



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 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 18 August 2016

**LOCATION:** Kaniva Council Chamber

**COMMENCEMENT:** 7.30pm

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

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***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.*

##### 4.1.1 Robert Cameron, Kaniva – Aussie Ink Tattoo Studio

To the West Wimmera Shire

I Robert Cameron the owner operator of Aussie Ink Tattoo Studio would like to put forward a question to be answered by the Chair at the council meeting to be heard at the Kaniva Office Chambers on Thursday the 18<sup>th</sup> of August 2016.

I ask the council, have they taken into consideration the fact that most of the clients visiting our Kaniva studio, will be travelling from other towns, thus will be visiting other businesses in the community, such as the chemist, for after care products, the local café, for refreshments, maybe the local hotels for meals, maybe accommodation, the Community Roadhouse for petrol etc. The opening of our business will have a flow on affect in the town.

As people usually getting tattooed will on average spend several hours getting tattooed and bring friends and family with them.



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Mayor: Thank you for the question. Council is unable to provide a response, as this matter is listed for debate in item 13.1 of this Agenda.

### 4.2 VERBAL QUESTIONS WITHOUT NOTICE

*Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2012.*

#### 4.2.1 BARRY 'BUTCH' WITMITZ, KANIVA – KANIVA SHIRE HALL

- What is the situation with the Kaniva Shire Hall?
- What is the next step for Council and when is it likely to be finalized?

GMIDW: There has been money put aside in the budget for repairs. Confirmation has been received that the building has no leaking pipes, as first thought, so that is a positive. Tenders close tomorrow (Friday 19 August 2016) and the Hall will hopefully be fixed in the near future.

#### 4.2.2 BARRY 'BUTCH' WITMITZ, KANIVA – TOWN WATERING CONTRACT

- What is happening Gardening Tender? Are the improvements that were first talked about still going ahead?

GMIDW: Current contract has been extended until June 2017. To date, funding for improvements has not been on offer.

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

#### 5.1 MAYOR, ANNETTE JONES

22/07/2016	Local Government Act Review Forum, Ararat
28/07/2016	DELWP Video link – threatened species population enhancements
01/08/2016	CEO David Leahy
02/08/2016	Kaniva College Bush Tucker Garden Official Opening
03/08/2016	Councillor Forum, Kaniva
08/08/2016	CEO 6-month Performance Review, Edenhope
08/08/2016	Economic Development Special Committee Meeting
08/08/2016	CEO David Leahy



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11/08/2016 MAV Rural & Regional Forum for Mayors & CEOs (by video link)  
15/08/2016 CEO David Leahy  
16/08/2016 Delegation to Spring Street, Melbourne  
18/08/2016 Council Meetings, Kaniva

### 5.1 COUNCILLOR RON HAWKINS

03/08/2016 Councillor Forum, Kaniva  
08/08/2016 CEO 6-month Performance Review, Edenhope  
08/08/2016 Economic Development Special Committee Meeting  
09/08/2016 Wimmera Development Association Board Meeting, Horsham  
12/08/2016 Wimmera Southern Mallee Regional Transport Group Meeting  
18/08/2016 Council Meetings, Kaniva

### 5.2 COUNCILLOR BRUCE MEYER

29/07/2016 Local Council Candidate Information Session, Kaniva  
03/08/2016 Councillor Forum, Kaniva  
08/08/2016 CEO 6-month Performance Review, Edenhope  
08/08/2016 Economic Development Special Committee Meeting  
18/08/2016 Council Meetings, Kaniva

### 5.3 COUNCILLOR RICHARD WAIT

03/08/2016 Councillor Forum, Kaniva  
10/08/2016 Johnny Mullagh Committee of Management Meeting  
16/08/2016 Delegation to Spring Street, Melbourne  
18/08/2016 Council Meetings, Kaniva

