



## COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday, 15 September 2021

**LOCATION:** Microsoft Teams

**COMMENCED:** 2.00 PM

**PUBLIC ACCESS:** Recording will be loaded to website post meeting

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tom Houlihan Tim Meyer	David Bezuidenhout Chief Executive Officer (CEO)
	Vin McKay Director Corporate & Community Services (DCCS)
	<b>Officers:</b> Kaddie Cother, Governance Support Officer James Magee, Assets/GIS Coordinator Kiara Silvester, Executive Assistant 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. Trevor Domaschenz**

**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 – CEO**

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



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### 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.*

None Declared



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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](mailto:govmanager@westwimmera.vic.gov.au), no later than two hours prior to the Council Meeting.

None Received.



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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)*



## **COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL**

### **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)**

20/08/2021	Wimmera Southern Mallee Media & Council Liaison Meeting
20/08/2021	Mayoral Column due to Wimmera Mail Times
23/08/2021	Long Term Financial Plan & Council Plan Meeting
26/08/2021	NBN Briefing for RCV Rural Northwest Mayors & CEO's
26/08/2021	Council Meeting – Draft Council Plan
27/08/2021	West Wimmera Shire Council and the Governor and Mr Anthony Howards AM QC
01/09/2021	Councillor Forum – Microsoft Teams
02/09/2021	Victorian Local Government Grants Commission – Info Session
08/09/2021	CEMAC Meeting with Kelvin Spiller – Microsoft Teams
15/09/2021	Cemetery Trust Meeting – Microsoft Teams
15/09/2021	Council Meeting – Microsoft Teams

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

23/08/2021	Long Term Financial Plan & Council Plan Meeting
26/08/2021	Council Meeting – Draft Council Plan
27/08/2021	West Wimmera Shire Council and the Governor and Mr Anthony Howards AM QC
01/09/2021	Councillor Forum – Microsoft Teams
02/09/2021	Victorian Local Government Grants Commission – Info Session
06/09/2021	Wimmera Primary Care Partnership Committee of Management Meeting
08/09/2021	CEMAC Meeting with Kelvin Spiller – Microsoft Teams
15/09/2021	Cemetery Trust Meeting – Microsoft Teams
15/09/2021	Council Meeting – Microsoft Teams

#### **5.3 COUNCILLOR TREVOR DOMASCHENZ**

23/08/2021	Long Term Financial Plan & Council Plan Meeting
26/08/2021	Council Meeting – Draft Council Plan
27/08/2021	West Wimmera Shire Council and the Governor and Mr Anthony Howards AM QC
01/09/2021	Councillor Forum – Microsoft Teams
02/09/2021	Victorian Local Government Grants Commission – Info Session
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#### **5.4 COUNCILLOR TIM MEYER**

20/08/2021	Western Highway Action Committee Meeting – Microsoft Teams
23/08/2021	Long Term Financial Plan & Council Plan Meeting
26/08/2021	Council Meeting – Draft Council Plan
27/08/2021	West Wimmera Shire Council and the Governor and Mr Anthony Howards AM QC
01/09/2021	Councillor Forum – Microsoft Teams
02/09/2021	Victorian Local Government Grants Commission – Info Session
08/09/2021	CEMAC Meeting with Kelvin Spiller – Microsoft Teams
15/09/2021	Cemetery Trust Meeting – Microsoft Teams
15/09/2021	Council Meeting – Microsoft Teams

#### **5.5 COUNCILLOR TOM HOULIHAN**

23/08/2021	Long Term Financial Plan & Council Plan Meeting
26/08/2021	Council Meeting – Draft Council Plan
01/09/2021	Councillor Forum – Microsoft Teams
02/09/2021	Victorian Local Government Grants Commission – Info Session
08/09/2021	CEMAC Meeting with Kelvin Spiller – Microsoft Teams
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### **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**

None Declared

### **7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 18<sup>TH</sup> AUGUST 2021 & 26<sup>TH</sup> AUGUST 2021**

#### **RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday, 18th August 2021 be taken as an accurate record and confirmed.**

**That the Minutes of the Council Meeting held on Thursday, 26th August 2021 be taken as an accurate record and confirmed.**

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Jodie Pretlove**

**That the Minutes of the Council Meeting held on Wednesday, 18th August 2021 be taken as an accurate record and confirmed.**

**That the Minutes of the Council Meeting held on Thursday, 26th August 2021 be taken as an accurate record and confirmed.**

**Carried (5/0)**



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### **8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

None Declared

### **9.0 NOTICES OF MOTION**

None Declared

### **10.0 COUNCILLOR FORUM RECORD – 1 SEPTEMBER 2021**

#### **RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday, 1 September 2021 be received and noted.**

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Trevor Domaschenz**

**That the Record for the Councillor Forum held Wednesday, 1 September 2021 be received and noted.**

**Carried (5/0)**

### **11.0 DEPUTATIONS AND PETITIONS**

None Declared



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### 12.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 12.1 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 BY COUNCIL

##### Introduction

Council has 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 has 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.

