



West Wimmera Shire Council

MINUTES

COUNCIL MEETING

Wednesday 20 September 2023
2:00 pm

Council Chambers
Kaniva Council Office
25 Baker Street, Kaniva Victoria
3419



Councillors and Shire Map



MAYOR
Cr. Tim Meyer



**DEPUTY
MAYOR**
**Cr. Jodie
Pretlove**



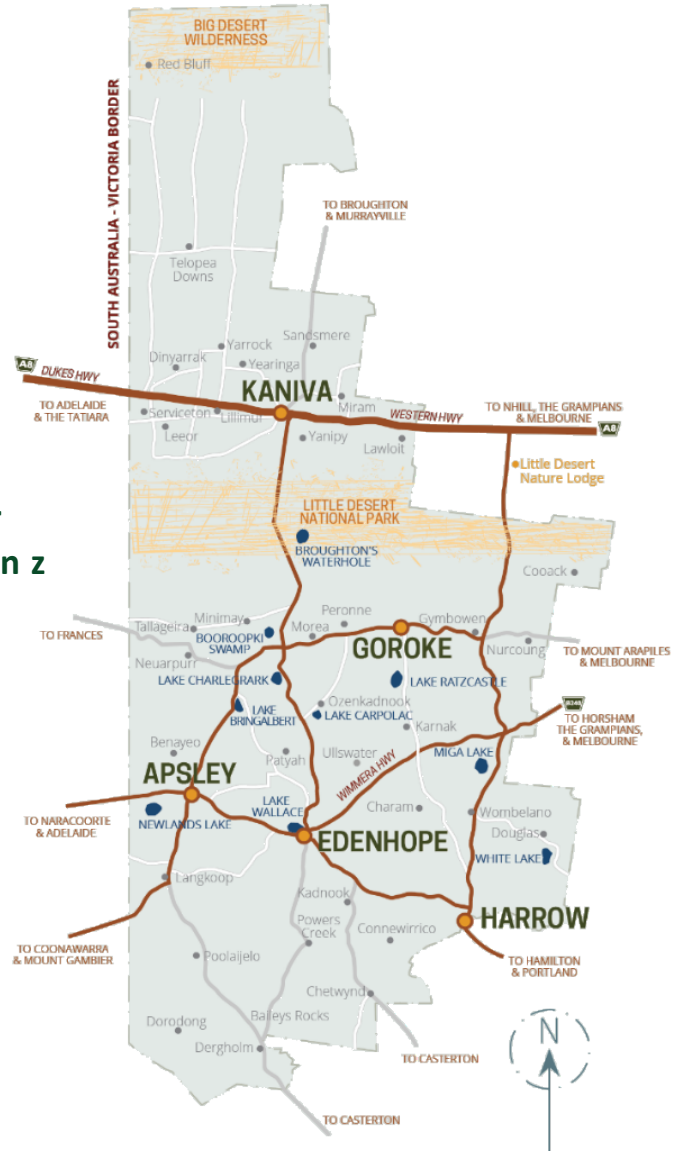
**Cr. Trevor
Domaschenz**



**Cr. Tom
Houlihan**



**Cr. Bruce
Meyer OAM**





COUNCIL VISION

Our West Wimmera community is healthy, thriving, diverse, harmonious, prosperous, and self-sustaining, with regional and global connectivity.

OUR VALUES

INNOVATIVE – We will proactively respond to change, are optimistic about our future and pursue continuous improvement in everything that we do.

ACCOUNTABLE – We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency, achievement of goals and advocating for our community

UNITED – We will do everything within our ability to encourage and form trusting relationships, to work together as one team to achieve our goals and advocate for ‘One West Wimmera’.

COLLABORATIVE – We will actively and openly consult with you and work constructively with community organisations, agencies, the business community and other levels of government to our community’s benefit.

OUR GOALS





Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
 - (a) the meeting may be adjourned; or
 - (b) a recording of the proceedings may be available on the Council website

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 5 Questions from the Gallery.

This Council meeting will be recorded for live streaming.

Councillors pledge

As Councillors of West Wimmera Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.



