



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

**HELD:** Wednesday, 16 November 2022

**LOCATION:** Edenhope 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)

<b>IN ATTENDANCE:</b>	
<b>Councillors</b>	<b>Executive Leadership Group</b>
Tim Meyer, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tom Houlihan Bruce Meyer OAM	David Bezuidenhout Chief Executive Officer (CEO) James Bentley Director Corporate & Community Services (DCCS) Ram Upadhyaya Director Infrastructure Development & Works (DIDW)
<b>External Officers</b>	<b>Officers</b>
Tim Brown	Kaddie Cother Governance Coordinator Katie Frost Governance Manager Nicole Wearne Manager Planning & Environment



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

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

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***Vision Statement:***

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



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### 1.0 WELCOME

#### ACKNOWLEDGEMENT:

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

### 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.*

*Cr Domaschenz declared a conflict of interest in item 13.1 Governance Rules*

*Cr Pretlove declared a conflict of interest in item 16.1 Expression of Interest – Edenhope Business Centre*



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

#### 4.1 WRITTEN QUESTIONS

*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 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.



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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)*



## **COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL**

### **5.0 DELEGATES REPORTS (VERBAL OR WRITTEN)**

#### **5.1 COUNCILLOR TIM MEYER (MAYOR)**

21/10/2022	Goroke Recreation Reserve Opening
24/10/2022	Stafford Strategy - West Wimmera Tourism Strategy Meeting
26/10/2022	MAV Councillor Training
28/10/2022	Unscheduled Council Meeting
28/10/2022	Western Highway Action Committee Meeting
02/11/2022	Annual Statutory Meeting
02/11/2022	Councillor Forum
03/11/2022	Governance Rules Submission Discussion
04/11/2022	Rail Freight Alliance Meeting
08/11/2022	Strategic Leadership Meeting with CEO
08/11/2022	Western Vic Business AGM & Masterclass
11/11/2022	Remembrance Day Ceremony (Kaniva)
16/11/2022	Agenda Review
16/11/2022	Council Meeting

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

20/10/2022	West Wimmera Shire Vic Seniors Concert
21/10/2022	Goroke Recreation Reserve Opening
24/10/2022	Stafford Strategy - West Wimmera Tourism Strategy Meeting
25/10/2022	CEO Performance Review
26/10/2022	MAV Councillor Training
28/10/2022	Unscheduled Council Meeting
02/11/2022	Annual Statutory Meeting
02/11/2022	Councillor Forum
03/11/2022	Governance Rules Submission Discussion
08/11/2022	Strategic Leadership Meeting with CEO
11/11/2022	Remembrance Day Ceremony (Apsley)
16/11/2022	Agenda Review
16/11/2022	Council Meeting

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

21/10/2022	WDA Meeting
24/10/2022	Stafford Strategy - West Wimmera Tourism Strategy Meeting
25/10/2022	Wimmera Mallee Tourism Meeting
26/10/2022	MAV Councillor Training
28/10/2022	Unscheduled Council Meeting
02/11/2022	Annual Statutory Meeting





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02/11/2022	Councillor Forum
03/11/2022	Governance Rules Submission Discussion
11/11/2022	Remembrance Day Ceremony (Edenhope)
16/11/2022	Agenda Review
16/11/2022	Council Meeting

### 5.4 COUNCILLOR TOM HOULIHAN

20/10/2022	West Wimmera Shire Vic Seniors Concert
21/10/2022	Goroke Recreation Reserve Opening
24/10/2022	Stafford Strategy - West Wimmera Tourism Strategy Meeting
28/10/2022	Unscheduled Council Meeting
02/11/2022	Annual Statutory Meeting
02/11/2022	Councillor Forum
03/11/2022	Governance Rules Submission Discussion
11/11/2022	Remembrance Day Ceremony (Harrow)
16/11/2022	Agenda Review
16/11/2022	Council Meeting

### 5.5 COUNCILLOR BRUCE MEYER OAM

20/10/2022	West Wimmera Shire Vic Seniors Concert
21/10/2022	Goroke Recreation Reserve Opening
21/10/2022	WDA Business Awards
24/10/2022	Stafford Strategy - West Wimmera Tourism Strategy Meeting
25/10/2022	CEO Performance Review
26/10/2022	MAV Councillor Training
27/10/2022	Kaniva Kindergarten Official Opening
28/10/2022	Unscheduled Council Meeting
28/10/2022	Rural Councils Victoria AGM
02/11/2022	Annual Statutory Meeting
02/11/2022	Councillor Forum
03/11/2022	Governance Rules Submission Discussion
08/11/2022	Strategic Leadership Meeting with CEO
11/11/2022	Remembrance Day Ceremony (Kaniva)
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**Moved:** Cr Bruce Meyer

**Seconded:** Cr Trevor Domaschenz

**That Council send a congratulatory letter to Dawn Austin for winning the Senior Achiever Award.**

**Carried (5/0)**

### **6.0 CONDOLENCES**

*None Received*

### **7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 19<sup>TH</sup> OCTOBER 2022**

#### **RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday, 19<sup>th</sup> October 2022 be taken as an accurate record and confirmed.**

