



## COUNCIL MEETING AGENDA – 16 JUNE 2021 WEST WIMMERA SHIRE COUNCIL

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<b>TO BE HELD:</b>	<b>Wednesday 16<sup>th</sup> June 2021</b>
<b>LOCATION:</b>	<b>Edenhope Council Chamber &amp; Microsoft Teams</b>
<b>COMMENCEMENT:</b>	<b>2.00pm</b>
<b>PUBLIC ACCESS:</b>	<b>Closed to the Public – A recording will be uploaded to the website post meeting.</b>

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<b>REQUIRED TO ATTEND:</b>	
<b>Councillors</b>	<b>Senior Management Group</b>
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor	David Bezuidenhout Interim Chief Executive Officer (CEO)
Trevor Domaschenz Tom Houlihan	Vin McKay Director Corporate & Community Services (DCCS)
Tim Meyer	John Griffiths Acting Director Infrastructure Development & Works (DIDW)

*The West Wimmera Shire Council Governance Rules set out the meeting procedure rules for this Council Meeting.*

*Members of the public are reminded that they are required to remain silent during this meeting, except during Section 4.0 Questions from the Gallery.*

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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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### 1.0 WELCOME

#### ACKNOWLEDGEMENT:

The West Wimmera Shire Council acknowledges the traditional custodians of the land on which we meet, and pays respect to their elders, past, present and emerging.

#### OFFICER RECOMMENDATION:

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian Governments, public access to this meeting will be limited to online access.

### 2.0 OPENING PRAYER – CEO

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

### 3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

#### 3.1 APOLOGIES

#### 3.2 LEAVE OF ABSENCE

#### 3.3 DECLARATION OF CONFLICT OF INTEREST

*All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 2020 with regard to Conflict of Interest disclosures.*



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

#### 4.1 WRITTEN QUESTIONS ON NOTICE

*Governance Rules – Division 8 Section 53:*

*53.4 Questions submitted to Council can be submitted as follows:*

*53.4.1 In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and*

*53.4.2 Placed in the receptacle designated for the purpose at the place of the meeting at least two hours prior to the Council meeting, or be lodged electronically at the prescribed email address at least two hours prior to the Council meeting.*

*53.5 No person may submit more than two questions at any one meeting.*

The Question on Notice template is available from the Edenhope and Kaniva Council Offices, and from Council's website.

Written Questions on Notice submitted to Council no later than the deadline of 5:00pm on the Monday in the previous week to the relevant Council Meeting, will be included in the Agenda.

Written Questions on Notice submitted subsequent to that deadline can be lodged electronically to [govmanager@westwimmera.vic.gov.au](mailto:govmanager@westwimmera.vic.gov.au), no later than two hours prior to the Council Meeting.

#### **RECOMMENDATION:**

**That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.**



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### 4.2 VERBAL QUESTIONS WITHOUT NOTICE

*Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, following the removal of standing orders and when prompted by the Mayor (Governance Rules Division 8 S53.4.3)*

*Members of the Gallery providing verbal questions without notice at a Council Meeting must state their name, to be recorded in the minutes (Governance Rules Division 8 S53.4.4)*

*No person may submit more than two questions at any one meeting (Governance Rules Division 8 S53.5)*

### **RECOMMENDATION:**

**That Council resume Standing Orders.**



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### **5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS TO GOVERNANCE SUPPORT OFFICER PRIOR TO AGENDA BEING ISSUED**

#### **5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)**

21/05/2021 MAV State Council Meeting  
27/05/2021 Rural Council Victoria Rural Summit  
02/06/2021 Councillor Forum  
03/06/2021 VAGO Performance Audit Meeting  
09/06/2021 Council Meeting – Budget Submissions  
10/06/2021 Dept of Transport Meeting – Michael Bailey  
11/06/2021 Wimmera Regional Library Board Meeting  
15/06/2021 Audit & Risk Committee Meeting  
16/06/2021 NWMA AGM & Ordinary Meeting  
16/06/2021 SMG Agenda Review  
16/06/2021 Council Meeting

