



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday 20 December 2017

**LOCATION:** Kaniva Council Chamber

**COMMENCEMENT:** 7.00pm

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### IN ATTENDANCE:

Councillors	Senior Management Group
Jodie Pretlove, Mayor	David Leahy Chief Executive Officer
Trevor Domaschenz	
Tom Houlihan	Ashley Roberts Director Corporate & Community Services
Bruce Meyer	Robyn Evans Director Infrastructure Development & Works

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### ***Vision Statement:***

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious, prosperous and self-sustaining, with regional and global connectivity*



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## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 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

Cr Richard Hicks (medical leave of absence)

#### 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.*

Cr Tom Houlihan: Declared a conflict of interest regarding Item 13.2 (as he is the Chair of the Municipal Emergency Services Committee), and Confidential Item 17.7 (as he is on the Harrow First XI Committee).

Cr Bruce Meyer: Declared a conflict of interest regarding Confidential Item 17.2 (as he has tendered for the contract).

David Leahy, CEO: Declared an interest in Confidential Item 17.7 (as he Chairs the First XI Organising Committee for Council).



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### 4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

#### 4.1 WRITTEN QUESTION ON NOTICE: LINDA SKINNER, OZENKADNOOK - REQUEST FOR ROAD UPGRADE – WAITS ROAD, OZENKADNOOK TO KARNAK

I am requesting a road upgrade for the section of Waits Road, being the Old Mortat Road. The road needs new drainage and lots of gravel on the surface.

Action: Letter has been passed to the Director of Infrastructure Development & Works Ms Robyn Evans.

#### Attachments:

No.	Name	RecFind Ref
4.1.1	Question on Notice, including letters from Linda Skinner and Andrew Cardnell, The Pastoral Pork Company	17/004979

### 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, 2017.*

#### 4.2.1 LYN POWELL, KANIVA – VARIOUS QUESTIONS

- Requested that the Kaniva phone number listed in tourism publications also be added to the “Wimmera Out and About”. It would also be good to have information about the Kaniva Wetlands and the Lake Charlegrark Country Music Festival included in “Wimmera Out and About”.
- Stated that they have no information about the Little Desert track walks and the Silo trail. Asked if they can photocopy information, or do they have to go through Parks Victoria?

CEO Council will look into this.

- Said thank you to whoever found the Christmas banners and put them up in Kaniva, they look great.



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

#### **5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)**

18/11/2017	Edenhope Show
20/11/2017	Chairing Meetings Workshop, Melbourne
21/11/2017	CEO David Leahy
22/11/2017	Inspection of Johnny Mullagh Recreation Reserve, Harrow
22/11/2017	Mark O'Dowd, Bendigo Bank
23/11/2017	Jason Muldoon, AFL Victoria & Stephen Hocking, Apsley Recreation Reserve re AFL Victoria Community Football Facilities Award
24/11/2017	North West Municipalities Association Meeting, Warracknabeal
27/11/2017	Geoffrey Lord, Head of Horsham Campus, Federation University
27/11/2017	CEO David Leahy
28/11/2017	Public Meeting re Lake Wallace, Edenhope
30/11/2017	Lake Charlegrark Project Steering Committee
05/12/2017	CEO David Leahy
06/12/2017	Cemeteries Trust Meeting, Kaniva
06/12/2017	Councillor Forum, Kaniva
07/12/2017	Kaniva Hub Committee Meeting
07/12/2017	International Volunteers Day Morning Tea, Kaniva
07/12/2017	Public Meeting re Johnny Mullagh Recreation Reserve as a Neighbourhood Safer Places – Place of Last Resort site, Harrow
10/12/2017	Official Opening of Edenhope Community Garden
11/12/2017	Martin Thompson, Crowe Horwath re Audit of Kaniva Community Hub
11/12/2017	CEO David Leahy
13/12/2017	Morning Tea for Meals on Wheels Volunteers, Edenhope
18/12/2017	CEO David Leahy
19/12/2017	Kaniva College Presentation Night – Renae Feder Award
20/12/2017	Ordinary Council Meeting, Kaniva

#### **5.2 COUNCILLOR TREVOR DOMASCHENZ**

18/11/2017	Mullagh Wills Foundation Presentation at Edenhope Show
20/11/2017	Chairing Meetings Workshop, Melbourne
21/11/2017	Wimmera Mallee Tourism AGM, Serviceton
22/11/2017	Inspection of Johnny Mullagh Recreation Reserve, Harrow
22/11/2017	Mark O'Dowd, Bendigo Bank
28/11/2017	Public Meeting re Lake Wallace, Edenhope
30/11/2017	Observer at Lake Charlegrark Project Steering Committee
05/12/2017	First XI Meeting re planning for 2018 commemoration events
06/12/2017	Cemeteries Trust Meeting, Kaniva
06/12/2017	Councillor Forum, Kaniva
07/12/2017	Public Meeting re Johnny Mullagh Recreation Reserve as a Neighbourhood Safer Places – Place of Last Resort site, Harrow



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11/12/2017	Martin Thompson, Crowe Horwath re Audit of Kaniva Community Hub
12/12/2017	Wimmera Development Association Board Meeting, Horsham
14/12/2017	DELWP Wimmera Drainage Strategy Meeting, Edenhope
15/12/2017	Christmas Drinks with Andrew Broad MP & Emma Kealy MP
20/12/2017	Ordinary Council Meeting, Kaniva

### 5.3 COUNCILLOR RICHARD HICKS

22/11/2017	Inspection of Johnny Mullagh Recreation Reserve, Harrow
22/11/2017	Mark O'Dowd, Bendigo Bank
01/12/2017	Wimmera Southern Mallee Regional Transport Group Meeting
06/12/2017	Cemeteries Trust Meeting, Kaniva
06/12/2017	Councillor Forum, Kaniva
11/12/2017	<i>On leave from today until end of January 2018</i>

### 5.4 COUNCILLOR TOM HOULIHAN

18/11/2017	Edenhope Agricultural Show
20/11/2017	Johnny Mullagh Committee Meeting re 2018 Commemoration Events
22/11/2017	Inspection of Johnny Mullagh Recreation Reserve, Harrow
22/11/2017	McClure Earthmoving & CEO, Harrow
23/11/2017	VLGA Event: "Are we over governed?", Melbourne Barry Cassidy
25/11/2017	Grand Opening of Harrow Garage
26/11/2017	Unveiling of Memorial Plaque for Marg Quigley, Harrow
28/11/2017	Chairing of Community Consultative Committee Meeting re West Wimmera Rural Pipeline Feasibility Study, Harrow
28/11/2017	Public Meeting re Lake Wallace, Edenhope
06/12/2017	Cemeteries Trust Meeting, Kaniva
06/12/2017	Councillor Forum, Kaniva
07/12/2017	Public Meeting re Johnny Mullagh Recreation Reserve as a Neighbourhood Safer Places – Place of Last Resort site, Harrow
08/12/2017	Night Tennis, Harrow vs Gorokey, in Harrow
11/12/2017	Martin Thompson, Crowe Horwath re Audit of Kaniva Community Hub
11/12/2017	Harrow CFA Monthly Meeting, Harrow
14/12/2017	DELWP Meeting re Wimmera Drainage Strategy
14/12/2017	Phil Kuhne re Emergency Services
17/12/2017	Harrow Christmas Street Party
19/12/2017	West Wimmera Rural Water Supply Project Steering Committee
20/12/2017	Ordinary Council Meeting, Kaniva

### 5.5 COUNCILLOR BRUCE MEYER

28/11/2017	Kaniva Girl Guides Presentation Night
06/12/2017	Cemeteries Trust Meeting, Kaniva
06/12/2017	Councillor Forum, Kaniva
11/12/2017	Martin Thompson, Crowe Horwath re Audit of Kaniva Community Hub
13/12/2017	Kaniva Museum Committee Meeting





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14/12/2017	Probus Kaniva Christmas Lunch
15/12/2017	Wimmera Regional Library Corporation Board Meeting
15/12/2017	Goroke College Presentation Night – Tyler Hayden Award
20/12/2017	Ordinary Council Meeting, Kaniva