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Jodie Pretlove

**That the Minutes of the Council Meeting held on Wednesday, 19<sup>th</sup> October 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 - 28<sup>th</sup> OCTOBER 2022**

#### **RECOMMENDATION**

**That the Minutes of the Unscheduled Council Meeting held on Friday, 28<sup>th</sup> October 2022 be taken as an accurate record and confirmed.**

**Moved: Cr Trevor Domaschenz**

**Seconded: Cr Jodie Pretlove**

**That the Minutes of the Unscheduled Council Meeting held on Friday, 28<sup>th</sup> October 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**

*None Received*

#### **10.0 COUNCILLOR FORUM RECORD – 2 NOVEMBER 2022**

*Deferred until December Council Meeting*

#### **11.0 DEPUTATIONS AND PETITIONS**

*None Received*



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**12.0 CHIEF EXECUTIVE OFFICER**

**12.1 NO REPORTS**



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### 13.0 CORPORATE & COMMUNITY SERVICES

#### 13.1 GOVERNANCE RULES REVIEW

##### FILE NUMBER:

**REPORT AUTHOR: JAMES BENTLEY – DIRECTOR CORPORATE  
COMMUNITY SERVICES**

##### FOR DECISION

##### Introduction

On 21 September 2022, Council considered proposed updated Governance Rules (Rules) (incorporating a revised Election Period Policy) and resolved to advertise the proposed Rules and invite submissions in accordance with its Community Engagement Policy.

The proposal was advertised in the local newspapers and on the Council website and provided that submissions would be received until 5:00pm on 24 October 2022.

##### Declaration of Interests

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

##### Background

The current Rules require updating because:

- a) the LGA 2020 has been amended to provide that Council meetings may now be conducted wholly or partly by electronic means on an ongoing basis;
- b) the Election Period Policy in the current Rules relates to the 2020 Council elections;  
and
- c) a review could incorporate other amendments considered necessary.

##### Risk Management Implications

Every Council must establish and maintain Governance Rules and an Election Period Policy. In the absence of appropriate Governance Rules, Council's decisions would be open to challenge.

##### Legislative Implications



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Council is required to conform with the provisions of the LGA 2020. Non-compliance could attract the attention of:

- a) Local Government Victoria;
- b) the Local Government Inspectorate;
- c) the Ombudsman;
- d) the media; or
- e) the community.

### Environmental Implications

Not applicable.

### Financial and Budgetary Implications

There are no significant financial and budgetary implications.

### Policy Implications

This report is supported by the following Council publications:

- a) the *Community Engagement Policy*;
- b) the *Councillor Code of Conduct*;
- c) the *Information Privacy Policy*;
- d) the *Media Relations Policy*;
- e) the *Public Transparency Policy*; and
- f) the *Risk Management Policy*.

### Council Plan Implications

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

- Goal 4 – Good Governance

### Communication Implications

The process to adopt new Governance Rules (incorporating a new Election Period Policy) requires:



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- a) initial consideration by Council;
- b) legal advice;
- c) inviting submissions by advertising in accordance with Council's *Community Engagement Policy*;
- d) consideration of submissions at a Councillor Forum;
- e) consideration of submissions at a Council meeting; and
- f) Council adoption of the new Governance Rules.

### Gender Equality

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

### Submissions

Two submissions in relation the proposed Rules were received – see Attachments 1 and 2. There were no submissions in relation to the proposed Election Period Policy.

Council staff have reviewed the submissions. A summary of the submissions and Officer comments are shown in Attachment 3.

### Conclusion

The statutory process to introduce updated Rules is almost complete but requires consideration by Council of the two submissions received.

### **OFFICER RECOMMENDATION:**

**It is recommended that:**

- a) **the two submissions be considered;**
- b) **Council note that the advertised version of the proposed Governance Rules has been amended to provide for:**
  - i. **newspaper advertising where practicable;**



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- ii. **Notices of Motion to be followed by an explanation of up to 100 words;**
  - iii. **verbal questions without notice from the gallery by suspending standing orders;**
  - iv. **written questions from the gallery to include an explanation of up to 100 words;**
  - v. **the Chief Executive Officer to disallow a Notice of Motion which is potentially libellous;**
  - c) **Council note there were no submissions in relation to the proposed Election Period Policy;**
  - d) **having considered the two submissions, Council adopts the proposed Governance Rules (as amended in Attachment 4);**
  - e) **Council note the new Governance Rules apply from 17 November 2022; and**
  - f) **the submitters be advised accordingly.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Tom Houlihan**

**That the Governance Rules Review be considered with the exception of 14.4.2b**

**Carried (5/0)**





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**Moved: Cr Jodie Pretlove**

