



ORDINARY COUNCIL MEETING MINUTES – 21 APRIL 2016 WEST WIMMERA SHIRE COUNCIL

ORDINARY COUNCIL MEETING MINUTES

Mission Statement: *West Wimmera Shire Council will work in partnership with the community, business and government to develop and enhance a productive, healthy and safe community by providing leadership, services, advocacy and good governance*

HELD: Thursday 21 April 2016

LOCATION: Dorodong Public Hall

COMMENCEMENT: 4.11pm

IN ATTENDANCE:	
Councillors	Senior Management Group
Annette Jones, Mayor	David Leahy Chief Executive Officer
Ron Hawkins	
Bruce Meyer	Venkat Peteti General Manager Corporate & Community Services
Richard Wait	
Warren Wait	Robyn Evans General Manager Infrastructure Development & Works

Vision Statement: *West Wimmera Shire delivers the very best experience and opportunity that rural living has to offer*



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1.0 WELCOME

2.0 OPENING PRAYER

The CEO read the opening prayer

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 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via Docs On Tap.

Nil

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

Nil.

4.2 VERBAL QUESTIONS WITHOUT NOTICE

4.2.1 TREVOR DOMASCHENZ, PATYAH – TREES DYING IN THE AREA

- Have noticed trees dying in the area, especially the northern side of the trees.
- It is said to be caused by a parasite.



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4.2.2 TREVOR DOMASCHENZ, PATYAH – LOCAL LOBBYING FOR WATER

- Very pleased to hear that the study into the extension of the Wimmera Mallee Pipeline is going ahead.
- Congratulations to Council for its lobbying efforts.

5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS LISTED IN THE COUNCIL KEPT COUNCILLOR DIARY

5.1 MAYOR, ANNETTE JONES

29/03/2016	CEO David Leahy
04/04/2016	CEO David Leahy
05/04/2016	CEO David Leahy
06/04/2016	Deputation to Minister Lisa Neville in Ararat
06/04/2016	Victorian Government Funding Announcements, Longerenong
07/04/2016	Draft Regional Implementation Plan Preview, Kaniva
07/04/2016	Councillor Forum, Kaniva
11/04/2016	CEO David Leahy
12/04/2016	Wimmera Development Association Board Meeting
13/04/2016	Economic Development Special Committee Meeting
14/04/2016	Lawloit Fire Brigade BBQ and Meeting
18/04/2016	CEO David Leahy
19/04/2016	Advisor from Andrew Broad's office, Edenhope
19/04/2016	Water for Victoria Stakeholder Forum, Horsham
21/04/2016	Marcus McCormack, Consultant to Wimmera Southern Mallee LLEN
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.2 COUNCILLOR RON HAWKINS

07/04/2016	Councillor Forum, Kaniva
16/04/2016	Kaniva Lions Club 50 th Charter Dinner, Kaniva
19/04/2016	Advisor from Andrew Broad's office, Edenhope
19/04/2016	Water for Victoria Stakeholder Forum, Horsham
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.3 COUNCILLOR BRUCE MEYER

07/04/2016	Councillor Forum, Kaniva
12/04/2016	Kaniva Community Sporting Complex Meeting



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13/04/2016	Economic Development Special Committee Meeting
14/04/2016	Lawloit Fire Brigade BBQ and Meeting
15/04/2016	Wimmera Regional Library Corporation Board Meeting, Stawell
16/04/2016	Kaniva Lions Club 50 th Charter Dinner, Kaniva
19/04/2016	Advisor from Andrew Broad's office, Edenhope
19/04/2016	Water for Victoria Stakeholder Forum, Horsham
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.4 COUNCILLOR RICHARD WAIT

06/04/2016	Deputation to Minister Lisa Neville in Ararat
06/04/2016	Victorian Government Funding Announcements, Longerenong
07/04/2016	Councillor Forum, Kaniva
12/04/2016	Wimmera Mallee Tourism Meeting
13/04/2016	Economic Development Special Committee Meeting
14/04/2016	Green Triangle Region Freight Action Plan Meeting
19/04/2016	Water for Victoria Stakeholder Forum, Horsham
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.5 COUNCILLOR WARREN WAIT

05/04/2016	CEO David Leahy
07/04/2016	Councillor Forum, Kaniva
12/04/2016	West Wimmera Groundwater Management Meeting, Goroke
13/04/2016	Economic Development Special Committee Meeting
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

29/03/2016	Post-Council Staff Briefing
29/03/2016	General Manager Infrastructure Development & Works
29/03/2016	Mayor Annette Jones
30/03/2016	Manager Economic & Business Development
01/04/2016	Kaniva Meetings including Councillor Bruce Meyer
04/04/2016	Senior Management Group Meeting
04/04/2016	Mayor Annette Jones
05/04/2016	Cr Jones & Cr W Wait
05/04/2016	Mr Tom Houlihan of Harrow
06/04/2016	Deputation to Minister Lisa Neville in Ararat
06/04/2016	Victorian Government Funding Announcements, Longerenong
07/04/2016	Councillor Forum, Kaniva
08/04/2016	Grampians Regional Management Forum, Ararat
11/04/2016	Mayor Annette Jones