### **5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)**

16/11/2017	Wimmera Regional CEO Meeting, Stawell
16/11/2017	MAV CEO Forum & Dinner, Melbourne
17/11/2017	Cricket Australia, Melbourne
18/11/2017	Edenhope Agricultural Show
18/11/2017	Mullagh Wills Foundation Presentation at Edenhope Show
20/11/2017	Senior Management Group
21/11/2017	Post-Council Staff Meeting
21/11/2017	Mayor Jodie Pretlove
22/11/2017	White Ribbon Ambassador Induction Program, Horsham
22/11/2017	Michael Stewart, Barenji Gadjin, Wail
23/11/2017	Launch of Wimmera Southern Mallee Community Transport Service
27/11/2017	Launch of Act @ Work Action Plan
27/11/2017	White Ribbon Walk, Edenhope
27/11/2017	Geoffrey Lord, Head of Horsham Campus, Federation University
27/11/2017	Mayor Jodie Pretlove
28/11/2017	Community Consultative Committee Meeting re West Wimmera Rural Pipeline Feasibility Study, Harrow
28/11/2017	Public Meeting re Lake Wallace, Edenhope
29/11/2017	Early Years Compact Meeting by video link
29/11/2017	Senior Management Group
30/11/2017	Lake Charlegrark Project Steering Committee
05/12/2017	Senior Management Group
05/12/2017	Mayor Jodie Pretlove
05/12/2017	First XI Meeting re planning for 2018 commemoration events
06/12/2017	Councillor Forum, Kaniva
07/12/2017	Kaniva Hub Committee Meeting
07/12/2017	Farewell Morning Tea for Kellie Jordan
08/12/2017	Grampians Energy Roadmap to 2050, Ararat
11/12/2017	Regional Development Victoria
11/12/2017	Martin Thompson, Crowe Horwath re Audit of Kaniva Community Hub
11/12/2017	Mayor Jodie Pretlove
12/12/2017	Senior Management Group & Managers
12/12/2017	Wimmera Development Association Board Meeting, Horsham
13/12/2017	White Ribbon Ambassador Meeting, Horsham
14/12/2017	Wimmera Regional CEO Meeting, Horsham
18/12/2017	Senior Management Group
18/12/2017	Mayor Jodie Pretlove
19/12/2017	West Wimmera Rural Water Supply Project Steering Committee
20/12/2017	Ordinary Council Meeting, Kaniva



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### 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 Wednesday 15 November 2017, be taken as an accurate record and confirmed.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Tom Houlihan**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 15 November 2017, be taken as an accurate record and confirmed.**

**Carried (4/0)**

### 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 9.0 NOTICES OF MOTION

Nil



## **ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL**

### **10.0 ASSEMBLY OF COUNCILLORS RECORD**

#### **RECOMMENDATION:**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 6 December 2017 be received and noted.**

**Moved: Cr Tom Houlihan**

**Seconded: Cr Trevor Domaschenz**

**That the Assembly of Councillors Record for the Councillor Forum held Wednesday 6 December 2017 be received and noted.**

**Carried (4/0)**

### **11.0 DEPUTATIONS AND PETITIONS**

Nil



## **ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL**

### **12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE**



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### 13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 13.1 POLICY REVIEW: TEMPORARY STREET CLOSURE POLICY

**FILE NUMBER: AD0186**

**REPORT AUTHOR: TERRY OUGH, WORKS MANAGER**

#### **FOR DECISION**

##### Introduction

As a part of West Wimmera Shire Council's (Council) cyclical policy reviews, the Temporary Street Closure Policy (the policy) has recently been reviewed. The policy covers Council controlled roads. The policy does not consider applications for temporary closure of VicRoads controlled roads.

This report tables the reviewed policy for Council's consideration.

##### Declaration of Interests

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

##### Background

Activities that require a local road or street to be closed on a temporary basis include community functions such as procession, public ceremonies and sporting events.

Other major triggers are utility companies requiring access for installation, maintenance or repairs.

Consideration must be made for each event so council can evaluate the impact on residents and the road users taking into account access and detour routes.

Council currently receives a number of requests per annum for street closures including events such as Henley on Lake Wallace, various Christmas street parties, Apsley Alive, the Lake Charlegrark Music Festival and the Harrow Bush Billy Carts.

##### Risk Management Implications

Risks are related to Council as the land managers of the public roads system.

1. Community Events risks



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In relation to events, this risk is mitigated to some extent, by the requirement for the event organiser to have their own liability indemnity cover.

Traffic management is also a risk to Council; mitigated by the requirement of the event organisers to provide a Traffic Management Plan.

NB In many cases Council provides for this as community support.

### 2. Utility works risks

In relation to utility access, the utilities manage the risks on behalf of Council extremely professionally. Generally utilities provide their own traffic management at their cost. Whilst Council could seek reasonable considerations on utility applications for street closures, effectively the various acts relating to each utility require Council to provide permission, through clauses requiring the Coordinating Road Authority NOT to impose various conditions on its consent, ie Council cannot unreasonably withhold consent against an application from a utility.

### Legislative Implications

#### ***Road Management Act 2004***

#### ***Local Government Act 1984***

*Schedule 10 – Powers over roads – discontinuations and closures; temporary roads; fences and gates; vehicle crossings etc.*

*Schedule 11 – Powers over traffic – removal of obstructions; seasonal closures; placement of barriers; restrictions/ prohibitions on traffic*

*Consent for Works in the Road Reserve*

#### ***Section 63 Road Management Act 2004***

*A person must not conduct any works in, on, under or over a road without the written consent of the Coordinating Road Authority (CRA)*

Exceptions:

Works required under law (eg. tree clearance under *Electricity Safety Act 1998*)

Works by the relevant infrastructure manager in an emergency

Works exempt under the regulations (coming up)

Consent for works is different from consent for obstructing a road – see *Section 62 Road Management Act and Local Government Act*

#### ***The Road Safety Act 1986***

*Section 99A – a) persons conducting works on a ‘highway’ must:*  
*have a Traffic Management Plan*

*give appropriate warnings to road users*

*engage properly trained and instructed staff*

*give appropriate directions to workers*

*Section 99A – b) all works on roads and non-roads activities must be conducted in a safe manner*



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### ***The Road Safety (Traffic Management) Regulations 2009***

*Regulation 30 – Application for permit to conduct non-road activity:*

*A person intending to conduct a non-road activity on a highway may apply in writing to the coordinating road authority for the highway for a permit under Section 99B of the Act to conduct that activity on the highway*

*An application under sub regulation (1) must be accompanied by a fee of 5 units*

*A coordinating road authority may waive the whole or any part of the fee for a permit if it considers that the application for the permit provides sufficient confirmation that satisfactorily preparatory arrangements have been made for the non-road activity.*

There are multiple Acts relating to the rights of access by Utility Infrastructure providers in Road Reserves. Some examples include:

*Telecommunications Act 1997 (C'wealth)*

*Gas Industry Act 2001 (Division 4, Part 7)*

*Electricity Industry Act 2000 (Part 5)*

*Water Act 1989 (s137)*

The risk of rights of access by utility providers is mitigated by the procedures for consent in the Temporary Road Closure procedures.

### Environmental Implications

Nil

### Financial and Budgetary Implications

Council's outdoor staff support for traffic management provision is covered under the Corporate and Community Directorate's annual provision community events support budget.

### Policy Implications

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

Temporary Street Closures Policy

### Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.



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- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

### Communication Implications

Utilities are extremely reliable in seeking consent from Council prior to road closures. Community groups are less reliable, and the development of an events support pack/tick list for event organisers would support them in early application to Council enabling Council to provide more timely responses.

### Conclusion

The process of reviewing the Temporary Street Closure policy has assessed Council's position across a number of legislative obligations and officers' experience with community road closure applications. The attached policy and the pending procedure, ensures Council can facilitate appropriate temporary street closures in most cases.

### **OFFICER RECOMMENDATION:**

**That Council adopts the Temporary Street Closure Policy for Council controlled roads.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That Council adopts the Temporary Street Closure Policy for Council controlled roads.**

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
13.1.1	Temporary Street Closure Policy	17/005072

Cr Tom Houlihan left the room at 7.27pm





## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.2 HARROW JOHNNY MULLAGH RECREATION RESERVE NEIGHBOURHOOD SAFER PLACE – PLACE OF LAST RESORT

**FILE NO:** PS0032

**REPORT AUTHOR:** ADRIAN SCHMIDT

**MUNICIPAL FIRE PREVENTION OFFICER (MFPO)**

#### FOR DECISION

#### Introduction

In conjunction with the Country Fire Authority (CFA), West Wimmera Shire Council (Council) is responsible for designating and maintaining Neighbourhood Safer Places - Places of Last Resort (NSP-PLR).

