



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday, 17<sup>th</sup> August 2022

**LOCATION:** Kaniva Council Chambers

**COMMENCED:** 2.05pm

**PUBLIC ACCESS:** Open to the public and Live Streaming from  
Council's website [www.westwimmera.vic.gov.au](http://www.westwimmera.vic.gov.au)

IN ATTENDANCE:	
Councillors	Executive Leadership Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tim Meyer Tom Houlihan	David Bezuidenhout Chief Executive Officer (CEO)  Ram Upadhyaya Director Infrastructure, Development and Works (DIDW)  James Bentley Director Corporate and Community Services (DCCS)
	<b>Senior Leadership Group</b>  Katie Frost Governance Manager  Kiara Silvester EA to CEO

*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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## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

#### 1.1 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.

#### 2.0 OPENING PRAYER

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

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

#### 3.1 APOLOGIES

Nil

#### 3.2 LEAVE OF ABSENCE

Nil

#### 3.3 DECLARATION OF CONFLICT OF INTEREST

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

None received



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 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 [KatieFrost@westwimmera.vic.gov.au](mailto:KatieFrost@westwimmera.vic.gov.au), no later than two hours prior to the Council Meeting.

None received.



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

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Tom Houlihan**

**That Council suspend Standing Orders at 2.09pm for the purpose of receiving questions without notice from the members of the Gallery.**

**Carried (5/0)**

No verbal questions received.

### **RECOMMENDATION:**

**That Council resume Standing Orders.**

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Tom Houlihan**

**That Council resume Standing Orders at 2.09pm.**

**Carried (5/0)**



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### **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)**

21/07/2022 Senior Leadership Team Conference Networking  
22/07/2022 CEMAC Meeting  
22/07/2022 Unscheduled Council Meeting (CEMAC)  
03/08/2022 Councillor Forum  
08/08/2022 Goroke Kinder Yard Opening Ceremony  
09/08/2022 Income Protection Discussion  
17/08/2022 Cemeteries Trust Meeting  
17/08/2022 Council Meeting

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

21/07/2022 Senior Leadership Team Conference Networking  
22/07/2022 CEMAC Meeting  
22/07/2022 Unscheduled Council Meeting (CEMAC)  
03/08/2022 Councillor Forum  
~~16/08/2022 Wimmera Mallee Tourism~~  
17/08/2022 Cemeteries Trust Meeting  
17/08/2022 Council Meeting

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

17/06/2022 West Grampians Rural Water Pipeline Community Consultative Committee Meeting  
26/07/2022 Wimmera Mallee Tourism Meeting  
26/07/2022 Wimmera Development Association Meeting  
03/08/2022 Councillor Forum  
09/08/2022 Income Protection Discussion  
13/08/2022 Sheepdog Trial and Yard Utility Farm Dog Trial, Edenhope  
17/08/2022 Cemeteries Trust Meeting  
17/08/2022 Council Meeting

#### **5.4 COUNCILLOR TIM MEYER**

22/07/2022 CEMAC Meeting  
22/07/2022 Unscheduled Council Meeting (CEMAC)  
~~29/07/2022 Wimmera Southern Mallee Regional Transport Group (WSM RTG)~~  
03/08/2022 Councillor Forum



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12/08/2022 Rail Freight Alliance Meeting  
17/08/2022 Cemeteries Trust Meeting  
17/08/2022 Council Meeting

### 5.5 COUNCILLOR TOM HOULIHAN

22/07/2022 CEMAC Meeting  
22/07/2022 Unscheduled Council Meeting (CEMAC)  
03/08/2022 Councillor Forum  
09/08/2022 Income Protection Discussion  
17/08/2022 Cemeteries Trust Meeting  
17/08/2022 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

Mayor Tony Driscoll, Northern Grampians Shire Council

Councillors expressed their condolences on the passing of Mayor Tony Driscoll. Tony was extremely well-respected, and a very genuine, decent and humble man. He was an outstanding Councillor and a great advocate for his Shire and was one of the most respected people in Local Government. His loss will be felt throughout his Shire as well as within Local Government. All of our thoughts are with the family.

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Tom Houlihan**

**That Council send a letter of condolence to the Northern Grampians Shire Council and the family of Mayor Tony Driscoll, Northern Grampians Shire Council.**

**Carried (5/0)**





## **COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL**

### **7.0 CONFIRMATION OF MINUTES FROM PREVIOUS COUNCIL MEETING – WEDNESDAY 20<sup>TH</sup> JULY 2022**

#### **RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday, 20<sup>th</sup> July 2022 be taken as an accurate record and confirmed.**

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Tim Meyer**

**That the Minutes of the Council Meeting held on Wednesday, 20<sup>th</sup> July 2022 be taken as an accurate record and confirmed.**

**Carried (5/0)**

### **8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

### **9.0 NOTICES OF MOTION**

Nil

### **10.0 CONFIRMATION OF THE MINUTES FROM UNSCHEDULED COUNCIL MEETING AND COUNCILLOR FORUM RECORD**

#### **10.1 CONFIRMATION OF MINUTES FROM UNSCHEDULED COUNCIL MEETING (CEMAC) – FRIDAY 22<sup>ND</sup> JULY 2022**

#### **RECOMMENDATION:**

**That the Minutes of the Unscheduled Council Meeting held on Friday, 22<sup>nd</sup> July 2022 be taken as an accurate record and confirmed.**



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**Moved: Cr. Tim Meyer**

**Seconded: Cr. Jodie Pretlove**

**That the Minutes of the Unscheduled Council (CEMAC) Meeting held on Friday, 22<sup>nd</sup> July 2022 be taken as an accurate record and confirmed.**

**Carried (4/1)**

**1 abstention**

### **10.2 CONFIRMATION OF COUNCILLOR FORUM RECORD – 3RD AUGUST 2022**

#### **RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday 3<sup>rd</sup> August 2022 be received and noted.**

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Tom Houlihan**

**That the Record for the Councillor Forum held Wednesday 3<sup>rd</sup> August 2022 be received and noted.**

**Carried (4/1)**

**1 abstention**

### **11.0 DEPUTATIONS AND PETITIONS**

Nil

### **12.0 CHIEF EXECUTIVE OFFICER**

Nil

### **13.0 CORPORATE AND COMMUNITY SERVICES**

Nil



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 14.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

#### 14.1 PROJECT STEERING COMMITTEES – ADVICE FROM LOCAL GOVERNMENT INSPECTORATE

**FILE NUMBER:**

**REPORT AUTHOR: SARAH ELLIS, MANAGER INNOVATION & PROJECTS**

#### **FOR DECISION**

##### Introduction

On the 29<sup>th</sup> and 30<sup>th</sup> June 2022, the representatives of the Local Government Inspectorate (the Inspectorate) visited West Wimmera Shire Council offices to review the recommendations from their report from November 2018: 'Protecting Integrity: West Wimmera Shire Council Examination'. Council is yet to receive a report from their recent visit, however one of the issues which was discussed, was the practice of Councillors being appointed to Council project steering committees.