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11/04/2016	Grampians Regional Plan Reference Group Meeting –Womens’ Health Grampians (v/conf)
11/04/2016	Senior Management Group meeting
12/04/2016	Regional Development Victoria, Horsham
12/04/2016	Harrow Recreation Reserve Committee, Harrow
12/04/2016	Chris Scott, Wimmera Health Care Group, Horsham
12/04/2016	Wimmera Development Association Board Meeting
13/04/2016	Economic Development Special Committee Meeting
14/04/2016	Lawloit Rural Fire Brigade Meeting, Lawloit
18/04/2016	Senior Management Group Meeting
18/04/2016	Sport & Recreation Victoria & Senior Management Group
18/04/2016	Harrow Recreation Reserve Committee, Harrow
18/04/2016	Harrow Heritage Society, Harrow
19/04/2016	Advisor from Andrew Broad’s office, Edenhope
19/04/2016	Water for Victoria Stakeholder Forum, Horsham
20/04/2016	GWM Water Public Board Meeting & Stakeholder Workshop, Horsham
21/04/2016	Budget Meeting, Edenhope
21/04/2016	Council Meetings & Community Forum, Dorodong

5.7 GENERAL DELEGATES REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates’ reports.

6.0 CONDOLENCES

Nil

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 24 March 2016, be taken as an accurate record and confirmed.

Moved: Cr Ron Hawkins

Seconded: Cr Warren Wait

That the Minutes of the Ordinary Meeting of Council held on Thursday 24 March 2016, be taken as an accurate record and confirmed.

Carried (5/0)



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8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

9.0 NOTICES OF MOTION

Nil

10.0 COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORD

10.1 GENERAL COMMITTEE FOR DECISION

The resolutions arising from the General Committee Meeting held on Thursday 24 March 2016 are now required to be formally adopted by Council.

RECOMMENDATION:

That the resolutions arising from the General Committee Meeting, being resolutions from the meeting held on Thursday 24 March 2016, as listed below, be adopted on an individual resolution basis.

2.1.1 INVITATION TO MINISTER PULFORD TO VISIT WEST WIMMERA SHIRE

Moved: Cr Ron Hawkins

Seconded: Cr Richard Wait

That West Wimmera Shire Council reaffirms our invitation to Minister Pulford to visit our Shire as agreed before Christmas.

Carried Unanimously

Moved: Cr Ron Hawkins

Seconded: Cr Richard Wait

That West Wimmera Shire Council reaffirms our invitation to Minister Pulford to visit our Shire as agreed before Christmas.

Carried (5/0)



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2.1.2 MULLAGH WILLS FOUNDATION

Moved: Cr Ron Hawkins

Seconded: Cr Richard Wait

That West Wimmera Shire Council indicates to the Mullagh Wills Foundation that they consider Mr Geoffrey Carracher as a potential Board Member of the Foundation.

Carried Unanimously

Officer Comment – CEO: The letter has been sent.

Moved: Cr Ron Hawkins

Seconded: Cr Richard Wait

That West Wimmera Shire Council indicates to the Mullagh Wills Foundation that they consider Mr Geoffrey Carracher as a potential Board Member of the Foundation.

Carried (5/0)

2.2.2 CONGRATULATIONS TO MR JESSE IESE

Moved: Cr Richard Wait

Seconded: Cr Ron Hawkins

That West Wimmera Shire Council write to Mr Jesse Iese congratulating him for his achievements at the recent Australian Junior Athletic Championships in Perth.

Carried Unanimously

Officer Comment – CEO: The letter has been sent.



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Moved: Cr Richard Wait

Seconded: Cr Ron Hawkins

That West Wimmera Shire Council write to Mr Jesse Iese congratulating him for his achievements at the recent Australian Junior Athletic Championships in Perth.

Carried (5/0)

2.2.3 VICROADS AND SHORTFALL IN FUNDING FOR SCHOOL ROAD CROSSING SERVICE

Moved: Cr Richard Wait

Seconded: Cr Ron Hawkins

That Council write to VicRoads:

- 1. To inform them of the shortfall between the cost of providing the schools road crossing service in Kaniva and the amount VicRoads pay to Council for providing that service; and**
- 2. To request that they urgently review their contribution to ensure that it reflects the true cost to Council.**

Carried Unanimously

Officer Comment – CEO: The shortfall in funding by VicRoads is for School Crossing Supervisors. VicRoads are currently undertaking a review of the School Crossing Supervisor Program. They are also running a pilot to test a new centralised administration model where School Crossings Victoria is funded to manage the school crossing supervisor program, independent from Council. The pilot runs until June 2016, and further updates are expected from VicRoads in due course.



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Moved: Cr Richard Wait

Seconded: Cr Ron Hawkins

That Council write to VicRoads:

1. To inform them of the shortfall between the cost of providing the schools road crossing service in Kaniva and the amount VicRoads pay to Council for providing that service; and
2. To request that they urgently review their contribution to ensure that it reflects the true cost to Council.

Carried (5/0)

10.2 ASSEMBLY OF COUNCILLORS

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Thursday 7 April 2016 be received and noted.