This report seeks Council resolution to designate the NSP-PLR at the Harrow Johnny Mullagh Recreation Reserve, following several years of consultation with the local CFA, community and Council's Municipal Fire Prevention and Emergency Management Committees.

Councillors conducted an onsite inspection of the proposed NSP-PLR with the MFPO, the Planning and Environment Officer and the Executive Assistant of the Director Infrastructure Development and Works on the 22/11/17.

Several issues were discussed,

- The specific location of the NSP-PLR was identified.
- The CFA assessment of the NSP-PLR including the Radiant heat levels that meets the NSP-PLR requirements, when the conditions of grass management is implemented.
- Community education around the purpose of a NSP-PLR.

#### Declaration of Interests

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

#### Background

In June 2010 Council adopted the Neighbourhood Safer Places –Place of Last Resort (NSP-PLR) Plan.

This plan documents the agreed process for the nomination and adoption of any site as a NSP-PLR.



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NSP-PLR suggests that a place can be safe from fire however this is not possible to guarantee. The intent behind the NSP-PLR is to be used when **individual fire plans fail and/or as a place of absolute last resort** where any individuals, including visitors could go.

Discussions about proposals for an NSP-PLR are conducted through Council's Municipal Fire Prevention Management Planning Committee (WWMFMPC) and endorsed by Council's Municipal Emergency Management Planning Committee (WWMEMPC) of which the WWMFPC is a subcommittee. Recommendations from the MEMPC are then forwarded to Council for consideration.

At the 21<sup>st</sup> of November 2013 Ordinary Council meeting Council confirmed that the Harrow Hall was not a suitable venue for a NSP-PLR and therefore was not designated as a NSP-PLR. It was resolved that Council engages with the community at Harrow to discuss possible alternative sites for a Harrow NSP-PLR.

*Moved: Councillor Meyer*

*Seconded: Councillor Jones*

1. *That Council continue to monitor and maintain Apsley and Edenhope Neighbourhood Safer Place – Places of Last Resort sites and registered NSP-PLRs.*
2. *That Council ceases investigation of Lake Charlegrark as a Neighbourhood Safer Place – Place of Last Resort.*
3. *That Council ceases investigation of Harrow Hall as a Neighbourhood Safer Place – Place of Last Resort*
4. *That Council engages with the community at Harrow to discuss possible alternative sites for a Harrow Neighbourhood Safer Place – Place of Last Resort.*

*Carried Unanimously*

Alternative options for Harrow, including a refuge, have been explored (see more detail in communications below. The only site that has passed the CFA and Municipal Committees' assessment process is the Johnny Mullagh Recreation Reserve.

### **Risk Management Implications**

There is a risk to Council if the NSP-PLR does not meet the criteria of a NSP-PLR.

This risk is mitigated by the assessment process; through complying with the CFA assessment of the Harrow Recreation Reserve as a NSP-PLR and by adhering to the assessment process adopted by Council in 2010.

Council has discussed the risk implications if community members do not understand the concept of a place of "last resort".



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This risk would be mitigated with extensive community engagement for the Harrow community in partnership with the CFA.

### **Legislative Implications**

*Emergency Services Legislation Amendment Act 2009* made changes to the *Country Fire Authority Act 1958* and the *Emergency Management Act 1986* requiring the CFA to certify NSP-PLR against CFA Fire Rating Criteria and Victorian Councils to designate, and maintain suitable places as NSP-PLR in their municipal district.

In relation to a NSP-PLR, it is a Local Government decision whether to adopt such nominated sites as places of last resort with each application considered on its individual merits. There is no requirement to have a NSP-PLR.

### **Environmental Implications**

Nil, as the environmental conditions are considered and any action required that affects the environment will be included in the necessary actions required to maintain a NSP-PLR.

### **Financial and Budgetary Implications**

The financial implications to Council are negligible however are dependent on the maintenance requirements of any adopted NSP-PLR. In the case of the Harrow nominated NSP-PLR, the Johnny Mullagh Recreation Reserve Committee of Management has undertaken the maintenance requirements.

### **Policy Implications**

There were no Council policies that directly related.

### **Council Plan Implications**

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

Strategic Objective 5: Thriving, safe and diverse communities.

Action 5.6.1 West Wimmera Shire Council will provide emergency management assistance to residents in areas such as municipal recovery, resource provision and regional emergency planning.

- West Wimmera Shire Council Emergency Management Plan 2015.
- West Wimmera Shire Council Municipal Fire Management Plan 2012-2016
- West Wimmera Shire Council Neighbourhood Safer Places Plan



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### **Communication Implications**

#### Summary of past communications

Following the 23<sup>rd</sup> of November 2013 Council meeting the MFPO attended a community meeting held at Harrow along with the CFA and the Department of Environment Planning and Industry (DEPI). The community were advised that Council had determined the Harrow hall was not suitable for use as a NSP-PLR and the importance of preparing an individual fire plan and to leave early. Advice was also provided that an alternative site would be considered by Council following due assessment process through the Fire and Emergency Management Committees.

In 2016 the MFMPC researched the possibility of a refuge centre. The MFMPC was advised by Michael Boatman of the CFA to have Harrow assessed for potential NSP-PLR sites before investigating refuge centre sites.

A refuge centre could cost approximately \$2,000,000 and would not be offered if Harrow could have a NSP-PLR. There are five (5) refuge centres in Victoria, three (3) in Yarra Ranges Shire Council, one (1) at Moorabool Shire Council and one (1) in Colac Otway Shire Council.

On the 6<sup>th</sup> March 2017, at the MFMPC, meeting it was raised that some properties at the top of the Hill on Edgar's Rd could have possibilities to be used for a NSP-PLR. The MFPO was instructed by the MFMPC to progress and report back the findings.

(NB: The Jilpanger CFA Group Officer (Harrow CFA rep) was present at the meetings, ensuring the two-way communication between the local CFA brigades and the MFMPC.)

Consequently the MFPO contacted Tony Brady (CFA NSP-PLR assessor) to assess Harrow for potential NSP-PLR sites. This is a formal process that is completed online through the CFA NSP-PLR portal.

On the 6<sup>th</sup> June 2017 the MFPO attended an on-site meeting with Tony Brady who assessed the Harrow township for possible NSP-PLR sites. Edgars Road and the Harrow Recreation Reserve were assessed to be non-compliant. The only site that was assessed as suitable was the Johnny Mullagh Recreation Reserve.

On the 14<sup>th</sup> August 2017 the MFPO attended an on-site with the Johnny Mullagh Recreation Reserve Committee President, the Secretary was an apology, and delivered a letter requesting that the Committee undertake the required maintenance of the NSP-PLR.

On the 23<sup>rd</sup> August 2017 Council received correspondence from the Johnny Mullagh Recreation Reserve Committee giving approval for the site to be used as a NSP-PLR and that the committee would be willing to undertake the required works as outlined by the CFA NSP-PLR report.



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On the 20<sup>th</sup> September the MFPO attended a meeting regarding the proposed Wetlands Arboretum at Harrow. In attendance were representatives from Glenelg-Hopkins Catchment Management Authority, Barengi Gadjin Land Council, Department of Environment Land Water and Planning (DELWP), Southern Grampians Shire, West Wimmera Shire and Harrow Landcare along with five (5) other residents of Harrow.

The MFPO advised the attendees that planting of trees near or around the Johnny Mullagh Recreation Reserve may have implications on the proposed NSP-PLR and discussed the requirements and proposal related to the NSP-PLR.

On the 22<sup>nd</sup> September 2017 the MFPO notified Public lands at DELWP of the possibility that the Johnny Mullagh Recreation Reserve may be designated as a NSP-PLR.

On the 12<sup>th</sup> October 2017 Council received correspondence from DELWP confirming that they are arranging approvals for the NSP-PLR to be gazetted.

On the 13<sup>th</sup> October 2017 the MFPO notified DELWP that the NSP-PLR had not been approved by Council at this time and, when and if, it was approved they would be contacted with the go ahead to gazette at that time.

On the 13<sup>th</sup> October 2017 the MFPO met on-site at Harrow with the West Wimmera Shire Municipal Emergency Resource Officer (MERO), CFA Deputy Group Officer, Harrow CFA Captain and the Harrow Police officer. The NSP-PLR relevant procedures required to obtain a NSP-PLR were tabled.

