



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

HELD: Wednesday, 17 November 2021

LOCATION: Microsoft Teams

COMMENCED: 2:04pm

PUBLIC ACCESS: Recording will be loaded to website post meeting

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer OAM, Mayor	David Bezuidenhout Chief Executive Officer (CEO)
Jodie Pretlove, Deputy Mayor	
Trevor Domaschenz	Vin McKay Director Corporate & Community Services (DCCS)
Tim Meyer	Officers:
Tom Houlihan	James Magee, Asset/GIS Coordinator
	Terry Ough, Works Manager
	Leilani Dawes, Revenue Manager
	Katie Frost, Governance Coordinator
	Kiara Silvester, Executive Assistance to the CEO

*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.

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 a recording available post meeting via Council's website.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tom Houlihan

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 a recording available post meeting via Council's website.

Carried (5/0)

2.0 OPENING PRAYER

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

None declared

3.2 LEAVE OF ABSENCE

None declared

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.

Cr. Tim Meyer declared a conflict of interest on Item 14.3 Community Strengthening Grants, stating that he is a member of the Kaniva Bowls Club.

Mayor Bruce Meyer declared a conflict of interest on Item 14.3 Community Strengthening Grants, stating that he is a member of the Kaniva Bowls Club.

Cr. Jodie Pretlove declared a conflict of interest on Item 14.3 Community Strengthening Grants, stating that she is a member of the Lake Charlegrark Country Music Marathon.



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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.

Nil



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4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, 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)

Nil



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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)

26/10/2021	Fire Rescue Victoria – Meeting with Mayor
29/10/2021	Rural Councils Victoria – Minister for Planning, The Hon Richard Wayne MP
03/11/2021	Annual Statutory Meeting to Elect Mayor
03/11/2021	Councillor Forum
11/11/2021	Remembrance Day – Goroke
17/11/2021	Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

26/10/2021	West Wimmera Tourism Advisory Committee
28/10/2021	Wimmera Primary Care Partnership AGM
03/11/2021	Annual Statutory Meeting to Elect Mayor
03/11/2021	Councillor Forum
09/11/2021	Wimmera Development Association
17/11/2021	Council Meeting

5.3 COUNCILLOR TREVOR DOMASCHENZ

19/10/2021	Wimmera Mallee Tourism Meeting
26/10/2021	West Wimmera Tourism Advisory Committee
03/11/2021	Annual Statutory Meeting to Elect Mayor
03/11/2021	Councillor Forum
09/11/2021	Wimmera Development Association
11/11/2021	Remembrance Day - Edenhope
16/11/2021	Wimmera Mallee Tourism Meeting
17/11/2021	Council Meeting

5.4 COUNCILLOR TIM MEYER

03/11/2021	Annual Statutory Meeting to Elect Mayor
03/11/2021	Councillor Forum
05/11/2021	Rail Freight Alliance Meeting
12/11/2021	Wimmera Southern Mallee Regional Transport Group Meeting
15/11/2021	Project Control Group – Goroke Recreation Reserve
17/11/2021	Council Meeting



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5.5 COUNCILLOR TOM HOULIHAN

22/10/2021	Grampians Central West Waste & Resource Recovery Group Forum
03/11/2021	Annual Statutory Meeting to Elect Mayor
03/11/2021	Councillor Forum
11/11/2021	Remembrance Day - Harrow
17/11/2021	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

Nil

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 18 OCTOBER 2021

RECOMMENDATION:

That the Minutes of the Council Meeting held on Monday, 18 October 2021 be taken as an accurate record and confirmed.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

That the Minutes of the Council Meeting held on Monday, 18 October 2021 be taken as an accurate record and confirmed.

Carried (5/0)



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8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

9.0 NOTICES OF MOTION

Nil

10.0 COUNCILLOR FORUM RECORD – 3 NOVEMBER 2021

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday, 3 November 2021 be received and noted with correction that

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Jodie Pretlove

That the Record for the Councillor Forum held Wednesday, 3 November 2021 be received and noted with correction that;

1) Volunteer Committee Management: Cr. Domaschenz requested officers provide the approximate cost to Council to operate the Kaniva Recreational Reserve.

Carried (5/0)



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11.0 DEPUTATIONS AND PETITIONS

11.1 Lake Wallace Petition

A petition has been received requesting Council to consider the management of weeds on Lake Wallace.

The petition contains 361 physical signatures.

A copy of the petition has been distributed directly to Councillors as privacy issues prevent inclusion within the agenda.

At 2:44pm Greg Buttle and Valerie Collins were admitted into the Council meeting to present the Lake Wallace Petition to Council.

The Mayor permitted the presentations by Greg Buttle and Valerie Collins to be a combined one allowing a total of ten minutes.

RECOMMENDATION

That Council receive and note the petition and that Council Officers prepare a progress report on points 1 through to 3 of the petition to bring to the next Councillor Forum.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

That Council receive and note the petition and that Council Officers prepare a progress report on points 1 through to 3 of the petition to bring to the next Councillor Forum.

Carried (5/0)



12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

FILE NUMBER:

REPORT AUTHOR: VIN MCKAY – INTERIM DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

The purpose of this report is to recommend that Council approve a *Chief Executive Officer Employment and Remuneration Policy* (the Policy).

Declaration of Interests

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

Background

Legislative requirements

Section 45 of the LGA 2020 provides that every council must, by 31 December 2021, develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.

Policy development

The proposed Policy:

- a) meets the requirements of the LGA 2020;
- b) includes provisions relating to:
 - i. the role of the Chief Executive Officer Employment Matters Advisory Committee (the CEMAC);
 - ii. the appointment and role of a recruitment agency;



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- iii. the statutory requirement to obtain independent professional advice in relation to employment matters involving the Chief Executive Officer (CEO);
- iv. the role of the independent consultant;
- v. the role of the Director Corporate and Community Services;
- vi. the CEO recruitment and appointment processes;
- vii. the CEO's terms and conditions of employment;
- viii. performance monitoring of the CEO;
- ix. an annual review of the CEO's performance;
- x. re-appointment of the CEO;
- xi. the possible involvement of the Audit and Risk Committee;
- xii. access to the Policy; and
- xiii. reviewing the Policy.

CEMAC

Given the new statutory provisions, the Terms of Reference (ToR) of CEMAC need to be updated.

Accordingly, the ToR have been re-named as a Charter and the proposed version is attached.

Risk Management Implications

The proposed Policy is a legislative requirement. Non-compliance could attract the attention of Local Government Victoria.



Legislative Implications

A CEO employment and remuneration policy is a legislative requirement.

Environmental Implications

Not applicable.

Financial and Budgetary Implications

There are no financial or budgetary implications.