### 5.4 COUNCILLOR WARREN WAIT

03/08/2016 Councillor Forum, Kaniva  
08/08/2016 CEO 6-month Performance Review, Edenhope  
08/08/2016 Economic Development Special Committee Meeting  
18/08/2016 Council Meetings, Kaniva

### 5.5 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

22/07/2016 Local Government Act Review Forum, Ararat  
25/07/2016 Senior Management Group  
25/07/2016 Mayor Annette Jones  
26/07/2016 Post-Council Staff Meeting  
27/07/2016 Judith Bysouth, Wimmera Information Network  
27/07/2016 Local Council Candidate Information Session, Edenhope  
28/07/2016 Local Council Candidate Information Session, Goroke  
29/07/2016 Julie Pettett, Volunteering Western Victoria  
29/07/2016 Local Council Candidate Information Session, Kaniva  
01/08/2016 Senior Management Group



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01/08/2016	Mayor Annette Jones
01/08/2016	Edenhope College School Council Meeting
03/08/2016	Councillor Forum, Kaniva
04/08/2016	Wimmera Southern Mallee Regional Partnership Induction, Melbourne
05/08/2016	Wimmera Southern Mallee Regional Partnership Induction, Melbourne
08/08/2016	Senior Management Group
08/08/2016	Regional Development Victoria
08/08/2016	CEO 6-month Performance Review, Edenhope
08/08/2016	Economic Development Special Committee Meeting
08/08/2016	Mayor Annette Jones
09/08/2016	Wimmera Development Association Board Meeting, Horsham
11/08/2016	MAV Rural & Regional Forum for Mayors & CEOs (by video link)
11/08/2016	Wimmera Regional CEOs Meeting
15/08/2016	Senior Management Group
15/08/2016	Mayor Annette Jones
16/08/2016	Delegation to Spring Street, Melbourne
18/08/2016	Council Meetings, Kaniva

### 5.6 GENERAL DELEGATES REPORTS

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

### 6.0 CONDOLENCES

Nil

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

#### RECOMMENDATION:

**That the Minutes of the Ordinary Meeting of Council held on Thursday 21 July 2016, be taken as an accurate record and confirmed.**

**Moved: Cr Richard Wait**

**Seconded: Cr Warren Wait**

**That the Minutes of the Ordinary Meeting of Council held on Thursday 21 July 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**

Nil

#### **10.2 ASSEMBLY OF COUNCILLORS**

##### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 August 2016 be received and noted.**

**Moved: Cr Ron Hawkins**

**Seconded: Cr Richard Wait**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 August 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**



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### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 PLANNING PERMIT P1343

**FILE NUMBER: PA0897**

**REPORT AUTHOR: GILLIAN BRADSHAW**

**MANAGER PLANNING & ENVIRONMENT**

#### FOR DECISION

Application is for:	Use of the land for the purpose of a Tattoo Parlour. Business Hours may be Monday to Sunday, by appointment only.
Applicant's Name:	Robert Cameron
Owner's Name:	Robert Cameron
Date Received:	10 <sup>th</sup> June 2016
Statutory Days:	69
Application Number:	P1343
Planner:	Gillian Bradshaw
Land/Address:	22-26 Commercial Street, Kaniva
Zoning:	Township Zone (TZ)
Overlays:	Not applicable
Under what clause(s) is a permit required?	A permit is required for a Section 2 use under Clause 32.05-1 of the TZ. A permit is required under Clause 32.05-8 of the TZ for a Change of Use, and one of the buildings has not been closed for a period of more than two years and has not operated as a shop for that time.
Restrictive covenants on the title?	No
Current use and development:	Office and Vacant shop

#### Declaration of Interests

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

#### Proposal

The application is made by Robert Cameron, who owns the subject site at 22-26 Commercial Street, Kaniva and proposes to establish a Tattoo Parlour. The premises are two individual shops at present. The business hours have not been set and may vary from standard business opening hours. Hours of business operation will be by appointment only, on any day of the week due to customer availability and time required.