##### Declaration of Interests

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

##### Background

The section of road in question is currently a closed road with the Department of the Environment 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 applicant's land.

The applicant has liaised with Parks Victoria and DELWP regarding the process of gaining access to his 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.



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DELWP has advised that if Council notifies it 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 Council's 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), however public notice of the proposal is required 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 needing to be 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.

### Policy and Strategy Implications

This report is supported by the following Council policies:

- Asset Management Policy: and
- Asset Management Strategy.

### Council Plan Implications

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



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- a) Strategic Objective 3: Quality sustainable community services and infrastructure; and
- b) Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.

### Communication Implications

The declaration of a road to be open to the public must, pursuant to sections 207A and 223 of the LGA 1989, be the subject of a public notice with 28 days allowed for submissions. Council must then consider any submissions, before making a final decision at a Council meeting.

The public notice must include:

- a) the date by which submissions are to be received; and
- b) a statement that submitters are entitled to have their submission heard in person by the Council.

The public notice of the proposed road opening is to be placed in a locally circulating newspaper and on the Council website.

If Council decides to open the road to the public, it must place a notice in the Victoria 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 conducted on this report and where appropriate, changes have been made to the report to address the principles of 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.



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### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Give public notice, pursuant to section 204 of the LGA 1989, of the proposal to open a section of Roper Track - north of Allotments 19 and 19A, Parish of Dergholm (unused road licence Tenure ID 0306558) to public access;**
- 2. Invite submissions pursuant to section 223 of the LGA 1989 by placing a notice in a locally circulating newspaper and the Council website; and**
- 3. Consider any submissions and make a decision on declaring the road open to the public at the Council meeting on 17 November 2021.**

**Moved: Cr. Tom Houlihan**

**Seconded: Cr. Trevor Domaschenz**

**That Council:**

- 1. Give public notice, pursuant to section 204 of the LGA 1989, of the proposal to open a section of Roper Track - north of Allotments 19 and 19A, Parish of Dergholm (unused road licence Tenure ID 0306558) to public access;**
- 2. Invite submissions pursuant to section 223 of the LGA 1989 by placing a notice in a locally circulating newspaper and the Council website; and**
- 3. Consider any submissions and make a decision on declaring the road open to the public at the Council meeting on 17 November 2021.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1.	Location Proximity Map	
2.	Unused Road Location Plan	



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### 13.0 CORPORATE AND COMMUNITY SERVICES

#### 13.1 REPORT TITLE: S5 DELEGATIONS

**FILE NUMBER: AD0183**

**REPORT AUTHOR: VIN MCKAY, DIRECTOR CORPORATE & 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* in the preparation of this report.

##### Background

The LGA 2020 provides that a council and its 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 the CEO 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 review of the delegation to the CEO provides an opportunity to:





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- a) address issues relating to decision making practices which have arisen during the COVID19 epidemic;
- b) clarify that the financial threshold to award contracts in the CEO's delegation includes GST;
- c) review the CEO's financial threshold to award contracts.

In relation to (c) above, the CEO's current delegation is \$100,000, which:

- a) is very low by comparable local government standards;
- b) means that proposed contracts with a potential contract value of over \$100,000 have to be reported to Council even though they were below the former \$150,000 threshold which required a tendering process the *Local Government Act 1989* (LGA 1989); and
- c) means that there are delays in awarding contracts, given that Council meets on a monthly cycle.

The delegations to CEOs at some comparable councils are as shown in *Table 1*.

Council	CEO Delegation
Buloke	\$250,000
Hindmarsh	\$250,000 (but \$600,000 during COVID19)
Indigo	\$550,000
Moyne	\$300,000
Yarriambiack	\$150,000

*Table 1*

The proposed delegation:

- a) is part of the process of ensuring that Council complies with section 11(7) of the LGA 2020 which requires that all delegations be reviewed within 12 months of the October 2020 council elections;
- b) provides for decision making in the case of a declaration of a state of emergency or a state of disaster; and
- c) proposes raising the CEO's financial delegation to \$250,000 (inc GST)



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In addition, Council's current *Procurement Policy* was adopted on 19 August 2020 in anticipation of the LGA 2020 but also reflects procurement provisions of the LGA 1989 which have since been repealed. The *Procurement Policy* will need to be reviewed and will be the subject of a separate Council report.

