



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

HELD: Wednesday, 20th July 2022

LOCATION: Edenhope Council Chambers

COMMENCED: 2.05pm

PUBLIC ACCESS: Open to the public and Live Streaming from
Council's website www.westwimmera.vic.gov.au

IN ATTENDANCE:	
Councillors	Executive Leadership Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tim Meyer Tom Houlihan	David Bezuidenhout Chief Executive Officer (CEO) Ram Upadhyaya Director Infrastructure, Development and Works (DIDW) James Bentley Director Corporate and Community Services (DCCS)
	Senior Leadership Group Sarah Ellis Manager Projects and Innovation Melanie Jordan Chief Financial Officer Louise Gabbe Quality and Facilities Manager Julie Van Driel Contracts & Procurement Manager Katie Frost Governance Manager

*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

1.1 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

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

3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

3.1 APOLOGIES

Nil

3.2 LEAVE OF ABSENCE

Nil

3.3 DECLARATION OF CONFLICT OF INTEREST

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 Tom Houlihan declared an interest in Item 14.3 Local Sports Infrastructure Fund - Upgrade of Harrow Court and Lighting due to being President of Harrow Recreation Reserve Committee.



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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 KatieFrost@westwimmera.vic.gov.au, no later than two hours prior to the Council Meeting.

None received.



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)

None received



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

5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)

~~17/06/2022 Wimmera Regional Library Corporation~~
24/06/2022 MAV State Council Meeting
27/06/2022 Unscheduled Council Meeting
01/07/2022 Edenhope Lions Club – Change Over Dinner
01/07/2022 Strategic Leadership Team Meeting
06/07/2022 Councillor Forum
11/07/2022 Farewell Morning Tea – Manager Planning and Environment
12/07/2022 Goroke Lions Club – Change Over Dinner
19/07/2022 Meeting with Pastoral Pork
20/07/2022 Citizenship Ceremony
20/07/2022 Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

27/06/2022 Unscheduled Council Meeting
28/06/2022 Wimmera Primary Care Partnership Inc. Meeting
01/07/2022 Strategic Leadership Team Meeting
06/07/2022 Councillor Forum
11/07/2022 Farewell Morning Tea – Manager Planning and Environment
12/07/2022 Wimmera Mallee Tourism Workshop – Spiire
20/07/2022 Citizenship Ceremony
20/07/2022 Council Meeting

5.3 COUNCILLOR TREVOR DOMASCHENZ

17/06/2022 West Grampians Rural Water Supply Project Steering Committee Meeting
21/06/2022 Wimmera Development Association Meeting
27/06/2022 Unscheduled Council Meeting
28/06/2022 Wimmera Mallee Tourism Meeting
06/07/2022 Councillor Forum
07/07/2022 West Grampians Pipeline Community Consultative Committee Meeting
11/07/2022 Farewell Morning Tea – Manager Planning and Environment
12/07/2022 Wimmera Mallee Tourism Workshop - Spiire
20/07/2022 Council Meeting



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5.4 COUNCILLOR TIM MEYER

~~17/06/2022 — Goroke Recreation Reserve Inspection~~
27/06/2022 Unscheduled Council Meeting
01/07/2022 Western Highway Action Committee Meeting
06/07/2022 Councillor Forum
20/07/2022 Citizenship Ceremony
20/07/2022 Council Meeting

5.5 COUNCILLOR TOM HOULIHAN

24/06/2022 LG Forum and TARG Meeting – Grampians Central West Waste &
 Resource Recovery Group
27/06/2022 Unscheduled Council Meeting
06/07/2022 Councillor Forum
07/07/2022 West Grampians Pipeline Community Consultative Committee Meeting
20/07/2022 Citizenship Ceremony
20/07/2022 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.

Mayor Bruce Meyer presented a report from the MAV State Meeting held 22 July 2022.