In Attendance:

Councillors:

Tim Meyer, Mayor
Jodie Pretlove, Deputy Mayor
Trevor Domaschenz
Tom Houlihan
Bruce Meyer OAM

Executive Leadership Team:

David Bezuidenhout - Chief Executive Officer (CEO)
James Bentley - Director Corporate & Community Services (DCCS)
Ram Upadhyaya - Director Infrastructure Development & Works (DIDW)

Officers:

Kaddie Cother - Governance Coordinator
Philippa Hicks - Executive Assistant to the CEO
James Magee - PMO Innovation & Assets Manager
Katie Frost - Governance Manager
John Hutchins - Community Development & Tourism Manager
Aaron Shalders - Projects Officer



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1 Welcome

2 Acknowledgement of Country

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.

3 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.

4 Apologies, Leave of Absences, Declaration of Conflict of Interest

4.1 Apologies

Moved: Cr Tom Houlihan

Seconded: Cr Trevor Domaschenz

That Council approves Jodie Pretlove's request to attend the meeting online.

CARRIED UNANIMOUSLY (4 / 0)

4.2 Leave of Absence

Cr Trevor Domaschenz has returned from Leave of Absence



4.3 Declaration of Conflict of Interest

Cr Jodie Pretlove declared a conflict of interest in item 15.1 - 2023/24 Country Football Netball Funding Briefing Report, stating that she has involvement in a local football club.

Cr Bruce Meyer declared a conflict of interest in item 15.1 - 2023/24 Country Football Netball Funding Briefing Report, stating that he has involvement in a local football club.

Cr Tom Houlihan declared a conflict of interest in item 15.1 - 2023/24 Country Football Netball Funding Briefing Report, stating that he has involvement in a local football club.



5 Questions from the Gallery

5.1 Written Questions on Notice

Kaniva & District Progress Association Questions:

Question 1:

What is council's vision to maintaining the windmill corner as Victoria's gateway town?

Cr Tim Meyer - Seeking a contractor for the maintenance required on the windmill, require the services of a plumber for the work required to remove the bunting. Parks team are looking after the area well.

Question 2:

Could the community please receive an update on the streetscape project of 2021?

Cr Tim Meyer - Finalized plans and have recently received funding through TAC Grants. Will continue to seek funding for all Streetscape Projects.



5.2 Verbal Questions without Notice

No Questions



6 Delegates Reports

Delegate Reports are for providing feedback on formal council business and are for information only

6.1 Councillor Tim Meyer (Mayor)

Date	Event
24/08/2023	Digital Summit
25/08/2023	Western Highway Action Committee Meeting
04/09/2023	Discussion with Year 11 & 12 Students
05/09/2023	Strategic Leadership Meeting
05/09/2023	Meeting with Jactina Ermacora
06/09/2023	Councillor Forum
18/09/2023	Quarterly Meeting with Dr Anne Webster MP
19/09/2023	Audit & Risk Committee Meeting
20/09/2023	Citizenship Ceremony
20/09/2023	Pre-Council Meeting
20/09/2023	Council Meeting

6.2 Councillor Jodie Pretlove (Deputy Mayor)

Date	Event
05/09/2023	Strategic Leadership Meeting
06/09/2023	Councillor Forum
19/09/2023	Audit & Risk Committee Meeting
20/09/2023	Citizenship Ceremony
20/09/2023	Pre-Council Meeting
20/09/2023	Council Meeting

6.3 Councillor Trevor Domaschenz

Cr Trevor Domaschenz was on leave of absence from 17th July 2023 to 19th October 2023



6.4 Councillor Tom Houlihan

Date	Event
06/09/2023	Councillor Forum
20/09/2023	Citizenship Ceremony
20/09/2023	Pre-Council Meeting
20/09/2023	Council Meeting

6.5 Councillor Bruce Meyer OAM

Date	Event
06/09/2023	Councillor Forum
20/09/2023	Citizenship Ceremony
20/09/2023	Pre-Council Meeting
20/09/2023	Council Meeting

7 Condolences

Nil



8 Confirmation of Previous Minutes

8.1 Council Meeting held on Wednesday, 16th August 2023

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 16th August 2023 be taken as an accurate record and confirmed.