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.

In the case of S5 Delegations, 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 S5 delegations from Council to various positions in the organisation were 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 in this report must be approved by Council as distinct from some others which can be delegated by the CEO.

### 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 involving risks including, 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. A comprehensive review is well advanced involving:

- a) the delegation from Council to the CEO (the subject of this report);
- b) delegations from Council to positions in the organisation (ie: the subject of a separate report);
- c) various delegations and sub-delegations from the CEO to positions in the organisation; and
- d) delegations from the Municipal Building Surveyor.

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 is, in the interests of good governance and transparency, now common practice.

### 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 West Wimmera Shire Council Policy:

- Fraud & Corruption Control Policy
- Procurement Policy
- Public Interest Disclosure Policy
- Public Transparency Policy
- Risk Management Policy

### Council Plan Implications

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



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

### Communication Implications

The proposed update of the delegations from Council is essential.

### 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 proposed update of the delegations from Council is essential.

### **OFFICER RECOMMENDATION:**

**That:**

- a) **The proposed S5 delegations from Council (attached) be approved; and**
- b) **Council note that a separate report will be presented in relation to the *Procurement Policy*.**

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Bruce Meyer**

**That:**

- a) **The proposed S5 delegations from Council (attached), with the amount of \$200,000 delegated to our CEO in section A be approved; and**
- b) **Council note that a separate report will be presented in relation to the *Procurement Policy*.**

***Cr Houlihan moved an amendment to the motion***



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**Moved: Cr. Tom Houlihan**

**Seconded: Cr**

**That:**

- a) The proposed S5 delegations from Council (attached) be approved; and**
- b) Council note that a separate report will be presented in relation to the *Procurement Policy*.**

*Motion lapsed as there was no seconder.*

*Reverted back to Original Motion moved by Cr. Jodie Pretlove.*

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Bruce Meyer**

**That:**

- a) The proposed S5 delegations from Council (attached), with the amount of \$200,000 delegated to our CEO in section A be approved; and**
- b) Council note that a separate report will be presented in relation to the *Procurement Policy*.**

**Carried (5/0)**

**Attachments**

<b>No.</b>	<b>Item</b>	<b>Rec Ref</b>
<b>1</b>	S5 Council to CEO ABS MK 2	



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### 13.2 REPORT TITLE: S6 DELEGATIONS

**FILE NUMBER: AD0183**

**REPORT AUTHOR: VIN MCKAY, DIRECTOR CORPORATE & 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* 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) are part of the process of ensuring that Council complies with section 11(7) of the LGA 2020 which requires that all delegations be reviewed within 12 months of the October 2020 council elections;
- b) reflect changes in legislation involving:
  - i. the *Cemeteries and Crematoria Act* 2003;
  - ii. the repeal of the *Environment Protection Act* 1970;
  - iii. the *Food Act* 1984;
  - iv. the *Planning and Environment Act* 1987;
  - v. the *Road Management Act* 2004;
- c) reflect changes in organisation titles, roles and responsibilities;
- d) generally ensure there is more than one delegate;
- e) in some cases, reflect powers, duties and functions which are exercised regularly at an operation level, rather than being “not delegated”;
- f) now include explanatory notes to provide greater clarity;
- g) in some cases, correct the current delegations, because
  - i. under the *Food Act* 1984, some delegations can only be exercised:
    - by a qualified environmental health officer (EHO); or
    - by another delegate after a report by an EHO;
  - ii. under the *Local Government Act* 1989, Council does not require delegations in relation to environmental upgrade charges or cladding rectification;
  - iii. under the *Planning and Environment Act* 1987:
    - Council is not involved with infrastructure contribution plans;



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- Council does not issue planning certificates;
- Council is not in a growth area;

so the current delegations are inappropriate; and

- iv. under the *Residential Tenancies Act* 1997, Council is not involved in the provision of public housing, so the current delegations are inappropriate.

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 involving risks including, 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:
  - v. a government agency such as Local Government Victoria, the Ombudsman, the Local Government Inspectorate or the Victorian Auditor General;
  - vi. a "whistleblower";
  - vii. the media; or
  - viii. an aggrieved member of the community.