At the last MAV State Council meeting, 10 motions were passed in relation to rule changes for meetings and the Board. The following is a summary of the motions:

1. All motions must be submitted by Council and not by individual Councillors.
2. MAV membership will be for a two-year term, payable in halves annually.
3. The president must be a nominated representative of a Council.
4. Presidential term will be for two years.
5. Board size will be reduced from 12 to 10.
6. Board memberships will come from five country and five city groups (one representative per group).
7. A cap will be placed on Board members and the President of four successive terms



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8. Should a by-election be needed for a new President, then it will be filled by the Vice President of the same group, if more than nine months are left in the term. If less than nine months, the position will not be filled until next term election.
9. All Councils will have one vote each.
10. State Council will be held twice a year. Motions will have to be presented 60 days before the meeting. After consideration by the Strategic Reference Committee, Councils will receive the agenda 30 days before the meeting.

Consideration will also be given to allowing virtual meetings, as the rules currently only allow for voting to be from Councils who are present at the meeting. These motions will come back to a meeting in August and be voted on as a whole. If passed these will be the rules for the MAV.

6.0 CONDOLENCES

Nil

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS COUNCIL MEETING – WEDNESDAY 15TH JUNE 2022

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 15th June 2022 be taken as an accurate record and confirmed.

Moved: Cr. Tim Meyer

Seconded: Cr. Jodie Pretlove

That the Minutes of the Council Meeting held on Wednesday, 15th June 2022 be taken as an accurate record and confirmed.

Carried (5/0)

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil



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9.0 NOTICES OF MOTION

Nil

10.0 CONFIRMATION OF THE MINUTES FROM UNSCHEDULED COUNCIL MEETING AND COUNCILLOR FORUM RECORD

10.1 CONFIRMATION OF MINUTES FROM UNSCHEDULED COUNCIL MEETING – MONDAY 27TH JUNE 2022

RECOMMENDATION:

That the Minutes of the Unscheduled Council Meeting held on Monday, 27th June 2022 be taken as an accurate record and confirmed.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Trevor Domaschenz

That the Minutes of the Unscheduled Council Meeting held on Monday, 27th June 2022 be taken as an accurate record and confirmed.

Carried (5/0)

10.2 CONFIRMATION OF COUNCILLOR FORUM RECORD – 6TH JULY 2022

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 6th July 2022 be received and noted.

Moved: Cr. Trevor Domaschenz

Seconded: Cr. Tim Meyer

That the Record for the Councillor Forum held Wednesday 6th July 2022 be received and noted.

Carried (5/0)



11.0 DEPUTATIONS AND PETITIONS

Nil

12.0 CHIEF EXECUTIVE OFFICER

Nil



13.0 CORPORATE AND COMMUNITY SERVICES

13.1 APPOINTMENT OF AN AUTHORISED OFFICER PURSUANT TO THE PLANNING AND ENVIRONMENT ACT 1987 – STATUTORY PLANNING – S11A FILE NUMBER:

REPORT AUTHOR: KATIE FROST, GOVERNANCE MANAGER

FOR DECISION

Introduction

The purpose of this report is to recommend that Council approve a new Instrument of Authorisation to a staff member.

The Manager Planning and Environment position has become vacant and until the role is filled, the Environmental Health Officer, Nicole Wearne, will be the Acting Manager Planning and Environment. As a result, Council needs to issue an Instrument of Appointment as an authorised officer for the relevant period (20 July 2022 until the authorisation is revoked.)

Declaration of Interests

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

Background

Section 224 of the *Local Government Act 1989* and numerous other Acts and Regulations require that authorised officers (Council staff or the staff of contractors) be appointed for the purposes of the administration and enforcement of any Acts, Regulations or local laws which relate to the functions and powers of the Council. Authorisations are reviewed regularly and are updated due to:

- a) appointment of new staff;
- b) changes in the names of Acts;
- c) the introduction, amendment or revocation of legislation;
- d) changes in position titles; and
- e) changes in roles.



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In most cases, the authorisations are approved by the Chief Executive Officer, but the *Planning and Environment Act 1987* specifically requires that authorisations under that Act be issued by resolution of the Council and sealed.

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 proposed authorisation complies with the requirements of the:

- a) *Local Government Act 1989*;
- b) *Local Government Act 2020*; and
- c) *Planning & Environment Act 1987*.