Also discussed were the site location, the requirements that will need to be met by the Johnny Mullagh Recreation Reserve Committee of Management and the river crossing. All were in agreement and no issues were raised, therefore the NSP-PLR was listed on the agenda of the following WWMFMPC meeting. Everyone was encouraged that if any questions arose later, they could get further clarification from the MFPO prior to the WWMFMPC meeting or raise any issues at the meeting. No issues were raised prior to the meeting.

On the 30<sup>th</sup> October 2017 at the WWMFMPC meeting the MFPO discussed the proposed Harrow NSP-PLR and ran through all the requirements that are in the Council Neighbourhood Safer Place Plan 2010. Every point as per part 3 of the plan was discussed. There was also some discussion about radiant heat and the terrain. The responsibility of Council and land ownership.

The WWMFMPC endorsed the Johnny Mullagh Recreation Reserve as a NSP-PLR and to be forwarded to the WWMEMPC for endorsement. **The following resolution was carried with no vote against the recommendation.**

- 1. That the WWMFMPC endorse the Johnny Mullagh Recreation Reserve as a Neighbourhood Safer Places-Places of Last Resort with the following conditions:**



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

- a. That the Johnny Mullagh Recreation Reserve Committee maintains the Johnny Mullagh Recreation Reserve grass to less than 100mm to a minimum distance of 80 meters from the NSP-PLR site location during the fire danger period.
- b. That the Johnny Mullagh Recreation Reserve committee removes any fallen timber within the Johnny Mullagh Recreation Reserve during the fire danger period.
- c. That the Johnny Mullagh Recreation Reserve committee maintains the Harrow Johnny Mullagh Recreation Reserve to the satisfaction of the CFA and the MFPO
- d. Be referred to the WWMEMPC for consideration and endorsement.

On the 13/11/17 at the WWMEMPC the NSP-PLR was endorsed and to be taken to Council for its consideration.

As referred to in the introduction, on the 22/11/17 Councillors and Shire staff meet onsite at the NSP-PLR location at the Johnny Mullagh Recreation Reserve.

### Summary of future communications

If endorsed by Council the designated NSP-PLR will require Government Gazette before officially becoming a NSP-PLR.

Ongoing community education about fire risk, fire plans and Neighbourhood Safer Places-Places of Last Resort is necessary with the CFA as the primary conduit for such information. Council has an updated website to ensure referral to the CFA for this critical communication.

Council will support CFA messaging in all its communications regarding fire and emergency management. Key messages include:

**When your individual fire plan has FAILED** - NSP-PLR is a designated site that the CFA have assessed to be a place to go for personal safety when your individual fire safety plan has failed.

**There is no guarantee that the NSP-PLR site is going to survive a Bushfire attack.**

The NSP-Place of Last Resort **is not** where you go to wait for the fire to pass. The message is that if you have the opportunity to leave before it is too late you must leave.

There may be no emergency services or help at the NSP-PLR, it is a place of last resort that has been assessed by the CFA that will give the individual the best chance of survival in Harrow.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Conclusion

Extensive assessment and communications with all stakeholders including the CFA have assessed the Johnny Mullagh Recreation Reserve and confirmed it is compliant with the conditional that at the NSP-PLR site the grass is mowed to less than 100mm to a distance of 80 meters.

The CFA NSP-PLR assessment has been endorsed by the WWMFMPC at the 30<sup>th</sup> October 2017 meeting and endorsed at the WWMEMPC on the 13/11/17 meeting

- Endorsing the Johnny Mullagh Recreation Reserve as a NSP-PLR is a positive action by Council to support the community during an emergency.
- The Harrow Community has requested that they have a NSP-PLR within the Harrow area via the MFMPC.
- The unsuitability of Harrow Hall, Edgars Road or the Harrow rec reserve as a NSP-PLR is due to non-compliance and unworkable requirements.

The Johnny Mullagh Recreation Reserve meets the CFA requirements with conditions. The need for a Municipal Association Victoria Deed of Consent is not required for the Johnny Mullagh Recreation Reserve as it is an open space on Crown land.

The CFA in there expert opinion have endorsed the site to be compliant when the conditions of grassland management is meet.  
(The Committee of management have agreed in writing to meet the grassland conditions.)

The specific location of the NSP-PLR will be communicated to the Harrow community and a sign displaying the location of the NSP-PLR as per the CFA assessment map will be placed with the NSP-PLR signs at the Johnny Mullagh Recreation Reserve.

Communication to the Harrow community is vital.

This will be addressed by council conducting a town meeting with CFA representatives to advise residents of the importance in having a personal fire plan and the purpose of a NSP-PLR.

Council will deliver pamphlets to all residents through the mail via the Harrow post office.

Harrow NSP-PLR will continue to be monitored and maintained on an annual basis. Council will monitor the NSP-PLR as per the CFA requirements. The Johnny Mullagh Recreation Reserve NSP-PLR will be maintained by the Johnny Mullagh Committee of Management.





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### **OFFICER RECOMMENDATION:**

That Council designate the Neighbourhood Safer Places-Places of Last Resort (NSP-PLR) as identified in the CFA report at the Johnny Mullagh Recreation Reserve with the following conditions:

- a) That the Johnny Mullagh Recreation Reserve Committee maintains the grass to less than 100mm to a minimum distance of 80 meters from the NSP-PLR boundaries on the North South and East sides during the fire danger period.
- b) That the Johnny Mullagh Recreation Reserve committee removes any fallen timber within the Johnny Mullagh Recreation Reserve during the fire danger period.
- c) That the Johnny Mullagh Recreation Reserve committee maintains the Johnny Mullagh Recreation Reserve to the satisfaction of the CFA and the MFPO
- d) That regardless of Council's determination, that community communication (including a public meeting) occur regarding Council's determination.

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Bruce Meyer

That Council refuse designation of the Johnny Mullagh Recreation Reserve NSP-PLR on the basis that the Harrow community's expectation of what an NSP-PLR is designed for is too difficult to counter.

**Carried (3/0)**

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Bruce Meyer

That regardless of Council's determination, that community communication (including a public meeting) occur regarding Council's determination.

**Carried (3/0)**





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### Attachments:

No.	Name	RecFind Ref
13.2.1	Cr Forum 14-11-13 Minutes	13/004757
13.2.2	Ordinary Council Minutes 21-11-13	13/004874
13.2.3	Harrow NSP Edgars Road - no longer being considered	17/002497
13.2.4	Harrow NSP Compliant Assessment Result - CFA 2017 08 02	17/003110

Cr Tom Houlihan returned to the room at 7.31pm.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.3 WEST WIMMERA MUNICIPAL FIRE MANAGEMENT PLAN 2017-2020 (V2)

**FILE NUMBER: AD0201**

**REPORT AUTHOR: MICHELLE ELLIS, EXECUTIVE ASSISTANT,  
INFRASTRUCTURE, DEVELOPMENT & WORKS**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) is required to prepare and maintain a Municipal Emergency Management Plan pursuant to Section 20 (1) of the *Emergency Management Act 1986*, the Emergency Management Manual of Victoria (EMMV) and under Section 55A (1) of the *CFA Act 1958* to develop a Municipal Fire Management Plan.

The report introduces the Municipal Emergency Management Plan to Council for adoption.

##### Declaration of Interests

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

##### Background

Bushfires are a natural part of the landscape of Victoria. Learning from the experiences of bushfire will improve the way we prevent, respond and recover from them.

The Municipal Fire Management Plan (MFMP) is a sub plan of the Municipal Emergency Management Plan (MEMP) and is prepared by the Municipal Fire Management Planning Committee (MFMPC) to ensure that fire prevention, planning, response and recovery programs for our municipality are consistent and holistic.

The purpose of the MFMP is to document the planned and coordinated implementation of actions designed to minimise the occurrence of and mitigate the effect of bushfires on our communities and assets.

Although the MFMP is a three (3) year plan, it is a living document and as such minor administrative amendments will be made from time to time during the lifecycle of the existing MFMP. This has been acknowledged in the resolution of endorsement by both the MFMPC and the MEMP Committees.