Policy Implications

This report is supported by the following Council documents:

- a) *Councillor Code of Conduct 2021*;
- b) *Election Period Policy 2019*;
- c) *Public Transparency Policy 2020*; and
- d) *Risk Management Policy 2018*.

Council Plan Implications

This report supports the following section/s of the Council Plan 2021-2025:

- Goal 4 – Good Governance

Conclusion

The adoption of a *Chief Executive Officer Policy* is essential.



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OFFICER RECOMMENDATION

That the proposed *Chief Executive Officer Employment and Remuneration Policy and CEMAC Charter* be adopted.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tom Houlihan

That the proposed *Chief Executive Officer Employment and Remuneration Policy and CEMAC Charter* be adopted.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.1.1	CEMAC Charter ABS MK 3	
12.1.2	CEMAC Policy	



13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 ROAD MANAGEMENT PLAN 2021-2025 & REGISTER OF PUBLIC ROADS

FILE NUMBER:

REPORT AUTHOR: JAMES MAGEE, ASSETS/GIS COORDINATOR

FOR DECISION

Introduction

Council have the opportunity to adopt a Road Management Plan (RMP) for a four year period in accordance with the Road Management Act 2004. Council's last Road Management Plan was adopted in 2017. A RMP is a voluntary plan which Council may undertake under the Road Management Act 2004. It may be used as a defence against common law proceedings

The Draft RMP was advertised for public submissions as per the Council resolution 21 July 2021. No submissions were received. The RMP is attached for final approval and adoption by Council. The RMP and Road Register are attached.

Declaration of Interests

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

Background

Council first adopted a RMP in 2004. The plan has been amended and endorsed by Council three times since then with the last review being in 2017. The plan must be reviewed every four years, after each Council election.

The RMP establishes a management system for the inspection and maintenance of road management functions of a road authority which is based on policy, operational objectives, and available resources. It also sets relevant intervention levels for safety defects in relation to the discharge of duties in the performance of those road management functions.



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Risk Management Implications

A RMP is adopted to assist as a defence against a common law claim by providing a systematic inspection regime, a set of maintenance intervention levels for road defects, and a corresponding set of response times to repair the defect. The RMP also details the obligations of road users under section 17A of the Road Safety Act 1986.

The RMP intervention levels and response times adopted need to be achievable, and not be aspirational, to provide maximum protection in defending claims.

The RMP includes an “Exceptional Circumstances” clause whereby Council has the power to suspend its RMP for a period if it cannot undertake its requirements due to extreme events such as flood, earthquake, fire or pandemic or due to sudden lack of physical or financial resources.

Legislative Implications

Municipal RMPs must be reviewed in accordance with the Road Management (General) Regulations 2016. The Council have reviewed standards and priorities for inspection and maintenance and ensured they are appropriate. Budgets and available resources should be taken into account.

Council have compared their proposed RMP with that of other similar Councils to determine if it meets industry standards.

Public notice of the proposal to adopt a RMP was undertaken in accordance with the Road Management (General) Regulations 2016.

Environmental Implications

Nil

Financial and Budgetary Implications

Consultation with Management and Supervisory staff within the Infrastructure, Development and Works sector has established that the works that may be required to achieve the requirements of the RMP can be undertaken within current and projected available budget resources.

Policy Implications

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

- Asset Management Policy
- Asset Management Strategy



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Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1: Liveable and Healthy Community (Ensure key infrastructure is maintained and renewed as required to support our economy, community use and involvement).
- Goal 2: Diverse and Prosperous Economy (Review the Road Management Plan within 12 months of each Council election).

Communication Implications

Council passed a resolution to advertise the draft Road Management Plan for public review at its meeting 21 July 2021 and allow 28 days for submissions. Submissions have closed and none were received.

A notice advising of the adoption of a Road Management Plan is to be placed in locally circulating newspapers and the Government Gazette once it is adopted by Council.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

The draft Road Management Plan and Road Register has been advertised for public submissions. No submissions relating to the content of the draft plan were received. Attached is Councils draft Road Management Plan 2021-2025 including the Public Road Register. It is unchanged from that which was put on public display.



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OFFICER RECOMMENDATION:

That the West Wimmera Shire Council

- 1. Adopt the Road Management Plan 2021-2025 including the Road Register and place a notice in the Government Gazette and locally circulating newspapers advising of its adoption.**

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

That the West Wimmera Shire Council

- 1. Adopt the Road Management Plan 2021-2025 including the Road Register and place a notice in the Government Gazette and locally circulating newspapers advising of its adoption.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.1.1	Road Management Plan – 2021-2025	
13.1.2	Road Management Plan 2021-2025 Title Page	
13.1.3	West Wimmera Shire Road Register	



13.2 REQUEST FOR OPENING OF A SECTION OF ROAD FOR PUBLIC ACCESS

(Road North of Allotments 19 and 19A, Parish of Dergholm-Licence number 0306558)

FILE NUMBER:

REPORT AUTHOR: JAMES MAGEE, ASSETS/GIS COORDINATOR

FOR DECISION

Introduction

Council received an application for the opening of a section of road known as Roper Track (which runs west of the Dergholm-Edenhope Road) to provide access to a property which the applicant recently purchased. The road is approximately 1.09km long with 800m being a reasonable quality gravel surface while 313m is earthen road. The applicant agrees to fund the formation and gravel construction of the unmade section of road and any survey and fence relocation or erection required. The proposal was considered by Council at its Council Meeting held 15 September 2021.

The proposal to open the section of road was advertised for submissions as per Council resolution 15 September 2021. Submissions closed 22 October 2021. No submissions were received. This report provides Council the opportunity to make a decision on the proposal to open the section of road.

Declaration of Interests

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

Background

The section of road is currently a closed road with the Department of the Environment, Land, Water and Planning (DELWP), previously having issued an unused road licence to the adjacent landholder. The unused road licence Tenure ID is 0306558.

The following allotments are in the ownership of the applicant:

- Lots 1 & 2 on TP368711X, CA79, Parish of Dergholm.

Timber production is the past and future use of the applicants land.



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The applicant has liaised with Parks Victoria and DELWP regarding the process of gaining access to the property. The property currently is landlocked and the owner can only access it via other property not in his ownership.

DELWP have advised the section of road was closed in 1977 when the Shire of Glenelg had control of that area. It was licensed at that point to the adjacent landholder which is currently the case.

DELWP has advised that if Council notifies them that the road is required for public use they will terminate the licence with the adjacent property owner. Council would take over management and maintenance of the section of road once it is declared open for public use.

Risk Management Implications

The road will be listed on Councils Road Register upon its declaration as a public use road, and Council will have the ongoing maintenance and management of the road. Council has in the past negotiated agreements between timber operators and itself for maintenance of roads during cartage of their product. It would be necessary to have a similar arrangement for this access road to minimise the impact on Council resources.