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

That the Minutes of the Council Meeting held on Wednesday, 16th August 2023 be taken as an accurate record and confirmed.

CARRIED UNANIMOUSLY (4 / 0)

Attachments

Nil

9 Business Arising From Previous Minutes

Nil

10 Notices of Motion

There were no Notices of Motion submitted for the agenda.



11 Councillor Forum Record

11.1 Councillor Forum Record Wednesday, 6th September 2023

RECOMMENDATION:

That the Record for the Councillor Forum Record Wednesday, 6th September 2023 be received and noted.

Moved: Cr Bruce Meyer
Seconded: Cr Jodie Pretlove

That the Record for the Councillor Forum Record Wednesday, 6th September 2023 be received and noted.

CARRIED UNANIMOUSLY (4 / 0)

12 Deputations and Petitions

There were no Petitions or Deputations submitted for the agenda.

13 Chief Executive Officer

No Reports



14 Corporate and Community Services

14.1 Community Support Grant Guidelines

Directorate: Corporate and Community Services

Report Author: Community Development and Tourism Project Officer

Report Purpose: For Decision

Introduction

The Community Support Grant guidelines will ensure that all community-based organisation applications for financial support will be assessed and administered by a well-defined, equitable and transparent process, whilst regarding and monitoring appropriate risk management and legislative compliance.

Declaration of Interest

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

Background

West Wimmera Shire Council (Council) acknowledges and recognises the significant contribution that 'not for profit' community organisations make to the communities of West Wimmera.

Council is therefore committed to working in partnership with our community-based organisations to provide support for their provision of community support and services. These provisions of support and services include, but are not limited to, promoting the interests of the community and administering non council owned facilities that continue to provide service to the community.

Annually, Council ensures there is budget provision for applications from community-based organisations financial applications, however, this budget is limited, and each application must be reviewed against eligibility criteria.

Following review of Council's Grant Policy and supported by the commitment to be equitable, accountable and transparent in all decision-making processes, Council identified that all annual allocations to community-based organisations must be assessed and administered under a consolidated guideline.

The Community Support Grant Guideline incorporates the three streams of financial assistance not defined under any other Council grant guidelines. These three streams include:

- A) Community Support Contribution



- B) Public and Products Liability Insurance Contribution and
- C) Building and Contents Insurance Contributions.

Risk Management Implications

Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Not applicable

Financial and Budgetary Implications

The financial risk rating has been assessed as: Low

Policy Implications

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

Council Grants Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

- 1.1 Create a healthy, active, and vibrant community.
- 1.2 Support a safe and inclusive community.
- 1.3 Provide well planned and sustainable community infrastructure.
- 1.4 Deliver quality services that support community life.
- 1.5 Support and encourage our events, cultural and arts communities.
- 1.7 Improve the liveability of the shire to assist in growing our population into the future.

Goal 2 – Diverse and Prosperous Economy

- 2.2 Promote the Shire as a great place to visit, live and invest.
- 2.4 Create vibrant and attractive town centres.

Goal 4 – Good Governance



- 4.1 Ensure long term financial sustainability.
- 4.4 Develop a high performing accountable organisation.

Goal 5 – Our Commitment Values

Accountability - We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency and advocating for our community.

Collaboration - We will actively and openly consult with you and work constructively with community organisations, agencies, the business community and other levels of government to our community's benefit.

Communication Implications

No Communication Implications

Gender Equality

No Gender Impact Assessment is required

Conclusion

The Community Support Grant Guideline defines how Council determines annual allocations to community-based organisations. The guidelines will ensure the best possible outcome is achieved for Council and all community groups through a fair, non-discriminatory process.

Adoption of the Community Support Grant guidelines is required to enable the assessment of three (3) community financial support applications for this current financial year.

OFFICER RECOMMENDATION:

That Council adopts the draft Community Support Grant Guidelines

Moved: Cr Bruce Meyer

Seconded: Cr Trevor Domaschenz

That Council adopts the draft Community Support Grant Guidelines with one amendment that states that applicant has to produce their full bank account, if that amount exceeds \$100k.