Council has since received an email from the Inspectorate recommending the following:

*'The Inspectorate would recommend the review of the intent of the previous Council resolution with the aim of discontinuing such a practice to maintain the integrity, impartiality transparency and accountability of Council decisions and implementation in line with good governance practice.'*

##### Declaration of Interests

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

##### Background

At its meeting on 18 July 2018, Council resolved the following:

**Moved: Cr Richard Hicks**

**Seconded: Cr Trevor Domaschenz**

**That the Council appoint a Councillor representative to attend steering committee meetings for all major projects involving WWSC and that all meetings be noted in the Councillor Diary.**

**Carried (5/0)**



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While this may be seen as a practice which enhances accountability and due diligence on behalf of Council, project steering committees are predominately established for the purpose of implementing the resolution of Council and in the main it is a means to action operational matters and associated decisions. Accordingly, the Inspectorate recommends the review of the intent of the previous Council resolution with the aim of discontinuing such a practice to maintain the integrity, impartiality transparency and accountability of Council decisions and implementation in line with good governance practice.

This recommendation is in relation to Councillors on Steering Committees which are managed by Council.

### Risk Management Implications

Section 4 of the Councillor Code of Conduct Policy:

- Misuse of Position
- Directing a member of Council staff
- Conflict of Interest

### Legislative Implications

Possible breach of the Local Government Act 2020 (Vic) regarding misuse of position and conflict of interest.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Not commented on.

### Policy Implications

This report is supported by the following Council Policy:

- Councillor Code of Conduct Policy

### Council Plan Implications

This report supports the following section/s of the Council Plan 2021-2025:

- Goal 4 – Good Governance



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### Communication Implications

Council staff provide Councillors with an update and opportunity to ask questions on major projects at all Councillor Forums.

### Gender Equality

Not commented on.

### Conclusion

In light of the advice from the Inspectorate, Officers recommend that the resolution made in July 2018 be revoked and Council continue using Project Management Principles when managing projects. Council staff are in the process of implementing new reporting software and a revised project management framework updates will be provided to Council in the coming months in accordance with the Budget.

### **OFFICER RECOMMENDATION:**

1. That the Officer's report be received and noted.
2. That the following resolution made by Council on 18 July 2018 be revoked in accordance with advice received from the Inspectorate:

*'That Council appoint a Councillor representative to attend steering committee meetings for all major projects involving WWSC and that all meetings be noted in the Councillor Diary.'*

3. That Council discontinue the practice of appointing Councillors to Project Steering Committees to maintain the integrity, impartiality, transparency and accountability of Council decisions and implementation in line with good governance practice.



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**Moved: Cr. Tom Houlihan**

**Seconded: Cr. Trevor Domaschenz**

**That the following resolution made by Council on 18 July 2018 be left in place:**

*‘That Council appoint a Councillor representative to attend steering committee meetings for all major projects involving WWSC and that all meetings be noted in the Councillor Diary.’*

### *Amendment to the Motion*

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Jodie Pretlove**

- 1. That the Officer’s report be received and noted.**
- 2. That the following resolution made by Council on 18 July 2018 be revoked in accordance with advice received from the Inspectorate:**

*‘That Council appoint a Councillor representative to attend steering committee meetings for all major projects involving WWSC and that all meetings be noted in the Councillor Diary.’*

- 3. That Council discontinue the practice of appointing Councillors to Project Steering Committees to maintain the integrity, impartiality, transparency and accountability of Council decisions and implementation in line with good governance practice.**
- 4. That a report is brought to the September Councillor Forum to clarify the current role of Councillors and roles that Councillors may have in project oversight going forward.**

**Carried (3/2)**



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### *Amendment becomes the Motion*

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Jodie Pretlove**

- 1. That the Officer's report be received and noted.**
- 2. That the following resolution made by Council on 18 July 2018 be revoked in accordance with advice received from the Inspectorate:**

*'That Council appoint a Councillor representative to attend steering committee meetings for all major projects involving WWSC and that all meetings be noted in the Councillor Diary.'*

- 3. That Council discontinue the practice of appointing Councillors to Project Steering Committees to maintain the integrity, impartiality, transparency and accountability of Council decisions and implementation in line with good governance practice.**
- 4. That a report is brought to the September Councillor Forum to clarify the current role of Councillors and roles that Councillors may have in project oversight going forward.**

**Carried (3/2)**

### *Subsequent Motion*

**Moved: Trevor Domaschenz**

**Seconded: Cr. Tom Houlihan**

**That all Councillors be informed within 48 hours what Committees all Councillors can remain on.**

**Carried (4/1)**



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### **14.2 SECTION 173 AGREEMENT FOR SIGNING AND SEALING - SLOANE – HARROW – CLEAR LAKE RD, DOUGLAS 3401 (LOT 1 ON TITLE PLAN 226760D AND CROWN ALLOTMENT 23 PARISH OF TOOLONGROOK)**

**FILE NUMBER:**

**REPORT AUTHOR: NICOLE WEARNE, ACTING MANAGER PLANNING AND ENVIRONMENT**

#### **FOR DECISION**

##### Introduction

Planning Permit PA1076 was issued on 2 December 2021 for a two-lot subdivision being a re-subdivision of two existing lots for the purpose of the owner wishing to declare Lot 1 as land for conservation. The Section 173 Agreement has the following condition to be lodged on the title for Lot 1:

“The owner acknowledges that proposed Lot 1 on the endorsed plan to the permit will be used for conservation purposes and must not be used and developed for accommodation purposes such as a dwelling or other relevant accommodation types.”

A Section 173 agreement is attached to be sealed and signed by the CEO, Mayor and one Councillor and one client authorisation form to be signed by the CEO.

##### Declaration of Interests

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

##### Background

Planning Permit PA1076 was issued on 2 December 2021 allowing the owner of the property at Harrow - Clear Lake Rd, Douglas 3401 (Lot 1 on Title Plan 226760D and Crown Allotment 23 Parish of Toolongrook) to subdivide the land into two lots being a re-subdivision of two existing lots.





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### Risk Management Implications

Council is the responsible authority for the administration of the Planning and Environment Act 1987. This signing and sealing of the 173 Agreement is a requirement prior to lodgement with the Titles Office.

### Legislative Implications

- Planning and Environment Act (1987)

### Environmental Implications

Ensuring that planning and building controls are appropriately implemented in accordance with the relevant legislation ensures the protection of our environment.

### Financial and Budgetary Implications

There are no financial implications for Council, payment for lodgement with the Titles Office is covered by the proponent.

### Policy Implications

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

- Communications Policy
- Community Engagement Policy
- Customer Service Policy
- Environmental Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance

### Communication Implications

Advertisement of this subdivision happened prior to the issuing of the permit in December 2021. There are no further communication implications.



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### Gender Equality

There are no impacts to Gender equity with the signing of this agreement.

### Conclusion

The final process of the subdivision of this property is to sign and seal the 173 Agreement to return to the proponent's solicitor to lodge with the Titles Office of Victoria.