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The West Wimmera Municipal Fire Management Planning Committee (WWMFMP) endorsed the Municipal Fire Management Plan 2017-2020 (V2) on the 30<sup>th</sup> of October 2017:

*Extract from the WWMFMP draft minutes 30/10/2017:*

**“That the committee endorses the West Wimmera Municipal Fire Management Plan Version 2.0, subject to any administrative changes received in the next 2 weeks, then forward to the MEMPC for endorsement**

***Moved: Ian Day Seconded: Simon Robertson Carried”***

The West Wimmera Municipal Emergency Management Planning Committee (WWMEMPC) endorsed the Municipal Fire Management Plan 2017-2020 (V2) on the 13<sup>th</sup> of November 2017:

*Extract from the WWMEMPC draft minutes 13/11/2017:*

**“That the WWMEMPC:**

- 1) endorse the WW Municipal Fire Management Plan 2017-2020 subject to any administrative changes and**
- 2) present to Council for consideration and adoption**

***Moved: Craig Brittain Seconded: Darren Welsh CARRIED”***

The reviewed and endorsed Municipal Fire Management Plan 2017-202 (V2) requires Council, as the “custodian” of the MEMP, to accept the sub-plan as a component of Council’s MEMP.

### Risk Management Implications

If the MEMP, including supporting plans and appendices are not reviewed and endorsed by the MEMPC and Council, Council could be found to be in breach of the *Emergency Management Act*.

Additionally in the case of the MFMP the MFMP must also review and endorsed the MFMP sub plan to the MEMP. If Council does not have a current MFMP it could be found to be in breach of the *CFA Act* also.

The risk is mitigated by the review undertaken, the endorsement by the MFMP and the MEMPC and by the receiving and adoption by Council.



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### Legislative Implications

*Emergency Management Act 1986*

*CFA Act 1958:*

*Section 55 Functions of committee*

*The functions of each municipal fire prevention committee shall be—*

*(c) to advise and make recommendations to the municipal council in the preparation of its municipal fire prevention plan;*

*Section 55A Municipal fire prevention plans*

*(1) A municipal council must prepare and maintain a municipal fire prevention plan for its municipal district in accordance with the advice and recommendations of the municipal fire prevention committee.*

*Emergency Management Manual Victoria (EMMV):*

*Section 6a*

“In relation to municipal councils wholly or partly in the Country Area of Victoria, a municipal fire management plan prepared and endorsed in compliance with these guidelines will be deemed to fulfil section 55A of the Country Fire Authority Act 1958 which requires them to have a municipal fire prevention plan with certain defined contents”

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Not commented on

### Policy Implications

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

Business Continuity Policy

Communications Policy

Customer Service Policy

### Council Plan Implications

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

- Strategic Objective 2: Increased community amenity – protect unique values of our rural communities



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- 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

### Communication Implications

Communications prior to the presentation of this report have been extensive; rotating through the Council Emergency Working Group, Council's emergency committees and the emergency Wimmera resource sharing cluster.

Future communications will be the noting at the next MFPMC and MEMPC meetings that the endorsed Municipal Fire Management Plan 2017-2020 has been presented to Council Forum for information.

The Wimmera Emergency Management Resource Sharing Program will also be notified that the endorsed Municipal Fire Management Plan 2017-2020 (V2) has been presented to Council for information.

### Conclusion

The receiving and approval by Council of the Municipal Fire Management Plan 2017-2020 Version 2 as a sub support plan to the Municipal Emergency Management Plan is a basic governance step for Council in its emergency management responsibilities and compliance with the Emergency Management and CFA Acts.

### **OFFICER RECOMMENDATION:**

**That Council receive and approve the Municipal Fire Management Plan 2017-2020 (V2) as a sub support plan to the Municipal Emergency Management Plan 2017-2020.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Tom Houlihan**

**That Council receive and approve the Municipal Fire Management Plan 2017-2020 (V2) as a sub support plan to the Municipal Emergency Management Plan 2017-2020.**

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
13.3.1	MFMP 2017-2020 V2	17/004768



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.4 MUNICIPAL EMERGENCY MANAGEMENT PLAN 2017-2020

FILE NUMBER: AD0201

REPORT AUTHOR: MICHELLE ELLIS, EXECUTIVE ASSISTANT,  
INFRASTRUCTURE, DEVELOPMENT & WORKS

#### FOR DECISION

##### Introduction

West Wimmera Shire Council (Council) is required to prepare and maintain a Municipal Emergency Management Plan pursuant to Section 20 (1) of the *Emergency Management Act 1986*.

This report introduces the reviewed Municipal Emergency Management Plan 2017-2020.

##### Declaration of Interests

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

##### Background

Emergencies can be unpredictable, and can cause loss of life, destruction of property and displacement of communities. Experience shows that good planning for the use of resources, response to emergencies and recovery of affected communities and environments can significantly reduce the stressful effect of an event.

The Municipal Emergency Management Plan (MEMP) is the result of cooperative participation by all emergency management agencies represented at the Municipal Emergency Management Planning Committee (WWMEMPC).

The purpose of the MEMP is to document agreed multi-agency and community arrangements for the prevention of, preparedness for, response to and recovery from emergencies that may occur in our municipality.

It is also a legislated requirement within the MEMP, that Council identify resources and specify how such resources are to be used for or in emergency prevention, response and recovery. The MEMP is supported by various support sub plans and appendices to provide comprehensive reference material.



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The MEMP is a living document and minor administrative amendments will be made during the lifecycle of the current version, however pursuant to Section 21A of the *Emergency Management Act* a major review is undertake every three (3) years prior to submitting to the Victorian State Emergency Service (VICSES) for audit.

The West Wimmera Municipal Emergency Management Plan 2017-2020 is the result of the major tri-annual review and was endorsed by the West Wimmera Municipal Emergency Management Planning Committee (WWMEMPC) on the 13<sup>th</sup> of November 2017:

*Extract from the draft WWMEMPC minutes 13/11/2017:*

**“That the WWMEMPC:**

- 1) endorse the WW Municipal Emergency Management Plan 2017-2020 subject to any administration changes and**
- 2) present to Council for consideration and adoption**

***Moved: Gavin Kelly, Seconded: Darren Welsh, CARRIED”***

West Wimmera Shire Council, as the “custodian” of the MEMP is required to adopt the MEMP 2017-2020.

### Risk Management Implications

If the MEMP, including supporting plans and appendices are not reviewed by the WWMEMPC and endorsed by Council, Council could be found to be in breach of the Emergency Management Act.

The risk is mitigated by the review undertaken, the endorsement by the WWMEMP Committee and by the approval of Council.

### Legislative Implications

*Emergency Management Act 1986*

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Not commented on

### Policy Implications

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



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Business Continuity Policy  
Communications Policy  
Customer Service Policy

### Council Plan Implications

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

- Strategic Objective 2: Increased community amenity – protect unique values of our rural communities
- 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

### Communication Implications

Communications prior to the presentation of this report have been extensive; rotating through the Council Emergency Working Group, Council's emergency committees and the emergency Wimmera resource sharing cluster.

Future communications will be noting at the next WWMEMP Committee that the endorsed MEMP 2017-2020 has been presented to Council Forum for review before formal presentation and adoption at the 19<sup>th</sup> of December 2017 Council Meeting.

The Wimmera Emergency Management Resource Sharing Program will also be notified that the endorsed WW MEMP 2017-2020 (V2) has been presented to Council for review and adoption.

### Conclusion

The receiving of the West Wimmera Municipal Emergency Management Plan 2017-2020 for review and adoption is a basic governance step for Council in its emergency management responsibilities and compliance with the Emergency Management Acts.

### **OFFICER RECOMMENDATION:**

**That Council receive and approve the Municipal Emergency Management plan 2017-2020.**





**ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017**  
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**Moved: Cr Tom Houlihan**

**Seconded: Cr Bruce Meyer**

**That Council receive and approve the Municipal Emergency Management plan 2017-2020.**

**Carried (4/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.4.1	WW MEMP 2017-2020	17/004767



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.5 COUNCIL POLICY REVIEW: TREE PLANTATIONS ON UNUSED ROAD RESERVES POLICY

**FILE NUMBER: AD0208**

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

#### **FOR DECISION**

##### Introduction

This report is to review the current *Tree Plantations on Unused Road Reserves Policy* which was last reviewed in 2015 and is now due.

##### Declaration of Interests

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

##### Background

This attached policy represents a low risk policy for Council. It provides a framework for decision making for Council to allow low risk decisions to be made by officers within the general direction of Council without constant referral back to Council. Departures from Council's endorsed policies are brought to Council through tabled reports. Councillors can then decide to confirm the stated policy or depart from the stated policy in a case by case, exception basis.

Council occasionally receives requests from community organisations and conservation or Landcare groups to plant tree plantations on road reserves. Although the road reserve may be unused at the time of an application to plant plantation trees, this policy ensures that consideration is given to any possible future use a road and the effect the tree plantation may have.

