



## COUNCIL MEETING MINUTES – 19 OCTOBER 2022 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday, 19 October 2022

**LOCATION:** Kaniva Council Chambers

**COMMENCED:** 2.00pm

**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) James Bentley Director Corporate & Community Services (DCCS) Ram Upadhyaya Director Infrastructure Development & Works (DIDW)
	<b>Officers:</b> Kaddie Cother Governance Coordinator Kiara Silvester Executive Assistant to the CEO James Magee Assets & GIS Coordinator

*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.*

### ***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 – 19 OCTOBER 2022 WEST WIMMERA SHIRE COUNCIL

### 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.

### 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

John Hutchins – Manager Community Development & Tourism

Katie Frost – Governance Manager

#### 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 Declared*



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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 [KaddieCother@westwimmera.vic.gov.au](mailto:KaddieCother@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)*

*None Received*



## **COUNCIL MEETING MINUTES – 19 OCTOBER 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)**

29/09/2022 Audit & Risk Committee Meeting  
30/09/2022 Unscheduled Council Meeting  
04/10/2022 Strategic Leadership Meeting with CEO  
05/10/2022 Councillor Forum  
13/10/2022 MAV Annual Conference and Dinner  
14/10/2022 MAV State Council Meeting  
19/10/2022 Agenda Review  
19/10/2022 Council Meeting

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

29/09/2022 Audit & Risk Committee Meeting  
30/09/2022 Unscheduled Council Meeting  
04/10/2022 Strategic Leadership Meeting with CEO  
05/10/2022 Councillor Forum  
19/10/2022 Agenda Review  
19/10/2022 Council Meeting

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

27/09/2022 Wimmera Mallee Tourism  
30/09/2022 Unscheduled Council Meeting  
04/10/2022 Wimmera Development Association  
05/10/2022 Councillor Forum  
19/10/2022 Agenda Review  
19/10/2022 Council Meeting

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

30/09/2022 Unscheduled Council Meeting  
30/09/2022 Wimmera Southern Mallee Regional Transport Group  
05/10/2022 Councillor Forum  
19/10/2022 Agenda Review  
19/10/2022 Council Meeting

#### **5.5 COUNCILLOR TOM HOULIHAN**



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29/09/2022 National & Victoria Police Service Medals and Divisional  
Commendations to Victoria Police members of Western Regional Division 4  
30/09/2022 Unscheduled Council Meeting  
05/10/2022 Councillor Forum  
19/10/2022 Agenda Review  
19/10/2022 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

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 21<sup>st</sup> SEPTEMBER 2022

#### RECOMMENDATION:

**That the Minutes of the Council Meeting held on Wednesday, 21<sup>st</sup> September 2022 be taken as an accurate record and confirmed.**

**Moved: Cr Tim Meyer**

**Seconded: Cr Jodie Pretlove**

**That the Minutes of the Council Meeting held on Wednesday, 21<sup>st</sup> September 2022 be taken as an accurate record and confirmed.**

**Carried (4/1)**



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### **7.1 CONFIRMATION OF MINUTES FROM THE UNSCHEDULED COUNCIL MEETING 30<sup>TH</sup> SEPTEMBER 2022**

#### **RECOMMENDATION:**

**That the Minutes of the Unscheduled Council Meeting held on Friday, 30<sup>th</sup> September 2022 be taken as an accurate record and confirmed.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That the Minutes of the Unscheduled Council Meeting held on Friday, 30<sup>th</sup> September 2022 be taken as an accurate record and confirmed.**

**Carried (5/0)**

### **7.2 CONFIRMATION OF MINUTES FROM THE COMMUNITY FORUM HELD 21<sup>ST</sup> SEPTEMBER 2022**

#### **RECOMMENDATION:**

**That the Minutes of the Community forum held on Wednesday, 21<sup>st</sup> September 2022 be taken as an accurate record and confirmed.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the Minutes of the Community forum held on Wednesday, 21<sup>st</sup> September 2022 be taken as an accurate record and confirmed.**

**Carried (5/0)**



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

### **9.0 NOTICES OF MOTION**

### **10.0 COUNCILLOR FORUM RECORD – 5 OCTOBER 2022**

#### **RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday, 5 October 2022 be received and noted.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the Record for the Councillor Forum held Wednesday, 5 October 2022 be received and noted.**

**Carried (5/0)**

### **11.0 DEPUTATIONS AND PETITIONS**



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**12.0 CHIEF EXECUTIVE OFFICER**

**12.1 NO REPORTS**

UNCONFIRMED



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### 13.0 CORPORATE & COMMUNITY SERVICES

#### 13.1 SUPPORT FOR PUBLIC ART POLICY

**FILE NUMBER:**

**REPORT AUTHOR: JOHN HUTCHINS, MANAGER COMMUNITY  
DEVELOPMENT AND TOURISM**

**FOR DECISION**

##### Introduction

The Public Art Policy has been developed as a foundation to West Wimmera Shire Council's commitment to increase the community wellbeing and effectiveness by encouraging Public Art. This Policy will clarify the approval, commissioning and ongoing management processes associated with quality public art.

##### Declaration of Interests

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

##### Background

The Policy was adopted by Council on the 18 September 2019 and was due for review in September 2021.

##### Risk Management Implications

As this is a pre-existing Policy, no further risks have been identified in this update.

##### Legislative Implications

Not commented on.

##### Environmental Implications

Not commented on.

##### Financial and Budgetary Implications

Updating the policy has residual funding implications only.



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### Policy Implications

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

- Support for Community Arts

### 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

### Communication Implications

Council's communications staff will assist in promoting the event considered in this report through its website and social media.

### 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

This policy will be required for future strategic arts planning across the Shire and will be required for future funding opportunities as they become available.