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### Subject site & locality

The site is a rectangular allotment a north-south axis. The site is 11 metres wide and 37 metres long, totalling 407 square metres. The building is 10 metres wide and 12 metres long, totalling 120 square metres. The northern frontage adjoins Commercial Street, which is the major road (the Western Highway) and the primary thoroughfare through Kaniva. There is no rear access to the site.

Commercial Street is Kaniva's retail and commercial core. This site is located towards the western end of the main shopping strip, nearby businesses include a solicitor's office, Pharmacy and Real Estate office. All other retail and commercial operations are within a short walk of this site, as is the core residential areas behind Commercial Street to the north and south, east and west.

The one of the buildings on the site has previously been occupied as an office, and the other building has been vacant for several years.

### Permit/Site History

There is no history of any other planning permits relating to 22-26 Commercial Street, Kaniva.

### Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Notice to the owners and occupiers of adjoining land by post on 15<sup>th</sup> June 2016.
- Notice was placed in the Kaniva Times on 6<sup>th</sup> July 2016, due to technical difficulties the advert was not placed as requested on 22<sup>nd</sup> June 2016.
- A copy of the application was made available at the Kaniva office for inspection.

The notification has been carried out correctly. Council did not receive any objections from owners and occupiers of the adjoining land and has received two (2) objections from other residents to date. Section 57 of the *Planning and Environment Act 1987* states how objections are to be submitted:-

### ***57 Objections to applications for permits***

- (1) *Any person who may be affected by the grant of the permit may object to the grant of a permit.*
- (2) *An objection must be made to the responsible authority in writing stating the reasons for the objection and stating how the objector would be affected by the grant of the permit.*



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- (3) *If a number of persons make one objection, they may give the responsible authority the name and address of the person to whom the responsible authority is to give notice of the decision.*
- (4) *If a number of persons make one objection, it is sufficient compliance with sections 64(1) and 65(1) if the responsible authority gives the notice—*
  - (a) *to the person named under subsection (3); or*
  - (b) *if no name and address is given under subsection (3) to one of the persons who made the objection.*
- (5) *The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.*

Considerations of the objections raised are listed separately below:

- i. That such a shop in Kaniva would be detrimental to the town and district.
  - *This letter from the objector, while it reflects their feelings in regard to the operation of a Tattoo Parlour, it does not contain any evidence to support their claim.*
- ii. That applications for shops in several South Australian towns have been rejected.
  - *Firstly, it is not relevant to this planning permit application if permits have been refused elsewhere. Secondly, the objector offered no evidence to support this claim. An enquiry to the adjacent Council in South Australia received advice that they had not received any development application from the applicant for a tattoo parlour in their Council area. The applicant has confirmed Council enquiries that no application has been made for a tattoo parlour in the neighbouring Council in South Australia.*
- iii. Do not need them here for the youth of the town.
  - *This objector has an obvious concern for the youth of the town but has not offered any additional information in the objection to express how they believe it will affect the youth.*
  - *It is an offence to tattoo anyone under the age of 18 in Victoria, under Section 42 of the Summary offences Act 1966. The applicants have stated that they require photo ID, particularly for young adults, to verify the person's age before tattooing.*

Telephone contact was attempted with the objectors, but there was no answer. A message to call the office was left but has received no response at the time of writing this report. A letter has been forwarded to the objectors acknowledging receipt of their objection and notifying them that the matter will be discussed at a Council meeting.

### Consultation

A pre-planning application meeting was held with the applicant and officers from Council, being the Manager Planning & Environment and the Rates Coordinator. Matters discussed



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were the requirement of a planning permit for the use of the site for a Tattoo Parlour (Shop) as the proposed Shop is located within the Township Zone, one building had been unoccupied for over two years, and the other had been used as an office. Also discussed was the requirements to have Health Registration for the tattoo services being provided on the site.