Adjoining landowners are also considered as part of the application process, and will be notified in writing of any proposal to plant plantation trees on an unused road reserve with an invitation to make a submission if they wish to do so.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

The policy framework mitigates the risk to Council of case by case decision making. Departures from Council's endorsed policy will continue to be brought to Council for their decision by exception.

### Legislative Implications

The legislative basis for mandated activities is provided in the policy.

### Environmental Implications

The *Tree Plantations on Unused Road Reserves Policy* will guide Council in achieving the most positive outcomes for any proposed projects that may impact on the environment and give regard to adjoining landowners the Department of Environment Land Water and Planning (DELWP) and any possible future use of the road. It is recommended that a minimum of seven (7) metre width be provided in the centre of the road reserve for possible future use of the road.

Any group responsible for planting tree Plantations on unused road reserves is responsible for the management of weeds for a period of 10 years.

Any tree guards used for seedling trees must be monitored on a regular basis. If any tree guards are dislodged/blown away they must be removed from the road reserve.

### Financial and Budgetary Implications

As a decision making framework, there is an administrative cost to all of the functions underlying the policy however there is little or no additional cost in the actual policy.

### Communication Implications

Adjoining landowners to the unused road reserve should be notified in writing of the application and written consent from DELWP is to be provided with the application for plantation trees on the unused road reserve.

Submissions received from adjoining landowners will be considered by Council. No works in relation to planting plantation trees on unused road reserves will be permitted to be undertaken without written consent from Council.

Where the policy has broader organisational impact, relevant officers will be consulted to ensure that all factors are considered and addressed in any project.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Policy Implications

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

- Tree Plantations on Unused Road Reserves Policy

### Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

### Conclusion

The adoption of this latest review of the attached policies ensures Council's policies have been reviewed and found appropriate for current times.

### **OFFICER RECOMMENDATION**

**That Council adopt the Tree Plantations on Road Reserves Policy.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Tom Houlihan**

**That Council adopt the Tree Plantations on Road Reserves Policy.**

**Carried (4/0)**



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
13.5.1	Tree Plantations on Road Reserves Policy	17/005072



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 13.6 COUNCIL POLICY REVIEW: TREE PLANTING ON WEST WIMMERA SHIRE COUNCIL ROAD RESERVES POLICY

**FILE NUMBER: AD0208**

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

#### **FOR DECISION**

##### Introduction

This report is to review the current *Tree Planting on West Wimmera Shire Council Road Reserves Policy* which was last reviewed in 2015 and is now due.

##### Declaration of Interests

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

##### Background

This attached policy represents a low risk policy for Council. It provides a framework for decision making for Council to allow low risk decisions to be made by officers within the general direction of Council without constant referral back to Council. Departures from Council's endorsed policies are brought to Council through tabled reports. Councillors can then decide to confirm the stated policy or depart from the stated policy in a case by case, exception basis.

West Wimmera Shire Council (Council) occasionally receives requests from community organisations and conservation or Landcare groups to plant trees on Council road reserves. This policy ensures that consideration is given to any possible future use a road and the effect the tree planting may have, particularly on the use and maintenance of the road reserve.

Adjoining landowners are also considered as part of the application process, and will be notified in writing of any proposal to plant trees on a Council road reserve with an invitation to make a submission if they wish to do so.

Council's Works Department will need to be consulted of any proposed tree plantings on Council road reserves to ensure they do not interfere with the operation of the road.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

The policy framework mitigates the risk to Council of case by case decision making. Departures from Council's endorsed policy will continue to be brought to Council for their decision by exception.

### Legislative Implications

The legislative basis for mandated activities is provided in the policy.

### Environmental Implications

The *Tree Planting on West Wimmera Shire Council Road Reserves Policy* will guide Council in achieving the most positive outcomes for any proposed projects that may impact on the environment and give regard to adjoining landowners.

Any group responsible for planting trees on Council managed road reserves is responsible for the management of weeds for a period of 10 years.

Any tree guards used for seedling trees must be monitored on a regular basis. If any tree guards are dislodged/blown away they must be removed from the road reserve.

### Financial and Budgetary Implications

As a decision making framework, there is an administrative cost to all of the functions underlying the policy however there is little or no additional cost in the actual policy.

### Communication Implications

Adjoining landowners to the Council road reserve should be notified in writing of the application and written consent from DELWP is to be provided with the application for plantation trees on the unused road reserve.

Submissions received from adjoining landowners will be considered by Council. No works in relation to planting trees on Council road reserves will be permitted to be undertaken without written consent from Council.

Where the policy has broader organisational impact, relevant officers will be consulted to ensure that all factors are considered and addressed in any project.

### Policy Implications

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

- Tree Planting on West Wimmera Shire Council Road Reserves Policy

### Council Plan Implications



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

### Conclusion

The adoption of this latest review of the attached policies ensures Council's policies have been reviewed and found appropriate for current times.

### OFFICER RECOMMENDATION

**That Council adopt the Tree Planting on West Wimmera Shire Council Road Reserves Policy.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Trevor Domaschenz**

**That Council adopt the Tree Planting on West Wimmera Shire Council Road Reserves Policy.**

**Carried (4/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.6.1	Tree Planting on West Wimmera Shire Council Road Reserves Policy	17/005072





## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### **13.7 ROAD OPENING FOR ACCESS TO DWELLING – BRINGALBERT**

**FILE NUMBER: PS0007**

**REPORT AUTHOR: GILLIAN BRADSHAW**

**MANAGER PLANNING & ENVIRONMENT**

### **FOR DECISION**

#### Introduction

This report is to provide information for West Wimmera Shire Council (Council) consideration on the costs required to construct a road on a surveyed road to facilitate the construction of a dwelling by a landholder.

Council is being asked to consider the contribution required from the landholder towards the cost of the road construction. Refer attached plan.

#### Declaration of Interests

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

#### Background

On 16<sup>th</sup> August 2017 Council received an undated letter from a landholder in Bringalbert for Council to construct a road approximately 830 metres long on an unmade surveyed road so that his son could build a dwelling on an allotment along the road.

The surveyed road is located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart.

The section of road to be constructed is located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart and is currently being leased. The lease would need to be cancelled to facilitate the construction of the surveyed road.

Advice received from a senior officer at the Department for Environment Land Water and Planning (DELWP) is that Council can advise the landholder leasing the road that the road is required to be opened and the lease on that part of the road is to be cancelled.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

All other options for access to the allotment have been investigated and the proposed road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart is the one that requires the least amount of native vegetation to be removed and the shortest length of road to be constructed.

The applicant landowner has advised that he would like the road constructed by autumn next year, March 2018, as the construction of the dwelling is expected to commence shortly after and it is anticipated to be almost complete by spring, October/November 2018.

It should be noted that the landowner will need to apply for a planning permit to construct a dwelling on a small rural allotment, less than 80 hectares in size. His son intends to operate a specialist welding business from the site in the near future and that also will require a planning permit.

A rural road number address will be required for the new dwelling and this will include naming the road as per the Office of Geographic Names requirements “*Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities – 2016*”. Council’s Rates Coordinator is responsible for undertaking the road naming process, which can commence once the road is opened.

Council’s Works Manager has provided an estimate for the construction of the road to the site of the proposed dwelling at a cost of \$41,307.20.

### 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:

- 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.
- A Proprietary Limited company required the upgrade of Don McIntosh Road, Neuarpurr 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.

Other examples of previous applications for road development include:

- A Proprietary Limited company near Kaniva requested the gravel road to the company property be bituminised. This was done with no contribution required from the company.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

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

### Risk Management Implications

Council will be responsible for the maintenance of the road once construction is completed and the road will be added to the Council road management register and asset register.

The road will need to be named so that it can be placed on Council's road register.

### Legislative Implications

The maintenance of the newly formed road will become the responsibility of Council under the *Road Management Act 2004*.

The road will need to be named so that a rural road number can be provided. Council must comply with the Office of Geographic Names requirements for the naming of roads.

### Environmental Implications

The road reserve contains native vegetation, of which approximately 2 Red Gum trees need to be removed. The road will provide a safe access to the allotment containing the new dwelling. Council will need to apply for a planning permit to remove the native vegetation and provide an offset for the trees that need to be removed. This offset will need to be permanently secured.

### Financial and Budgetary Implications

The landowner has been advised that they may be required to contribute towards the cost of the road. The Works manager has provided an estimated cost of \$41,307.20 for the construction of the road to the allotment where the new dwelling will be constructed. This amount may vary slightly due to the site conditions when construction commences.