### **OFFICER RECOMMENDATION:**

**That Council sign and seal the Section 173 Agreement (Attachment 1) between West Wimmera Shire Council and Judith Ann Sloane in relation to land at Harrow-Clear Lake Rd, Douglas 3401 (Lot 1 on Title Plan 226760D and Crown Allotment 23 Parish of Toolongbrook).**

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Trevor Domaschenz**

**That Council sign and seal the Section 173 Agreement (Attachment 1) between West Wimmera Shire Council and Judith Ann Sloane in relation to land at Harrow-Clear Lake Rd, Douglas 3401 (Lot 1 on Title Plan 226760D and Crown Allotment 23 Parish of Toolongbrook).**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.2.1	Planning and Environment Act Agreement S 173 Sloane 13072022	



**14.3 PLANNING APPLICATION PA1084 FOR A TWO LOT SUBDIVISION AT 2  
MARGARET STREET, EDENHOPE**

**FILE NUMBER:**

**REPORT AUTHOR: BERNADINE PRINGLE, CONTRACT TOWN PLANNER**

**FOR DECISION**

Introduction

The following report presents Planning Application PA1084 for a Two Lot Subdivision at 2 Margaret Street Edenhope VIC 3318 (Lot 1 on PS082739).

This planning application is being presented to Council for consideration as two objections have been received to the proposal from two adjacent property owners.

Declaration of Interests

In accordance with Section 130 of the *Local Government Act 2020*, the Officer preparing this report declares no conflict of interest in regards to this matter.

Background

The site was sold to new owners in May 2021. Council Planning Officers have had several preliminary discussions with the applicant/planning consultant about the proposal.

Proposal

Council received a planning application for a two lot subdivision of the subject land on 20 November 2021.

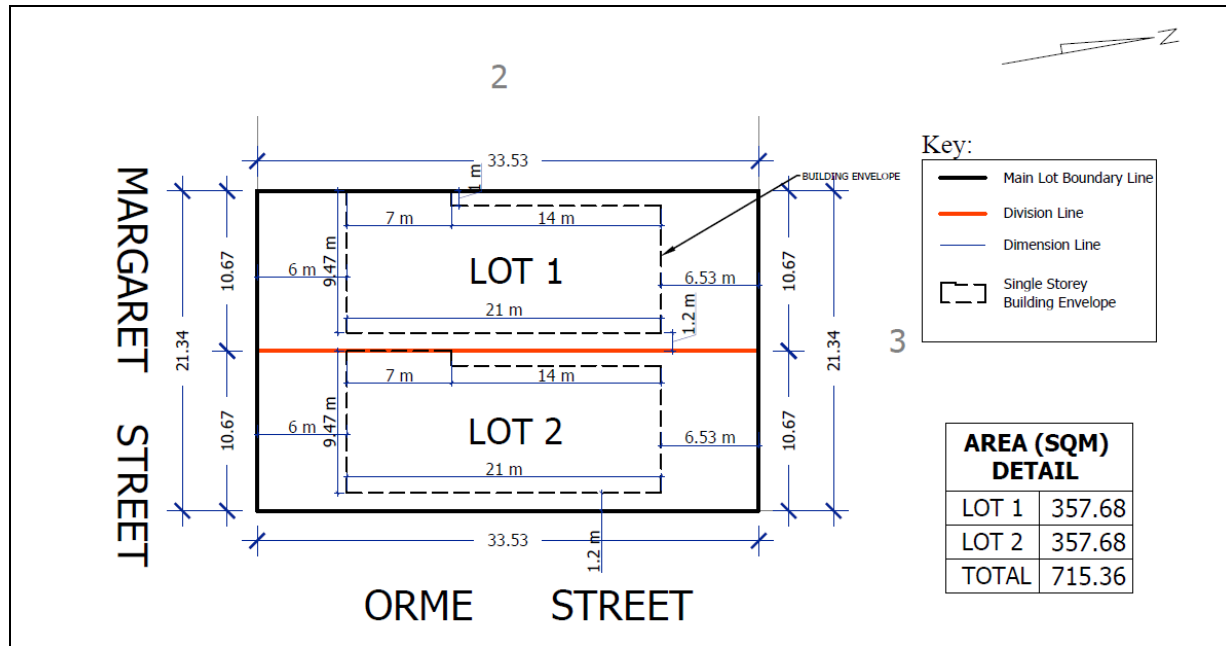
The proposed subdivision will create proposed Lot 1 and Lot 2, which will each have an area of 357.68m<sup>2</sup>. The two proposed lots will each contain a building envelope to specify where any future dwelling is required to be constructed within the lots and will be limited to single storey in height. The building envelopes will be required to be enforced by a Section 173 Agreement between the owner and Council.

A plan of subdivision for the two proposed lots including the building envelopes on each lot are shown below. A copy of the plan is provided as an attachment to this report (Attachment 1).

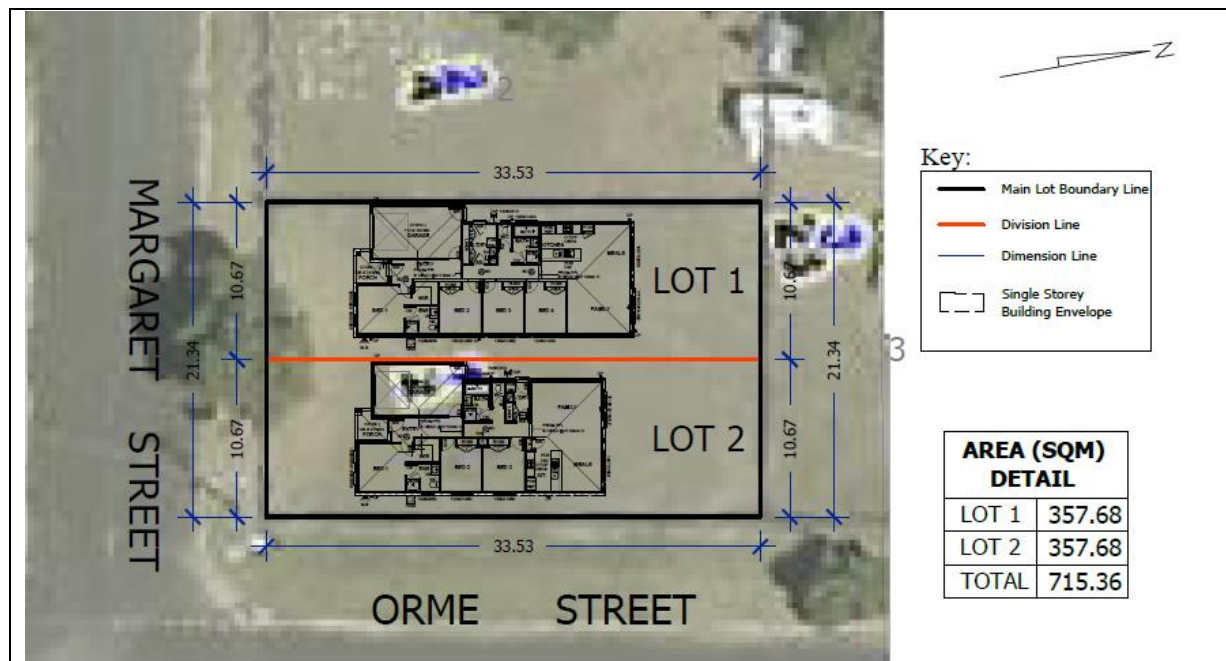


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Proposed Plan of Subdivision below:



Indicative plan of layout of a future dwelling with the building envelopes on the lots:





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### Subject land

The subject land is formally known as 2 Margaret Street Edenhope, being Lot 1 on Plan of Subdivision 082739. The site has a total area of approximately 715.36 square metres. The site is vacant residential land within the Township Zone.