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### **OFFICER RECOMMENDATION:**

That Council adopts the updated “Support for Public Art Policy”.

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Jodie Pretlove

**That Council adopts the updated “Support for Public Art Policy” with an amendment to include no joint applications or projects with other shires be approved with West Wimmera Shire Council unless approved in an open Council Meeting.**

**Carried (4/1)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.1.1	Updated support for public art policy with track changes	



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### 14.0 INFRASTRUCTURE DEVELOPMENT & WORKS

#### 14.1 CLOSURE AND DISCONTINUANCE OF PORTLAND LANE – PARISH OF BOIKERBERT & MURRANDARRA

##### FILE NUMBER:

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

##### FOR DECISION

##### Introduction

This report seeks to get approval from Council to close and discontinue Portland Lane – Parish of Boikerbert and Murrandarra. Council provided “in-principle” approval to start the formal process for closure and discontinuance of this road on 17 August 2022. As a result, comment from the community on this matter was sought during August and September via the local newspaper and Council’s website. At the close of the submission period, no formal objections were received to the proposal. The submission was advertised on the website on 24 August 2022 and in the Kowree Advocate on 24 August 2022 and closed on Friday 23 September 2022.

##### Declaration of Interests

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

##### Background

Department of Environment, Land, Water and Planning (DELWP) is seeking 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 dealings, consent of the Council to close the road pursuant to *Section 349 of the Land Act 1958* is required.

Following the DELWP request, Council provided “in-principle” approval to formally start the process of the road closure. As a part of the process, Council officers sought feedback on the proposal by advertising it in the local newspapers and on Council’s website. At the closure of the advertising period on the 23 September 2022, no formal objection to the proposal were received. This justifies that the adjoining landholders and local residents have no issues with the proposed development.



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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 biosecurity as well as will have 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 the Road Management Act 2004.

After the approval from the Council, the officer will then start the gazettal process to formally close and discontinue Portland Lane. The road reserve will then be passed back to DELWP where 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.



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### 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.

### 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.



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**OFFICER RECOMMENDATION:**

That Council provides approval to close and discontinue Portland Lane, Apsley.

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Trevor Domaschenz

**That Council provides approval to close and discontinue Portland Lane, Apsley.**

**Carried (5/0)**

**Attachments:**

No.	Name	RecFind Ref
14.1.1	DELWP Portland Lane Road Closure letter	PS0007
14.1.2	DELWP Survey Map	PS0007
14.1.3	Location of Land OP125970 Plant of Crown Allotment	PS0007
14.1.4	Consent to Closure of Road Form	PS0007
14.1.5	Portland Land closure supporting statement	
14.1.6	Advertisement	



**14.2 ADOPTION OF MASTERPLAN FOR APSLEY WAR MEMORIAL PARK  
(APSLEY PLAYSACE)**

**FILE NUMBER:**

**REPORT AUTHOR: JAMES MAGEE, MANAGER PMO, INNOVATION AND  
ASSETS**

**FOR DECISION**

Introduction

The primary objective of this report is to provide guidance for the future development of the Apsley Playspace. Council has developed draft plans and received community consultation. The consultation has been taken into account. The playspace plan is now presented as a guide for the future development of the site.

Declaration of Interests

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

Background

Council has completed the community consultation on the Apsley Playspace Master Plan. A total of 44 responses were received.

The comments were very positive towards the plan. A detailed email was received suggesting some different plants are used and this can be picked up in the detailed design phase of the project.

The most popular elements were the sand and creek play area, upgraded play equipment, enclosed fencing and upgrading the toilets. The toilets were not a focus of the consultation or discussion but have come through quite strongly from the community.

The following priority for implementation emerged on the survey.

1. Fencing
2. Toilet Upgrade
3. Sand and Creek nature play area
4. New play equipment
5. Flying Fox



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6. Swings area
7. Tourism/Finishing post area.

### Risk Management Implications

Council is responsible for managing these projects, it is important that they are managed well to ensure no loss of reputation or funding and to ensure the best outcome for the community and Council

### Legislative Implications

Not commented on

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

Council has \$50k in FY22/23 as seed funding for this project. As part of the detailed design, Council can liaise with the Apsley community to see what funding may be available to go towards a project. The council would need to monitor funding opportunities as they become available that would fit into the available budget (it is unlikely we can secure funding for just fencing or toilets and would be best to wrap these up in other projects which could attract external funding to maximise Council and Community Contribution). A specific funding opportunity should it arise would be put before Council for approval prior to submission.

### Policy Implications

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

- Procurement Policy
- Council Plan 2021-2025

### Council Plan Implications

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

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



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- Goal 4 – Good Governance
- Goal 5 – Our Commitment

### Communication Implications

Consultation has already been undertaken in development of the plans.

### Gender Equality

A Gender Impact Assessment is not required.

### Conclusion

The plans for the Apsley Playspace have been developed and reviewed after public consultation. The intention is that the plan be utilised as a master plan to obtain future funding for the development of the precinct. Separable portions of the master plan may be isolated for a specific funding opportunity.

### **OFFICER RECOMMENDATION:**

**That Council adopts the Apsley War Memorial Park Landscape Concept Plan-Layout Plan and Layout Plan Details (as attached) as a master plan for future development of the area.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**That Council adopts the Apsley War Memorial Park Landscape Concept Plan-Layout Plan and Layout Plan Details (as attached) as a master plan for future development of the area.**

**Carried (5/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.2.1	Apsley War Memorial Park, Landscape Concept Plan-Layout Plan	
14.2.2	Apsley War Memorial Park, Landscape Concept Plan-Layout Plan Details	



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### 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.*

MEETING CONCLUDED: 3:07PM

NEXT MEETING: WEDNESDAY, 16 NOVEMBER 2022  
EDENHOPE COUNCIL CHAMBER