.



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Conclusion

The review conducted by David Eltringham OAM gave a positive and pleasing report on the contractor's performance during the first twelve months of the contract. Community praise was high for the standard of work carried out and there were a number of compliments for Parks & Gardens team leader Phil Dixon.

OFFICER RECOMMENDATION:

1. That Council approves of the independent annual review conducted by David Eltringham OAM and the recommendation listed in the review be implemented.

Attachments:

No.	Name	RecFind Ref
13.1.1	CMO509 Contract – Maintenance of Grass in Kaniva	



14.0 CORPORATE AND COMMUNITY SERVICES

14.1 ASSET CAPITALISATION POLICY

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

A crucial building block of sound financial management is to have policies which indicate what Council's intent and direction will be in handling particular items and circumstances. This is so that Council can ensure that the disparate activities involved in financial management share a common purpose and direction.

Declaration of Interests

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

Background

The Asset Capitalisation Policy was last reviewed by Council on 17 March 2017. It is important to regularly review and update this policy so that Council can keep abreast of improving techniques and technology in the asset management field and also of evolving business practices and demands placed upon Council.

Risk Management Implications

Failure to have an effective suite of financial and asset management policies may lead to ineffective use of Council's assets and potential financial misrepresentation of Council's assets. In this instance, failure to have an up to date Asset Capitalisation Policy may lead to Council incorrectly identifying, or failing to identify capital expenditure which may lead to a material misstatement of Council's financial performance and position.

Legislative Implications

The Asset Capitalisation Policy complies with the requirements of the relevant sections of the *Local Government Act 2020* and with the relevant Australian Accounting Standards.

Environmental Implications

Not Commented on.



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Financial and Budgetary Implications

Failure to have effective guidelines around asset related expenditure may lead to material misstatements of Council's financial position and performance by an incorrect identification of expenditure. This in turn can lead to serious budgeting errors where insufficient or over sufficient funds are allocated to asset maintenance and capital works. This can have serious implications for Council in calculating and allocating the correct amount of funds for future asset renewal.

Policy Implications

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

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

The Asset Capitalisation Policy will be made available to all staff, for use as guidance when purchasing and budgeting.

Conclusion

The Asset Capitalisation Policy provides Council with a clear framework to ensure the correct treatment of capital expenditure and minimises the risk of materially misstating its financial performance and position. This policy was last adopted by Council on 17 March 2017 and is due for review.

OFFICER RECOMMENDATION:

That Council adopt the draft revised Asset Capitalisation Policy

Attachments:

No.	Name	RecFind Ref
14.1.1	WWSC_Council Policy_Asset Capitalisation Policy DRAFT	



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14.2 BUILDING FEE REFUNDS POLICY

FILE NUMBER: FM0055

REPORT AUTHOR: MELANIE JORDAN – FINANCE COORDINATOR

FOR DECISION

Introduction

A crucial building block of sound financial management is to have policies which indicate what Council's intent and direction will be in handling particular items and circumstances. This is so that Council can ensure that the disparate activities involved in financial management share a common purpose and direction. This report presents the Building Fees Policy to Council for consideration and comment.

Declaration of Interests

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

Background

All building works carried out within the shire which fall within the scope of the *Building Act 1993* and associated Building Regulations must obtain the appropriate permit. This includes all new construction as well as renovation and additions to existing buildings. The permit conditions include the payment of the applicable fee. The fee amount varies according to the nature and value of the building works and is outside the scope of the Building Fee Refunds Policy and this report.

On occasion, Council may be asked to refund or waive some or all of the applicable building fee. The Building Fee Refunds Policy outlines the circumstances where Council believes it reasonable to refund or waive some or all of a building fee.

This policy was last reviewed by Council on 19 April 2017. It is important to regularly review this policy to ensure relevance and compliance.

Risk Management Implications

Council is subject to the following risks associated with waiving or refunding building fees:

- | | |
|----------------|---|
| Financial Risk | - From reduced income: a large building development may attract fees in excess of \$10,000 |
| Fraud Risk | - It may be possible for officers to refund or waive building fees themselves or their associates are liable for if there are no control around the process |



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Reputational Risk - Council may suffer reputational damage from an inconsistent application of waivers or refunds of building fees.

The application of a clear and concise policy around the refund or waiver of building fees will mitigate these risks.

Legislative Implications

All building permits and fees are issued and charged in accordance with Victorian Building Regulations. With all refunds or waivers Council must operate under the 'Principals of Sound Financial Management' as dictated in the *Local Government Act 2020*.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Any refund or waiver of fees will have financial implications via the reduction of income to Council.