Moved: Cr Richard Wait

Seconded: Cr Warren Wait

That the Assembly of Councillors Record for the Councillor Forum held Thursday 7 April 2016 be received and noted.

Carried (5/0)

11.0 DEPUTATIONS AND PETITIONS

Nil



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 APSLEY RACING CLUB SPONSORSHIP REQUEST

FILE NUMBER: ED0012

REPORT AUTHOR: KELLIE JORDAN,

MANAGER ECONOMIC & BUSINESS DEVELOPMENT

FOR DECISION

Introduction

The Apsley Racing Club have requested sponsorship funding for the 2016 Di Giorgio Family Wines Apsley Cup, to be held Sunday 12 June 2016.

The sponsorship would include:

- Joint naming rights to a race
- Various media coverage
- Full page advertisement in the race book
- Opportunity to present winning trophy
- Signage
- Hospitality package

Declaration of Interests

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

Background

The Apsley Racing Club hosts the Apsley Cup each year in June, and the event is a very popular drawcard on the event calendar for West Wimmera. This year's event will be held on Sunday 12 June 2016.

A request for sponsorship has been received from the Club and the amount being sought is the same as in 2015.

Council provided \$2000 in 2015, and this amount is available within the sponsorship allocation budget for 2015/2016 budget. The volume of media coverage that the event receives, and the variety of other benefits associated with the sponsorship, make it a good value for money sponsorship.



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The Apsley Cup's main sponsor is Di Giorgio Family Wines, and the official launch is on Friday 6 May 2016 at the Racing Victoria Boardroom from 5:00pm. The Mayor and CEO have been invited to attend, but due to other commitments will be unable to attend. If other Councillors are travelling to Melbourne on or near the 6 May 2016, they may be able to represent the Shire at the launch.

Risk Management Implications

There is minimal risk to council should sponsorship be provided.

Legislative Implications

Not applicable

Environmental Implications

Not applicable

Financial and Budgetary Implications

There is existing funding available through council's sponsorship allocation.

Policy and Council Plan Implications

Sponsorship of events that promote the area can be linked to council's economic development strategy, for population and investment attraction.

Communication Implications

Council could benefit from the widespread exposure associated with the race.

Conclusion

The Apsley Racing Club Committee have been proactive in organising the 2016 Race Day, to ensure the event provides more offerings and will attract a strong attendance. examples of new activities include a racing themed art competition in association with the Red Tail Gallery and a bike ride.



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OFFICER RECOMMENDATION:

That West Wimmera Shire Council sponsor the Apsley Racing Club 2016 Race Day, for two thousand dollars (\$2,000) plus GST as per the sponsorship agreement.

Moved: Cr Warren Wait

Seconded: Cr Ron Hawkins

That West Wimmera Shire Council sponsor the Apsley Racing Club 2016 Race Day, for two thousand dollars (\$2,000) plus GST as per the sponsorship agreement.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
12.1.1	Apsley Racing Club Sponsorship Request	16/001253



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 APPLICATION TO LICENSE UNUSED ROAD – PARISH OF LANGKOOP

FILE NUMBER: PS0007

**REPORT AUTHOR: GILLIAN BRADSHAW,
MANAGER PLANNING & ENVIRONMENT**

FOR DECISION

Introduction

At the Council meeting on the 18th February 2016, Council resolved the following:

- *That Council resolve to declare the unused road east of crown allotment 41A, Parish of Langkoop, 1086 Fullerton's Road, Poolaijelo, not required for public traffic purposes.*
- *That Council advertise the proposed road closure in the West Wimmera Advocate.*
- *That DELWP be notified in writing of the resolution to advertise the proposed road closure.*
- *That the applicants and the adjoining landholders be notified in writing of the resolution to advertise the proposed road closure.*

Declaration of Interests

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

Background

West Wimmera Shire Council (Council) had received a letter from Lee Schumann, Department of Environment, Land Water and Planning (DELWP) advising Council of an application from two landowners to license an unused road east of Crown Allotment 41A, Parish of Langkoop, area 1.48 hectares. The road is identified in the attached plan.

The applicants own crown allotment 41A, Parish of Langkoop, 1086 Fullerton's Road, Poolaijelo. The proposed road to be leased is located on the eastern boundary of Crown Allotment 41A, Parish of Langkoop.



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The landowners wish to license the unused road for agricultural purposes, grazing livestock which is common practice in agricultural areas.

Council can consent to the application, thereby enabling DELWP to lease the land for agricultural purposes. A 'Schedule 4' is submitted by Council to DELWP which can include covenants on any DELWP licence to a third party

Risk Management Implications

When an unused road is licensed it is effectively declared not required for public traffic purposes, the road is not included on Council's list of roads and therefore no longer Council's responsibility for maintenance etc.

If in the future the land was required for the purposes of a road, Council could apply for the lease to be annulled.

Legislative Implications

The unused licensed road would not be subject to the care and responsibility of Council under the *Road Management Act 2004*.

Environmental Implications

There are no environmental implications in this matter, as there is no requirement to remove native vegetation.

Financial and Budgetary Implications

The financial costs for Council are the newspaper advertisements, already expended under the previous Council resolution, and the advertising in the Victorian Government Gazette which will be approximately \$100.00.