Legislative Implications

Council can open the road to the public in accordance with section 204 of the Local Government Act 1989 (LGA 1989). Public notice of the proposal is required and has been given in accordance with section 223 of the LGA 1989.

Environmental Implications

Some tree clearing will need to be undertaken on the 313m section. The applicant will undertake this in conjunction with Parks Victoria with no impact upon Council. The applicant or Parks Victoria will need to obtain any approvals required.

Financial and Budgetary Implications

There are no initial capital or changeover costs for Council in opening the road apart from administrative and advertising costs. Council will need to maintain the section of road with ongoing maintenance costs being absorbed into existing budgets which is achievable.

The significant costs of maintaining and repairing the road during timber haulage will be covered by the applicant in an agreement.



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Policy Implications

This report is supported by the following Shire Council Policies:

- Asset Management Policy; and
- Asset Management Strategy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1. Liveable and Healthy Community (Ensure key infrastructure is maintained and renewed as required to support our economy, community use and involvement).

Communication Implications

The declaration of a road to be open to the public was advertised for public review for a minimum of 28 days allowed for submissions pursuant to sections 207A and 223 of the LGA 1989. This was in accordance with the Council resolution made 15 September 2021.

The notice advertising the road opening was placed in locally circulating newspapers and on the Council website.

If Council decides to open the road to the public, it must place a notice in the Government Gazette advising of such once the Council resolution is passed.

Gender Equality

A gender impact assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

A role of local government is to provide access to property. As there is no other viable option for access it seems reasonable that the request be approved by Council. No submissions were received after the proposal to open the section of road was advertised.



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OFFICER RECOMMENDATION

That the West Wimmera Shire Council:

1. Open the section of currently licenced road - North of Allotments 19 and 19A, Parish of Dergholm (unused road licence Tenure ID 0306558) to public access by placing a notice in the Government Gazette.
2. Write to the applicant who requested the section of road to be opened, stating that any upgrade works required to that road will not be undertaken by Council and should be undertaken by others to a standard approved by Council, and that an agreement for maintenance of the road between Council and the timber operator be undertaken prior to cartage of their product.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Jodie Pretlove

That the West Wimmera Shire Council:

1. Open the section of currently licenced road - North of Allotments 19 and 19A, Parish of Dergholm (unused road licence Tenure ID 0306558) to public access by placing a notice in the Government Gazette.
2. Write to the applicant who requested the section of road to be opened, stating that any upgrade works required to that road will not be undertaken by Council and should be undertaken by others to a standard approved by Council, and that an agreement for maintenance of the road between Council and the timber operator be undertaken prior to cartage of their product.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.2.1	Location proximity map	
13.2.2	Unused Road location plan	



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13.3 COLLABORATIVE PURCHASE OF GLASS CRUSHING UNIT

FILE NUMBER:

REPORT AUTHOR: TERRY OUGH, WORKS MANAGER

FOR DECISION

Introduction

As part of the State Government Circular Economy Policy, there is a requirement to reduce waste to landfill by introducing four separate waste streams being glass, food organics and garden organics (FOGO), comingled recyclables and general waste.

The local cluster of Councils including West Wimmera, Yarriambiack, Buloke, Horsham and Hindmarsh are proposing to introduce a glass crushing facility to accommodate the glass stream.

The facility would be owned, operated and maintained in accordance with the MOU attached.

Declaration of Interests

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

Background

To enable local cluster councils to deal with the glass component of the State Government Circular Economy Policy, Yarriambiack Shire Council initiated a proposal to share a glass crushing facility with West Wimmera Shire Council (WWSC), Horsham Rural City Council (HRRC), Hindmarsh Shire Council (HSC) and Buloke Shire Council (BSC).

In doing so, Yarriambiack Shire Council has been successful in obtaining a grant through Sustainability Victoria for 50% of the Capital cost of setting up this facility.

The grant component available is \$175,000 with the four participating councils contributing the remaining 50% (\$175,000).

Yarriambiack is proposing to provide an additional \$10,000 in-kind support (\$43,000 in total) resulting in a \$33,000 proposed contribution from each other Council.

West Wimmera allocated \$32,000 in its 2021/2022 plant budget as its estimated contribution towards this facility, therefore an additional \$1000 would be required to be funded from savings in the overall plant budget.



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In September officers received notification of the success of the application from Yarriambiack with notice of an MOU to be developed to form a user agreement. After meetings between Council staff to develop the MOU, Council have now received the agreement for sign off by the CEO to form part of the first Grant milestone. The MOU attached, details the usage arrangement and ongoing costs associated with operational and maintenance costs on a per Tonne basis. The plant hire component is based on Council's initial contribution to be paid down until the initial contribution amount (\$33,000) is met.

It is anticipated that this amount for West Wimmera will be covered in the 10 year life of the item of plant.

Risk Management Implications

(a) Operation and Maintenance

The operation and maintenance risk management for this item of plant will be the responsibility of the Yarriambiack Shire Council.

(b) Compliance with State Government Circular Economy.

If Council does not enter into this shared MOU with neighbouring Councils, the grant funding will be jeopardised and Council will be required to implement its own practice of disposing of glass under the Circular Economy Policy.

Legislative Implications

State Government Circular Economy Policy legislative requirements

Environmental Implications

Purpose behind the purchase is based on environmental impacts in the elimination of glass to landfill with opportunity for local circular economy. The end product will be a usable recycled sand fines to be put into Council's pavement material.

With the ability to process the glass, Council can start the process of taking it out of the comingled waste stream as mandated by State Government by 2026. WWSC currently produce approximately 80 Tonnes of glass per annum based on the most recent kerbside bin audits.



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Financial and Budgetary Implications

Plant Budget 2021/2022	\$33,000
Operational Costs (with plant hire taken out)	\$46.71 per/Tonne
At 80 Tonnes per year @ \$46.71	\$3763.80 per annum.
Delivery to Yarriambiack \$30 per/tonne x 80 Tonne	\$2400 per annum
Total costs to deliver and crush glass	\$6163.80 per annum
	\$77 per /Tonne
Gate Fee for comingled recycling - current costs	\$ 165 per /Tonne
Savings per annum (\$88 per /Tonne)	\$7040

Over 10 years this equates to \$70,400 with an initial investment of \$33,000 for the purchase of the glass crushing unit. Council will still have a residual investment in the plant after the 10 year agreement.

Policy Implications

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

Business Continuity Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 2 - Diverse and Prosperous Economy

Communication Implications

Timely communication to inform other Councils within the group required.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

OFFICER RECOMMENDATION:

As the contribution to this item of plant has previously been endorsed by Council through the budget process, that the attached MOU be signed by the CEO and returned to Yarriambiack Shire Council.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Jodie Pretlove

As the contribution to this item of plant has previously been endorsed by Council through the budget process, that the attached MOU be signed by the CEO and returned to Yarriambiack Shire Council.