Policy Implications

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

Building Fee Refunds Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 1: Increase economic activity through the support of existing businesses and new investment
- Strategic Objective 2: Increased community amenity – protect unique values of our rural communities
- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

The Building Fee Refunds Policy will be made available to all Officers and Councillors. It is important that all Officers and Councillors who are in a position which involves communications with community members who are involved in building works are conversant with the policy so as to not give conflicting advice.



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Conclusion

The Building Fee Refunds Policy clearly sets out circumstances where Council may consider refunding or waiving all or part of a building fee. This policy was last adopted by Council on 19 April 2017 and is due for review.

OFFICER RECOMMENDATION:

That Council adopt the draft revised Building Fee Refund Policy

Attachments:

No.	Name	RecFind Ref
14.2.1	WWSC_Council Policy_Building Fee Refunds Policy_DRAFT	



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14.3 WIMMERA REGIONAL LIBRARY SERVICE CONTINUANCE

FILE NUMBER: AD0068

**REPORT AUTHOR: VIN MCKAY, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) has resolved to remain a member of the Wimmera Regional Library Corporation (the Corporation). The Corporation's auditors have requested that Council provide a statement that it does not intend to withdraw or wind up the Corporation within the next 3 years.

Declaration of Interests

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

Background

Council has been a member of the Wimmera Regional Library Corporation for a number of years. The Corporation provides Library Services to Council at static libraries located at Edenhope, Goroke, Harrow and Kaniva.

The Corporation also provides services to The Horsham Rural City Council. Prior to 1 July 2020 the Corporation also provided services to the Hindmarsh, Northern Grampians and Yarriambiack Shire Councils. These three Council withdrew from the Corporation effective 30 June 2020, after a long period of debate and consideration.

As part of this process Council carried out investigations into alternate models of providing library services. As a result of this Council considered that remaining in the Corporation with the Horsham Rural City Council was the best option for delivering library services to our residents. Accordingly at its November 2019 Confidential Council Meeting Council resolved:

Moved:	Cr Jodie Pretlove
Seconded:	Cr Richard Hicks



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That Council resolves to remain a member of the Wimmera Regional Library Corporation, with the Wimmera Regional Library Corporation providing all library services within West Wimmera Shire.

Carried (5/0)

The Corporations current Victorian Auditor General's Office (VAGO) agent auditors have requested that Council follow this with a statement indicating that Council continues to support the operation of the Corporation for a three year period, and does not intend to withdraw or cause the Corporation to wind up within that three year period. This is to satisfy the 'going concern' requirement of the audit.

Council may respond to this by resolving to support the ongoing operation of the Corporation and will not seek to withdraw or wind up the Corporation within the next 3 years.

Risk Management Implications

Council may be subject to the following risks from the provision of library services:

- Reputational risk from the perception of a lower service level
- Financial risk from the potential of increased direct costs.
- Service delivery risk if Council does not continue to fund the library service sufficiently into the future.

Legislative Implications

The *Local government Act 2020* does not mention Regional Library Corporations as the antecedent *Local Government Act 1989* did. However, legal advice indicates that the grandfathering provisions of the *Local Government Act 1989* will apply to the Corporation.

Environmental Implications

Not commented on

Financial and Budgetary Implications

By remaining within the Corporation Council commits to providing a funding amount annually to the Corporation to allow it to provide services. This amount is budgeted to be \$202,243 for 2021-22 (\$188,711 for 2020-21). Analysis has indicated that this amount is likely to be higher if Council had to fund all library operations and programs itself.

Policy Implications

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

Recreation Policy

Risk Management 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

Council's resolution will be communicated to Ms Ann Twyford, Chief Executive Officer, Wimmera Regional Library Corporation who will provide it to the Corporation's auditors.

Conclusion

Council has resolved to remain part of the Wimmera Regional Library Corporation. This resolution was based upon a detailed analysis of service capacity and delivery and cost where it was shown that remaining within the Corporation was the best model for providing effective library services to the West Wimmera Community. It would seem a natural extension of this decision to provide a guarantee that Council would continue to support the operation of the Corporation for three years and will not seek to withdraw from the Corporation or to have the Corporation wound up within that three year period.