CARRIED UNANIMOUSLY (5 / 0)

Attachments



1. Community Support Grant DRAFT Guideline 20230503 1 JH edits 06092023 [14.1.1 - 7 pages]



14.2 S6 Instrument of Delegations

Directorate: Corporate and Community Services

Report Author: Governance Manager

Report Purpose: For Decision

Introduction

The purpose of this report is to recommend that Council approve a new S6 Instrument of Delegation from the Council to various positions in the organisation.

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.

Declaration of Interest

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

Background

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 20 July 2022.

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.

The proposed delegations have been discussed with relevant staff.



Risk Management Implications

Risk identified:

Regulatory risk

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
 - iv. an aggrieved member of the community.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

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

Not applicable

Financial and Budgetary Implications

Not applicable

Policy Implications

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

Not applicable



Council Plan Implications

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

Goal 4 – Good Governance

4.4 Develop a high performing accountable organisation.

Communication Implications

No Communication Implications

Gender Equality

No Gender Impact Assessment is required

Conclusion

Council needs to ensure its delegations are current at all times. The proposed update of the delegations from Council is essential.

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 Jodie Pretlove

Seconded: Cr Bruce Meyer

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 UNANIMOUSLY (4 / 0)

Attachments

1. S 6 Instrument of Delegations September 2023 [14.2.1 - 169 pages]



15 Infrastructure Development and Works

15.1 2023-24 Country Football Netball Funding Program Briefing Report

Directorate: Infrastructure Development and Works

Report Author: Project Officer

Report Purpose: For Decision

Introduction

The 2023/24 Country Football Netball Funding (CFNF) program has opened, and council officers are working towards submitting one project from our football and netball precincts for application. The purpose of this report and attachments is to select an appropriate project for application submission.

Declaration of Interest

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

Background

The Country Football Netball Program is a competitive funding round that is run each year. For this round of the program applicants may submit up to 3 projects whose total combined funding requested must not exceed \$250,000. Applications close on the 9 October 2023. This is a 3 (CFNF):1 (applicant) funding ratio round.

As a part of the preparation for this funding round, council officers have contacted representatives for each of the active recreation reserves within the municipality, as well as the football/netball clubs. The submissions from the football/netball Clubs and Committees of Management are summarised in the table below.

The contribution amounts below are based on the council applying for the maximum allotted funding for this program. Should a lower amount be applied for, the council required contribution would also come down to the percentage shown.

Recreation Reserve	Project	Council Required Contribution	Community Contribution Confirmation of required 15% (Up to \$50,000)
Apsley	Football Lighting Upgrade	Up to \$83,334. 25%	No
Edenhope	Football Lighting Upgrade	Up to \$33,334. 10%	Yes
Goroke	Oval Irrigation, Drainage & Fencing	Up to \$33,334. 10%	Yes



Harrow	Football Lighting Upgrade	Up to \$33,334. 10%	Yes
Kaniva	Football Lighting Upgrade	Up to \$83,334. 25%	N/A - Council Owned

As each of these submissions is likely to encompass nearly the entire funding amount able to be applied for, the Council can realistically only apply for one of these projects.

Of the above recreation reserves, we have received letters of contribution confirmation from Edenhope, Goroke and Harrow. Apsley, however, is currently unable to source the required 15% contribution. Kaniva has also submitted a letter of support, however as this is a council owned asset, they are exempt from the community contribution requirement.

Brief Project Descriptions

Lighting Projects: All four of these projects have strong similarities between each site. Each of the recreation reserves has needs for lighting to be upgraded as none of them currently complies with the requirements for games. Each of the sites do currently have some lighting on the oval, however for safe play, all these sites should be upgraded. A four-pole layout would be ideal and is costed for this.