**Seconded: Cr Bruce Meyer**

**It is recommended that the following be considered with the exception of 14.4.2b:**

- a) the two submissions be considered;**
- b) Council note that the advertised version of the proposed Governance Rules has been amended to provide for:**
  - vi. newspaper advertising where practicable;**
  - vii. Notices of Motion to be followed by an explanation of up to 100 words;**
  - viii. verbal questions without notice from the gallery by suspending standing orders;**
  - ix. written questions from the gallery to include an explanation of up to 100 words;**
  - x. the Chief Executive Officer to disallow a Notice of Motion which is potentially libellous;**
- c) Council note there were no submissions in relation to the proposed Election Period Policy;**
- d) having considered the two submissions, Council adopts the proposed Governance Rules (as amended in Attachment 4);**
- e) Council note the new Governance Rules apply from 17 November 2022; and**
- f) the submitters be advised accordingly.**

**Carried (5/0)**



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**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Tom Houlihan

**That under section 55.8 of the Governance Rules the following be amended to read:**

**That every petitioner or councillor on behalf of the petitioner, presenting a petition or joint letter to Council, must write or otherwise record their name at the beginning of the petition or joint letter.**

**Carried (5/0)**

*Cr Domaschenz left the room at 2:47pm*

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Jodie Pretlove

**That item 14.4.2b be passed as presented in the Governance Rules**

**Carried (4/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.1.1	Submission 1 Cr Domaschenz	
13.1.2	Submission 2 Helen Mulraney-Roll	
13.1.3	Submissions Summary	
13.1.4	Governance Rules	
13.1.5	Election Period Policy	



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### 13.2 MINUTES OF AUDIT & RISK COMMITTEE MEETING HELD 29 SEPTEMBER 2022

**FILE NUMBER: FM0021**

**REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER**

#### **FOR INFORMATION**

##### Introduction

This report presents West Wimmera Shire Council (Council) with the minutes of the Audit and Risk Committee Meeting held on 29 September 2022.

##### Declaration of Interests

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

##### Background

Section 53 (1) of the *Local Government Act 2020* requires that each Council establish an Audit and Risk Committee. The Audit and Risk Committee is a formally appointed Advisory Committee of Council.

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations relevant to its charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities. The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

The Audit and Risk Committee (The Committee) does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management. The Committee does not have any role in relation to issues normally addressed by Council or a sub-committee of Council, which may have delegated powers and financial management responsibilities in relation to budgets, financing decisions and expenditure priorities. The Committee is a separate activity and acts independently of Council and does not have any role in relation to financial management issues or have any executory role or powers.



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### Risk Management Implications

There are significant risk management implications from not providing governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

### Legislative Implications

The *Local Government Act 2020* requires that each Council establish an Audit and Risk Committee.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Not commented on.

### Policy Implications

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

Fraud & Corruption Control Policy  
Risk Management Policy

### Council Plan Implications

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

- Goal 4 – Good Governance

### Communication Implications

Not commented on.

### 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 minutes of the previous Audit Committee meeting are attached for Councillor's information.



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### **OFFICER RECOMMENDATION:**

**That Council receives the draft minutes of the Audit and Risk Committee meeting held 29 September 2022.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Bruce Meyer**

**That Council receives the draft minutes of the Audit and Risk Committee meeting held 29 September 2022.**

**Carried (4/0)**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
13.2.1	2022 09 29 Audit Committee MINUTES unconfirmed	



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### 14.0 INFRASTRUCTURE DEVELOPMENT & WORKS

#### 14.1 PROPOSED COMMUNITY LOCAL LAW NO 9 OF 2023

##### FILE NUMBER:

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

##### FOR INFORMATION

##### Introduction

Council's Community Local Law No 6 of 2012 was made pursuant to the *Local Government Act* 1989 (LGA 1989) and "sunset" on 30 September 2022. Accordingly, it needs to be replaced with an updated and comprehensive local law.

##### Declaration of Interests

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

##### Background

Community Local Law No 6 of 2012 was an "omnibus" local law in that it dealt with a wide range of matters including, but not limited to:

- a) activities requiring a permit;
- b) storage of vehicles;
- c) keeping of excess animals;
- d) temporary dwellings;
- e) camping in townships;
- f) movement of livestock;
- g) roadside grazing;
- h) prohibited activities;
- i) pest animals;



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- j) noxious weeds;
- k) enforcement; and
- l) penalties.

Under the LGA 1989, local laws “sunset” after 10 years.

### Risk Management Implications

A comprehensive local law is required to cover a wide range of topics and provide for:

- a) instances where permits are required;
- b) prohibited activities;
- c) protection of Council assets;
- d) permit applications;
- e) using of permits;
- f) permit conditions;
- g) enforcement; and
- h) penalties.

The lack of a local law or a deficient local law could expose Council to a range of risks.

### Legislative Implications

The LGA 2020 includes a range of provisions relating to:

- a) the power of councils to make local laws;
- b) local law requirements;
- c) the procedures to propose and make a local law;
- d) incorporation of related documents;
- e) permits, licences, fees and charges;
- f) delegations;



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- g) penalties;
- h) infringement notices; and
- i) a ten year sunset provision.

Further details of the key legislative aspects are summarised below.