Environmental Implications

Not applicable.

Financial and Budgetary Implications

Not applicable.

Policy Implications

Not applicable.

Council Plan Implications

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

- Goal 4 – Good Governance

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 her new authorisation.

The Register of Authorisations is a public document.



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Gender Equality

Not commented on.

Conclusion

Appointing authorised officers is periodically required due to the statutory requirements of specific tasks and obligations to be undertaken.

OFFICER RECOMMENDATION

- 1. That Council approve the S11A Instrument of Authorisation (Attachment 1).**
- 2. That the Council Seal be applied to the S11A Instrument of Authorisation.**

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tom Houlihan

- 1. That Council approve the S11A Instrument of Authorisation (Attachment 1).**
- 2. That the Council Seal be applied to the S11A Instrument of Authorisation.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.1.1	S11A Instrument of Authorisation – Nicole Wearne	



13.2 UPDATING OF S6 DELEGATIONS FROM COUNCIL TO POSITIONS IN THE ORGANISATION

FILE NUMBER:

REPORT AUTHOR: JAMES BENTLEY – DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

The purpose of this report is to recommend that Council approve a new Instrument of Delegation from the Council to various positions in the organisation.

Declaration of Interests

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

Background

The LGA 2020 provides that a council and its Chief Executive Officer (CEO) may, by *Instrument of Delegation*, delegate to a member of staff, any power, duty or function of the Council other than some powers (such as adoption of the budget), that are reserved for Council decision.

The delegations are made to the position rather than to the staff member occupying the position.

Delegations are essential to enable Council staff to carry out operational duties particularly in areas which involve enforcement, such as town planning, local laws, environmental health, animal management and parking control. The current delegation from Council to various positions in the organisation was approved on 19 August 2020.

The proposed delegation (Refer Attachment 1) is based on a document prepared by Council's solicitors and is similar to that used by many Victorian municipalities. Council's solicitors provide a twice-yearly update service.

The delegations referred to must be approved by Council as distinct from some others which can be delegated by the CEO.



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The proposed delegations:

- a) reflect changes in legislation involving:
 - i. minor amendments to the *Cemeteries and Crematoria Act* 2003;
 - ii. minor amendments to the *Food Act* 1984;
 - iii. minor amendments to the *Planning and Environment Act* 1987;
 - iv. the removal of reference to the *Residential Tenancies Act* 1997;
 - v. minor amendments to the *Road Management Act* 2004;
 - vi. the removal of reference to the *Residential Tenancies Regulations* 2021;
- b) reflect changes in organisation titles, roles and responsibilities;
- c) generally ensure there is more than one delegate;
- d) in some cases, reflect powers, duties and functions which are exercised regularly at an operation level, rather than being “not delegated”; and
- e) include explanatory notes to provide greater clarity.

The proposed delegations have been discussed with relevant staff.

Risk Management Implications

Delegations are essential to enable the daily operations of the Council to be carried out.

Not having up to date delegations can involve risks, for example:

- a) powers, duties and functions being exercised without the necessary legal power, thereby bringing into question the validity of permits etc;
- b) compromise Council’s insurance coverage;
- c) exposure by:
 - i. a government agency such as Local Government Victoria, the Ombudsman, the Local Government Inspectorate or the Victorian Auditor General;
 - ii. a “whistleblower”;
 - iii. the media; or



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iv. an aggrieved member of the community.

Legislative Implications

Council needs to ensure its delegations are current at all times.

Under section 11(8) of the LGA 2020, the Register of Delegations is a public document.

While there is no statutory requirement for the Register to be on the Council website, it now is, in the interests of good governance and transparency.

Environmental Implications

There are no environmental implications.

Financial and Budgetary Implications

There are no financial or budgetary implications.

Policy Implications

This report is supported by the following Council policies:

- a) Public Interest Disclosure Policy;
- b) Public Transparency Policy; and
- c) 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

Conclusion

The proposed update of the delegations from Council is essential.