These projects would involve running a new electrical circuit from the main switchboard at the site (upgrading where necessary) to four new poles that have been designed based on the specific heights required by each oval determined by a formula of $0.36 \times \text{distance to centre of the oval}$. This means that at each oval there may be differing heights of poles as these ovals may not be a perfect oval. Should a lighting project be chosen as the project to be put forward, to confirm uniformity and compliance, and quote will be the application's base.

Refer to Audit attachments for specifics on the current lighting and electrical conditions at each site.

Goroke Irrigation, Fencing and Drainage: This project was submitted for funding during the 22/23 funding period however was unsuccessful at that time. This project is shovel-ready and requires quotes to be updated (officers are currently doing this) and to be resubmitted. This project includes replacing all fencing around the oval, installing a new popup sprinkler system, and drainage to ensure the oval can be used into the future.

Risk Management Implications

Risk identified: There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

All projects do pose a potential financial risk to clubs given the amount of contribution required for these projects. Mitigation of this was by confirming with the clubs these contributions will not leave them with nothing in reserves.



Apsley Risks: There is no contribution confirmation for this site. If this project is selected, the council will have to cover the entire share of the applicant contribution (25%).

Edenhope Risks: There is a parcel of land who we are currently ascertaining the ownership of where one of the light towers would be located. Council officers believe this parcel may have been given to the Football Netball Club, but we would need to confirm this prior to any application being submitted, as landowner consent is a requirement. This is being worked on however there are no guarantees this will be able to be rectified prior to application and as such this option cannot be chosen at this time. We are confident that this will be rectified prior to the next round being advertised.

Goroke: No obvious risks present.

Harrow: No obvious risks present.

Kaniva: Council currently services the electricity usage at this venue. Ongoing costs to be paid by Council however user agreements for reserve users may be considered.

Lighting Specific Risks: Depending on the site some of these have existing towers that may be perceived as reuseable or in 'good' condition. Unfortunately given the funding we are aiming to apply for, there is a strong preference for the installation of all new infrastructure. Where reusing these towers may be a promising idea, the perceived risk from the funding bodies point of view is too great as the infrastructure being installed is aimed at being around for decades to come with minimal maintenance required. We have also had this discussion with an engineer and without a full check over and computations (which the funding body would choose a project without this risk to award funding to) it is exceedingly difficult to estimate the remaining lifespan of the tower.

Legislative Implications

Not Applicable

Environmental Implications

Nil

Financial and Budgetary Implications

The financial risk rating has been assessed as: Low

The cost estimates from Laser Electrical have been in the \$250-300k range for the lighting upgrade. Once including contingency and Project Management this would be on the top end of the funding allocation being a total project of \$333,334.



The Goroke Irrigation, Drainage and Fencing project was previously submitted at a total project price of \$300k and this is likely to be the same as the current market.

Policy Implications

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

Recreation Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

1.3 Provide well planned and sustainable community infrastructure.

Communication Implications

Consultation has already been undertaken in development of the plans

Gender Equality

No Gender Impact Assessment is required

Conclusion

In conclusion all these projects are incredibly important for their communities and would be heavily utilized by these groups as well as other unaffiliated groups. As such, council officers require priorities to be nominated by the council (in case an issue arises with the first option, and it cannot proceed in the allotted period).



OFFICER RECOMMENDATION:

The council nominates a priority project for submission of application.

2. That Council nominates a secondary project should a complication preclude submission of the priority project.
3. That council authorise a council contribution of up to \$83,334 or \$33,334 dependent on project being submitted for application.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council forms a Section 63 delegated committee appointing Councillor Trevor Domaschenz, Councillor Tim Meyer and Council Officer John Hutchins to be chaired by Councillor Tim Meyer

CARRIED UNANIMOUSLY (5 / 0)

Cr Jodie Pretlove left the meeting at 2:58 pm.

Cr Tom Houlihan left the meeting at 2:58 pm.

Cr Bruce Meyer left the meeting at 2:58 pm.