The applicant has provided a smoking area at the rear of the premises for clients to use, rather than have them smoking in the street, which may offend some passers-by in the street.

The applicant has also said that is normal practice to provide snack food and drink vending machines for clients, but that this will not be the case in Kaniva as they would prefer the clients to support the local traders and buy their food and drinks from the shops in the town.

The Environmental Health Officer conducted an on-site inspection of the premises with the applicant and discussed the proposed layout and requirements for Health registration. It was agreed that a final on-site inspection would be undertaken when works were completed.

The applicant has been notified that two objections had been received by Council and that the planning permit application would be considered by Council at its meeting on 18<sup>th</sup> August 2016. The General Manager, Infrastructure Development and Works met the applicant to discuss the objections and again explain the process required by the Planning and Environment Act 1987.

### Referrals

	Adjoining landowners, no objections received
Section 52 notices	Kaniva Times 6/7/2016, two objections received.

### Assessment

#### **The zoning of the land and any relevant overlay provisions**

The proposed use is a Tattoo Parlour (Shop), and is a Section 2 – Permit required Use, under the provisions of the Township Zone (TZ). In determining whether to approve the proposed use, Council needs to give consideration to the relevant Decision Guidelines at Clause 32.05-11. The Guidelines are:

1. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
2. The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
3. The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
4. In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.



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5. The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
6. The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
7. Provision of car and bicycle parking and loading bay facilities and landscaping.
8. The effect that existing uses on adjoining or nearby land may have on the proposed use.
9. The scale and intensity of the use and development
10. The safety, efficiency and amenity effects of traffic to be generated by the proposal.
11. Any other decision guidelines specified in a schedule to this zone.

An assessment against the SPPF and LPPF, including the MSS, follows in a separate section of this report.

- i. The subject site is located in an existing, well established commercial precinct, and is proximate to a wide range of retail and commercial businesses. The site comprises of two buildings, one of which has previously been used as an office, and the other has been vacant for a number of years. The site remains a suitable location for a commercial operation given its location, accessibility to vehicles and pedestrians, and the availability of on-street car parking.
- ii. The use of the site as a Tattoo Parlour should not negatively affect the character of the town.
- iii. No vegetation will be removed, so the proposal meets the second decision guideline.
- iv. The site is fully serviced and includes reticulated water and sewerage, so meets the third and fourth decision guidelines.
- v. There are no proposed buildings and works and so the proposal meets the fifth decision guideline.
- vi. Decision Guideline 6 is not applicable.
- vii. Decision Guideline 7 relates to car and bicycle parking, there is sufficient on street parking for the proposed use.
- viii. The proposed use and development will have an effect on adjoining land uses to the extent that additional patrons and vehicles will be drawn to the Kaniva commercial area. This effect is not, however, considered to be negative or detrimental to adjoining and nearby land uses.

The entire town of Kaniva is zoned Township, and this zone provides opportunities for residential, retail and commercial developments and operations in keeping with the scale and character of a small town.

In Kaniva, there is an existing pattern of development that places retail and various commercial operations within several blocks along Commercial Street, including the subject site, often interspersed with dwellings.

Over time, and dependent on broader economic and social factors, retail and commercial businesses close, and those sites are converted to dwellings, or re-



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established, often years later, as another type of commercial enterprise. The zone provides that type of flexibility, so it is that on this site, located in the commercial area, a new enterprise is now seeking to establish on the site of a former enterprise.

- ix. The zone permits a shop; the site has a history of use for commercial operations; the scale and intensity of use is in keeping with both the site and the locality; and the functioning of the enterprise (hours) can be managed to minimise impacts. To that extent, the proposal meets Decision Guidelines 8 and 9.
- x. The proposed Tattoo Parlour may attract more vehicles into the area. Acknowledging the likelihood of a small increase in vehicle traffic, Council believes the site is appropriate for this type of use and that the road network can absorb any change in load. The proposal meets Decision Guideline 10.