Carried (4/1 against)

Attachments:

No.	Name	RecFind Ref
13.3.1	Draft MOU for Signature	



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

14.0 CORPORATE AND COMMUNITY SERVICES

14.1 AUDIT AND RISK COMMITTEE - HALF YEARLY REPORT TO COUNCIL

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the half-yearly report detailing the activity of the Audit and Risk Committee. (**Appendix 1**). The report has been prepared by the Chair, Mr Mick Jaensch and has been reviewed by all committee members.

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* (the Act) requires that each Council establish an Audit and Risk Committee. The Audit and Risk Committee is a formally appointed Advisory Committee of Council.

In accordance with section 54(5) of the Act, the Audit and Risk Committee must prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations. This report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

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 Council's Audit and Risk Committee prepare a half-yearly report for Council.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

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/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

Not commented on.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

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



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

OFFICER RECOMMENDATION:

That Council note and receive the half-yearly report of the Audit and Risk Committee (Attachment 1).

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tom Houlihan

That Council note and receive the half-yearly report of the Audit and Risk Committee (Attachment 1).

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.1.1	West Wimmera ARC Half Yearly Report October 2021	



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

14.2 QUARTERLY BUDGET REPORT – SEPTEMBER 2021

FILE NUMBER:

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR ENDORSEMENT

Introduction

This report presents West Wimmera Shire Council (Council) with the Quarterly Budget Report for the period ended 30 September 2021.

Declaration of Interests

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

Background

The *Local Government Act 2020* ('the Act') requires Council to implement the principles of sound financial management (s.101). Section 97 of the Act requires that Council be presented with a quarterly budget report at the conclusion of each quarter of the financial year comparing actual to budgeted revenue and expenditure.

The financial reports show an analysis of the actuals to budget forecasts at 30 September 2021. Where significant variances exist between actual amounts and budgeted figures, a note is included to provide an explanation for the variance. The financial reports include a Comprehensive Income Statement, Balance Sheet and Capital Works Statement to give a true indication of Council's operations, capital works program and financial position.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

Legislative Implications

Section 97 of the *Local Government Act 2020* requires that Council is provided with a quarterly budget report after the end of each quarter of the financial year, comparing the budgeted revenue and expenditure with actual revenue and expenditure.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

Environmental Implications

Not commented on.

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

Not commented on.

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

The Chief Financial Officer will continue to work with officers and managers to educate and enable financial management of their department.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

Council's financial performance at 30 September 2021 is attached for Council's information, in accordance with the requirements of s.97 of the Act.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

OFFICER RECOMMENDATION:

That the Quarterly Budget Report as at 30 September 2021 be received and noted.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Trevor Domaschenz

That the Quarterly Budget Report as at 30 September 2021 be received and noted.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.2.1	Quarterly Budget Report - September 2021	



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

14.3 COMMUNITY STRENGTHENING GRANTS PROGRAM 2021-22

ROUND 1

FILE NUMBER: PR0118

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) Community Strengthening Grants program is designed to promote and increase participation of residents in community initiatives, to build and strengthen local networks and partnerships and to support community leadership, learning and skill development.

Council provides financial assistance to community groups and organisations to support the provision of programs, activities and services which respond to identified community needs, contribute to the building of a stronger community, develop innovative approaches and local social issues and are in accordance with Council's strategic objectives.

Round two of the 2021-22 West Wimmera Shire Council Community Strengthening Grants Program closed Sunday 17 October. 13 applications were received across the three categories.

Declaration of Interests

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

Background

Applications must be from eligible applicants (community based not for profits, incorporated, or sponsored by an incorporated organisation). They are then assessed against a number of selection criteria as well as the requirements of the specific funding categories.

A summary of the application is attached. Of the 13 applications received this round, one application was received late and one application was deemed ineligible as the group had received funding in the previous round.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

Risk Management Implications

Community Strengthening Grants present minimal risk to Council. The policy requires a successful applicant to manage the grant funding themselves. Each application has been assessed against the policy guidelines, ensuring a transparent and equitable process has been followed.

Council could also be subject to compliance risk with recipients not meeting permit requirements, however successful applications will be reviewed by our regulatory team.

Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

A total of \$159,703 is available in the 2021-22 budget for Community Strengthening Grants. Approximately \$19,000 is still required to close out outstanding grants. This funding has been divided between the three categories as follows:

- Community Events \$14,356
- Community Projects \$42,283
- Facilities Upgrades and Equipment \$103,064

Policy Implications

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

- Council Grants Policy
- Support to Community Events Policy



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance
- Goal 5 – Our Commitment

Communication Implications

The Community Strengthening Grants program was promoted through advertisements on the Council website, local newspapers, community newsletters, and social media.

In previous rounds, Community Information Sessions have been poorly attended, so these were replaced with one-on-one sessions as requested. Three requests for assistance with the application were received and actioned, and six applicants made contact prior to submitting their application.

Successful applicants will be provided with constructive feedback as appropriate. Unsuccessful applicants can request feedback should they wish.

Further media will take place following the confirmation of successful applications, as well as media associated with individual applications.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been completed.

Conclusion

Round One of the Community Strengthening Grants Program 2021-22 has been well-subscribed with strong applications and projects submitted for consideration.



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

OFFICER RECOMMENDATION:

- 1. That Council approve the following Community Strengthening Grant applications and authorise Council Officers to process grant payments:**
 - a) Kaniva and District Progress Association – Eat, Stay, Play Community Data Base - \$5,000.00**
 - b) Day of the Dackel – Day of the Dackel 2022- \$750.00**
 - c) Edenhope RSL- Anzac Day Celebrations 2022 - \$750.00**
 - d) Goroke Bowls Club – Scoreboard Upgrade - \$2332.00**
 - e) Kaniva Leeor United Football Club Inc- \$5,000.00**
 - f) Kowree Tennis Association – New Tennis Nets - \$876.00**
 - g) Lockhart Racecourse & Recreation Reserve – Fence Repair and Replacement - \$1,617.00**
 - h) Serviceton Golf Club – New Signs - \$788.00**
 - i) St Malachy’s Primary School Parents Association – ½ Court Basketball - \$5000**
 - j) Kaniva Golf Club – New mower /cart Shed - \$5000.00**
- 2. That Council approve the following Community Strengthening Grant application and authorise Council Officers to process grant payments:**
 - a) Kaniva Bowls Club – Electrical Upgrade Works - \$5,000.00**
- 3. That Council approve the following Community Strengthening Grant application and authorise Council Officers to process grant payments:**
 - a) Lake Charlegrark Country Music Marathon – Catering Shed Modifications - \$5000.00**



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tom Houlihan

1. That Council approve the following Community Strengthening Grant applications and authorise Council Officers to process grant payments:

- a) Kaniva and District Progress Association – Eat, Stay, Play Community Data Base - \$5,000.00**
- b) Day of the Dackel – Day of the Dackel 2022- \$750.00**
- c) Edenhope RSL- Anzac Day Celebrations 2022 - \$750.00**
- d) Gorokey Bowls Club – Scoreboard Upgrade - \$2332.00**
- f) Kowree Tennis Association – New Tennis Nets - \$876.00**
- g) Lockhart Racecourse & Recreation Reserve – Fence Repair and Replacement - \$1,617.00**
- h) Serviceton Golf Club – New Signs - \$788.00**
- j) Kaniva Golf Club – New mower /cart Shed - \$5000.00**

2. That Council carryover the following Community Strengthening Grant applications to the December Councillor Forum to discuss and clarify eligibility:

- e) Kaniva Leor United Football Club Inc - \$5,000.00**
- i) St Malachy's Primary School Parents Association – ½ Court Basketball - \$5,000.00**



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Amendment to the motion

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tim Meyer

1. That Council approve the following Community Strengthening Grant applications and authorise Council Officers to process grant payments:

- a) Kaniva and District Progress Association – Eat, Stay, Play Community Data Base - \$5,000.00**
- b) Day of the Dackel – Day of the Dackel 2022- \$750.00**
- c) Edenhope RSL- Anzac Day Celebrations 2022 - \$750.00**
- d) Gorokey Bowls Club – Scoreboard Upgrade - \$2332.00**
- e) Kaniva Leeor United Football Club Inc. - \$5,000.00**
- f) Kowree Tennis Association – New Tennis Nets - \$876.00**
- g) Lockhart Racecourse & Recreation Reserve – Fence Repair and Replacement - \$1,617.00**
- h) Serviceton Golf Club – New Signs - \$788.00**
- j) Kaniva Golf Club – New mower /cart Shed - \$5000.00**

2. That Council carryover the following Community Strengthening Grant applications to the December Councillor Forum to discuss and clarify eligibility:

- i) St Malachy's Primary School Parents Association – ½ Court Basketball - \$5,000.00**

Carried (3/2 against)



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Amendment becomes the motion

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tim Meyer

1. That Council approve the following Community Strengthening Grant applications and authorise Council Officers to process grant payments:

- a) Kaniva and District Progress Association – Eat, Stay, Play Community Data Base - \$5,000.00**
- b) Day of the Dackel – Day of the Dackel 2022- \$750.00**
- c) Edenhope RSL- Anzac Day Celebrations 2022 - \$750.00**
- d) Gorokey Bowls Club – Scoreboard Upgrade - \$2332.00**
- e) Kaniva Leeor United Football Club Inc. - \$5,000.00**
- f) Kowree Tennis Association – New Tennis Nets - \$876.00**
- g) Lockhart Racecourse & Recreation Reserve – Fence Repair and Replacement - \$1,617.00**
- h) Serviceton Golf Club – New Signs - \$788.00**
- j) Kaniva Golf Club – New mower /cart Shed - \$5000.00**

2 That Council carry over for future discussion to check eligibility of the following items:

- i) St Malachy's Primary School Parents Association – ½ Court Basketball - \$5,000.00**

Carried (4/1 against)

Mayor Bruce Meyer vacated the Chair at 3:58pm, as he declared a conflict of interest on item 2 of the Officer Recommendation.

Cr. Tim Meyer vacated the room at 3:58pm as he declared a conflict of interest on item 2 of the Officer Recommendation.

Deputy Mayor Jodie Pretlove took the Chair at 3:58pm.



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Moved: Cr. Tom Houlihan

Seconded: Cr. Trevor Domaschenz

1. That Council approve the following Community Strengthening Grant application and authorise Council Officers to process grant payments:

a) Kaniva Bowls Club – Electrical Upgrade Works - \$5,000.00

Carried (3/0)

Cr. Tim Meyer re-entered the room at 4:01pm.

Mayor Bruce Meyer re-entered the room and resumed the chair at 4:01pm

Cr. Jodie Pretlove vacated the room at 4:02pm as she declared a conflict of interest on item 3 of the Officer Recommendation.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

1. That Council approve the following Community Strengthening Grant application and authorise Council Officers to process grant payments:

a) Lake Charlegrark Country Music Marathon – Catering Shed Modifications - \$5000.00

Carried (4/0)

Cr. Jodie Pretlove re-entered the room at 4:04pm.

Attachments:

No.	Name	RecFind Ref
14.3.1	WWSC Community Strengthening Grant Applications Summary FY2122 Rd 2	PR0118



14.4 PROPOSED PROCUREMENT POLICY

FILE NUMBER: AD0192

**REPORT AUTHOR: VIN MCKAY – INTERIM DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

The purpose of this report is to recommend that Council approve a new *Procurement Policy*.

Declaration of Interests

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

Background

Until 30 June 2021, the legislative requirements relating to procurement were set out in the *Local Government Act 1989* (LGA 1989). Those provisions were, from 1 July 2021, replaced by provisions in the LGA 2020.

The specific requirements are in sections 108 and 109 of the LGA 2020.

In summary:

- a) every council must adopt a new procurement policy by 31 December 2021;
- b) the procurement policy must meet the requirements of the LGA 2020;
- c) a council must comply with its procurement policy; and
- d) a procurement policy must be reviewed at least every four years.

In Council's case, an updated *Procurement Policy* was adopted on 10 August 2020, however at that time, the procurement provisions of the LGA 1989 were still operative as the relevant provisions of the LGA 2020 had not commenced.

Accordingly, as noted by Council at its meeting on 15 September 2021, the *Procurement Policy* needs to be updated to reflect the current legislation.

Compared with the LGA 1989, there are some key differences:



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- a) there is no provision for the Minister for Local Government to grant exemptions from tendering requirements;
- b) there is no legislative reference to agency arrangements whereby a council can engage an agent (such as the Municipal Association of Victoria, Procurement Australia or another council) to act as its agent in conducting a tendering process;
- c) there is however, provision for collaborative procurement arrangements between councils and with public bodies;
- d) there is no provision to novate contracts (ie: transfer the contract to another contractor if the current contractor is bought out, merged etc); and
- e) apart from the broad legislative provisions, councils are required to establish their own procedures, such as collaborative arrangements and setting the thresholds over which proposed contracts are to be the subject of an expression of interest (EOI) or tendering process.