DELWP are responsible for all other costs involved.

Policy and Council Plan Implications

By consenting to the application for the lease on this road it will allow the landowners to fully utilise available areas for agricultural production. Consenting to the application supports agricultural production, a tenant of the Council Plan.

Communication Implications

The applicants, adjacent landholders and DELWP should be notified in writing of Council's resolution, and the Schedule 4 form should be signed and returned to DELWP.



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An advertisement in the Victorian Government Gazette is also required.

Conclusion

As no objections have been received the Schedule 4 form can be completed and returned to Lee Schumann at DELWP, and an advertisement placed in the Government Gazette declaring the closure of the road. Adjoining landowners will also be notified in writing of the road closure.

OFFICER RECOMMENDATION

1. That Council resolve to declare the unused road east of crown allotment 41A, Parish of Langkoop, 1086 Fullerton's Road, Poolaijelo, not required for public traffic purposes.
2. That Council advertise the road closure in the Victorian Government Gazette.
3. That DELWP be notified in writing of the resolution to close the road.
4. That the Schedule 4 form is signed and returned to DELWP.
5. That the applicants and the adjoining landholders be notified in writing of the resolution to close the road.

Moved: Cr Warren Wait

Seconded: Cr Ron Hawkins

1. That Council resolve to declare the unused road east of crown allotment 41A, Parish of Langkoop, 1086 Fullerton's Road, Poolaijelo, not required for public traffic purposes.
2. That Council advertise the road closure in the Victorian Government Gazette.
3. That DELWP be notified in writing of the resolution to close the road.
4. That the Schedule 4 form is signed and returned to DELWP.
5. That the applicants and the adjoining landholders be notified in writing of the resolution to close the road.
6. That gates be added at both ends of Fullerton's Road.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
13.1.1	Letter from Lee Schumann, DELWP and Schedule 4 form	16/001218
13.1.2	Plan showing property and unused road to be leased	16/001218



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13.2 PROPOSED ADOPTION – AMENDMENT C34 TO WEST WIMMERA PLANNING SCHEME

FILE NUMBER: DA0158

**REPORT AUTHOR: GILLIAN BRADSHAW,
PLANNING AND ENVIRONMENT MANAGER**

FOR DECISION

Introduction

In March 2016, Council placed proposed Amendment C34 to the West Wimmera Planning Scheme on public exhibition. The amendment seeks to correct zoning anomalies in the planning scheme.

Upon the end of the public exhibition period on 23 March 2016, no submissions had been received. This report therefore recommends that Council adopts the amendment and forwards it to the Minister for Planning for final approval.

Declaration of Interests

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

Background

Proposed Amendment C34 seeks to rezone land from Public Conservation and Resource Zone (PCRZ) to the Farming Zone (FZ) to correct errors dating back to the consolidation of the Kowree, Kaniva, Arapiles and Glenelg Planning Schemes into the West Wimmera Shire Planning Scheme in 1999/2000.

The amendment affects the following lots:

- Lot 1, TP84821 and Lot 1, TP817381 in the Parish of Kalingur (Council Property Number 1009430, Wimmera Highway-Miga Lake Road, Miga Lake), which has an area of 116.367 hectares
- Crown Allotment 46A in the Parish of Kalingur, which has an area of 99.04 hectares
- Lot 1, TP820816 (51.03 hectares), Lot 1 TP398680 (0.4 hectares), Crown Allotment 21 (68.1 hectares) and Crown Allotment 10 (129.39 hectares) in the Parish of Gymbowen.



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Each of the properties is an agricultural holding, with all surrounding land in private ownership zoned Farming.

These allotments were zoned in the former 'Rural Zone' before the West Wimmera Planning Scheme was created. At this time, the lots were inadvertently rezoned as PCRZ.

The PCRZ is typically applied to Crown Land and restricts land use to focus on conserving the natural environment for historic, scientific, landscape, habitat or cultural values. This does not reflect the long-running use of the sites for agricultural production.

Existing use rights apply for current use of the land for agricultural production. Correcting the zoning anomaly would provide certainty to the land-owners and more properly reflect the land's use and potentially ongoing use as productive agricultural land, which would be protected through the provisions of the FZ.

After placing proposed Amendment C34 on public exhibition, Council received no submissions. Council therefore has the option to adopt the amendment and forward it to the Minister for Planning for final approval.

Risk Management Implications

Council was alerted to zoning anomalies on some of the subject land through legal correspondence. Subsequent investigation revealed other nearby parcels of agricultural land that had also been incorrectly zoned PCRZ. While the subject land may continue to be farmed under existing use rights, correcting these anomalies now would reduce the risk of land use conflicts or other issues surrounding any intensification of farming activity.

Legislative Implications

Council has followed due process under the *Planning and Environment Act 1987* in placing the amendment on public exhibition after receiving authorisation from the Minister for Planning. As no submissions were received, Council has the option to adopt the amendment and forward it to the Minister for Planning for final approval within ten days.

Environmental Implications

Rezoning the land as Farming Zone accurately reflects the current use of the sites. The sites would retain environmental protection inherent in the FZ.