A planning permit will not be required to remove the necessary native vegetation, but an offset will need to be provided which is permanently secured. The offset is to be provided by the applicant landowner who will also be responsible for the permanent security of the offset area.

### Policy Implications

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



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2020

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

### Communication Implications

Council has to inform DELWP and the landowner that currently leases that part of the road required to be opened, (coloured orange on the attached plan,) that the lease will be cancelled. Adjoining landowners were advised in writing of the proposed road opening and an advert was placed in the local newspaper to allow submissions to be received. No submissions were received.

The landowner that currently leases part of the road to be opened was notified in writing and discussed the matter with the Manager for Planning, advising he had no objections to the road opening.

### Conclusion

The request for the surveyed road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the parish of Bringalbart is to facilitate the construction of a dwelling on an allotment approximately 830 metres along the surveyed road. The landholder is anticipating commencing construction of the dwelling in autumn 2018.

The removal of approximately 2 Red Gums will not require a planning permit, but will require the provision of an offset which will need to be permanently secured. The applicant landowner has verbally agreed to provide the offset area and the permanent protection of the offset area. The surveyed road is currently leased and the lessee will be advised that the lease over that part of the road will need to be cancelled.



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

The Works Manager has provided an estimated cost of \$41,307.20 for the construction of the 830 metres of road to the allotment; this could vary slightly due to conditions at the time of construction. Council has previously requested a contribution of 25% from landholders to construct a road to a new dwelling.

### **OFFICER RECOMMENDATION**

That Council resolve pursuant to Section 204 (1), (2) and (3) of the *Local Government Act 1989* to:

1. Declare the unused, leased, surveyed road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart as being required for public traffic purposes.
2. That the applicant and the adjoining landholders be notified in writing of the proposal to open the road for public traffic purposes.
3. That DELWP be notified in writing of the proposal to open the road for public traffic purposes.
4. That DELWP be advised in writing that the lease be cancelled for that part of the leased road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart.
5. That the applicant landowner pay a 25% contribution towards the cost of the road construction.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Tom Houlihan

That Council resolve pursuant to Section 204 (1), (2) and (3) of the *Local Government Act 1989* to:

1. Declare the unused, leased, surveyed road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart as being required for public traffic purposes.
2. That the applicant and the adjoining landholders be notified in writing of the proposal to open the road for public traffic purposes.
3. That DELWP be notified in writing of the proposal to open the road for public traffic purposes.
4. That DELWP be advised in writing that the lease be cancelled for that part of the leased road located south of part of Crown allotment 41 and north of part of Crown allotment 39 in the Parish of Bringalbart.
5. That the applicant landowner pay a 25% contribution towards the cost of the road construction.

Carried (4/0)



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Attachments:

No.	Name	RecFind Ref
13.7.1	Letter from AW Stephens	17/003115
13.7.2	2 <sup>nd</sup> letter from AW Stephens	17/003115
13.7.3	Estimate for road construction	17/003115
13.7.4	Copy lease over surveyed road	17/003115
13.7.5	Part of road to be opened	17/003115



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 14.0 CORPORATE AND COMMUNITY SERVICES

#### 14.1 ROAD NAME - CHANGE REQUEST – PART MIRAM SOUTH ROAD

**FILE NUMBER: FM0021**

**REPORT AUTHOR: LETTIE KORF, RATES COORDINATOR**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) has received a request to consider renaming part of the Miram South Road.

At the recent Councillor Forum held 6 December 2017 at the Kaniva Council Chambers the essence of this report was presented to Council to outline the process for undertaking a change of road name.

This report now seeks formal Council approval to commence the road change name process via consultation with affected property owners.

##### Declaration of Interests

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

##### Background

Councillor Richard Hicks has requested to investigate the duplication of the Miram South Road north and south of the Western Highway. Cr. Hicks made a suggestion to rename part of the Miram South Road to reduce confusion.

The road in question (Miram South Rd) is located south and north of the Western Highway and is parallel to each other and are less than 1.2km apart. There are 21 properties on Miram South Road, south of the highway and only 3 property owners make use of the rural address as their forwarding mailing address. On Miram South Road, north of the highway have 6 property owners and only 2 make use of the rural address according to Council records.

The following principals in the Guidelines for Geographic Names 2010 and the Naming rules for places in Victoria give justification for Council to consider renaming one or part of the road:



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### **Principal 1(D) Ensuring public safety**

*Geographic names and boundaries must not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services. Many emergency response and other public services (such as mail) are determined by locality boundaries or road extents, and proposals must ensure that operations will not be adversely affected.*

### **Principal 1(D) Ensuring names are not duplicated**

*Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation.*

*Duplication is not allowed within the one locality or within 15 kilometres radius.*

### **Principal 1(E) Directional names to be avoided**

*Cardinal directions (north, south, east and west) must be avoided. A proposed name that uses a cardinal direction to distinguish itself from another similar name is considered to be a duplicate name. In these instances a different name should be chosen to allow for a clear distinction between the two or more features, localities or roads.*

### **Risk Management Implications**

Council may be at reputational risk from members of the public and from emergency services if specific locations cannot be found due to confusing and conflicting road names.

### **Legislative Implications**

Geographic Place Names Act 1998, (*Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016*)

### **Environmental Implications**

Not commented on

### **Financial and Budgetary Implications**

Estimate: \$450.00 (Advertisement, letters and rural road number plates for 3 properties)

### **Policy Implications**

This report is supported by Road and Street Naming Policy





## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### Council Plan Implications

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

- Strategic Objective 3: Quality sustainable community services and infrastructure.

### Communication Implications

The Naming Rules outline the steps and obligations in relation to consultation and communication when a request to name or rename a road/street is received.

Council proposes to consult with affected landholders and residents first via mail and then by follow up face to face consultation where necessary. Public submissions will also be called for.

This will involve the affected landholders and residents being asked for their opinions on a) whether a name change is necessary; and b) what their preferred name for road would be. Council may provide options to the residents as to the new road name.

### Conclusion

It is recommended that Council take steps to rename part of Miram South Road (south of the Western Highway). Council could choose to recommend a name or it may ask for public submissions as part of the consultation process.

### **OFFICER RECOMMENDATION:**

**That Council authorises officers to proceed with the required steps for renaming part of the Miram South Road (south of the Western Highway) to Rideout Road as it is a continuance of Rideout Rd (north of the highway – see pictures below); commencing with public consultation.**

**Moved: Cr Bruce Meyer**

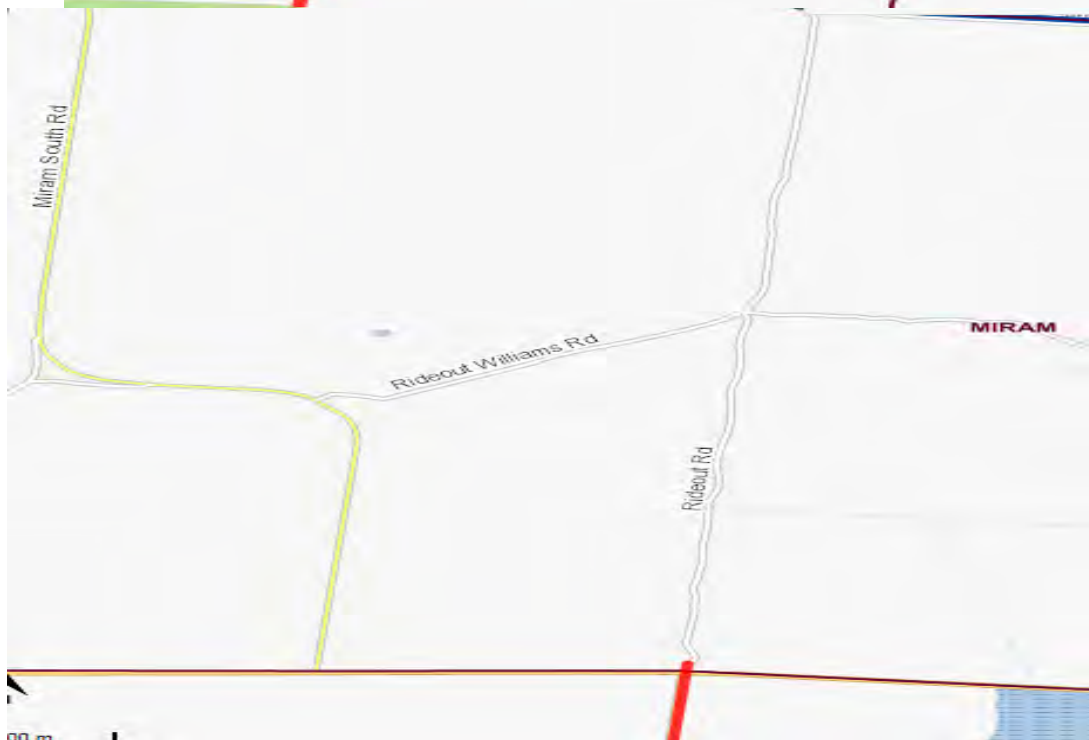
**Seconded: Cr Domaschensz**

**That Council authorises officers to proceed with the required steps for renaming either part of the Miram South Road (both sides of the Western Highway), commencing with public consultation.**