### Power to make a local law

Sections 71 and 72 of the LGA 2020 provide that:

- a) a Council may make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this Act or any other Act; and
- b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.

### Proposing a local law

The LGA 2020 requires that in proposing a local law, a Council must;

- a) make the local law in accordance with its community engagement policy;
- b) give public notice of the proposal; and
- c) have the proposed local law certified by a legal practitioner.

### The Proposed Local Law

#### Preparation and Process

Preparing the proposed local law is a substantial and time consuming exercise which has involved, or will involve:

- a) a review of the existing local law;
- b) “benchmarking” (ie: comparing) the proposed local law with those of three comparable municipalities;
- c) several drafts of the proposed local law;
- d) compliance with Local Government Victoria’s Local Law Best Practice Guidelines;
- e) drafting of a Local Law Community Impact Statement (LLCIS);





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- f) consultation with relevant staff;
  - g) legal advice;
  - h) a Forum report;
  - i) a Council report;
  - j) community consultation including:
    - i. advertising the proposed local law;
    - ii. release of the LLCIS;
    - iii. inviting submissions (allowing 28 days for submission);
    - iv. hearing of submissions by Council;
  - k) a further Forum report;
  - l) legal certification;
  - m) a further Council report to adopt the new local law;
  - n) revised administrative processes relating to:
    - i. permit applications;
    - ii. issuing permits;
    - iii. enforcement;
    - iv. website information; and
    - v. fees.



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### Objectives

The proposed local law has been prepared with the following objectives:

- a) to ensure the local law is contemporary, that is, that it meets the requirements of the community and the Council for the present and the foreseeable future;
- b) to ensure the local law is written in “plain English” and is easily understood;
- c) to ensure the local law reflects the diversity of the municipal district, particularly in relation to:
  - i. townships and rural areas; and
  - ii. property sizes;
- d) to introduce provisions not included in the current local law;
- e) to ensure that the local law does not include provisions which are excessively onerous;
- f) to propose penalties which are reasonable;
- g) to simplify the procedures in relation to permit applications and the issuing of permits;
- h) to give greater powers to authorised officers in relation to operational matters;
- i) to make use of incorporated documents which can be amended by Council as required without the need for a statutory process; and
- j) to minimise the risk of having to review the local law within ten years.

### Process of developing the Proposed Local Law

The process followed in drafting the proposed local law has included:

- a) reviewing the previous local law for relevance and completeness;



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- b) consultation with staff;
- c) comparison of the draft local law with those of:
  - i. Hindmarsh – because it is an adjacent municipality with characteristics similar to West Wimmera and its local law was adopted in 2021;
  - ii. Yarriambiack - because it is an adjacent municipality with characteristics similar to West Wimmera;
  - iii. Yarra Ranges – because although it differs from West Wimmera in many respects:
    - it has many similar characteristics in terms of land use;
    - its local law is very comprehensive and was adopted in 2020; and
- d) preliminary legal advice.

### The previous local law

The previous local law had provisions that should be retained, however:

- a) additional definitions are required;
- b) administrative provisions in relation to permit applications, issuing of permits, advertising and appeal rights were lengthy and can be simplified;
- c) there were no provisions, or inadequate provisions, relating (for example) to:
  - i. storage of vehicles and machinery;
  - ii. excess animals;
  - iii. camping;
  - iv. behaviour on Council land;



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- v. bulk rubbish containers;
  - vi. clothing bins;
  - vii. processions;
  - viii. use of footpaths;
  - ix. droving or grazing of livestock;
  - x. dilapidated premises;
  - xi. vegetation overhanging the footpath;
  - xii. bees and wasps;
  - xiii. recreation vehicles;
  - xiv. noise;
  - xv. noxious weeds;
  - xvi. protection of Council assets;
  - xvii. open air burning;
  - xviii. parking of heavy and long vehicles;
  - xix. advertising signs;
  - xx. scareguns;
  - xxi. use of Council supplied receptacles; and
  - xxii. alternative treatment of nature strips.

### The proposed local law

A comparison of the provisions of the previous local law and the proposed local law is included in the Attachment.



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### Environmental Implications

The proposed local law recognises the importance of environmental issues and makes reference to:

- a) the objective of managing, regulating and controlling activities and uses on any land which:
  - i. may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
  - ii. are directed at maintaining a healthy and safe environment for residents and visitors;
- b) control of animals;
- c) open air burning;
- d) noise;
- e) noxious weeds;
- f) disposal of infectious waste; and
- g) pest animals.

### Financial and Budgetary Implications

Provision of \$30,000 has been made in the 2022/23 Council Budget to develop and introduce a new local law.

### Policy Implications

This report is supported by the following Council policies:

- a) Community Engagement Policy;
- b) Domestic Firewood Collection Policy;
- c) Environmental Policy; and
- d) Risk Management Policy.



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### Council Plan Implications

This report supports the following section/s of the 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

The proposed local law will be advertised in accordance with the LGA 2020 and Council's Community Engagement Policy.

### Gender Equality

A gender impact assessment (as defined in the *Gender Equality Act 2020*) has been undertaken in relation to this matter.