The surrounding land is also used for residential uses generally comprising single dwellings also within the Township Zone. The adjoining land to the west at 4 Margaret Street contains a dwelling that is under construction. The adjoining lots to the north and south are similar sized lots to that of the subject land and contain single dwellings. There is a block of three attached units to the south of the site at 1/1, 12/1 and 3/1 Margaret Street.

### Aerial Photo of site and surrounds and Township Zone below:



### Further Information

Further information was requested by Council's Planning Officers on 17 December 2021, which required a subdivision site and context description plan and subdivision design response to comply with Clause 56.01, an amended plan of subdivision plan to confirm setbacks and an amended planning report to provide justification for the building envelopes and the setbacks to the lot boundaries.



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Several phone discussions and revised concept plans were emailed to Planning for review and discussion and responses provided.

A formal written response and amended plans were received from the applicant on 11 April 2022.

### Public Notice

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*.

Two written objections were received from the owner of the adjoining property to the west and a neighbouring property opposite the site on the east side of Orme Street. Copies of the objections are provided as an attachment to this report (Attachment 2).

The issues identified in the objections have been summarised and include as follows:

- Overdevelopment from two double storey dwellings
- Overlooking
- Loss of light and overshadowing
- Vehicular access issues
- General streetscape impacts (surrounding all single storey dwellings)
- Impact on neighbourhood character.
- Loss of property value and appeal.
- Timeframe for advertising and objecting not adequate.

A detailed response to the issues raised in the objections was provided by the applicant/planning consultant, who advised that the proposed subdivision complies with the relevant planning policies, zone and objectives and standards of Clause 56.

A copy of the response to the objections is also provided as an attachment to this report (Attachment 3).

### Planning controls

The subject land is situated within a Township Zone (TZ) pursuant to Clause 32.05 of the West Wimmera Planning Scheme. There are no applicable Overlays.

A planning permit is required to subdivide land within the zone.

### Municipal Planning Strategy (MPS)

The relevant policies of the MPS that have been considered are as follows:

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement

Clause 02.03-5 Built environment and heritage





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Clause 02.03-6 Housing  
Clause 02.03-7 Economic development  
Clause 02.04 Strategic Framework Plan - Edenhope

### Planning Policy Framework (PPF)

The relevant policies of the PPF that have been considered are as follows:

Clause 11.01-1S Settlement  
Clause 11.01-1R Settlement - Wimmera Southern Mallee  
Clause 11.03-6S Regional and local places  
Clause 19.03-2S Infrastructure design and provision  
Clause 19.03-3S Integrated water management

### Clause 32.05 Township Zone

#### *Purpose (relevant)*

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.

#### *32.05-5 Subdivision*

#### *Permit requirement*

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<b>Class of subdivision</b>	<b>Objectives and standards to be met</b>
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

Each lot must be provided with reticulated sewerage, if available.

#### *32.05-13 Decision Guidelines (relevant)*



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### *General*

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

### *Subdivision*

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- Any other decision guidelines specified in a schedule to this zone.

### Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

#### *53.01-1 Exemption from public open space requirement specified in the scheme*

A subdivision is exempt from a public open space requirement specified in this scheme if (as applicable to this application):

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

### Assessment

#### *Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)*

The proposed subdivision has been assessed against the relevant policies of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) and complies for the following reasons:





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- The residential subdivision of established areas is encouraged and will integrate with the community while not detracting from the character of the site and surrounding area in accordance with Clause 02.03-5 (Built Environment and heritage)
- The proposal will encourage a modest increase in housing density within the existing settlement of Edenhope, as well as a diversity of housing types and lot sizes in accordance with Clause 02.03-6 (Housing).
- The proposal will facilitate opportunities for increased employment and economic development opportunities within the town during the construction of future dwellings on the two new lots in accordance with strategic directions in Clause 02.03-7 (Economic development).
- The proposal will enable infill development of residential land within an established residential area to allow minimal urban growth (one additional dwelling) in accordance with Clause 11.01 (Settlement). The proposal will accommodate a future built form that adequately respects the built form and character of the area in accordance with Clause 15.01 (Built environment). The creation of two lots will provide for housing diversity, and associated infrastructure, while the site's location within Edenhope has direct access to services, walkability to the activity centre, limited public transport, schools and open space areas in accordance with Clause 16.01 (Residential development).
- The required utility services will need to be available to be connected to the two lots, which will be managed by mandatory conditions. The conditions will ensure the development infrastructure is provided before the new titles are issued in accordance with Clause 19.03-2S (Infrastructure design and provision).

### Clause 32.05 Township Zone

The proposed subdivision has been assessed against the relevant decision guidelines of the Township Zone and complies for the following reasons:

- The proposal will generally comply with the MPS and PPF as discussed above.
- The proposal will result in change to the neighbourhood character, but this is acceptable on balance as it will enable infill development within Edenhope and will enhance the character of the town and the surrounding area.
- The site is available to be connected to utility services, including sewerage, water, drainage, electricity and telecommunications.
- The building envelopes on the two proposed lots will provide adequate space for a single garage on the west boundary on each lot and a tandem car space in front to allow for the provision of two car spaces for any future three bedroom dwellings. Landscaping will be the responsibility of the owners of the lots.
- The proposed subdivision is unlikely to have any adverse effect on the existing residential uses on the adjoining land.
- The proposal will result in an increase to the scale and higher density for the future development of the two proposed lots on the site, but this will be limited to single storey in height which is an appropriate planning outcome.
- There are unlikely to be any safety, efficiency and amenity effects of traffic that would be generated by the proposal.
- The pattern of subdivision of the area consists mostly of larger lots containing single dwellings, however there are a block of single storey attached units directly to the south



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of the site. While the proposed subdivision will reduce the effect on the spacing of buildings this is acceptable.

- For this subdivision of land for residential development, the objectives and standards of Clause 56 will be met as detailed in Attachment 3.

### Clause 53.01 Public Open Space Contribution and Subdivision

The two lot subdivision will mean that it is highly unlikely that each lot will be further subdivided and particularly given the building envelopes required on each lot. The proposal therefore meets the relevant exemptions under Clause 53.01-1. Therefore, a 5% public open space contribution is not required under this Clause.

### Clause 56 Residential Subdivision

The application has been assessed against Clause 56 and complies with the relevant objectives and standards of the Clause. A copy of the assessment table is provided as an attachment to this report (Attachment 4).