The proposed Policy:

- a) meets the requirements of the LGA 2020;
- b) includes relevant definitions;
- c) provides that an EOI or tendering process must be conducted when the estimated contract sum exceeds \$150,000 inc GST (for goods and services) or \$200,000 inc GST (for works). The thresholds are identical to those in the current Policy;
- d) gives guidance in relation to evaluation criteria, including:
 - i. mandatory criteria;
 - ii. weighted criteria;
 - iii. local purchasing;
 - iv. sustainable procurement;
- e) includes probity provisions;
- f) introduces references to the *Gender Equality Act 2020*;



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- g) establishes what procurement activities are exempt from tendering processes;
- h) is consistent with the Instrument of Delegation to the CEO approved by Council on 15 September 2021;
- i) provides that Council may use collaborative arrangements for procurement purposes;
- j) clarifies the role of the Audit And Risk Committee in relation to procurement activities;
- k) provides that awarding of contracts by the Council will be determined in the confidential section of Council meetings;
- l) includes reference to the awarding of contracts during an election period;
- m) provides for the novation of contracts; and
- n) provides additional detail in relation to contract variations.

Risk Management Implications

A comprehensive procurement policy is not only a legislative requirement but should:

- a) encourage suppliers to submit EOIs and tenders;
- b) demonstrate that Council is committed to procurement processes that are transparent and fair;
- c) reduce the risk to Council of complaints from, or the involvement of:
 - i. an aggrieved tenderer;
 - ii. a government agency such as Local Government Victoria, the Ombudsman, the Local Government Inspectorate or the Victorian Auditor General;
 - iii. the media; or
 - iv. a “whistleblower”.



Legislative Implications

A procurement policy is a legislative requirement.

Environmental Implications

Environmental aspects relating to procurement are included in the proposed Policy.

Financial and Budgetary Implications

There are no financial or budgetary implications.

Policy Implications

This proposed Policy is complemented by the following Council documents:

- a) Councillor Code of Conduct 2021;*
- b) Election Period Policy 2019;*
- c) Environmental Policy 2000;*
- d) Fraud and Corruption Control Policy 2020;*
- e) Gift Policy 2021;*
- f) Public Interest Disclosure Policy 2020;*
- g) Public Transparency Policy 2020;*
- h) Risk Management Policy 2018; and*
- i) Staff Code of Conduct.*

Council Plan Implications

This report supports the following section/s of the Council Plan 2021-2025:

- Goal 4 – Good Governance



COUNCIL MEETING MINUTES – 17 NOVEMBER 2021 WEST WIMMERA SHIRE COUNCIL

Conclusion

The proposed update of the *Procurement Policy* from Council is essential.

OFFICER RECOMMENDATION

That the proposed *Procurement Policy* be adopted.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

That the proposed *Procurement Policy* be adopted.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.4.1	Procurement Policy ABS Mk 10	



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14.5 WIMMERA DEVELOPMENT ASSOCIATION - INCORPORATION CHANGES

FILE NUMBER:

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

FOR DECISION

Introduction

The purpose of this report is to provide Council with information relating to the proposed restructuring of the Wimmera Development Association (WDA) and the timetable and steps to implement the proposed changes (WDA Transform Process Timetable). This report also formally provides Council with a copy of the proposed Constitution and Memorandum of Understanding developed to guide the new Board, its members and the member Councils. Copies of these three documents have been previously distributed to Councillors by the CEO.

This report also confirms that Council, at its Annual Statutory Meeting on 3 November appointed Councillor Trevor Domaschenz to sit on the Board as Council's representative.

Declaration of Interests

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

Background

The Wimmera Development Association (WDA) has played an important role in advancing the social and economic fabric of the Wimmera Southern Mallee Region since its inception in 1990. Its stated mission is: *to lead, support and encourage the sustainable development of or region, in particular with government, business and the community*. Member Councils include West Wimmera Shire, Hindmarsh Shire, Yarriambiack Shire, Horsham Rural City and Northern Grampians Shire.

The Association is currently incorporated under the Associations Reform Act 2012. Council's representatives on the Board are Cr Trevor Domaschenz (15/11/16 until the present); Ms Helen Mulraney-Roll (9/8/16 until the present) and the CEO.



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The WDA Board has recently agreed to adopt a new constitution and to incorporate as the Wimmera Development Association Limited under the Corporations Act 2001 (Cth). A copy of the new Constitution is attached (**Appendix 1**)

A Memorandum of Understanding (MoU) between the Wimmera Development Association and the Member Councils has been developed (**Refer attached Appendix 2**) and a timetable for the implementation of the new constitution, the MoU and the appointment to Board positions has been set. (**Refer attached Appendix 3**)

The timetable for the Board appointments was set to allow Councils to nominate their representative, which under the Constitution must be the Mayor or Councillor, at their Annual Meetings.

Risk Management Implications

N/A

Legislative Implications

N/A

Environmental Implications

Continued membership of the refreshed WDA will allow Council to contribute to the advancement of shared regional goals including environmental matters.

Financial and Budgetary Implications

Council will continue to pay an annual fee as a membership requirement to support the administration of the Association. The 2021/22 contribution is \$33,445.00 (excluding GST). Council will also contribute through Board representative time, CEO contribution to the Operations Committee and CEO and other officer time in contributing to various projects coordinated by the WDA.

The benefits of participation should far out way the costs of participation in the WDA.

Policy Implications

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

Many of Council policies could be relevant to WDA matters over time.



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Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance
- Goal 5 – Our Commitment

WDA activities could be vital in the development and implementation of many of actions identified under Council's 5 goal areas. WDA is likely to be most powerful in summoning the collective advocacy influence of the Region leading to improved outcomes for each of the member Councils.

Communication Implications

The WDA CEO will ensure changes to the organisation's structure will be adequately communicated to relevant government bodies, other regional, state and federal organisations and the broader community.

Gender Equality

N/A

Conclusion

Council's nomination of its representative to the Board of the newly incorporated Wimmera Development Association Ltd will ensure the West Wimmera Shire Council remains an influential member of this vital Regional organisation.



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OFFICER RECOMMENDATION:

That Council:

1. Endorse the Memorandum of Understanding 2021-2026 (attached Appendix 2) between the Wimmera Development Association and Member Municipalities comprising of Horsham Rural City, Hindmarsh, Northern Grampians, Yarriambiack and West Wimmera, and authorise the CEO to execute it on its behalf.
2. Note the timeline and process to transition Wimmera Development Association to the new structure attached in Appendix 3.
3. Note the Draft Constitution for Wimmera Development Association Ltd attached in Appendix 1.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tom Houlihan

That Council:

1. Endorse the Memorandum of Understanding 2021-2026 (attached Appendix 2) between the Wimmera Development Association and Member Municipalities comprising of Horsham Rural City, Hindmarsh, Northern Grampians, Yarriambiack and West Wimmera, and authorise the CEO to execute it on its behalf.
2. Note the timeline and process to transition Wimmera Development Association to the new structure attached in Appendix 3.
3. Note the Draft Constitution for Wimmera Development Association Ltd attached in Appendix 1.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.5.1	Draft Constitution for Wimmera Development Association Ltd	
14.5.2	Memorandum of Understanding 2021-2026	
14.5.3	Wimmera Development Association Transform Process & Timetable.	