### Conclusion

The proposed local law has been developed after extensive research, consultation with staff, comparisons with the local laws of three councils and preliminary legal advice.



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### **OFFICER RECOMMENDATION:**

It is recommended that:

- a) the proposed Community Local Law No 9 of 2023 be advertised in accordance with section 73 of the *Local Government Act 2020*;
- b) submissions be invited with a closing date of 22 December 2022;
- c) Council note that section 74 (1) and (2) of the *Local Government Act 2020* requires certification by a lawyer of the proposed local law;
- d) that any submissions be considered by Council its meeting on 15 February 2023; and
- e) the proposed local law be further considered by Council after the submission process.



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**Moved:** Cr Bruce Meyer

**Seconded:** Cr Jodie Pretlove

**It is recommended that:**

- a) the proposed Community Local Law No 9 of 2023 be advertised in accordance with section 73 of the *Local Government Act 2020*;
- b) submissions be invited with a closing date of 22 December 2022;
- c) Council note that section 74 (1) and (2) of the *Local Government Act 2020* requires certification by a lawyer of the proposed local law;
- d) that any submissions be considered by Council its meeting on 15 February 2023; and
- e) the proposed local law be further considered by Council after the submission process.

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.1.1	Local Law No 9	
14.1.2	Township maps	
14.1.3	Table of changes	
14.1.4	Stock movement appendix	
14.1.5	Community impact statement	





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### 14.2 DOMESTIC ANIMAL MANAGEMENT PLAN 2022 -2026

#### **FILE NUMBER:**

**REPORT AUTHOR: NICOLE WEARNE, MANAGER PLANNING AND ENVIRONMENT**  
**FOR DECISION**

#### Introduction

The purpose of this report is to present the draft Domestic Animal Management Plan (DAMP) to the Council with the view of adopting this plan as the West Wimmera Shire Domestic Animal Management Plan 2022-2026. In developing this plan, considerable community and stakeholder engagement was undertaken to ensure that key messages have been captured and incorporated into the plan, which will effectively guide the council's future activities and priorities in this area. Furthermore, these activities are aimed at responding to the community's needs and any emerging issues. The community consultation period was conducted between the 22nd September to the 14th October 2022 and a total number of 57 comments were received through 20 respondents. This process was actively promoted through all of Council's communication channels, including the face-to-face Customer Service Centres. Feedback was also sought and received from council officer experiences and observations.

#### Declaration of Interests

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

#### Background

In accordance with the Section 68A of Domestic Animals Act 1994, Council is required to undertake a number of activities with respect to the development, review and ongoing management of its Domestic Animal Management Plan (DAMP). This plan is required to be reviewed every four years with a copy being lodged with the Department Jobs, Precincts and Regions (DJPR) after its approval or amendment.

This revised plan was initially due to be lodged with the DJPR on the 31<sup>st</sup> July 2022, which was then further extended to the 30<sup>th</sup> September 2022 due to a number of operational constraints. With these ongoing constraints and workload issues a further and final extension was sought and granted by DJPR to the 4<sup>th</sup> December 2022.



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The proposed Domestic Animal Management Plan 2022-2026 aims to achieve the objectives of the Act, which include to promote;

- animal welfare;
- responsible pet ownership; and
- protection to the community and environment.

More specifically, in the development of its DAMP, Council is bound by a number of other statutory requirements as follows;

- (1) A DAMP prepared by a Council must—
  - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
  - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
  - (c) outline programs, services and strategies which the Council intends to pursue in its municipal district—
    - (i) to promote and encourage the responsible ownership of dogs and cats; and
    - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
    - (iii) to minimise the risk of attacks by dogs on people and animals; and
    - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
    - (v) to encourage the registration and identification of dogs and cats; and
    - (vi) to minimise the potential for dogs and cats to create a nuisance; and
    - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
  - (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
  - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
  - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.



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(2) Every Council must—

- (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
- (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
- (c) publish an evaluation of its implementation of the plan in its annual report.

Through the community and stakeholder engagement and consultation process, a number of key issues and themes emerged and these have been included in Attachment 1. The collective information derived from the consultation process has been used as the basis for forming the proposed 2022-2026 DAMP actions, which is attached as Attachment 2. A final format of this plan is attached as Attachment 3. The proposed actions aim to further strengthen council's animal management activities and ensure that contemporary practice is undertaken. Consultation was also undertaken with council officers.

### Key Issues Emerging from Consultation

A total of 20 people responded to the community consultation survey, totalling 57 individual comments being lodged along with a number of other short responses to the 12 question survey. The comments received appeared to be reasonable, balanced and fair and something upon which the Council could rely on as being a representative view of the broader community.