The proposed subdivision will increase the density of housing on the site, while being limited to single storey in height to protect the built form and character of the surrounding residential properties. The proposal will adequately respect the existing and preferred neighbourhood character to satisfy the objective and standard C6 (Neighbourhood character) in Clause 56.03-5.

The proposed building envelopes on the two lots will be limited to single storey in height and will provide minimum setbacks of 6.0m from the south boundary to Margaret Street with a 7.0m long section for the provision of a single garage on the west boundary of the building envelopes on the lots. The side setbacks will be 1.2m with the exception of the 7m long section of the west boundaries. The building envelopes will be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres where a boundary wall is nominated as part of the building envelope on the west boundary in accordance with objective and standard C8 (Lot area and building envelopes) in Clause 56.04-2.

The two lots will have the rear of the building envelopes facing north to have good solar orientation of lots and solar access for future dwellings in accordance with the objective and standard C9 (Solar orientation of lots) in Clause 56.04-3.

The two new crossovers for access to the lots from Margaret Street and Orme Street will need to be constructed to Council design standards to comply with the objective and standard C21 (Lot access), which will be addressed as a condition. The new crossovers must be constructed before the issue of a Statement of Compliance for the subdivision.

The site has access to existing infrastructure in the area including reticulated water, sewer, and electricity connections to comply with the relevant objectives and standards C22 (Drinking water supply), C24 (Waste water management) and C25 (Stormwater management). Conditions in relation to site management will be required to ensure that the site and surrounding area is protected from degradation and nuisance before and during the



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construction of the subdivision works to comply with the objective and standard C26 (Site management).

### Clause 65 Decision Guidelines

The proposal will comply with the MPS and PPF and discussed above. The proposal will adequately protect the environment, human health and the amenity of the area subject to conditions. The proposal will facilitate the orderly planning of the area and comply with this Clause.

### Response to Objections

#### *Overdevelopment from two double storey dwellings*

The subdivision proposes single storey building envelopes on the two lots which will be enforced by a condition requiring a Section 173 Agreement to ensure future dwellings are single storey and are contained within the building envelopes. The proposal will not result in any overdevelopment as two storey dwellings are not proposed.

#### *Overlooking*

#### *Loss of light and overshadowing*

There is no likelihood of loss of light and overshadowing beyond that currently cast by the existing boundary fences to the adjoining land as a result of the subdivision. The single storey building envelopes proposed will also limit the height and extent of future dwellings to a similar height to the existing dwellings on the adjacent land.

#### *Vehicular access issues*

The proposed crossovers to access the two lots are not expected to cause vehicular access issues for the adjoining land.

#### *General streetscape impacts (surrounding all single storey dwellings)*

The setbacks and layout of the building envelopes will respect the prevailing setbacks and will integrate with the surrounding residential development to an acceptable standard.

#### *Impact on neighbourhood character.*

The proposed subdivision will create two smaller lots that will change to the established subdivision pattern of the area by increasing the density but will allow infill residential development which is encouraged by the Planning Scheme and will not adversely impact on the neighbourhood character.

#### *Loss of property value and appeal.*

The loss of property value is not a valid planning consideration as previously determined by VCAT.



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*Timeframe for advertising and objecting not adequate.*

Letters were sent to the owners and occupiers of the adjoining and adjacent properties and the minimum required timeframe of 14 days for notice to the neighbours was met. The public notices were also erected on the site for in excess of 21 days. The timeframe for advertising and for objections to be received was carried out in accordance with Section 52 of the *Planning and Environment Act 1987*.

### Risk Management Implications

Council is the responsible authority for the administration of the *Planning and Environment Act 1987*. The assessment of this application is conducted by Council officers in accordance with this legislation.

### Legislative Implications

*Planning and Environment Act (1987)*  
*Gender Equality Act (2020)*

### Environmental Implications

There are no specific environmental implications for the proposal.

### Financial and Budgetary Implications

The operation of Council's regulatory planning and building services are conducted within the adopted 2022 – 2023 Council budget.

### Policy Implications

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

- Community Engagement Policy
- Customer Service Policy
- Investment Policy

### Council Plan Implications

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

- Goal 1 – Liveable & Healthy Community, Strategy 1.7: Improve the liveability of the shire to assist in growing our population into the future.



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

- Goal 2 – Diverse & Prosperous Economy: Strategy 2.2: Promote the Shire as a great place to visit, live and invest, and 2.3 Facilitate the development of the local economy and jobs.
- Goal 4 – Good Governance: 4.1 Ensure long term financial sustainability, and 4.2 Engage with the community in a timely and respectful way.

### Communication Implications

The application was advertised by mail to surrounding property owners and occupiers. A sign was also displayed on the site. Two written objections were received. The issues identified within the objection have been summarised above.

### 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*.

### Conclusion

The proposed two lot subdivision will, on balance, comply with the relevant provisions of the West Wimmera Planning Scheme, and in particular, the purpose and decision guidelines of the Township Zone and Clause 56 Residential Subdivision.

The proposed two lot subdivision will increase the density on the site to allow infill residential development, which will be limited in scale and height by single storey building envelopes required on the two lots that will be controlled by a Section 173 Agreement on title as a condition.

Having regard to the above, it is recommended that Council approve Planning Application PA1084 and issue a Notice of Decision to Grant a Permit for a Two Lot Subdivision, in accordance with the conditions outlined below:



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### **OFFICER RECOMMENDATION:**

**That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the Two Lot Subdivision at 2 Margaret Street Edenhope (Lot (Lot 1 on PS082739), in accordance with plans submitted and subject to the following conditions:**

### **Conditions:**

#### **Endorsed Plans/Documents**

1. The approved subdivision must be in accordance with the endorsed plans which form part of this permit and must not be altered or modified without the consent in writing of the Responsible Authority.

#### **Section 173 Agreement**

2. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:
  - a. Any future development of the lots will be constructed in accordance with the approved single storey building envelope on each lot on the plans endorsed to Planning Permit PA1084.

The owner must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

#### **Clause 66.01-1 Mandatory Conditions**

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
6. The owner of the land must enter into an agreement with:



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **Vehicle Access to Lots**

8. The new vehicle crossings and access to the two lots must be constructed to Council standards and must be maintained to the satisfaction of the Responsible Authority.

### **Permit Expiry**

9. This permit will expire if one of the following circumstances applies:
- a. The subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit.
  - b. The registration of the subdivision is not completed within five years of the date of certification.

The responsible authority may extend the permit if a request is made in writing prior to expiry of the permit or within six months afterwards.

### **Notes:**

#### *Works within road reserves*

- The proposed vehicle crossings for the lots will require a Works Within Road Reserves Consent from Council including approval to be constructed within proximity to existing street trees before any works commence.





## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

**Moved: Cr. Trevor Domaschenz**

**Seconded: Cr. Tom Houlihan**

**That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the Two Lot Subdivision at 2 Margaret Street Edenhope (Lot (Lot 1 on PS082739), in accordance with plans submitted and subject to the following conditions:**

**Conditions:**

**Endorsed Plans/Documents**

1. The approved subdivision must be in accordance with the endorsed plans which form part of this permit and must not be altered or modified without the consent in writing of the Responsible Authority.