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OFFICER RECOMMENDATION:

1. That Council approve the proposed S6 Instrument of Delegation (Attachment 1).
2. That Council's Register of Delegations be updated on the Council website.

Moved: Cr. Tim Meyer

Seconded: Cr. Trevor Domaschenz

1. That Council approve the proposed S6 Instrument of Delegation (Attachment 1).
2. That Council's Register of Delegations be updated on the Council website.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.2.1	S6 Instrument of Delegation	



**13.3 MINUTES OF AUDIT & RISK COMMITTEE MEETING HELD 14 JUNE
2022**

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the minutes of the Audit and Risk Committee Meeting held on 14 June 2022.

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/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.



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OFFICER RECOMMENDATION:

That Council receives the draft minutes of the Audit and Risk Committee meeting held 14 June 2022 (Attachment 1).

Moved: Cr. Jodie Pretlove

Seconded: Cr. Trevor Domaschenz

That Council receives the draft minutes of the Audit and Risk Committee meeting held 14 June 2022 (Attachment 1).

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.3.1	2022 06 14 Audit Committee MINUTES	



13.4 VAGO PERFORMANCE AUDIT - FRAUD CONTROL OVER LOCAL GOVERNMENT GRANTS

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR DECISION

Introduction

The Victorian Auditor General's Office (VAGO) provides assurance to Parliament on the accountability and performance of the Victorian public sector. We achieve this through an annual program of financial and performance audits of state and local government public sector entities. These performance audits assess whether agencies are meeting their aims effectively, using their resources economically and efficiently, and complying with relevant legislation. Performance audits extend beyond the examination of the financial affairs and transactions of a government agency to encompass wider management issues of significance to the community.

Background

West Wimmera Shire Council was selected as one of six Victorian Councils to participate in a performance audit into Fraud Control Over Local Government Grants during the 2021/22 year. The audit commenced in July 2021 and concluded in May 2022, with the final report being tabled in Parliament on 11 May 2022.

VAGO reached the following overall conclusion of the performance audit:

Councils' fraud controls for their grant programs are not always well-designed and operating as intended. In some cases, they are missing.

Councils are not consistently identifying conflicts of interest, assessing applications against criteria, documenting their decisions, checking how funds are used or evaluating their grant programs' outcomes.

This unnecessarily increases the risk of fraud and makes it harder for the audited councils to show that their grant programs are transparent, equitable and benefit the community.

The report made 9 recommendations to West Wimmera Shire Council, all of which were agreed or partially agreed with by Council. Council's Action Plan and timeframes for addressing these recommendations are outlined in Appendix A of the attached report.

Council has been working on a review of its community support and has recently engaged a consultant to assist with this process. This process will involve a review of the current arrangements and support provided, benchmarking, policy review, staff engagement & reporting.



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Using the data collected from the independent review along with the recommendations from the VAGO performance audit, Council aims to build a framework to ensure all community support is provided in line with best practice and the Council Plan.

The VAGO report into Fraud Control Over Local Government Grants was presented to the Audit and Risk Committee at its meeting held 14 June 2022 as outlined in the minutes presented as a separate item in this agenda.

Risk Management Implications

VAGO Performance Audits such as the Fraud Control Over Local Government Grants are an important risk management tool for Council. A comprehensive action plan has been developed and agreed to by Council.

Council must aim to achieve the outcomes as outlined in this action plan in order to avoid financial and reputational risks.

Legislative Implications

Section 101 of the *Local Government Act 2020* requires Council follow the financial management principles.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Direct financial support to the community is fundamental to Council operations. Ensuring community support is provided equitably and is strongly governed is critical to responsibly and sustainably manage Council's budget and financial affairs.

Policy Implications

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

- Business Assistance Scheme Policy
- Community Support Fund Policy
- Council Grants Policy
- Fraud Corruption Control Policy
- Support to Community Events Policy



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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 and Healthy Community
- Goal 2: Diverse and Prosperous Economy
- Goal 3: Sustainable Environment
- Goal 4: Good Governance
- Goal 5: Our Commitment

Communication Implications

The VAGO report into Fraud Control Over Local Government Grants was tabled at Parliament on 11 May 2022 and was subsequently also made available to the public on VAGO's website.