**Carried (4/0)**



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL



Attachments: Nil



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2017), Meeting Procedure and Common Seal Local Law 2017, West Wimmera Shire Council:

#### 28. *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

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 AUSTRALIA DAY AWARDS 2018

#### 17.2 LEASE OF KANIVA AERODROME – CONSIDERATION OF EXPRESSIONS OF INTEREST RECEIVED

#### 17.3 FUNDING FOR COMMUNITY GROUPS TO HOST FIRST XI CELEBRATIONS IN 2018

#### 17.4 CONTRACT: KANIVA CARAVAN PARK CARETAKER CM0468

#### 17.5 CONTRACT: GOROKE LITTLE DESERT NATURE PLAYSPACE PROJECT CM0464

#### 17.6 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – OUT OF SCOPE WORKS

#### 17.7 REQUEST FOR LOAN FROM HARROW FIRST XI 1868 INC COMMITTEE

#### 17.8 KANIVA HUB FUNDING



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Trevor Domaschenz

**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 7:50pm to resolve on matters pertaining to the following items:**

**17.1 AUSTRALIA DAY AWARDS 2018**

**17.2 LEASE OF KANIVA AERODROME – CONSIDERATION OF EXPRESSIONS OF INTEREST RECEIVED**

**17.3 FUNDING FOR COMMUNITY GROUPS TO HOST FIRST XI CELEBRATIONS IN 2018**

**17.4 CONTRACT: KANIVA CARAVAN PARK CARETAKER CMO468**

**17.5 CONTRACT: GOROKE LITTLE DESERT NATURE PLAYSPACE PROJECT CM0464**

**17.6 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – OUT OF SCOPE WORKS**

**17.7 REQUEST FOR LOAN FROM HARROW FIRST XI 1868 INC COMMITTEE**

**17.8 KANIVA HUB FUNDING**

**Carried (4/0)**

### **RECOMMENDATION**

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



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Trevor Domaschenz

**That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 8:46pm.**

**Carried (4/0)**

### **17.1 AUSTRALIA DAY AWARDS 2018**

- 1. [Confidential]**
- 2. That the names of the Australia Day Award 2018 winners remain confidential until the awards are presented on Friday 26 January 2018.**

### **17.2 LEASE OF KANIVA AERODROME – CONSIDERATION OF EXPRESSIONS OF INTEREST RECEIVED**

**That Council resolve to enter into a lease agreement to lease the Council owned property located at Yearinga Road Kaniva, known as the ‘Kaniva Aerodrome’, to BH, WM, JH & TP Meyer for a period of 5 years at a rental of \$300.00 p.a (inclusive of GST) with the tenants wholly responsible for the payment of the fire services levy.**

### **17.3 FUNDING FOR COMMUNITY GROUPS TO HOST FIRST XI CELEBRATIONS IN 2018**

**That Council allocate \$11,000 of events funding to both the Edenhope and Harrow committees (\$22,000 total funds) to assist in the planning and hosting of events to honour the First XI 150 year anniversary.**



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### **17.4 CONTRACT: KANIVA CARAVAN PARK CARETAKER CM0468**

- 1. That Council accepts the tender submitted by Braml Enterprises Pty Ltd for Contract CM0468 “Kaniva Caravan Park Caretaker” in accordance with the specifications of Contract CM0468 at the monthly tendered rate of \$1,581.73.**
- 2. That the Contract Agreement Documents for Contract CM0468 “Kaniva Caravan Park Caretaker” be signed and sealed by Council following their preparation.**

### **17.5 CONTRACT: GOROKE LITTLE DESERT NATURE PLAYSPACE PROJECT CM0464**

- 1. That Council accepts the tender submitted by Landscape IT for Contract CM0464 “Goroke Little Desert Nature Playspace Project” in accordance with the specifications of Contract CM0464 with the contract cost to be negotiated and contained with the project budget of \$257,480.00.**
- 2. That the Contract Agreement Documents for Contract CM0464 “Goroke Little Desert Nature Playspace Project” be signed and sealed by Council following their preparation.**
- 3. That Council authorises the Goroke Little Desert Nature Playspace Project Manager to negotiate with the tenderer and local stakeholders to reduce costs of the overall project wherever practical to bring the project back to budget forecast, while maintaining the project outcomes required.**

**That Council be given a report on the cost of the design works for this project, how it has been paid, and where it has been apportioned against the annual budget.**



## ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL

### 17.6 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – OUT OF SCOPE WORKS

**In relation to the Fullerton's Road Flood Recovery Project – Out of Scope Works:**

- 1) That the following cost recovery principles be applied:
  - a) The liability loss of \$4,684.03 be deducted from the out of scope works cost of \$47,304.43 (being 1677 square metres @ \$28.31 per square metre at the Flood Recovery Rate), reducing the total to \$42,620.40.
  - b) The amount of \$16,434.60 (being 1677 square metres @ \$9.80 per square metre at the Shire Rate) be deducted from the out of scope works cost, reducing the total to \$26,185.80.
  - c) The remaining total of \$26,185.80 be recovered as follows:

Shepherds 50%	\$13,092.90
WWSC - 1/3 of 50%	\$ 4,364.30
McClure Earthmoving Harrow MEH - 1/3 of 50%	\$ 4,364.30
Warners Earthmoving – 1/3 of 50%	\$ 4,364.30
- 2) That the Chief Executive Officer facilitates the provision of a complete and comprehensive Confidential Report to the Ordinary Meeting of West Wimmera Shire Council, to be held in the Kaniva Council Chamber on 21 February 2018, which identifies all previous advice given to Councillors and all arrangements made to recover monies in relation to out of scope contract works for the Fullerton's Road flood recovery project.
- 3) That the report will provide a thorough narrative and chronology about the information provided, events that have taken place, and the financial recovery processes put in place.
- 4) That the West Wimmera Shire Council portion of costs be allocated from roadworks maintenance in the 2017/18 budget.

### 17.7 REQUEST FOR LOAN FROM HARROW FIRST XI 1868 INC COMMITTEE

1. That Council agrees to authorise officers to facilitate a loan of \$15,000 to the First XI 1868 Inc. committee to be used to secure performers by way a security deposit to perform at the music event in Harrow on 11 March 2018.
2. That an agreement be developed to include a repayment schedule.



## **ORDINARY COUNCIL MEETING MINUTES – 20 DECEMBER 2017 WEST WIMMERA SHIRE COUNCIL**

### **17.8 KANIVA HUB FUNDING**

**That Council resolves to enter into a repayment schedule agreement with the Kaniva Leeor United Football Club which enables the club to repay the principal amount of \$200,000 to Council under the following terms:**

- 1. Council meet with the KLFU in February 2018 to negotiate and draft a formal and legal agreement with the KLFC based on the following terms.**
- 2. That the first two years be interest free;**
- 3. That there be a minimum repayment to Council from the Kaniva Leeor United Football Club of 20% (\$40,000) of the original principal amount over the first two years of the agreement (details in the agreement payment schedule to be included in the agreement;**
- 4. That Council have the right to charge interest at the statutory interest rate applicable in that year for any missed payments;**
- 5. That Council and the Kaniva Leeor United Football Club begin negotiations for the terms of the remaining 8 years of the repayment period, including what interest rate may apply, not later than 18 months from the date of signing the agreement.**

### **17.9 CEO PERFORMANCE APPRAISAL – OCTOBER 2017**

**That:**

- 1. Council accept the CEO Performance Appraisal Report prepared by Mr Philip Shanahan on 31 October 2017.**
- 2. Council accept and act on all recommendations contained in the report.**

**MEETING CONCLUDED:**

**8:46PM**

**NEXT MEETING:**

**21 FEBRUARY 2018  
KANIVA COUNCIL CHAMBER**