**Section 173 Agreement**

2. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:
  - a. Any future development of the lots will be constructed in accordance with the approved single storey building envelope on each lot on the plans endorsed to Planning Permit PA1084.

The owner must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

**Clause 66.01-1 Mandatory Conditions**

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.





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6. The owner of the land must enter into an agreement with:
  - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **Vehicle Access to Lots**

8. The new vehicle crossings and access to the two lots must be constructed to Council standards and must be maintained to the satisfaction of the Responsible Authority.

### **Permit Expiry**

9. This permit will expire if one of the following circumstances applies:
  - a. The subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit.
  - b. The registration of the subdivision is not completed within five years of the date of certification.

The responsible authority may extend the permit if a request is made in writing prior to expiry of the permit or within six months afterwards.

### **Notes:**

*Works within road reserves*



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

- The proposed vehicle crossings for the lots will require a Works Within Road Reserves Consent from Council including approval to be constructed within proximity to existing street trees before any works commence.

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>
14.3.1	Plan of Subdivision
14.3.2	Objections
14.3.3	Response to objection
14.3.4	Clause 56 Assessment



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 14.4 LAKE WALLACE VEGETATION MANAGEMENT

#### FILE NUMBER:

**REPORT AUTHOR: RAM UPADHYAYA, DIRECTOR INFRASTRUCTURE  
DEVELOPMENT AND WORKS**

#### FOR DECISION

##### Introduction

Following an ongoing discussion earlier this year regarding the management of vegetation in Lake Wallace, officers engaged a consultant to develop a comprehensive report detailing various options in relation to the management of the lake. Officers proposed a trial to cut 5% of the weeds be undertaken.

On the 2 February 2022 Council resolved to hold over vegetation removal works at Lake Wallace (mainly due to low water levels and limited benefit) and to re-assess the matter in August 2022.

The intention of this report is to provide further information to the Council with respect to water levels, and funding options for consideration and get further direction from the Council on the management of vegetation and potential improvement of access.

##### Declaration of Interests

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

##### Background

Lake Wallace is a 1.83 km<sup>2</sup> freshwater lake located in Edenhope. The water level in the lake fluctuates and at times has been completely dry. The Lake's pier and jetty provide access to activities such as fishing, swimming, and sailing.

Lake Wallace is also considered to be the key environmental and tourism feature of Edenhope. It attracts visitors to the town and provides a stunning backdrop to the Edenhope township. The lake is considered by many to contribute significantly to the social wellbeing and economic viability of the district.

The management of vegetation was discussed at a Special Council meeting held on 27 January 2022 and 2 February 2022 following the detailed report prepared by Aquatic Technologies. The Council resolved that the vegetation management matter be put on hold and be reviewed in August 2022. The current water levels are very similar/slightly lower than the water levels recorded in February 2022.



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

The biggest change from February that might influence Council's decision, is funding sources. The Council has allocated \$60,000 in the 2022/23 operational budget for the management of Lake Wallace. There were no other funding sources available in February.

Council officers have had multiple discussions with Wimmera Catchment Management Authority (CMA), DWELP and Better Boating Australia to attract funding for vegetation management, including improved access to the Lake.

CMA has made a commitment in writing to provide \$30,000 towards a weed cutting trial (with the potential for this amount to be increased). The CMA funding is contingent on the Council improving access to Lake Wallace. This does not have to be the permanent access solution, only improving access (this could be a short concrete extension of the boat ramp, a gravel boat ramp extension, or removal of weeds with an excavator to make access easier for kayaks or small boats).

A separate discussion is progressing with Better Boating Victoria to attract funding for the extension of the boat ramp. A funding opportunity is likely to be open later in the financial year. Although this is a competitive funding application, access to Lake Wallace seems to be very well supported.

Council officers have sought an updated price from the contractor for the removal of weed from the lake using an amphibious harvester as a trial to cut weeds and clear 5% of the lake which equates to approximately 8Ha. The cost of the harvester is quoted at approximately \$25K. Allowing an additional \$15K for disposal of weeds and any other contingencies, the total project cost is likely to be approximately \$40K.

The 5% trial will allow officers to understand the operational logistics of the machine as well as the impact of this weed removal on the nutrient level in the lake. This study can potentially be a guide for officers to establish the most prudent and efficient way to manage vegetation in Lake Wallace, including the potential purchase of a weed-cutting machine to limit ongoing maintenance expenses.

### Risk Management Implications

There are a number of risks associated with this project. These include:

- Environmental risk – potential environmental risk to Lake Wallace should water plant cutting occur in relation to water quality, fish habitats, etc.
- Unknown outcome of works – potentially encouraging vegetation to grow faster and denser, which could result in additional maintenance work.
- Reputational Risk

### Legislative Implications

- Planning and Environment Act (1987)
- Catchment and Land Protection Act (1994)
- Cultural and Recreational Lands Act (1987)



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- Environmental Protection Act (2017)
- Flora and Fauna Guarantee Act (1988)
- Safety on Public Lands Act (2004)
- Water Act (1989)
- Local Government Act (2020)
- Gender Equality Act (2020)

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

The majority of the project cost will be funded by the contribution from Wimmera Catchment Management Authority. Council to cover some potential contingency costs if required (provision in current budget).

### Policy Implications

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

- Communications Policy
- Community Engagement Policy
- Customer Service Policy
- Environmental Policy
- Investment Policy
- Environmental Policy
- Tourism Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance

### Communication Implications

Not commented on.

### Gender Equality

Not commented on.



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### Conclusion

The management of vegetation and improvement of access and/or extension of the Boat Ramp in Lake Wallace is likely to provide some recreational benefits to the local community as well as tourists. The proposed 5% weed cutting trial will also provide council officers with some valuable information in the ongoing management of vegetation in the lake.

### **OFFICER RECOMMENDATION:**

#### **That Council:**

- 1. Approve the removal of 5% of vegetation as a trial to allow officers to establish the most efficient maintenance program for ongoing management of the lake. Approximately 8 hectares of vegetation is to be removed at a cost of \$40,000 which includes a contribution of \$30,000 from the Wimmera Catchment Management Authority.**
- 2. Extend the boat ramp by 20 meters at a cost of \$20,000 during the Summer while the water level is low (if the funding application is unsuccessful).**
- 3. Establish a biannual testing regime at an annual cost of \$2,800 and a once-off cost of \$900.**

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Trevor Domaschenz**

#### **That Council:**

- 1. Approve the removal of 5% of vegetation as a trial to allow officers to establish the most efficient maintenance program for ongoing management of the lake. Approximately 8 hectares of vegetation is to be removed at a cost of \$40,000 which includes a contribution of \$30,000 from the Wimmera Catchment Management Authority.**
- 2. Extend the boat ramp by 20 meters at a cost of \$20,000 during the Summer while the water level is low (if the funding application is unsuccessful).**
- 3. Establish a biannual testing regime at an annual cost of \$2,800 and a once-off cost of \$900.**