14.6 PROPOSED SALE OF COUNCIL LAND, HARROW

FILE NUMBER: AD0183

**REPORT AUTHOR: VIN MCKAY – INTERIM DIRECTOR CORPORATE AND
COMMUNITY**

FOR DECISION

Introduction

The purpose of this report is to recommend that Council sell a small parcel of surplus land on the Edenhope-Coleraine Road.

Declaration of Interests

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

Background

The purpose of this report is to update Council in relation to the proposed sale of an area of Council located on the Edenhope-Coleraine Road Harrow. The land comprises an area of 3.065 ha.

It appears that from around 1950 to 2003, the land was “occupied” by a Mr Ivan Neeves.

Subsequently, the “occupier” became Matthew Simon Edwards. The circumstances relating to the change of “occupancy” are unclear.

The current “occupier” has been sent notices for Council rates and charges since 2003 and the fire services levy since 2013 in relation to around 2.0ha of the land. There are however, arrears owing. The current and arrears of rates and charges owing amount to \$939.92.



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In relation to Council rates and charges, the amounts levied on the property for 2021/22 are shown in *Table 1*.

	Amount \$
Rates	37.00
Municipal charge	157.00
Fire services levy (FSL)	116.00
Total	310.00

Table 1

The FSL has applied recently, so the other charges have been in the order of \$200 annually. On this basis, Mr Edwards would have paid around \$3,600 since 2003. There is no suggestion that Mr Edwards ever objected to Council's valuation of the land.

The circumstances as to why Council rated the property are unclear, given that no records can be found of a lease or licence. Mr Edwards apparently stopped paying the rates and charges when he became aware that he did not own the land.

This matter was the subject of a Council report to the meeting on 18 August 2021. Council resolved to:

- a) declare the subject land surplus to Council's needs;
- b) abandon the previous statutory process;
- c) commence a new statutory process (under the LGA 2020) to sell the land by expression of interest (EOI) and allow four weeks for submissions;
- d) request the Internal Auditors (RSD Audit) to:
 - i. conduct a probity audit of the process; and
 - ii. report to the Audit and Risk Committee and the Council prior to the matter being finalised.



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Risk Management Implications

Given that:

- a) the proposed sale process is in accordance with the LGA 2020;
- b) no submissions have been received;
- c) the land is surplus to Council's needs;

there are no obvious risks other than reputational risk if Council is seen to be involved in inappropriate divestment of public land.

Legislative Implications

When proposing to sell, exchange or transfer Council (ie: public) property, there are a range of compliance obligations, comprising:

- a) legislative obligations;
- b) compliance with Council policies; and
- c) compliance with Local Government Victoria's (LGV) *Best Practice Guideline for the Sale, Exchange and Transfer of Land* (the LGV Guideline).

In terms of legislation, Council has complied with section 114 of the LGA 2020 by:

- a) issuing public notice of its intent to sell the land for at least four weeks prior to selling the land;
- b) undertaking a community engagement process in accordance with its *Community Engagement Policy* and inviting submissions (not necessarily from persons wishing to purchase the land); and
- c) obtaining a valuation from a valuer authorised under section 13DA(2) of the *Valuation of Land Act* 1960 not more than six months before the date of the sale/transfer.

A valuation of the land was obtained from the WBP Group which valued the land as being worth \$20,000.

Council also needs to comply with the *Transfer of Land Act* 1958 which would require the exchange of a Contract of Sale and a Transfer of Land.



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As a result of the Council resolution on 18 August 2021:

- a) the proposed sale was advertised:
 - i. in the Nhill Free Press and Kaniva Times;
 - ii. in the West Wimmera Advocate;
 - iii. on Council's website; and
- b) Council's solicitors were requested to prepare a contract of sale.

The closing date for EOIs was 22 October 2021.

In response to the advertising:

- a) no submissions were received in relation to the proposed sale; and
- b) one offer was made to purchase the land.

The offer to purchase is from Matthew Simon Edwards, the current "occupier", who has offered \$1000.00 (plus GST) for the land.

As result of the Council resolution of 18 August 2021, the internal auditors, RSD Audit, were requested to review the EOI documentation and processes followed.

Environmental Implications

The land currently has some clearings, including a fire break track, but is otherwise covered by native vegetation. Any proposed removal of this vegetation would be subject to the relevant planning and regulatory processes.

Financial and Budgetary Implications

The Council's 2021/22 Budget did not provide for income from the proposed sale.

Divesting the land will lead to a minor reduction in Council's costs of managing the land and a minor reduction in rate revenue.



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Policy Implications

This report is supported by the following Council policies:

- a) Asset Disposal Policy;
- b) Asset Management Policy; and
- c) Community Engagement Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance.

Communication Implications

Not applicable.

Gender Equality

Not applicable.

Conclusion

Council has resolved that the land is surplus to its needs.

Council's options are:

- a) accept the offer of \$1,000 (plus GST) from Mr Edwards and write off the rates and charges owing;
- b) re-advertise the land as being for sale;
- c) attempt to lease the land;
- d) decline to sell the land.

There are no indications that options (b) to (d) are in Council's interests, which would best be served by selling the land.



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OFFICER RECOMMENDATION:

That:

- a) the offer from Mr Edwards to purchase the land for \$1,000 (plus GST) be accepted;
- b) Council note that the Chief Executive Officer will, under delegation, finalise the sale and sign the Contract of Sale; and
- c) the Council's common seal be affixed to the Transfer of Land.

Moved: Cr. Tom Houlihan

Seconded: Cr. Jodie Pretlove

That:

- a) the offer from Mr Edwards to purchase the land for \$1,000 (plus GST) be accepted and noting that the outstanding rates and charges will be waived.
- b) Council note that the Chief Executive Officer will, under delegation, finalise the sale and sign the Contract of Sale; and
- c) the Council's common seal be affixed to the Transfer of Land.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref



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14.7 ROAD RENAMING PROPOSAL D MERRETTS ROAD

FILE NUMBER: PS0248

REPORT AUTHOR: LEILANI DAWES, REVENUE MANAGER, AND TRUDIE HOLLAND, RATES AND GIS OFFICER.

FOR DECISION

Introduction

West Wimmera Shire Council (Council) has received a request along with three letters of support from surrounding landowners to rename the road located at Lillimur from which is officially named D Merretts Road (but incorrectly signposted Dennis Merretts Rd) to Calibre Road.

Declaration of Interests

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

Background

Goodwin Freight Services P/L have a transport depot located north of the Western Highway along the Lillimur-Yearlinga Road at Lillimur using the address of 30 Dennis Merretts Road, LILLIMUR.