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

24/05/2021 Wimmera Primary Care Partnership Committee of Management Meeting  
28/05/2021 Public Budget Submissions – Special Meeting  
02/06/2021 Councillor Forum  
09/06/2021 Council Meeting – Budget Submissions  
15/06/2021 Audit & Risk Committee Meeting  
16/06/2021 SMG Agenda Review  
16/06/2021 Council Meeting

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

28/05/2021 Public Budget Submissions – Special Meeting  
02/06/2021 Councillor Forum  
09/06/2021 Council Meeting – Budget Submissions  
16/06/2021 SMG Agenda Review  
16/06/2021 Council Meeting



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### **5.4 COUNCILLOR TIM MEYER**

28/05/2021 Public Budget Submissions – Special Meeting  
02/06/2021 Councillor Forum  
09/06/2021 Council Meeting – Budget Submissions  
16/06/2021 SMG Agenda Review  
16/06/2021 Council Meeting

### **5.5 COUNCILLOR TOM HOULIHAN**

28/05/2021 Public Budget Submissions – Special Meeting  
02/06/2021 Councillor Forum  
09/06/2021 Council Meeting – Budget Submissions  
16/06/2021 SMG Agenda Review  
16/06/2021 Council Meeting

### **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**





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**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING–  
19 MAY 2021**

**RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday 19 May 2021 be taken as an accurate record and confirmed.**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

**9.0 NOTICES OF MOTION**

**10.0 COUNCILLOR FORUM RECORD – 5 MAY 2021**

**RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday 5 May 2021 be received and noted.**

**11.0 DEPUTATIONS AND PETITIONS**



## 12.0 INFRASTRUCTURE DEVELOPMENT & WORKS

### 12.1 PROPOSED TREE REMOVAL – WENDY GARTON

**FILE NUMBER: PS0389**

**REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER**

#### FOR DECISION

##### Introduction

Consideration of a report on a street tree removal application received from Wendy Garton of 121 Elizabeth Street Edenhope, for the removal of one large Gum tree in the road pavement adjacent to her property.

##### Background

This tree is a large Gum tree and is situated on the sealed road pavement adjacent a block of units at 121 Elizabeth Street Edenhope. The tree is very well established and is quite old.

The tree removal request for this tree was received from Wendy Garton dated 15 January 2021.

This request has been referred to Council as it is an aged and significant tree, and where there is a request for removal of such tree, and if in doubt, it should be referred to Council.

##### Risk Management Implications

Any street tree can pose a potential risk to the general public, however this risk is mitigated through Council's street tree management program through its periodic inspections and maintenance program.

There are transmission powerlines on the south side and the tree in question has been trimmed by Powercor several times in the past.

The applicant has stated the primary risk as flooding in the back yard due to the water being unable to drain away in the street kerb & channel.

##### Legislative Implications

Compliance with the Electrical Safety Victoria (Electric Line Clearance) Regulations 2010.

##### Environmental Implications



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This tree has been trimmed on the south side to allow clearance from adjacent power lines. The trees removal would have a negative impact on the streetscape, as there are no other similar sized tree in close proximity to provide valuable shade in summer.

### Financial and Budgetary Implications

The cost of the tree removal will be allocated against the street tree vegetation removal budget if Council decided that the tree is to be removed.

Cost of removal	\$1,200.00
Cost of stump removal	\$400.00
Total Cost	\$1,600.00

### Policy Implications

The application for removal of this tree has been assessed and it does not fall within clause 5.2.1 - Tree Removal criteria in Council's Street Tree Policy.

### 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

A tree removal request was received from Wendy Garton on 15 January 2021 stating that *"this tree is located in the bitumen on the side of the main road. It's leaves and twigs are blowing into my yard and spouting requiring constant cleaning and the gutters in the street at front are continually blocked and stopping the flow of the water from the stormwater pipe from my unit which causes the water to be unable to get away, and my elderly tenant having her backyard flooded which unables her to get to clothes line."*

As the applicants reason for removal is based primarily on the stormwater drainage issue, Council has undertaken a brief survey to ascertain the lifting of the kerb & channel and what would be required to rectify this issue, as the tree removal alone would not solve the drainage problem. The result is that approximately 20 lineal metres of kerb & channel would need to be replaced at an estimated cost of \$3500 - \$4000.