**Carried (5/0)**



**COUNCIL MEETING MINUTES – 17 AUGUST 2022**  
**WEST WIMMERA SHIRE COUNCIL**

*Subsequent Motion*

**Moved: Cr. Jodie Pretlove**

**Seconded: Cr. Tom Houlihan**

**That Council thank the CEO for securing funding from the Wimmera Catchment Management Authority for the removal of vegetation on Lake Wallace.**

**Carried (4/1)**

**1 abstention**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
	NA	



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 14.5 AGREEMENT IN PRINCIPLE (CLOSURE) OF PORTLAND LANE – PARISH OF BOIKERBERT AND MURRANDARRA

**FILE NUMBER:**

**REPORT AUTHOR: RAM UPADHYAYA, DIRECTOR INFRASTRUCTURE DEVELOPMENT AND WORKS**

#### **FOR DECISION**

##### Introduction

Department of Environment, Land, Water and Planning (DELWP) seek approval from the West Wimmera Shire Council to close Portland Lane, Parish of Boikerbert and Murrandarra. The intention of the Department is to close this area of unused road and sell Crown Allotment 2012 to the adjoining landholder.

To proceed with the road closure and to deal with other necessary dealing, consent of the Council to close the road pursuant to *Section 349 of the Land Act 1958* is required.

The intention of this report is to seek “in-principle” approval from the Council to start a formal process to close Portland Lane.

##### Declaration of Interests

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

##### Background

All surrounding land for the whole length of Portland Lane is owned by one landowner and is recorded on one rate assessment with several titles. The current landowner has a tenure of an unused road licence (primary producer) that joins the Casterton-Apsley Road and forms part of Portland Lane. **Attachment 4** provides the details of the site plan and the intended area for lease (marked in red).

The landowner argues that the purchase/lease of this land (9.33 Ha) from DELWP will enhance the biosecurity as well as increased environmental benefits.

The entire section of Portland Lane is classified as secondary access road (Category 6A) which is used to access farm gates. The entirety of the farmland is owned by the proponent.

As a coordinating road authority, West Wimmera Shire Council has the authority to close and/or discontinue a section of road or a road in a road reserve under the Lands Act 1958, the Local Government Act 1989 and section 12 of Road Management Act 2004.





## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

Following the “in-principle” approval from Council, a public notice will be issued to receive any written objections from the community in regard to the road closure and discontinuance of Portland Lane. If no objection is received, the Council will then start the gazettal process to formally close and discontinue the stated road. The road reserve will then be passed back to DELWP, and the land can then be leased or bought by the business.

### Risk Management Implications

The road is currently declared as a public use road, any closure may have an impact on the future sale of any land that adjoins Portland Lane, where a future owner may need access where the road has been closed.

### Legislative Implications

Land Act 1958  
Local Government Act 2020  
Road Management Act 2004

### Environmental Implications

The regrowth of trees in the road reserve after its closure is likely to have a positive impact on the environment.

### Financial and Budgetary Implications

There are no initial costs for Council to close the unused road. Further costs to consider may be administrative, advertising costs, planning and legal costs.

### Policy Implications

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

- Tree Plantations on Unused Road Reserves Policy
- Asset Management Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance

### Communication Implications

Not commented on.



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### Gender Equality

Not commented on.

### Conclusion

The closure of Portland Lane will allow the proponent to grow their business while enhancing biosecurity and the environment.

### **OFFICER RECOMMENDATION:**

**That Council provides “in-principle” approval to start the formal process for the closure and discontinuance of Portland Lane, Apsley.**

**Moved: Cr. Tom Houlihan**

**Seconded: Cr. Trevor Domaschenz**

**That Council provides “in-principle” approval to start the formal process for the closure and discontinuance of Portland Lane, Apsley.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.5.1	DELWP Portland Lane Road Closure letter	PS0007
14.5.2	DELWP Survey Map	PS0007
14.5.3	Location of Land OP125970 Plant of Crown Allotment	PS0007
14.5.4	Consent to Closure of Road Form	PS0007
14.5.5	Portland Land closure supporting statement	



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 14.6 NOMINATION OF COUNCILLOR REPRESENTATIVE FOR LOCAL GOVERNMENT STATE-WIDE FORUM

**FILE NUMBER:**

**REPORT AUTHOR: RAM UPADHYAYA, DIRECTOR OF INFRASTRUCTURE DEVELOPMENT AND WORKS**

#### **FOR DECISION**

##### Introduction

The intention of this report is to seek the nomination of a Councillor representative for the Local Government State-wide Forum, to manage recycling and waste matters.

##### Declaration of Interests

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

##### Background

The Local Government State-Wide Forum has been established through the Regional Waste Forums who voted unanimously to allow each of their Chairs to advocate to the State Government in regard to the rollout of the new Victorian Waste and Recycling Act. The seven Forum Chairs in total represent the 79 LGAs across the State.

The Local Government State-Wide Chairs Forum aims to ensure consistent representation across our rural, regional, and metropolitan Councils, to advise the State Government in the lead-up to the establishment of the Circular Economy (Waste and Recycling) Bill 2021.

On commencement of Recycling Victoria (RV), the Waste and Resource Recovery Groups (WRRGs) will be dissolved, and relevant functions will be transferred to Recycling Victoria. The Recycling Victoria Authority is set to commence on 1 July 2022. The State Government has yet to provide any concrete details as to an ongoing mechanism that would serve a similar function after 30 June 2022.

The forum intends to establish a structure for ongoing collaboration of Councils on a regional and state-wide level. A councillor representative nominee is sought from each of the Councils to participate in the forum discussion. This representative will be expected to voice West Wimmera's concerns regarding Waste and Recycling in regional and state-wide meetings.

##### Risk Management Implications

No Implications



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

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### Legislative Implications

- Local Government Act (2020)

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Not commented on.

### Policy Implications

Not commented on.

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

Goal 3 – Sustainable Environment

### Communication Implications

Not commented on.

### Gender Equality

Not commented on.

### Conclusion

The State-Wide Forum is expected to advocate to the State Government regarding the roll-out of the new Waste and Recycling Act. Having a Councillor representative in this forum will allow us to voice our concerns regarding Waste and Recycling at state and regional levels.