Signposted Dennis Merretts Road and D Merretts Road are both in very close proximity to each other which creates constant confusion with truck drivers from Adelaide & Melbourne delivering goods.

At present both duplicated roads are signposted incorrectly:

D Merretts Road is signposted 3 D.Merrett Road (South on map)

D Merretts Road is signposted Dennis Merretts Road (North on map)

Nonetheless there is still a duplication of the name “Merrett” in road names along the Lillimur-Yearlinga Road. It is noted that further North C Merretts Road adjoins Murrawong Road to the East. It is not proposed to amend this road name.

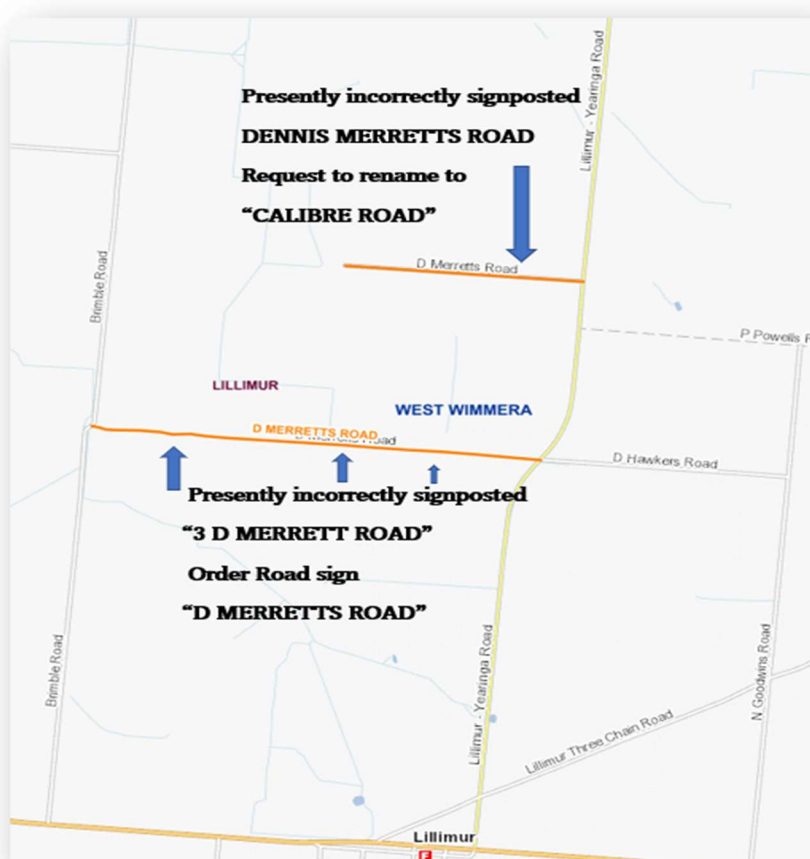
To lessen the duplication of the word “Merrett” and reduce the risk to public safety, Goodwin Freight Services have proposed the name of Calibre Road to be unique and fitting to the Pistol Club which is also located on this road as detailed in the proposal attached.



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Road names are critical in directing emergency services and are necessary for mail delivery and road transport.

New road naming and renaming of duplicate named roads is a Council responsibility under the *Local Government Act 1989*, and must be done in accordance with the Naming Rules published by the Office of Geographic Names.





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Risk Management Implications

The current situation presents an unacceptable risk for residents and business owners which has caused confusion and many delays.

Legislative Implications

- *Local Government Act 1989* (at www.legislation.vic.gov.au)
- *Road Management Act 2004* (at www.legislation.vic.gov.au)
- *Aboriginal Heritage Act 2006* (at www.legislation.vic.gov.au)
- *Aboriginal Heritage Regulations 2007* (at www.legislation.vic.gov.au)
- *AS/NZS4819:2011 Rural and urban addressing* (at www.saiglobal.com)
- *Survey Co-ordination Act 1958* (at www.legislation.vic.gov.au)
- *Subdivision (Procedures) Regulations 2011* (at www.legislation.vic.gov.au)

Environmental Implications

Nil

Financial and Budgetary Implications

Advertisement in Kaniva Times \$140.00

Removal of old signs and replaced with correctly named signs

Supply and instalment of new sign will be approximately \$800.00 total.



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Policy Implications

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

Geographic Naming Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 4 – Good Governance

Communication Implications

Consultation for a renaming of D Merretts road to Calibre Road is required in accordance with the naming rules. When a proposed renaming will affect current addresses, the naming authority must contact the immediate community in writing (by letter or email).

Letters must be sent to the ratepayers of the properties and, if the ratepayers are not the owner-occupiers, letters must also be sent to the residents and/or business occupants and a letter must include a survey or voting poll seeking a response from the residents, ratepayers and/or businesses.

Consultation with the immediate and/or extended community must be a minimum of 30 days.

The planned Community Consultation for the Calibre Road renaming proposal is:

Naming proposal type: Renamed Road

Recommended consultation level: Immediate Community

Type of consultation proposed:

- Letters to affected residents, ratepayers or businesses, including a survey.
- Website publication,
- Newspaper publication.

Consultation opening: Wednesday 24 November 2021

Consultation closing: Friday 07 January 2022

Following close of consultation period:



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A spreadsheet will be maintained detailing feedback provided by survey, and any other feedback provided. Objections must be addressed when they suggest the proposal does not comply with the principles, requirements and procedures outlined in these naming rules. If it can be shown that the proposal does not conform, the naming authority must alter or abandon the proposal. All relevant information will be compiled and presented in the final report.

A recommendation for adoption of the proposed name or a revised naming proposal will be presented to the February Council meeting following the completion of the consultation process.

Following the endorsement by Council, the compiled information and approvals will be sent to the office of geographic names for gazettal and final implementation.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) was not required for this report.

Conclusion

To reduce the duplication of the word “Merrett” and reduce the risk to public safety in accordance with the Naming rules published by the Office of Geographic Names the renaming of D Merretts Road, which is signposted as Dennis Merretts Road to Calibre Road proposal should be progressed.

Replacement of both incorrect signs should occur at the conclusion of the renaming process to ensure no interim confusion.



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OFFICER RECOMMENDATION:

That Council endorse commencement of community consultation for the proposed Renaming of D Merretts Road to Calibre Road.

Moved: Cr. Tim Meyer

Seconded: Cr. Jodie Pretlove

That Council endorse commencement of community consultation for the proposed Renaming of D Merretts Road to Calibre Road.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.7.1	Simon Goodwin Road Rename Request	



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13.0 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:

13.1

FILE NUMBER:

REPORT AUTHOR:



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14.0 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:

Item 16.1:

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.

MEETING CONCLUDED: 4:22PM

**NEXT MEETING: WEDNESDAY, 15 DECEMBER 2021
EDENHOPE COUNCIL CHAMBER**