A number of key issues have emerged from the consultation process and are individually listed in Attachment 1. In order of prominence, the following issues have been highlighted in descending order as those that should receive priority attention;

- Signage – 17 respondents (85%) stated that they have not observed adequate messaging and signage about dog control orders or other domestic animal compliance issues;
- Promoting the Dog Rules – 17 respondents (85%) stated that they don't believe council has adequately promoted the rules about dogs in public places;
- Dog Patrols – 16 respondents (80%) stated that they do not believe that council adequately patrols for compliance with dog control orders;
- Negative Experience with a Dog or Cat - 14 respondents (70%) stated that they have experienced a negative impact with a dog or cat;
- Off Leash Areas – 13 respondents (65%) stated that they felt there are inadequate off leash areas for dogs
- Unsafe Experience – 10 respondents (50%) stated that they have not experienced or observed an unsafe situation between a dog and another person or animal and 9 respondents (45%) stated that they had. These figures closely align with the percentage representation on this survey of respondents who were dog/cat owners



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(11; 55%) and non-dog/cat owners (7; 35%) who may see things from slightly different perspectives.

- Similarly, 14 respondents (70%) stated that they are satisfied with the current levels of dog controls. On further assessment of the responses, an interesting trend has emerged from this specific question as follows;

### Dog Owners

- 8 dog owners (44%) satisfied with existing dog orders and 4 dog owners (5%) dissatisfied with existing dog orders
- 10 dog owners (55%) felt there are inadequate patrols and 2 dog owners (1%) felt there are adequate patrols

### Non-Dog Owners

- 4 non-dog owners (5%) satisfied with existing dog orders
- 4 non-dog owners dissatisfied (5%) with existing dog orders
- 1 non-dog owners (0.5%) felt there are adequate patrols
- 6 non-dog owners felt there are inadequate patrols

As the existing dog orders are relatively simple, it was anticipated that dog owners would support their existence. However, for both dog owners and non-dog owners, a high level of dissatisfaction has been noted with respect to the adequacy of the patrols being carried out by council officers. Taking into account the above statistics and considering some of the other responses supporting more dog control areas, specific off leash areas, dog parks etc, there would appear to be support for undertaking a review of the existing dog control orders. Ultimately an effective set of dog control orders aims to address the needs of the community in such a way that it will facilitate a level of self-regulation by the community and forms a basis upon which council can effectively educate and promote responsible dog ownership to its community. A less effective dog control order is one which relies on the need for intensive of patrolling, which is unfeasible and impractical to expect a Ranger to be ever present at so many locations in such a large municipality. For these reasons it is strongly recommended that a review of the dog orders takes place within the life of this plan.

A number of other areas were also highlighted, to a lesser extent, as needing further strengthening in line with normal business improvement practices and they include assisting customers to access services, facilitating the reporting of incidents and following up on such reports by officers.

A number of specific comments were also submitted as part of this survey and from these a range of important issues arose. In no specific order these include;



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- A relatively low level of satisfaction with the extent of dog orders currently in place
- A need for more community education about responsible pet ownership
- Increased messaging and locational signage by Council about dog orders
- Inadequate and ineffective management of barking dog complaints
- The need for more compliance enforcement
- Containment and confinement of cats to their own property
- The need for more open range dog areas or dog parks in populous areas
- A need for improved responsiveness to customers requests
- Improved and more targeted dog patrols

### Low level of satisfaction with dog orders

Currently council has in place a dog order which requires owners to have their dog under effective control in public places. This is quite limited in terms of having actual control of a dog to the point where any potential incident with another dog, person or animal is avoided. Monitoring effective control can also be quite subjective and difficult to enforce from a compliance perspective. Considerable support appears to exist for expanding the dog orders with respect to designating specific areas as on-leash or off leash areas with an overriding requirement to keep dogs under effective control at all times. An action has been included in the proposed 2022-2026 DAMP to undertake a separate and specific community consultation around this important issue.

### Increased Community Education – Responsible Pet Ownership

To assist the community in better understanding their legal obligations and to compliment council's compliance activities, an increase in community education programs and projects has been a prominent message from the community. Whilst no individual approach is the remedy for all of the animal welfare issues at hand, education is an important component to reinforcing compliance requirements and activities and provides the community with a fair and reasonable opportunity to comply.

### Increased Messaging and Signage – Dog Orders, Responsible Pet Ownership Initiatives

Feedback has been received about the need for more messaging and signage to be distributed and/or installed by Council. This may be particularly important if the Council decides to expand the extent of its dog orders in the future. Until such time, locational signage and messaging through the various communication platforms is an important tool to promote compliance messaging and assist the community in doing the correct things.



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### Ineffective Management of Barking Dog Complaints

This particular issue has been amongst the most prominent issues raised through the process. The level of dissatisfaction relates to numerous things such as having to undergo and arduous evidentiary process, not being kept in the loop or having any follow up by council or just having their request ignored after a while if the matter has not been able to be resolved.

Often in such matters, there is a gap in the information being relayed to the community about such investigations. The offence is not that a dog barks but that the extent of the barking needs to satisfy the common law nuisance requirements of an unreasonable noise. There is an increased evidentiary requirement to establish personal injury and/or impact to health, which does not include annoyance. In short, such matters can be quite subjective and vary according to different situations and locations. For this reason, a number of actions have been included in the proposed DAMP, which aim to improve the outcomes in this area. Some of these include clearly outline council's powers and authority in such matters and thereby managing community expectation, the steps and key evidence required for any investigation and information about neighbourhood mediation services where such matters fall outside the scope of council's responsibilities.