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Financial and Budgetary Implications

By seeking to correct a number of similar zoning anomalies in one planning scheme amendment, Council has minimised costs associated with this process. Addressing the identified zoning anomalies now will reduce any administrative costs associated with these sites in the future.

Policy and Council Plan Implications

Amendment C34 supports Council Plan Strategic Objective 1 - *Increase economic activity through the support of existing businesses and new investment.*

Communication Implications

Council advertised the exhibition of Amendment C34 by direct mail to land owners and through public advertisements in the West Wimmera Advocate. The amendment's exhibition was also advertised in the Government Gazette. No submissions were received during the public exhibition process. Should this amendment be adopted, land owners and the Minister for Planning would be advised of Council's decision in writing.

Conclusion

This amendment seeks to correct zoning anomalies within the West Wimmera Planning Scheme by rezoning a number of sites erroneously zoned PCRZ, to FZ. This rezoning reflects the correct use of the land and the zoning of these lots before the creation of the West Wimmera Planning Scheme.

Having received authorisation from the Minister for Planning to exhibit the amendment, Council received no submissions. It is therefore recommended that Council adopts the amendment and seeks final approval from the Minister for Planning within ten days.

OFFICER RECOMMENDATION:

That Council:

- 1. Notes that public exhibition of Amendment C34 to the West Wimmera Planning Scheme has been completed with no submissions lodged.**
- 2. Adopts Amendment C34 to the West Wimmera Planning Scheme, which rezones the following lots from PCRZ to FZ:**
 - a) Lot 1, TP84821 and Lot 1, TP817381 in the Parish of Kalingur (Council Property Number 1009430, Wimmera Highway-Miga Lake Road, Miga Lake), which has an area of 116.367 hectares**



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- b) Crown Allotment 46A in the Parish of Kalingur, which has an area of 99.04 hectares
- c) Lot 1, TP820816 (51.03 hectares), Lot 1 TP398680 (0.4 hectares), Crown Allotment 21 (68.1 hectares) and Crown Allotment 10 (129.39 hectares) in the Parish of Gymbowen.

3. Forwards the amendment to the Minister for Planning within ten days for final approval.

Moved: Cr Warren Wait

Seconded: Cr Richard Wait

That Council:

1. Notes that public exhibition of Amendment C34 to the West Wimmera Planning Scheme has been completed with no submissions lodged.
2. Adopts Amendment C34 to the West Wimmera Planning Scheme, which rezones the following lots from PCRZ to FZ:
 - a) Lot 1, TP84821 and Lot 1, TP817381 in the Parish of Kalingur (Council Property Number 1009430, Wimmera Highway-Miga Lake Road, Miga Lake), which has an area of 116.367 hectares
 - b) Crown Allotment 46A in the Parish of Kalingur, which has an area of 99.04 hectares
 - c) Lot 1, TP820816 (51.03 hectares), Lot 1 TP398680 (0.4 hectares), Crown Allotment 21 (68.1 hectares) and Crown Allotment 10 (129.39 hectares) in the Parish of Gymbowen.
3. Forwards the amendment to the Minister for Planning within ten days for final approval.

Carried (5/0)

Attachments: Nil



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13.3 LANGFORD STREET EXTENSION (8 UNIT DEVELOPMENT)

FILE NUMBER: PA0872

REPORT AUTHOR: GILLIAN BRADSHAW

MANAGER PLANNING & ENVIRONMENT

FOR DECISION

Introduction

This report is to provide information for Council decision on the costs required to construct an extension to Langford Street, as per the previously issued planning permit condition requirements, for vehicle access. Council is being asked to consider the developer contribution, if any, required.

Declaration of Interests

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

Background

Planning Permit P1280 was granted on 6th January 2016, for the development of eight (8) units to be constructed on two (2) allotments. This development is aimed at the senior members of the community who no longer can manage or want to live in a house, but are not ready for an assisted living Hostel type situation.

The planning permit for the proposed multi-unit development requires that all vehicle access be via Langford Street, which is located on the southern boundary of the allotments. Refer attached plan.

Council received two objections from adjoining landowners about the use of Cranage Lane. Cranage Lane does not currently extend all the way to the development site. Objections were in relation to proposed pedestrian and vehicular use by the residents of the proposed development, on safety reasons. Some traders along Elizabeth Street stated that the lane is often frequented several times a day by trade vehicles making deliveries. The developers agreed that all vehicular traffic would be via Langford Street.

Langford Street was originally constructed up to the adjoining allotment on the eastern side of the subject land to provide access for the State Electricity Commission vehicles many years ago. The developers are now required, by the planning permit conditions, to extend the construction of Langford Street to a point just beyond the proposed access to the development site, to provide a turnaround area for the garbage collection trucks.



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Pedestrian access will be via a proposed pathway at the north western boundary of the subject land through to Elizabeth Street. Refer attached plan.

The developers have requested that an estimate of costs be provided by Council. The developers have been advised that they will probably have to contribute to the cost of the extension to Langford Street, and that the amount of contribution will be determined by Council.

Developer contribution precedent

There is no Council policy to offer guidance on this issue and requirements for contributions from ratepayers or developers to contribute towards the construction of roads are assessed on a case by case basis.