A Council tree risk assessment was carried out on 20 May 2021 stating that tree is mature aged and in good condition, and that there are no current risks with Powercor pruning carried out as required.

### Conclusion



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This Gum tree is very well established and is quite old, and in a healthy condition offering good shade value. This is the only significant shade tree along this section of Elizabeth street.

While the applicant has requested its removal, it does not meet the criteria, particularly when the primary reason is the kerb & channel preventing the flow of water.

It is recommended that Council replaces the relevant section of kerb & channel to alleviate the drainage issue affecting Wendy Garton's property.

The Council risk assessment has stated that there are no current risks with this tree.

If Council decides to remove the tree, consideration may be given to a street tree planting program through this section of Elizabeth Street where there is room for additional planting.

### **OFFICER RECOMMENDATION:**

- 1. That Council does not approve of the tree removal request from Wendy Garton to remove the Gum tree adjacent to her property at 121 Elizabeth Street Edenhope, and that the relevant section of kerb & channel is replaced to alleviate the drainage issue.**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
12.1.1	Tree Removal Request Garton	C21/4232
12.1.2	Council Tree Removal Report	C21/4236
12.1.3	Tree Risk Assessment	C21/4237
12.1.4	Map	C21/4238
12.1.5	Photos	C21/4239



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### 13.0 CORPORATE & COMMUNITY SERVICES

#### 13.1 REVENUE AND RATING PLAN

**FILE NUMBER: FM002**

**REPORT AUTHOR: LEILANI DAWES, RATES COORDINATOR, MELANIE JORDAN, FINANCE COORDINATOR**

#### FOR DECISION

##### Introduction

West Wimmera Shire Council (Council) is required to adopt a Revenue and Rating Plan (The Plan) by 30 June 2021 in accordance with s93 of the *Local Government Act 2020*.

The Revenue and Rating Plan will repeal, replace and incorporate the existing Rating Strategy and extend the scope to include other Revenue sources.

The Revenue and Rating Plan forms part of the integrated planning framework. It governs how Council will generate income from a variety of sources for the coming 4-year period, and integrates with the Community Vision, Council Plan, Asset Plan, Annual Budget and Long Term Financial Plan.

The Plan does not dictate the quantum of rates and revenue available to Council but the framework, strategy and basis for generation of income sources.

Following Community Engagement, The Plan as attached, is presented to Council for decision, with view to adopt at the June Council Meeting.

##### Declaration of Interests

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

##### Background

The Revenue and Rating Plan will include the rating system. A rating is developed to provide a fair and equitable system for all ratepayers.

The rating system details the rating structure and outlines the charges included for consideration, along with the legislative framework applicable as imposed by the *Local Government Act 1989*. The rating system determines how Council will raise money from



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properties and the proportion contributed by each property but does not dictate the total amount to be raised.

The *Local Government Act 1989* allows Council to determine the distribution of the rates and charges across the community through General Rates, Municipal Charges, Service Fees and Charges and Special Rates and Charges. There are options for rebates and early payment incentives.

Council was presented with the rating options available under the *Local Government Act 1989* at the February 2021 Council Forum. In the February 2021 Council Meeting, Council provided guidance for the rating strategy detail to be included in The Plan including:

- Service Fees and Charges s162: Council seeks full cost recovery through service fees and charges for waste recovery under a ‘User Pays’ Principal.
- Special Rates and Charges s163: No Special Rates and Charges will be levied.
- Incentives for Prompt Payment s168: No Incentives for Prompt Payment will be offered.
- Rebates and Concessions s169: No Additional Rebates or Concessions will be Levied.
- Rate Capping Part 8A: No Application for Higher Rate Cap will be made
- Municipal Charge s159: Maintain a municipal charge
- Valuation System s157: Continue with Capital Improved Valuation Base.
- General Rates s160, s161: Continue with a uniform general rate.

The Plan puts these recommendations into practice with regards to Council’s rating system.

The Plan also details how and when other revenue opportunity will be generated, including grants, fees and charges (user and statutory), contributions, interest on investments and borrowings.

The Plan has been developed in accordance with the *Local Government Act 2020* s9 overarching governance principles and supporting principles.