### The State Planning Policy Framework (SPPF)

Clause 17.01-1, Business, is relevant to this proposal. The objective of this Clause is “To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.”

Strategies to meet this objective include to locate commercial facilities in existing or planned activity centres. While Kaniva does not have a designated Activity Centre, it has clearly established that Commercial Street is the core retail and commercial precinct, and that is the most appropriate location for retail enterprises.

Clause 17.03-1, Facilitating tourism, is relevant to this proposal. The objective of the Clause is “To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination”

Strategies to meet this objective include to “Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.”

The proposed use is an investment in Kaniva’s local economy, and will provide a new option for tourists and visitors to the town.

### The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies

Clause 21.06-2, Commercial, is relevant to this proposal. Objective 1 is “To support the development of new and existing businesses within the municipality.”

The proposal meets this objective by promoting the establishment of a new business in the core commercial precinct in Kaniva.





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Objective 2 is “To have attractive, functional, and viable business centres”, and Strategy 2.1 is to “Encourage commercial and community uses to establish on undeveloped or unoccupied business land throughout the municipality.” The proposal to apply a new use to a vacant, commercial premises is the type of use encouraged by this objective and strategy.

Clause 22.01 – Western Highway applies to any proposal to use or develop land within 100 metres of the Western Highway, and therefore applies to this proposal. The objectives of this policy are:

- To ensure that the use and development of land does not prejudice the levels of service, safety and amenity of the Western Highway.
- To minimise any adverse effects of noise from traffic using the highway

The policy intent of the Clause primarily relates to the protection of sensitive uses from unreasonable noise. As the proposed use is not a sensitive use, this policy is not applicable.

### Relevant Particular Provisions

As the proposal is to introduce a new use, the car parking requirements of Car Parking are triggered. Clause 52.06-2 states that before:

- A new use commences; or
- The floor area or site area of an existing use is increased; or
- An existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

Table 1 – car parking requirements makes clear that for a premises, 4 car spaces are required per 100 square metres of leasable floor area. The building’s leasable floor area is approximately 87.5 square metres, below 100 square metres. There are four (4) car parking spaces provided by on-street parking outside the shops.

### The decision guidelines of Clause 65

The proposal represents orderly planning, and will not have a detrimental impact on the amenity of the area. It is consistent with both State and Local Planning Policies, and meets the requirements of Clause 52.06. It is also consistent with relevant Clause 65 Decision Guidelines, which are:





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- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of Stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

Not applicable.

Relevant incorporated or reference documents

Not applicable

Relevant Planning Scheme amendments

Not applicable.

Summary of Key Issues

The proposal is to use the land for the purpose of a Tattoo Parlour. Car parking spaces are available in the street, as they are along the whole length of the shopping strip for the various businesses on Commercial Street.

The proposed use will lead to the reactivation of a vacant premises in Commercial Street, and will have a positive impact on the local economy.

The proposal was advertised to adjoining landowners, and in the Kaniva Times and two objections have been received. Consideration of the objections has been provided earlier in this report.



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Council as the Responsible Authority has 60 days in which to make a decision on the planning permit application, from receipt of the application. Council will be at 63 days at 18 August 2016, the date of the Council meeting.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Target 10,000

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 1: Increase economic activity through the support of existing businesses and new investment

### Conclusion

The planning permit application complies with the requirements of the West Wimmera Planning Scheme and all matters have been considered. As the Planning Authority, Council may make a decision on the planning permit application.