Gender Equality

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

Conclusion

Council was fortunate to be selected as one of six Victorian Councils to participate in the VAGO performance audit into Fraud Control Over Local Government Grants. The audit concluded in May 2022 and has since been tabled at Parliament and presented to Council's Audit and Risk Committee. The final report included 9 recommendations which Council aims to achieve in line with the Action Plan outlined in Appendix A of the report.



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OFFICER RECOMMENDATION:

That Council receives the report on the VAGO Performance Audit into Fraud Control Over Local Government Grants.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Trevor Domaschenz

That Council receives the report on the VAGO Performance Audit into Fraud Control Over Local Government Grants.

Carried (5/0)

Attachments:

No.	Name
13.4.1	VAGO Report-Fraud-Control-Over-Local-Government-Grants



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14.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

14.1 REPORT TITLE: EDENHOPE BOWLING CLUB INC 17D LEASE 2022

FILE NUMBER: PS0038

REPORT AUTHOR: LOUISE GABBÉ, QUALITY AND FACILITIES MANAGER

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is the Committee of Management of the Lake Wallace Recreation Reserve (Tenure 0203099) where the Edenhope Bowling Club Inc is the occupant of CA 13 (Part) Section 5, Township of Edenhope at 82-90 Lake Street, Edenhope. For exclusive use of crown land the execution of the Department of Environment, Land, Water and Planning (DELWP) 17D lease has been initiated.

The lease has now been reviewed by DELWP and advice to Council is to have three original documents signed by all parties and returned to DELWP for signature by Program Manager Scott Douglas.

Declaration of Interests

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

Background

The last documented 17D lease was between the Lake Wallace Foreshore Committee of Management Inc. and the Edenhope Bowling Club Inc in 2004/2005 with a ten year term with rent being \$1.00 per annum payable on demand. Subsequently this lease was not reviewed or renewed on expiration.

Risk Management Implications

The Crown Land (Reserves) Act 1978 enables the Committee of Management to issue leases and licences over the reserve if all legal and policy requirements are met and where a DELWP standard lease is used.

Legislative Implications

The role of the Committee of Management is outlined in the Crown Land (Reserves) Act 1978.

Other relevant Legislation related to Crown Land include:



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

- Marine and Coastal Act 2018
- Land Act 1958
- Associations Incorporation Reform Act 2012

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Council will receive rental income of \$500 in the first year and each following year the rent will be increased by CPI (as per Schedule One, number nine of the 17D Lease).

Policy Implications

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

- Recreation 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 3 – Sustainable Environment
- Goal 5 – Our Commitment

Communication Implications

Throughout the leasing period, Council staff will continue to communicate with the Edenhope Bowling Club Inc when necessary.

Gender Equality

Not commented on.

Conclusion

The lease between the West Wimmera Shire Council and the Edenhope Bowling Club Inc is for a ten year term with a further term of ten years. Rent of \$500.00 (excluding GST), payable annually in advance, on or before the commencement date, and then on each subsequent year.

A CPI annual review from the commencement date except when a market review applies which is every six years.



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OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to sign the three (3) original lease documents between the West Wimmera Shire Council and the Edenhope Bowling Club Inc. at Crown Allotment CA 13 (Part), Section 5, Township of Edenhope.

Moved: Cr. Tom Houlihan

Seconded: Cr. Trevor Domaschenz

That Council authorise the Chief Executive Officer to sign the three (3) original lease documents between the West Wimmera Shire Council and the Edenhope Bowling Club Inc. at Crown Allotment CA 13 (Part), Section 5, Township of Edenhope.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.1.1	Edenhope Bowling Club Inc 17D lease for signature	



14.2 WEST WIMMERA SHIRE COUNCIL MOTOR VEHICLE POLICY

FILE NUMBER:

**REPORT AUTHOR: RAM UPADHYAYA, DIRECTOR OF INFRASTRUCTURE
DEVELOPMENT AND WORKS**

FOR DECISION

Introduction

West Wimmera Shire Council (WWSC) Motor Vehicle Policy provides a framework in relation to the purchase, use, and management of the fleet of motor vehicles owned and operated by West Wimmera Shire Council. This policy applies to all Council staff including authorised persons/contractor and Councillors who are assigned or required to use a Council-owned vehicle. Council does not currently have a Motor Vehicle Policy however we believe that a Policy will assist in providing structure to guide the purchase, use and management of the fleet of Council owned motor vehicles.