Council Meeting was Adjourned

Delegate Committee Meeting started at 2:59pm

Moved: Cr Trevor Domaschenz

Seconded: Officer John Hutchins

That the Council Delegated Committee:

1. Nominates the Kaniva Oval as the priority project for submission of application with the community contribution up to \$45,000 to the 2023/24 Country Football Netball Funding Program.
2. Authorises a council contribution of up to \$38,334 dependent on the project cost being submitted for application for the Kaniva Oval Lighting Project

CARRIED UNANIMOUSLY (3 / 0)

Delegated Committee Meeting ended: 3:37pm



Attachments

1. Apsley Oval [15.1.1 - 2 pages]
2. Edenhope Oval [15.1.2 - 2 pages]
3. Goroke oval [15.1.3 - 2 pages]
4. Harrow Oval [15.1.4 - 2 pages]
5. Kaniva Oval [15.1.5 - 2 pages]
6. Kaniva Support Letter [15.1.6 - 1 page]
7. Harrow Contribution Confirmation [15.1.7 - 1 page]
8. Harrow Support Letter [15.1.8 - 1 page]
9. Edenhope Support Letter [15.1.9 - 2 pages]
10. EAFNC Lighting Grant Letter of Commitment [15.1.10 - 1 page]
11. Goroke Support and Contribution Letter [15.1.11 - 1 page]



15.2 Edenhope Tourism - Request for Planning Permit Fee Waiver

Directorate: Infrastructure Development and Works

Report Author: Director Infrastructure Development and Works

Report Purpose: For Decision

Introduction

This report is to provide information to the Council regarding the request made by Edenhope Tourism Inc to waive planning permit fees for the proposed Cricket Museum at 98 Elizabeth Street, Edenhope and seek a resolution to waive permit fees.

Declaration of Interest

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

Background

Edenhope Tourism Inc made a Planning Permit application for "change of use" to convert the current shed located at 98 Elizabeth Street, Edenhope to the Cricket Museum. The president of Edenhope Tourism Inc wrote to West Wimmera Shire requesting a waiver of the planning permit application fee of \$1,360.80 on a once-off basis. The president says that Edenhope Tourism is a not-for-profit organisation and is completely run by volunteers for the benefit of the community and this Cricket Museum is likely to attract more visitors to the town and add to the economy.

Risk Management Implications

Risk identified: There are no obvious risks for the Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Not applicable

Financial and Budgetary Implications

The financial risk rating has been assessed as: Medium



There is some risk that approval of this request might set precedence and the council might get additional requests from other community groups for waivers of such fees.

If this waiver is approved \$1,360.80 will need to be funded through budget variation.

Policy Implications

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

Not applicable

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

1.5 Support and encourage our events, cultural and arts communities.

Goal 2 – Diverse and Prosperous Economy

2.2 Promote the Shire as a great place to visit, live and invest.

Goal 5 – Our Commitment Values

Collaboration - We will actively and openly consult with you and work constructively with community organisations, agencies, the business community and other levels of government to our community's benefit.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion

Edenhope Tourism Inc is a not-for-profit organisation run by a group of volunteers. The proposed Cricket Museum is expected to boost the economy of the town by attracting additional visitors. Hence, Edenhope Tourism has requested assistance by waving the Planning Permit application fee (Change of use) of \$1,360.80 for consideration by the Council.



OFFICER RECOMMENDATION:

That the Council considers the request from Edenhope Tourism Inc regarding the Planning Permit application fee waiver.

Cr Jodie Pretlove returned to the meeting at 3:37 pm.

Cr Tom Houlihan returned to the meeting at 3:37 pm.

Cr Bruce Meyer returned to the meeting at 3:37 pm.

Moved: Cr Bruce Meyer

Seconded: Cr Trevor Domaschenz

That the Council agrees to the request from Edenhope Tourism Inc regarding the Planning Permit application fee waiver.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Request to consider wavering Fees for Ref. P A 1151 [15.2.1 - 1 page]



16 Sealing Schedule

16.1 Section 173 Agreement for Signing and Sealing - 1295 Ozenkadnook-Mortat Road, Peronne

Directorate: Infrastructure Development & Works

Report Author: Manager Planning & Environment

Report Purpose: For Decision

Introduction

Planning Permit PA1133 was issued on 17 April 2023 allowing the removal of native vegetation. This Section 173 Agreement has the following relevant requirements to be lodged on land 1295 Ozenkadnook-Mortat Road, Peronne (Crown Allotment 36 Parish of Dopewora) in association with this permit:

9.2 Protection of Native Vegetation in perpetuity

- Subject to Clause 10.2, the owner must:
 - Maintain any Native Vegetation in perpetuity, to the same or better condition than exists at the Offset Site after the Management Actions under the Offset Management Plan are complied with;
 - Not cause or consent to the removal, destruction, lopping or any other interference with any Native Vegetation on the Offset Site, or the application of a permit for the same;
 - To the satisfaction of Council, take all reasonable steps to ensure that Native Vegetation on the Offset Site is protected and that no Native Vegetation is removed, destroyed, lopped or otherwise interfered with.

A section 173 Agreement is attached to be signed and sealed.

Declaration of Interest

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

Background

Planning Permit PA1133 was issued on 17 April 2023, allowing the permit holder to remove five (5) native trees on the subject site at Grant and Richs Road, Kaniva.

Condition 2 of the Permit requires an offset to be provided for the vegetation, prior to its removal.



Condition 3 provides the mechanisms in which the offset may be achieved. In particular, condition 3a. provides that the permit holder may establish a first party offset site, including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.

This Section 173 agreement is to give effect to the requirement for a 'security agreement', ensuring that the offset area is protected and managed in accordance with the requirements of the condition.

The offset site is located at 1295 Ozenkadnook-Mortat Road, Peronne (more particularly described as Crown Allotment 36 Parish of Dopewora), with the Section 173 Agreement to be applied to this parcel of land.

Risk Management Implications

Risk identified:

There are no obvious risks for the Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

The council is the responsible authority for the administration of the Planning and Environment Act 1987. The signing and sealing of the 173 Agreement is an administrative process required prior to lodgment with the title's office.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020
Planning and environment Act 1987

Environmental Implications

Environmental Risk rating has been assessed as: Low
Ensuring that planning and building controls are appropriately implemented in accordance with the relevant legislation ensures the protection of our environment.

Financial and Budgetary Implications

Nil

Policy Implications

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

Environmental Policy



Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

1.3 Provide well planned and sustainable community infrastructure.

Communication Implications

Consultation has already been undertaken in development of the planning permit in 2022.

Gender Equality

Not Applicable

Conclusion

This Section 173 Agreement is an administrative process required as part of planning permit PA1133 for the removal of native vegetation once the document is signed and sealed it will be lodged with the Victorian Title's Office.

OFFICER RECOMMENDATION:

That the CEO and Mayor sign the 173 Agreement for 1295 Ozenkadnook-Mortat Road, Peronne to be lodged on the title of the property.

Moved: Cr Jodie Pretlove

Seconded: Cr Tom Houlihan

That the CEO and Mayor sign the 173 Agreement for 1295 Ozenkadnook-Mortat Road, Peronne to be lodged on the title of the property.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Rich s 173 Agreement 24.8.23 [16.1.1 - 33 pages]



17 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.*

18 Confidential Reports

RECOMMENDATION:

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

- Senior Citizen of the Year 2023
- Maintenance of the Western Highway under DTP maintenance contract
- CM0 589 – Supply & Delivery of 4WD Tractor
- CM0 588 – Supply & Delivery of a Motor Grader

Reasons for Confidentiality:

Local Government Act 2020, Section 3 - Personal information

Local Government Act 2020, Section 3 - Council business Information



Moved: Cr Trevor Domaschenz

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 3:49 pm to resolve on matters pertaining to the following items:

- Senior Citizen of the Year 2023
- Maintenance of the Western Highway under DTP maintenance contract
- CM0 589 – Supply & Delivery of 4WD Tractor
- CM0 588 – Supply & Delivery of a Motor Grader

CARRIED UNANIMOUSLY (5 / 0)

19 Close of Meeting

Meeting closed:

The Council Meeting 20th September 2023 was declared closed at 4:29 pm

Next Meeting:

Wednesday, 18th October 2023

Dergholm, Vic

Mayor's Signature