## **COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL**

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### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Notes that the State Government has introduced legislation that dissolves the Regional Waste Management Groups effective from 1 July 2022.**
- 2. Recognises the benefits of regional collaboration between Local Governments, including delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement.**
- 3. Notes that the WRRGs have provided an effective mechanism for regional collaboration between Councils; and**
- 4. Appoints \_\_\_\_\_ as Councillor representative on recycling and waste matters for the purposes of:**
  - Meeting with other Councils in the Grampians Central West region to consider recycling and waste matters and provide advice to Councils in the region.**
  - Appointing a Chair of the Regional Advisory Group who would represent the region in a State-Wide advisory group, including electing a State-Wide Chair;**
  - Developing a proposal for governance (including a Terms of Reference) of regional coordination between Councils, for consideration by Council at a future date; and**
  - Calling on the State Government to support regional collaboration by providing the secretariat function via Recycling Victoria.**



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Trevor Domaschenz**

**That Council:**

- 1. Notes that the State Government has introduced legislation that dissolves the Regional Waste Management Groups effective from 1 July 2022.**
- 4. Appoints Cr Tom Houlihan as Councillor representative on recycling and waste matters for the purposes of:**
  - Meeting with other Councils in the Grampians Central West region to consider recycling and waste matters and provide advice to Councils in the region.**
  - Appointing a Chair of the Regional Advisory Group who would represent the region in a State-Wide advisory group, including electing a State-Wide Chair;**
  - Developing a proposal for governance (including a Terms of Reference) of regional coordination between Councils, for consideration by Council at a future date; and**
  - Calling on the State Government to support regional collaboration by providing the secretariat function via Recycling Victoria.**

**Carried (5/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.6.1	Local Government State-Wide Forum Letter	



**14.7 TAC LOCAL GOVERNMENT GRANT PROGRAM FUNDING APPLICATION  
FOR TRAFFIC ANALYSIS OF INTERSECTION IN MAIN STREET KANIVA**

**FILE NUMBER:**

**REPORT AUTHOR: RAM UPADHYAYA, DIRECTOR OF INFRASTRUCTURE  
DEVELOPMENT AND WORKS**

**FOR DECISION**

Introduction

The intention of this report is to obtain Council's endorsement on the recent funding application under the Transport Accident Commission (TAC) Local Government Grant Program analysis stream, for traffic analysis of intersections in Kaniva.

Declaration of Interests

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

Background

Transport Accident Commission recently announced the Local Government Grant Program. This program encourages Victorian Local Government to improve road safety issues in their local communities as laid out in the Victorian Road Safety Strategy 2021-2030.

The program has two streams – Analysis and Infrastructure. Up to \$30,000 is available under the analysis stream of this funding program. This stream is focused on the investigation of pedestrian and cyclist road safety issues and infrastructure treatment concepts which considers the Safe System Principles in addressing those issues.

West Wimmera Shire Council (WWSC) made an allocation of \$35K for "Shovel Ready" projects for pedestrian safety improvement in Commercial Street intersections with Dungey Street and Baker Street.

Officers have made an application for a total project cost of \$71K which includes \$30K from TAC and the remaining from WWSC. The project includes conditions/safety assessment, stakeholder consultation and engineering design.

The application deadline was on 27 July 2022 and therefore officers submitted the application prior to taking this report to Council.



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### Risk Management Implications

There are some minor risks that the project might not be delivered in the speculated time frame. This risk can be managed by having appropriate project planning in place.

### Legislative Implications

- Local Government Act (2020)
- Road Management Act (2004)

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

The \$35K of matching funds is currently budgeted for in the 2022/23 operational budget. The remaining \$6K can be sourced by utilising savings from other areas or can be budgeted in the 2023/24 financial year.

### Policy Implications

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

Asset Management Policy  
Asset Management Strategy  
Council Grants Policy  
Procurement Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 2 – Diverse and Prosperous Economy
- Goal 3 – Sustainable Environment
- Goal 5 – Our Commitment

### Communication Implications

Not commented on.





## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### Gender Equality

Not commented on.

### Conclusion

The success of this funding is likely to improve pedestrian safety in the Shire.

### **OFFICER RECOMMENDATION:**

**That Council notes the report and endorses the funding application under the Transport Accident Commission Local Government Grant program for the analysis and design of intersections in Kaniva to improve pedestrian and cyclist safety.**

**Moved: Cr. Tim Meyer**

**Seconded: Cr. Tom Houlihan**

**That Council notes the report and endorses the funding application under the Transport Accident Commission Local Government Grant program for the analysis and design of intersections in Kaniva to improve pedestrian and cyclist safety.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref



## 15.0 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.*

Nil



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

### 16.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a))

#### **RECOMMENDATION**

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

**16.1 PROVISION OF TOWN MAINTENANCE SERVICES KANIVA**

**16.2 PROVISION OF TOWN MAINTENANCE SERVICES  
EDENHOPE, APSLEY, HARROW AND GOROKE**

**16.3 SUPPLY AND DELIVERY OF (ONE) GRADER**

**16.4 INCOME PROTECTION INSURANCE**

**16.5 FUTURE SERVICE DELIVERY MODEL: LIBRARY SERVICES**

2. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

#### **ITEM 16.1: PROVISION OF TOWN MAINTENANCE SERVICES KANIVA**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

#### **ITEM 16.2: PROVISION OF TOWN MAINTENANCE SERVICES EDENHOPE, APSLEY, HARROW AND GOROKE**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

### **ITEM 16.3: SUPPLY AND DELIVERY OF (ONE) GRADER**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

### **ITEM 16.4: INCOME PROTECTION INSURANCE**

**Grounds:** (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

**Explanation:** This report contains Council business information regarding confidential commercial negotiations.

### **ITEM 16.5: FUTURE SERVICE DELIVERY MODEL: LIBRARY SERVICES**

**Grounds:** (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

**Explanation:** This report contains Council business information regarding confidential commercial negotiations.



**Moved:** Cr. Tim Meyer

**Seconded:** Cr. Jodie Pretlove

1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 3.58pm to resolve on matters pertaining to the following items:

**16.1 PROVISION OF TOWN MAINTENANCE SERVICES  
KANIVA**

**16.2 PROVISION OF TOWN MAINTENANCE SERVICES  
EDENHOPE, APSLEY, HARROW AND GOROKE**

**16.3 SUPPLY AND DELIVERY OF (ONE) GRADER**

**16.4 INCOME PROTECTION INSURANCE**

**16.5 FUTURE SERVICE DELIVERY MODEL: LIBRARY  
SERVICES**

2. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

**ITEM 16.1: PROVISION OF TOWN MAINTENANCE SERVICES  
KANIVA**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

**ITEM 16.2: PROVISION OF TOWN MAINTENANCE SERVICES  
EDENHOPE, APSLEY, HARROW AND GOROKE**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;



## COUNCIL MEETING MINUTES – 17 AUGUST 2022 WEST WIMMERA SHIRE COUNCIL

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

### **ITEM 16.3: SUPPLY AND DELIVERY OF (ONE) GRADER**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation:** This report contains Council business information regarding commercial negotiations and private commercial information.

### **ITEM 16.4: INCOME PROTECTION INSURANCE**

**Grounds:** (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

**Explanation:** This report contains Council business information regarding confidential commercial negotiations.

### **ITEM 16.5: FUTURE SERVICE DELIVERY MODEL: LIBRARY SERVICES**

**Grounds:** (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

**Explanation:** This report contains Council business information regarding confidential commercial negotiations.

**Carried (5/0)**

Cr Tom Houlihan left the meeting at 3.58pm.

**MEETING CONCLUDED: 3.59PM**

**NEXT MEETING: WEDNESDAY, 21 SEPTEMBER 2022  
HARROW COMMUNITY HALL**