### Risk Management Implications

The Rating Strategy provide guidance on how Council’s rating system will impose rates within stipulated thresholds and legislation.

### Legislative Implications

*Charter of Human Rights and Responsibilities Act 2006*  
*Local Government Act 1989*  
*Local Government Act 2020*  
*Local Government (Planning and Reporting) Regulations 2020*  
*Penalty Interest Rates Act 1983*  
*Valuation of Land Act 1960*



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*Electricity Industry Act 2020*  
*Fire Service Property Levy Act 2012*  
*Cultural and Recreational Lands Act 1963*  
*Gender Equality Act 2020*  
*Domestic Animals Act 1994*  
*Planning and Environment Act 1987*  
*Planning and Environment (Fees) Regulations 2016*  
*Subdivision (Fees) Regulations 2016*  
*Monetary Units Act 2004*  
*Environment Protection Act 2017*  
*Food Act 1984*  
*Public Health and Wellbeing Act 2008*  
*Residential Tenancies Act 1997*

### Environmental Implications

Nil

### Financial and Budgetary Implications

The Plan will shape how Council generates revenue for the next 4 years. It will not determine how much can be raised but establish a transparent framework for determining rates, fees and charges ensuring predictable, consistent revenue for the future.

The Plan will support Council in meeting its obligations of economic sustainability and ongoing financial viability in accordance with Section 9(2)(c) and (g) of *Local Government Act 2020*. Once adopted the Revenue and Rating Plan will be used to guide the development of future budgets of Council.

### Policy Implications

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

Asset Capitalisation Policy  
Asset Disposal Policy  
Asset Management Policy  
Asset Management Strategy  
Borrowings Policy  
Business Continuity Policy  
Community Engagement Policy  
Council Grants Policy  
Council Major Hall Hire Policy  
External Hire of Plant Policy  
Rate Recovery & Financial Hardship Policy  
Council Major Hall Hire Policy  
External Hire of Plant Policy



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### Council Plan Implications

Council is currently working towards developing a Community Vision and new Council Plan, extensive community consultation is being carried out to inform these documents. Until the new Council Plan is in place (due October 2021), the Rating and Revenue Plan has been prepared on the existing strategic objectives of the Council Plan and will feed into Council's budgeting and long-term financial planning documents.

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.
- 

### Communication Implications

Community engagement of The Plan has been undertaken in alignment with the Community Engagement Policy.

The community engagement strategy is detailed in Section 5 of the plan.

Level of Engagement: Consult

Type of Engagement: Participatory (submissions)

Draft Revenue and Rating Plan prepared by officers;  
Draft Revenue and Rating Plan placed on public exhibition calling for public submissions;  
Community engagement through local news outlets, website publication, customer service hard copies and social media;  
Consideration of public submissions; and  
Present the Draft Revenue and Rating Plan, with any revisions, to the June Council meeting for adoption.

No submissions were received during the consultation period, the Plan as attached has had no amendments from the draft endorsed at the May Council meeting.

### Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020)





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### Conclusion

The Plan defines Council's revenue raising framework for the next four years and is required to be adopted by 30 June 2021 in accordance with the *Local Government Act 2020*. The Plan received no feedback during community engagement and no changes have been made since the endorsement for consultation at the May Council Meeting. The Plan is now presented to Council with the recommendation to adopt.

### **OFFICER RECOMMENDATION:**

#### **That Council:**

**1. Adopt the Revenue and Rating Plan, appended as Attachment.**

#### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.1.1	Revenue and Rating Plan	
13.2.1	Gender Impact Statement	



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**14.0 LATE ITEMS OF BUSINESS**

**Pursuant to West Wimmera Shire Council Governance Rules – Division 3 Section 20:**

***20. Urgent Business***

***If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council, and only then if it:***

***20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and***

***20.2 cannot safely or conveniently be deferred until the next Council meeting.***

**OFFICER RECOMMENDATION:**

**That Council consider the following late items of business:**

**14.1 2021/22 BUDGET REPORT**

**FILE NUMBER:**

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

**MEETING CONCLUDED:**

**NEXT MEETING:**

**21 JULY 2021  
KANIVA COUNCIL CHAMBER**