As outlined above, such investigations can also be quite time consuming and arduous for Council's Ranger as more often than not this will involve multiple site inspections during and outside normal working hours, statements need to be taken from multiple parties and notices to comply need to be issued and monitored for compliance. If such matters do not result in a resolution, then legal proceedings may also be pursued. This area has been a significant community feedback issue and it would appear that additional supports, training and resources are required to meet such demands which enabling the reminder of the Local Laws work tasks and projects to be undertaken.

### The Need for More Compliance Enforcement

There is strong support for increasing the level of compliance enforcement for serious offences and offenders. Whilst a proper compliance program would typically comprise of a range of approaches including education, promotion and community awareness programs, ultimately there needs to be consequences for those choosing to continue to not comply, as part of a graduated enforcement approach. A failure to enforce chronic offending and/or serious offences has the potential to undermine the compliance message and the efforts of the vast majority of the community who may be doing the correct things. This in turn can undermine council's efforts and credibility in achieving high levels of compliance. Accordingly, actions have been included in the proposed 2022-2026 DAMP.

### Containment and confinement of cats to their own property



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An opportunity exists to explore this issue further with the community with the view of identifying practical outcomes to better manage the issue of cats creating nuisances and/or endangering other small animals and birds.

### The need for more open range dog areas or dog parks in populous areas

The need for more formal off leash areas compliments the requests for changes to dog orders in order to create more on leash areas around populous areas. Such spaces can be beneficial in assisting owners to safely socialise their dogs as responsible dog owners. This may have beneficial consequences in reducing dog attacks/rushes in public places. These clearly defined areas have potential to provide a good platform for rule clarity, consistent community education and responsible pet ownership.

### A need for improved responsiveness to customers requests

It is acknowledged that at times it can be difficult for the Ranger to respond to certain customer requests when there are other competing interests such as higher priority requests, emergencies and being located at a distant location. An action has been included within the proposed 2022-2026 DAMP to undertake a resource analysis in order the identify workforce capacity in terms of specific tasks and duties and the nature and timing of peak service demands. Having a more specific understanding and addressing this may have a beneficial effect on responsiveness to customers.

### Improved and more targeted dog patrols

Aligning reports, requests and complaints about specific locations to areas that warrant regular and random patrols would increase the effectiveness of that patrol in terms of detecting offences and changing non-compliant behaviour in a pro-active manner.

The actions and activities listed within the council's proposed 2022-2026 DAMP satisfy the requirements of Section 68A of the Act (Domestic Animal Management Plans) and include actions relating to the abovementioned issues and feedback. A number of existing actions have also been carried over into this version of the plan and take into account observations made at the officer level. This ensures their relevance with contemporary practice, community expectations, current day issues and statutory obligations.

The proposed 2022-2026 DAMP actions have been grouped accordingly into four main categories and corresponding sub categories as follows;

1. Community Safety
  - Dog Attacks
  - Dangerous Dogs
  - Overpopulation and High Euthanasia
  - Dogs in Public Places





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2. Neighbourhood Amenity, Wellbeing and Environment Protection
  - Nuisance Dogs and Cats
  - Open Space Needs
  - Dog Litter
3. Registration and Identification, Governance and Statutory Compliance
  - Authorised Officers
  - Animal Registration
  - Animal Identification and Lost Animals
  - Animal Desexing
  - Domestic Animal Businesses
  - Dangerous Dogs
  - Responsible Pet Ownership
  - Animal Care in Emergencies
4. Domestic Animal Management Plan Reporting and Review
  - Annual Review
  - Reporting to the Bureau of Animal Welfare and Council

Whilst regular reviews of the 2017-2021 DAMP has occurred throughout its life, significant impact to this process has occurred as result of the impact to council's local laws operations and resources as a result of the COVID-19 Pandemic. In shifting back to a level of operational 'normality', a greater opportunity will exist to progress actions and report such outcomes back to the council through the Annual Report process. This may also have the added benefit of lifting the profile of important and relevant compliance issues with the community.

Importantly, the proposed 2022-2026 DAMP needs to be achievable and deliverable, taking into account the ongoing challenges being brought about by the impact of COVID-19 to our normal lives.

As mentioned above, a number of activities listed within the 2017-2021 DAMP are also proposed to be carried over into the proposed 2022-2026 DAMP along with all of the new actions that address the issues derived from the community and stakeholder engagement process.

Upon adoption by Council, the approved 2022-2026 DAMP is required to be submitted to the Department of Jobs, Precincts and Regions (DJPR) by the 4<sup>th</sup> December 2022.

### Risk Management Implications

There are no risk implications associated with the process outlined in this report.