In recent years the following applications have been received, and resolutions:

- A Proprietary Limited company required the upgrade of Don McIntosh Road, Neuarcurr to provide large vehicle access for to and from a piggery. The company paid all costs for the upgrade of the road.
- A Proprietary Limited company required the upgrade of a section of Waits Road, Ozenkadnook to provide large vehicle access to and from a proposed piggery. Council resolved that the company paid all costs over \$30,000, approximately \$28,000.
- Private residents constructed a dwelling off the Ozenkadnook Mortat road and required a road construction for access. Council resolved that the residents paid 25% of the estimated \$10,249 cost.

Other examples of previous applications for road development include:

- A Proprietary Limited company near Kaniva requested the gravel road to the company property be sealed. This was done with no contribution required from the company.
- A private resident north of Kaniva requested the gravel road to the feedlot operating on the property be sealed. This was done with no contribution required from the resident.

Risk Management Implications

Council will be responsible for the maintenance of the road once it is completed and the extension of Langford Street will be added to Council road management register and asset register.

It is necessary to provide a safe and trafficable access to the multi-unit development for all future residents and visitors.



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The construction and maintenance of the internal road and footpath within the multi-unit development will be the responsibility of the Body Corporate and not Council.

Legislative Implications

The access to the multi-unit development via Langford Street is a requirement of the planning permit P1280, granted on 6th January 2016, under the *Planning and Environment Act 1987*. The maintenance of the extension to Langford Street will become the responsibility of Council under the *Road Management Act 2004*.

Environmental Implications

The road reserve does not contain any vegetation that needs to be removed. The road will provide a safe access point to the development site for all future residents and visitors to the site.

The construction and maintenance of the internal road and footpath within the multi-unit development will be the responsibility of the Body Corporate and not Council.

Financial and Budgetary Implications

The developers have been advised that will probably be required to contribute towards the cost of the road extension, but no amount has been provided by Council officers, as it is Council's decision to resolve the extent of contribution.

Attachments to this report for Council consideration are:

- two options of works to extend Langford Street, and
- approximate general rates figures.

Policy and Council Plan Implications

Strategic Objective No. 1 – Increase economic activity through the support of existing business and new investment.

Communication Implications

There has been extensive communication with the developers and concerned residents in relation to the entire proposal for the development since the early pre-planning stage throughout the whole process of the planning permit application and beyond.

The planning permit was advertised in the local newspaper and written notice served on adjoining landholders and those businesses within the block containing the proposed development.



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The developers are keen to progress with the development and want to know the budget costs for the Langford Street extension as soon as possible.

Conclusion

The developers have been granted a planning permit for the construction of eight units and are required to provide access for vehicles to and from the development via Langford Street under the planning permit conditions.

At Council's request, the Works department have provided two estimates for costs of the proposed design and works for the extension to Langford Street – one with a footpath and one without.

In the absence of developer contribution guidelines, Council needs to determine the portion of the costs that the developer will be required to pay toward the construction of the extension to Langford Street. Given there is some pre-existing seal that is Council's responsibility to maintain currently, and the development would represent an increase in West Wimmera's economic activity, it would be reasonable for Council to contribute a share of the road construction.

Next steps in the process are:

The developers have engaged a land surveyor to draw a plan of subdivision for the site, which will include an allotment for each unit, an internal common road and internal footpath, a visitors' car parking area and an internal park for the residents use.

A separate planning permit is required for the plan of subdivision and advertising and notification to landholders will also form part of that process.

OFFICER RECOMMENDATION

That Council determine the developer contribution for the extension to Langford Street.

Moved: Cr Richard Wait

Seconded: Cr Ron Hawkins

That Council make a 50% contribution (up to a maximum of \$40,000) towards the proposed extension to Langford Street – Option 2, as detailed in attachment 13.3.5 to this report.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
13.3.1	Draft plan of subdivision showing access point and pathway for pedestrian access.	16/001476
13.3.2	Draft design for the proposed extension to Langford Street (Option 1)	16/001476
13.3.3	Draft design for the proposed extension to Langford Street (Option 2)	16/001476
13.3.4	Estimate for the proposed extension to Langford Street (Option 1)	16/001476
13.3.5	Estimate for the proposed extension to Langford Street (Option 2)	16/001476
13.3.6	Estimate of Rates Valuations	16/001476



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13.4 BOUNDARY ROAD AGREEMENT BETWEEN WEST WIMMERA AND HINDMARSH SHIRE COUNCILS

FILE NUMBER: PS0056

REPORT AUTHOR: SENA VI ABEYKOON, MANAGER ASSETS

FOR DECISION

Introduction

Some of the municipal roads along the boundary between West Wimmera Shire Council (WWSC) and Hindmarsh Shire Council (HSC) are located partially in WWSC municipal area and partially within the HSC municipal area. This is impractical for the purposes of performance of road management functions.

Council officers between the two Councils discussed this matter in detail and drafted an agreement amicable to both Councils, in order to share the responsibilities equally.

The purpose of this report is to present the draft agreement for Council consideration and approval.