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### Legislative Implications

Council needs to ensure its delegations are current at all times. A comprehensive review is well advanced involving:

- a) the delegation from Council to the CEO;
- b) delegations from Council to positions in the organisation (ie: the subject of this report);
- c) various delegations and sub-delegations from the CEO to positions in the organisation; and
- d) delegations from the Municipal Building Surveyor.

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 is, in the interests of good governance and transparency, now common practice.

### 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 West Wimmera Shire Council Policy:

- Fraud & Corruption Control Policy
- Procurement Policy
- Public Interest Disclosure Policy
- Public Transparency Policy
- Risk Management Policy

### Council Plan Implications

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

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



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### Communication Implications

The proposed update of the delegations from Council is essential.

### 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 proposed update of the delegations from Council is essential.

### **OFFICER RECOMMENDATION:**

**That:**

- a) The proposed delegation from Council be approved; and**
- b) In future, Council's Register of Delegations be published on the Council website.**

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Jodie Pretlove**

**That:**

- a) The proposed delegation from Council be approved; and**
- b) In future, Council's Register of Delegations be published on the Council website.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
1.	S6 ABS MK 2	



## **COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL**

### **13.3 SPECIAL COUNCIL MEETING TO ADOPT AND SIGN THE 2020/21 FINANCIAL STATEMENTS AND 2020/21 PERFORMANCE STATEMENTS**

**FILE NUMBER: FM0021**

**REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) produces a set of Annual Financial Statements and a Performance Statement for each financial year which represents the financial performance of Council throughout the year and its financial position as at the end of each year.

These Annual Financial Statements and Performance Statement are audited by the Victorian Auditor General's Office (VAGO) through their agents, Crowe Australasia, for accuracy and completeness.

The Annual Financial Statements and Performance Statements are to be included in the 2020/21 Annual Report, which must be submitted to the Minister by 30<sup>th</sup> September 2021. The Annual Financial Statements and Performance Statement require that;

1. A resolution be made by Council adopting Council's 2020/21 Annual Financial Statements and 2020/21 Performance Statement; and
2. Endorsement of two Councillors to certify Council's 2020/21 Annual Financial Statements and 2020/21 Performance Statement.

As the external Audit is still in progress at the time of writing this report, there will not be sufficient time prior to the Council meeting on the 15<sup>th</sup> September for Council to be provided with the Financial Statements and Final Audit Management Letter allowing for adequate review prior to the meeting. This report therefore requests that Council hold a Council Meeting on 23<sup>rd</sup> September to formally adopt and sign the Annual Financial Statements and Performance Statement.

##### Declaration of Interests

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



## COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL

### Background

Section 131 (2) of the *Local Government Act 1989* ('the Act') requires that Council produce a set of audited Financial Statements for the financial year as part of its annual report.

Following this, Section 132 (5) of the Act requires that the Financial Statements and Performance Statement be certified by two Councillors in their final form after any agreed changes recommended by audit have been undertaken.

Therefore to complete its legislative requirements for the provision of annual Financial Statements and Performance Statement Council must follow the following steps:

1. Council receives the Financial Statements and Performance Statement for their perusal;
2. Council passes a resolution in accordance with S.132(5) of the Act authorising two Councillors to sign the Financial Statements in their final (post-audit) form, and also in accordance with S.132(5) of the Act authorising two Councillors to sign the Performance Statement in its final form;
3. After review by the Victorian Auditor General's contractor and after any required and recommended changes to the draft statements are undertaken, the statements are then signed by the two nominated Councillors, the Chief Executive Officer and the Principal Accounting Officer;
4. The Victorian Auditor General issues an audit opinion upon the Financial Statements and the Performance Statement;
5. The Financial Statements and Performance Statements are inserted into the Annual Report which is forwarded to the minister by 30 September;

It is considered prudent for Council to consider nominating three councillors as being signatories to the statements with any two of the three nominated Councillors having authority to sign the statements on Council's behalf, in case of absence or unavailability of any one of the nominated Councillors.

### Risk Management Implications

Council may be exposed to multiple forms of risk by not adopting its Annual Financial Statements and Performance Statement.

The first of these is in compliance risk. Failure to follow the process as set out under the *Local Government Act 1989* will result in Council breaching its legislative requirements.

Secondly, Council may be exposed to a level of reputational risk if it fails to comply with legislative requirements and/or fails to report on its financial performance and position.



## COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL

Council may also be subject to financial and resource risk if it fails to provide Annual Financial Performance Statements and the Performance Statement by failing to identify financial issues and opportunities and an inability to be able to effectively plan resource allocation.