Declaration of Interests

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

Background

The purpose of the WWSC Motor Vehicle Policy is to:

- outline the conditions for officer use of all Council motor vehicles (fleet);
- ensure that the fleet is managed efficiently and used appropriately;
- clearly define the type of usage for assigned officers and staff;
- recognise operating costs to Council and benefits to employees and the business;
- and
- define the parameters and responsibilities of Councillors and officers in the provision, use, care, and maintenance of Council-owned vehicles.

Risk Management Implications

This policy will provide guidance on the purchase, use and management of Council-owned vehicles, thereby assisting in the management of financial and reputational risks.

Legislative Implications

Relevant Australian Standards are listed within the policies.



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Environmental Implications

The policy makes reference to the purchase of electric and hybrid vehicles where possible. Moreover, it also specifies that the vehicle tyres must only be purchased from the supplier that participates in the national tyre stewardship scheme. These references are likely to make positive implications on the environment.

Financial and Budgetary Implications

Vehicle purchases are made through the annual budgeting process which is adopted by the Council. This policy will streamline the spending in terms of motor vehicle.

Policy Implications

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

- Procurement Policy

Council Plan Implications

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

- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance

Communication Implications

Not commented on.

Gender Equality

Not commented on.

Conclusion

It is appropriate for Council to adopt the motor vehicle policy to set a framework to guide the purchase, use and management of the fleet of motor vehicles owned by the Council.



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OFFICER RECOMMENDATION:

That Council adopts the draft Motor Vehicle Policy (Attachment 1).

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tom Houlihan

That Council adopts the draft Motor Vehicle Policy (Attachment 1).

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.2.1	Motor Vehicle Policy Final Draft	

Cr Tom Houlihan declared a Conflict of Interest in Item 14.3 due to being President of the Harrow Recreation Reserve Committee and vacated the meeting at 2.54pm.



14.3 LOCAL SPORTS INFRASTRUCTURE FUND- HARROW AND DISTRICT RECREATION RESERVE NETBALL/TENNIS COURT AND LIGHTING UPGRADE

FILE NUMBER:

REPORT AUTHOR: SARAH ELLIS, MANAGER INNOVATION AND PROJECTS

FOR DECISION

Introduction

The intention of this report is to obtain Council's endorsement for the submission of the application to the Local Sports Infrastructure Fund for the Upgrade of Netball/Tennis Courts and Lighting at the Harrow and District Recreation Reserve. The details of the application were discussed at the Councillor Forum on 6 July 2022 to seek approval from Councillors to proceed with the application process.

Declaration of Interests

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

Background

The 2022 Local Sports Infrastructure Fund (LSIF) is a state-wide competitive Victorian Government investment program that funds the development of high-quality, accessible community sport and active recreation infrastructure.

West Wimmera Shire Council identified the Harrow and District Recreation Reserve Court Upgrade project to be progressed to shovel ready status in the FY21/22 Annual Plan and confirmed their support towards the project in the December 2022 Council meeting.

The project is now ready for a funding application to upgrade the courts and lighting. The project will also include new fencing, play/officials shelter and accessible footpath. This will bring the courts up to Netball Victoria and Tennis Victoria standards. This will support the Harrow Balmoral Football Netball Club, Harrow Tennis Club and ensure that female friendly participation continues and is encouraged in Harrow and the wider community.

The Harrow and District Recreation Reserve has committed \$50,000 towards the project and in line with Council Policy 50% of this contribution has already been provided prior to the application being submitted.