Declaration of Interests

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

Background

Some of the municipal roads along the boundary between West Wimmera Shire Council (WWSC) and Hindmarsh Shire Council (HSC) are located partially in WWSC municipal area and partially within the HSC municipal area. Both Councils have the responsibility as Coordinating Road Authority and Responsible Road Authority for these roads as stipulated in *Road Management Act 2004* (RMA).

Section 15 of the RMA allows for the transfer of road management functions from one road authority to another in respect to a particular road or roads. In view of this, Council Officers from both Councils discussed this issue in detail, and came up with an amicable solution for sharing the responsibilities equally.



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As per this agreement, responsibility of road management functions of the following roads will be transferred from HSC to WWSC. Refer to attachment 1 for the map indicating the roads.

- Sanders Road from Boundary Road to end of the Road, the distance 4.6 km
- Boundary Road – north from McCrackens Road to Sanders Road, being a distance of 20.4km
- McCrackens Road – west from Broughton Road to Boundary Road, being a distance of 6.3km
- Miram East Road – east from Lowan Border Road to Lawloit Sandsmere Road, being a distance of 4.1km
- Meaghers Road – west from Krauses North South Road, being a distance of 0.4km

Responsibility of road management functions of the following roads will be transferred from WWSC to HSC. Refer to attachment 1 for the map indicating the roads.

- Yanac South Road – east from Broughton Road to Lowan Border Road, being a distance of 8.5km
- Lowan Border Road – north from Miram East Road to Yanac South Road around the west side of Peechember Swamp, being a distance of 15.5 km
- Miram East Road – east from Lawloit Sandsmere Road to the shire boundary, being a distance of 6.9km
- Krauses North South Road – south from Meaghers Road to Krauses Road, being a distance of 3.2km

The road management functions to be transferred are all of the functions of a co-ordinating road authority and a responsible road authority referred to in the RMA except for the functions in the following Sections of the Act:

Section 11 - Power to declare and name a road;

Section 12 - Discontinuance of roads;

Section 13 - Power to fix boundary of road; and

Section 15 - Arrangements to transfer road management functions.

Refer the attachment 2 for the draft agreement.

Risk Management Implications

Having this agreement in place ensures the road management functions are carried out regularly by the responsible Councils, minimising the risks.



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Legislative Implications

This agreement ensures the compliance with Local Government Act 1989 and road Management Act 2004.

Environmental Implications

There are no adverse effects on environment in entering into this agreement with HSC.

Financial and Budgetary Implications

The division of roads between the two Councils are approximately equal in length and therefore maintenance costs. Each Council will now be responsible for 100% of the roads that each are responsible for under the new agreements; the net cost to each Council effectively being no different to current maintenance costs.

Policy and Council Plan Implications

This agreement is in accordance with Asset Management Policy and Strategy and Council Plan Actions 2 and 4.

Communication Implications

Copies of signed agreement will be kept by each Council and will be available to public on request in accordance with Freedom of Information Act.

Conclusion

The draft agreement will facilitate equal sharing of the responsibility and the cost of managing the boundary roads between WWSC and HSC under the Road Management Act 2004.

OFFICER RECOMMENDATION:

- 1. That Council accept the draft agreement attached in this report for sharing the responsibility of managing the boundary roads between WWSC and HSC.**
- 2. That the Agreement document be signed and sealed by the Council.**



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Moved: Cr Richard Wait

Seconded: Cr Warren Wait

- 1. That Council accept the draft agreement attached in this report for sharing the responsibility of managing the boundary roads between WWSC and HSC.**
- 2. That the Agreement document be signed and sealed by the Council.**

Amendment to the motion

Moved: Cr Bruce Meyer

Seconded: Cr Warren Wait

That Council be issued with a further report detailing the amounts spent on each of the listed roads over the previous two years.

Carried (5/0)

The amendment becomes the motion

Moved: Cr Bruce Meyer

Seconded: Cr Warren Wait

That Council be issued with a further report detailing the amounts spent on each of the listed roads over the previous two years.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.4.1	Map of HSC-WWSC Roads	16/001476
13.4.2	Draft Agreement	16/001476



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13.5 CORELLA MANAGEMENT PROGRAM

FILE NUMBER: PS0022

REPORT AUTHOR: ADRIAN SCHMIDT, LOCAL LAWS OFFICER

FOR DECISION

Introduction

At the conclusion of the 2013/2014 pilot Corella culling program, West Wimmera Shire Council (Council) requested a program be developed for ongoing corella management. A Corella Management Program (program) was adopted by Council in February 2015 and included financial commitment for the program in 2015/2016.

Council requested 'end of season' reports on the program. This report provides the end of season report for the 2015/2016 program.

Declaration of Interests

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

Background

Council developed a policy on corella management in 2013 and a Corella Management Program (program,) was developed and endorsed by Council at the Ordinary Council meeting February 2015 after a trial 'pilot program' during 2014/2015.

Corellas are a highly social species and have scout or lead birds to reconnoitre sites ahead of the main population. Large numbers of Corellas are known to roost and feed in towns, farms and bush land across the West Wimmera Shire.

The Corella roosting period generally commences in October through to April depending on seasonal weather variations. During this time they migrate to townships where there they have access to water and feed. Corellas cause damage to trees, (native and ornamental street and park trees) create noise issues and anecdotally, cause damage to buildings and infrastructure.