### **OFFICER RECOMMENDATION:**

#### **Notice of Decision to Grant a Permit**

**That Council, having caused notice of Planning Application No. P1343 to be given under Section 52 of the *Planning and Environment Act 1987*, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 17.01-1, 17.03-1, 21.06-2, 22.01 and 52.06 of the West Wimmera Planning Scheme in respect of the land known and described as 22-26 Commercial Street, Kaniva. The Notice of Decision to Grant a Permit is to be issued for the use of the land for the purpose of a Tattoo Parlour.**

#### **Conditions:**

- 1. The buildings and works shall be in accordance with the endorsed plans which form part of this permit, and shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 2. The use must not commence on the site until the necessary environmental health approvals are obtained.**
- 3. Business Hours are:**
  - a. Monday to Sunday by appointment only.**
- 4. This permit will expire if the following circumstances apply:**
  - a) The use is not started within two years of the date of this permit.**



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Richard Wait

**Seconded:** Cr Ron Hawkins

**1. Notice of Decision to Grant a Permit**

That Council, having caused notice of Planning Application No. P1343 to be given under Section 52 of the *Planning and Environment Act 1987*, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 17.01-1, 17.03-1, 21.06-2, 22.01 and 52.06 of the West Wimmera Planning Scheme in respect of the land known and described as 22-26 Commercial Street, Kaniva. The Notice of Decision to Grant a Permit is to be issued for the use of the land for the purpose of a Tattoo Parlour.

**Conditions:**

- a) The buildings and works shall be in accordance with the endorsed plans which form part of this permit, and shall not be altered or modified without the consent in writing of the Responsible Authority.
  - b) The use must not commence on the site until the necessary environmental health approvals are obtained.
  - c) Business Hours are:
    - i. Monday to Sunday by appointment only.
  - d) This permit will expire if the following circumstances apply:
    - i. The use is not started within two years of the date of this permit.
- 2. That the word ‘positive’ be removed from the section referring to tourism, so as to remove what may be considered as an Officer’s opinion. This amended section of the report appears on page 15 of the Minutes, as follows:**
- “The proposed use is an investment in Kaniva’s local economy, and will provide a new option for tourists and visitors to the town.”**

**Carried (4/1)**

**Attachments:**

No.	Name	RecFind Ref
13.1.1	Objection Letters from N & I Crouch	16/002742



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 IN PRINCIPLE ADOPTION OF 2015/16 FINANCIAL STATEMENTS

**FILE NUMBER: FM0047**

**REPORT AUTHOR: ASHLEY ROBERTS, MANAGER FINANCE**

#### FOR DECISION

##### Introduction

This report seeks:

1. A resolution by Council giving ‘in principal’ approval to the 2015/16 Annual Financial Statements; and
2. Endorsement of two Councillors to certify Council’s 2015/16 Annual Financial Statements.

##### Declaration of Interests

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

##### Background

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

Section 132(2) of the Local Government Act 1989 (the Act) requires that Council give ‘in principle’ approval to its Financial Statements and Performance Statement prior to submission to auditors.

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 a draft set of Financial Statements and Performance Statement for their perusal;



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

2. Council passes a resolution in accordance with S.132(2) of the Act giving ‘in principle’ approval to the Financial Statements and the Performance Statement;
3. 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;
4. 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;
5. The Victorian Auditor General issues an audit opinion upon the Financial Statements and the Performance Statement;
6. The Financial Statements and Performance Statements are inserted into the Annual Report which is forwarded to the minister by 30 September; and
7. In accordance with S.134 of the Act Council meets after sending the Annual Report to the minister to discuss the Annual Report, including the Financial Statements and the Performance Statement.

It is considered prudent for Council to nominate 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

Not commented on.

### Legislative Implications

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

### Environmental Implications

Not commented on.



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

### Financial and Budgetary Implications

The financial statements as presented are in draft un-audited form. As such it is not appropriate to present a detailed analysis of the 2015/16 result in this report. A detailed analysis of the 2015/16 financial result will be provided to Council after audit has been completed.

However, it is pertinent to highlight some key points of the 2015/16 draft financial result.

The draft financial statements show an operating deficit of \$525,978. This is significantly worse than the originally budgeted deficit of \$261,300.