### Legislative Implications

The recommendations arising from this report ensure compliance with the *Local Government Act 1989*.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

The draft Annual Financial Statements contain information on Council's financial performance and variances to adopted budget for the 2020-21 financial year.

### Policy Implications

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

Asset Capitalisation Policy  
Asset Disposal Policy  
Asset Management Policy  
Asset Management Strategy  
Borrowings Policy  
Communications Policy  
Community Engagement Policy  
Community Support Fund Policy  
Corporate Credit Card and Purchase Cards Policy  
Council Grants Policy  
Fraud & Corruption Control Policy  
Guarantor Policy  
Investment Policy  
Procurement Policy

### Council Plan Implications

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

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



## COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL

### Communication Implications

Upon post-audit formal adoption of Annual Financial Statements and Performance Statement these documents become freely available to the public.

The audited Annual Financial Statements and Performance Statement will be appended to Council's 2020/21 Annual Report and submitted to the Minister for Local Government as a single document.

This document will be available for inspection by the public and will be published on Council's website. Copies will also be on display at Councils' Edenhope and Kaniva Customer Service Centres.

### Conclusion

This report requests that Council hold a Council Meeting on 23<sup>rd</sup> September to formally adopt and sign the Annual Financial Statements and Performance Statement to fulfill its obligations under the *Local Government Act 1989*.

### **OFFICER RECOMMENDATION:**

- 1. That Council resolves to declare that a Council Meeting be held on the 23<sup>rd</sup> September for the purpose of adopting and signing the 2020/21 Financial Statements and 2020/21 Performance Statement.**

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Jodie Pretlove**

**That Council resolves to declare that a Council Meeting be held on the 23<sup>rd</sup> September for the purpose of adopting and signing the 2020/21 Financial Statements and 2020/21 Performance Statement.**

**Carried (5/0)**



## COUNCIL MEETING MINUTES – Wednesday, 15 September 2021 WEST WIMMERA SHIRE COUNCIL

### 14.0 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 the following late item be discussed in Confidential Item 15.2

#### **14.1 Edenhope Lakeside Tourist Park Lease**

**Moved: Cr. Tom Houlihan**

**Seconded: Cr. Jodie Pretlove**

**That the following item be discussed in Confidential Item 15.2**

#### **14.1 Edenhope Lakeside Tourist Park Lease**

**Carried (5/0)**



**COUNCIL MEETING MINUTES – Wednesday, 15 September 2021  
WEST WIMMERA SHIRE COUNCIL**

**15.0 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:

**15.1 HARROW – CLEAR LAKE ROAD BRIDGE STRENGTHENING.**

**15.2 EDENHOPE LAKESIDE TOURIST PARK**

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 15.1: HARROW – CLEAR LAKE ROAD BRIDGE  
STRENGTHENING**

**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 for the rehabilitation and associated works on an existing three span bridge over Salt Creek on Harrow Clear Lake Road CM0540, and private commercial information provided by the tenderers.

**Item 15.2: EDENHOPE LAKESIDE TOURIST PARK**

**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 relating to a contract in place with the Edenhope Lakeside Tourist Park.





**COUNCIL MEETING MINUTES – Wednesday, 15 September 2021**  
**WEST WIMMERA SHIRE COUNCIL**

**Moved: Cr. Tom Houlihan**

**Seconded: Cr. Jodie Pretlove**

**That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 14:48 pm to resolve on matters pertaining to the following items:**

**15.1 HARROW – CLEAR LAKE ROAD BRIDGE STRENGTHENING**

**15.2 EDENHOPE LAKESIDE TOURIST PARK**

**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 15.1: HARROW – CLEAR LAKE ROAD BRIDGE STRENGTHENING**

**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 for the rehabilitation and associated works on an existing three span bridge over Salt Creek on Harrow Clear Lake Road CM0540, and private commercial information provided by the tenderers.

**Item 15.2: EDENHOPE LAKESIDE TOURIST PARK**

**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 relating to a contract in place with the Edenhope Lakeside Tourist Park

**Carried (5/0)**



**COUNCIL MEETING MINUTES – Wednesday, 15 September 2021**  
**WEST WIMMERA SHIRE COUNCIL**

**RECOMMENDATION**

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

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Tom Houlihan**

**That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 15:24 pm.**

**Carried (5/0)**

**MEETING CONCLUDED:  
NEXT MEETING:**

**15:25 PM  
MONDAY, 18 OCTOBER 2021  
HARROW**