OFFICER RECOMMENDATION:

That Council resolves to:

- 1. Guarantee to support the operations of the Wimmera Regional library Corporation for a three year period; and**
- 2. Will not seek to withdraw from the Wimmera Regional Library Corporation within that three year period; and**
- 3. Will not seek to wind up the Wimmera Regional Library Corporation within that three year period.**

Attachments:

No.	Name	RecFind Ref
	Nil	



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14.4 MINUTES OF AUDIT & RISK COMMITTEE MEETING HELD 23 MARCH 2021

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 23 March 2021.

Declaration of Interests

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

Background

Section 53 (1) of the *Local Government Act 2020* requires that each Council establish an Audit and Risk 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 and Risk 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.

OFFICER RECOMMENDATION:

That Council receives and adopts the minutes of the prior Audit and Risk Committee meeting held 23 March 2021.

Attachments:

No.	Name	RecFind Ref
14.4.1	2021 03 23 Audit Committee MINUTES - unconfirmed	E21/000038



**14.5 SMALL BUSINESS FRIENDLY COUNCIL AND BUILDING BETTER
APPROVALS PROJECT**

FILE NUMBER: ED0095

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) has an opportunity to sign on as a Small Business Friendly Council. A partnership with the Victorian Small Business Commission, Council already has in place the requirements to sign on and this commitment confirms Councils commitment to supporting local small businesses.

Declaration of Interests

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

Background

The Victoria Small Business Commissioner, Judy O'Connell visited Kaniva and met with the Mayor, CEO and Council staff to discuss Council signing up to the Small Business Friendly Council (SBFC) which confirms Councils commitment to provide small business owners with the support they need to do business.

The Small Business Friendly Charter outlines shared goals for the Victorian Small Business Commission (VSBC) and participating local councils in working together to create a fair and competitive trading environment for small businesses. When signing the Charter, local councils are making important commitments including to:

- pay small business supplier invoices within 14 days.
- support local businesses in managing the disruption caused by infrastructure projects.
- streamline approval processes for people looking to open a business in the area.
- help set up and support local business networks.



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Risk Management Implications

Over 50 Council across the state have signed up to this charter already, Council has a reputational risk if chooses not to sign up to the program.

Legislative Implications

Environmental Implications

Not commented on

Financial and Budgetary Implications

Council is already undertaking the key requirements of this charter, and there is no cost to signing up.

Policy Implications

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

- Business Assistance Scheme Policy
- Communications 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.

Communication Implications

If council proceed with signing on the Small Business Friendly Charter, it will be shared through local newspaper, Council website and Facebook page. The Victorian Small Business Commission (VSBC) will complete a media release.

Conclusion

Signing up to the Small Business Friendly Council initiative acknowledges the work that Council already does to support small business and give recognition to West Wimmera as being a supportive place to start up a small business.



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OFFICER RECOMMENDATION:

That Council signs on to be a Small Business Friendly Council.

Attachments:

No.	Name	RecFind Ref
14.5.1	Small Business Friendly Council Charter	ED0095



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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.

OFFICER RECOMMENDATION:

That Council consider the following late items of business:

15.1 2021/2022 BUDGET REPORT

FILE NUMBER:

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR



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16.0 SEALING SCHEDULE

16.1 SECTION 173 AGREEMENT – FARRAN

OFFICER RECOMMENDATION:

- 1) That Council sign and seal the Section 173 Agreement between West Wimmera Shire Council and Andrew Charles Cuninghame Farran in relation to land at 372 Edenhope-Penola Road, Edenhope.

16.2 SECTION 173 AGREEMENT – MCDONALD

OFFICER RECOMMENDATION:

- 1) That Council sign and seal the Section 173 Agreement between West Wimmera Shire Council and Paul Andrew McDonald and Cathryn Elizabeth McDonald, who are the registered proprietors of Crown Allotment 122 on the Parish of Toolongrook, being the property known as Arnolds & Smiths Road, Toolongrook, Victoria, Certificate of Title Volume 09150 Folio 942

16.3 GOROKE RECREATION RESERVE PAVILLION CHANGE ROOMS

CONTRACT NO. CM0535

OFFICER RECOMMENDATION:

- 1) That Council sign and seal the Goroke Recreation Reserve Pavilion Change Rooms Contract No. CM0535 between West Wimmera Shire Council and Locks Construction Pty Ltd.



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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 pm to resolve on matters pertaining to the following items:

17.1 INTERNAL AUDIT PROVIDER TENDER - CMO537

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: INTERNAL AUDIT PROVIDER TENDER - CMO537

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—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

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.



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MEETING CONCLUDED:

NEXT MEETING:

**WEDNESDAY 19 MAY 2021
KANIVA COUNCIL CHAMBER**