The application for this funding is set to close on 12 July 2022. The officers are working to submit the application in time.



Risk Management Implications

Not commented on.

Legislative Implications

Not commented on.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Council has committed up to \$300,000 towards this project in the adopted FY2022/23 Budget.

The total project cost in the application is \$985,261.

Policy Implications

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

- Community Contributions Policy
- Community Engagement Policy
- Procurement Policy
- Risk Management 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 2 – Diverse and Prosperous Economy
- Goal 4 – Good Governance

Communication Implications

As part of the application there is a requirement to ensure that the wider community is aware of the project. Information on the project has been included on Council's website and notification of the application included in the latest Harrow Happening and on Council's Facebook page.



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Gender Equality

Not commented on.

Conclusion

Outcomes of the funding applications are expected to be announced in October 2022. The application submission will be completed before the presentation of this report to the Council.

OFFICER RECOMMENDATION:

That Council note the report and endorse the funding application to Local Sports Infrastructure Fund 2022 for the Upgrade of the Harrow and District Recreation Reserve Netball/Tennis Court and Lighting Upgrade.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tim Meyer

That Council note the report and endorse the funding application to Local Sports Infrastructure Fund 2022 for the upgrade of the Harrow and District Recreation Reserve Netball/Tennis Court and Lighting Upgrade.

Carried (4/0)

Attachments:

No.	Name	RecFind Ref

Cr Tom Houlihan returned to the meeting at 3.00pm.



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.

Nil



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

16.0 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 atpm to resolve on matters pertaining to the following items:

16.1 CLEANING OF MUNICIPAL BUILDINGS EDENHOPE KANIVA & GOROKE

16.2 STREET AND PIT CLEANING SERVICES KANIVA

16.3 HIRE OF PLANT AND EQUIPMENT

16.4 STATUTORY AND STRATEGIC PLANNING SERVICES

16.5 BUILDING SERVICES CONTRACT

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

ITEM 16.1: CLEANING OF MUNICIPAL BUILDINGS EDENHOPE KANIVA & GOROKE

Grounds: (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.

ITEM 16.2: STREET AND PIT CLEANING SERVICES KANIVA

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:

Grounds: (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;



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

Explanation: This report contains Council business information regarding commercial negotiations and private commercial information.

ITEM 16.3: HIRE OF PLANT AND EQUIPMENT

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:

Grounds: (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.

ITEM 16.4: STATUTORY AND STRATEGIC PLANNING SERVICES

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:

Grounds: (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.

ITEM 16.5: BUILDING SERVICES CONTRACT

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:

Grounds: (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;



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

Explanation: This report contains Council business information regarding commercial negotiations and private commercial information.

Moved: Cr. Jodie Pretlove

Seconded: Cr. Tom Houlihan

1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 3.03 pm to resolve on matters pertaining to the following items:

16.1 CLEANING OF MUNICIPAL BUILDINGS EDENHOPE KANIVA & GOROKE

16.2 STREET AND PIT CLEANING SERVICES KANIVA

16.3 HIRE OF PLANT AND EQUIPMENT

16.4 STATUTORY AND STRATEGIC PLANNING SERVICES

16.5 BUILDING SERVICES CONTRACT

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

ITEM 16.1: CLEANING OF MUNICIPAL BUILDINGS EDENHOPE KANIVA & GOROKE

Grounds: (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.

ITEM 16.2: STREET AND PIT CLEANING SERVICES KANIVA

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:



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

Grounds: (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.

ITEM 16.3: HIRE OF PLANT AND EQUIPMENT

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:

Grounds: (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.

ITEM 16.4: STATUTORY AND STRATEGIC PLANNING SERVICES

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:

Grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

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ITEM 16.5: BUILDING SERVICES CONTRACT

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:



COUNCIL MEETING MINUTES – 20 JULY 2022 WEST WIMMERA SHIRE COUNCIL

Grounds: (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.

Carried (5/0)

MEETING CONCLUDED: 3.03PM

**NEXT MEETING: WEDNESDAY, 17 AUGUST 2022
KANIVA COUNCIL CHAMBER**