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The adopted program recognised the intelligence of the birds and their capacity to rapidly learn and respond to interventions. Consequently, the program utilises a number of different management methods and is designed to be responsive to seasonal differences. The 2015/2016 season saw less numbers in the townships of Apsley, Edenhope and Kaniva and the consequential program reflected a response appropriate to the numbers presented. This should be seen as a successful outcome of the ongoing program.

At both towns there were occasions when it was deemed that deterrent action (noise) would have been more disturbing to the community than the Corellas.

Kaniva was the only town to have additional Shire staff shooting and no additional Shire Staff shooting activity was conducted at Edenhope.

Kaniva has separate issues compared to Edenhope that is more challenging to relocate Corellas.

- There are more Galas in Kaniva that stop Corellas from flocking together thus making Corellas split off and flock up with Galas.
- The grain receival site in Kaniva has an impact however this will reduce as grain is no longer being transported into town.
- The Corellas don't have as many other areas to relocate to as in the Edenhope area.

Risk Management Implications

Any use of firearm has a risk. This risk has been and will continue to be mitigated by Firearms Safety Training, risk assessments and safety procedures.

Public safety may be affected if entering a shooting zone. This risk is mitigated by the Safe Work Place procedures and Firearms Safety Training.

Continued management of the birds requires consistent monitoring and response dependent on seasonal conditions. This risk is mitigated by the ongoing Council commitment to the program.

Legislative Implications

Wildlife Act 1975

Firearms Act 1996

Prevention of Cruelty to Animals Act 1994

Catchment and Land Protection Act 1994



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Environmental Implications

Corellas in plague proportions are a direct threat to:

- endangered species of flora,
- localised native fauna such as South-Eastern Redtail Black Cockatoos by competing for nesting sites
- parks and gardens ornamental and decorative trees.

Causation of costly damage and destruction to:

- residential assets and property
- sporting recreation facilities, eg:
 - the synthetic turfs of the Edenhope and Kaniva Bowling Club and Edenhope College (replacement cost of \$1.3million) and;
 - the 'greens' of the Edenhope Golf Course.

Financial and Budgetary Implications

Due to Low Corella numbers this financial year \$873.48 in materials has been spent as of the date of this report (this includes additional Shire staff wages to conduct the only live shoot for this season, in Kaniva).

Policy and Council Plan Implications

West Wimmera Shire Council Corella Management Plan 2013-2017
West Wimmera Shire Council Plan Strategic Action 2:3

Communication Implications

The Corella Management Program was promoted in several ways:

- Public notice/ advertising (in local papers)
- Council's web site,
- Facebook
- SMS texts notifying residents of shooting times.

Conclusion

The activities conducted under the Corella Management Plan 2015-16 was considerably less than previous two years.

This is as per previous officer advice; that ongoing commitment to this program should deliver year to year improvement on numbers. It is reasonable to assume that the



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previous year's Corella Management program is a significant factor in the reduction of Corellas coming into Edenhope and Kaniva.

Budget allocation for 2016/2017 should be able to be less than 2015/2016 due to the likelihood of the continued program delivery success in keeping low the numbers of birds migrating to townships.

OFFICER RECOMMENDATION:

That:

1. The Corella Management update report for 2015-16 be received and noted.
2. An amount of \$5000.00 for consumable materials and additional Shire Staff wages for live shooting (based on this year's level of Corella activity) be referred to Council budget process 2016-17 for a continuation of the program in 2016-17

Moved: Cr Richard Wait

Seconded: Cr Bruce Meyer

That:

1. The Corella Management update report for 2015-16 be received and noted.
2. An amount of \$5000.00 for consumable materials and additional Shire Staff wages for live shooting (based on this year's level of Corella activity) be referred to Council budget process 2016-17 for a continuation of the program in 2016-17.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.5.1	Corella Chaos Western Victoria	16/001386
13.5.2	White Corellas descend in Plague numbers	16/001385



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14.0 CORPORATE AND COMMUNITY SERVICES

No Reports

15.0 LATE ITEMS OF BUSINESS

Nil

16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal advice of the Local Government Act 1989 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 PROVISION OF IT SERVICES

Moved: Cr Ron Hawkins

Seconded: Cr Bruce Meyer

That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal advice of the Local Government Act 1989 close the meeting to members of the public at 5.05pm to resolve on matters pertaining to the following items:

17.1 PROVISION OF IT SERVICES

Carried (5/0)

RECOMMENDATION

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public and that the reports for those items remain In-camera and that Council open the meeting to the public at pm.



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Moved: Cr Bruce Meyer

Seconded: Cr Richard Wait

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public and that the reports for those items remain In-camera and that Council open the meeting to the public at 5.07pm.

Carried (5/0)

17.1 PROVISION OF IT SERVICES

That Council accepts the three-year tender submitted by Gumlea Solutions Ltd for Contract CMO426 "Provision of IT Services," in accordance with the specifications of Contract CM0426 for an hourly rate of \$72.50, with the contract commencing immediately.

MEETING CONCLUDED: 5:08PM

**NEXT MEETING: THURSDAY 19 MAY 2016
KANIVA COUNCIL CHAMBER**