The primary cause for this was the pre-payment of 50% of Council's 2015/16 Financial Assistance Grant by the Australian Federal Government in June 2015, resulting in that prepayment being included in the financial accounts for 2014/15.

This was partially offset by increased funding in other areas, notably Community Projects (Kaniva Hub \$344,499) and Roads to Recovery (\$901,468). Resulting from this Council's capital expenditure program was a considerable \$944,821 in excess of original budget.

Council continued to incur a significant depreciation charge - \$6,367,575 for 2015/16. Even with the additional funding available to Council, Council's capital renewal program met only 85% of this amount. It is clear that asset management remains a significant issue for Council.

Note 2 of the attached draft financial statements highlights significant variances to original budget.

### Policy Implications

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

Performance Reporting Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels
- Strategic Objective 6: Strengthen the culture and governance of the organisation



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

### Communication Implications

Not commented on

### Conclusion

By adopting the recommendations in this report Council will be fulfilling its obligations under the Local Government Act 1989.

### OFFICER RECOMMENDATION:

1. That Council resolves under S.132 (2) of the Local Government Act 1989 to give ‘in principal’ approval to the Financial Statements and Performance Statement for the year ended 30 June 2016.
2. That Council resolves under S.132(5) of the Local Government Act 1989 to nominate three councillors as signatories with authorisation given for any two of the three nominated councillors to certify the Financial Statements and Performance Statement for the year ended 30 June 2016 in their final forms.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Warren Wait

1. That Council resolves under S.132 (2) of the Local Government Act 1989 to give ‘in principal’ approval to the Financial Statements and Performance Statement for the year ended 30 June 2016.
2. That Council resolves under S.132(5) of the Local Government Act 1989 to nominate three councillors as signatories with authorisation given for any two of the three nominated councillors to certify the Financial Statements and Performance Statement for the year ended 30 June 2016 in their final forms.

**Carried (5/0)**



## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

**Moved: Cr Warren Wait**

**Seconded: Cr Richard Wait**

**That Council nominate Cr Annette Jones, Cr Richard Wait and Cr Ron Hawkins as the three Councillor signatories, to certify the Financial Statements and Performance Statement for the year ended 30 June 2016 in their final forms.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.1.1	Draft 2015-16 Financial Statements	16/002963 EDOC005857
14.1.2	Performance Statement 2015-2016	16/002963 EDOC006069





## ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016 WEST WIMMERA SHIRE COUNCIL

### 15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2012), Meeting Procedure and Common Seal Local Law 2012, West Wimmera Shire Council:

#### 25. Urgent Business

*Business must not be admitted as urgent business unless it:*

- i. *Relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- ii. *Cannot safely or conveniently be deferred until the next Ordinary Meeting.*

Nil

### 16.0 SEALING SCHEDULE

#### 16.1 NATIONAL AUSTRALIA BANK LEASE RENEWAL AND VARIATION

#### OFFICER RECOMMENDATION:

That Council sign and seal the National Australia Bank Lease Renewal and Variation for the front two rooms at the Johnny Mullagh Cricket Centre, Blair Street, Harrow.

**Moved: Cr Ron Hawkins**

**Seconded: Cr Bruce Meyer**

**That Council sign and seal the National Australia Bank Lease Renewal and Variation for the front two rooms at the Johnny Mullagh Cricket Centre, Blair Street, Harrow.**

**Carried (5/0)**

#### **Attachments:**

No.	Name	RecFind Ref
16.1.1	National Australia Bank Lease Renewal and Variation, Blair Street, Harrow	16/001736



**ORDINARY COUNCIL MEETING MINUTES – 18 AUGUST 2016**  
**WEST WIMMERA SHIRE COUNCIL**

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**17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)**

Nil

**MEETING CONCLUDED: 8.15 PM**

**NEXT MEETING: THURSDAY 15 SEPTEMBER 2016**  
**EDENHOPE COUNCIL CHAMBER**