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### Legislative Implications

Under Section 68A of Domestic Animals Act 1994, Council is required to undertake a number of activities with respect to the development, review and ongoing management of its Domestic Animal Management Plan (DAMP) as follows;

#### Section 68A

(1) Subject to subsection (1A), each Council must, in consultation with the Secretary, prepare a domestic animal management plan on 4 December 2021 and at the end of each period of 4 years after that day.

(1A) A Council may apply to the Secretary for an extension of time within which to prepare a domestic animal management plan.

(1B) The Secretary may grant an extension of time under subsection (1A) if the Secretary believes that special circumstances exist that warrant the granting of an extension. More specific requirements as to the focus areas needing to be covered within a DAMP are outlined under S68A (2) and (3).

As mentioned previously in this Report, the timeline for the completion of this plan has already twice been extended with the final extension being granted by the DJPR TO THE 4th December 2022.

### Environmental Implications

There are no environmental implications associated with the process outlined in this report.

### Financial and Budgetary Implications

West Wimmera staff have provided oversight to this review process and have been supported by external consultants to assist in specialist areas. The maximum budget allocation for this project is \$16,000.

The proposed 2022-2026 DAMP has range of projects and processes that may require future funding, which will be managed by council's annual financial budgeting process.

### Policy Implications

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

Community Engagement Policy



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### 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
- Goal 5 – Our Commitment

### Communication Implications

It is proposed to promote the adopted plan along with specific messages about key issues arising from the consultation and review process.

### 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

Following two timeline extensions by the DJPR due to unforeseen Local Laws resource impacts and implications, Council is required to comply with a final deadline of the 4th December 2022. Council has undertaken a comprehensive community consultation process to provide the community with an opportunity to convey their ideas and key issues relating to domestic animals and responsible pet ownership.

The feedback received from the community along with technical input by council officers has been collected and considered with numerous themes emerging that have been reflected in the plan through corresponding actions. The plan outlines a number of processes that may warrant further community consultation and specific project delivery.

In addressing the issues that have been identified throughout the review process, Council has satisfied its requirements to comply with Section 68A of the Domestic Animals Act 1994, including meeting the lodgement date of the DJPR.



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### **OFFICER RECOMMENDATION:**

That Council;

- Consider and adopt the 2022 – 2026 Domestic Animal Management Plan; and
- Submit the adopted 2022 – 2026 Domestic Animal Management Plan with the Department of Job, Precincts and Regions by the 4th December 2022.

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Bruce Meyer

That Council;

- Consider and adopt the 2022 – 2026 Domestic Animal Management Plan; and
- Submit the adopted 2022 – 2026 Domestic Animal Management Plan with the Department of Job, Precincts and Regions by the 4th December 2022.

**Carried (4/0)**

### **Attachments:**

No.	Name	RecFind Ref
14.2.1	Community Engagement Summary	
14.2.2	DAMP 2022 – 2026 Final Format	



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### 14.3 BIRCHIP CROPPING GROUP

**FILE NUMBER:**

**REPORT AUTHOR: TAMEE MULRANEY, ECONOMIC & BUSINESS  
DEVELOPMENT OFFICER**

#### **FOR INFORMATION**

##### Introduction

Birchip Cropping Group's (BCG) 'Young Farmer Network' program was created as an opportunity for young farmers to socialise, improve their farming knowledge as well as create and strengthen professional networks. It is an opportunity to interact with industry professionals, expand localised research and communicate with other young farmers about new practices, opportunities and strategies that can increase farm profitability and productivity, and to respond to farmer-driven questions as they arise.

BCG will provide guidance, and structure and act as a conduit to allow the groups of young farmers to lead their own activities. These groups will be established across the Wimmera, West Wimmera, Southern Mallee and North Central Regions. BCG is currently in discussion with other municipalities in the region to establish a similar network.

The Young Farmer Network program will allow the groups to take ownership of the direction of the program by identifying the activities, topics, and research that their group undertakes. Each group will have access to a budget for activity expenditure of \$5,000 per annum, which can be used to fund specialist advice or representation, product demonstrations, field trips, BBQs, crop tours or whatever the groups decide is their priority. A secondary budget of \$5,000 will be provided to each group for on-farm trial work to expand on a research or demonstration idea. BCG will provide each group with guidance on the design and implementation of on-farm trials that are designed by the group and will ensure appropriate assessments, analysis and reporting are undertaken to provide rigorous data to inform group decision-making from the project.

##### Declaration of Interests

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

##### Background



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BCG held a meeting in Kaniva on Wednesday 19<sup>th</sup> October. After receiving 17 RSVPs, 11 attended the evening. Based on the survey to gauge learning areas, the 11 people represented an estimated cropping area of around 30,000ha.

Key areas covered in the meeting were:

- Increased awareness and effort into doing the simple things to make farms safer leading into harvest
- Better understanding of the situation that led to the stripe rust situation we faced in 2021
- Group keen to make sure that activities allow networking, fun, learning and experiencing new areas/opportunities
- Good to have something in the area
- Identified some priorities for further opportunities in future meetings
- Desire to network with other similar agriculture groups.
- Discovering resilience
- Mental health

The group have indicated they are happy to move around all regions involved. All shires will get the opportunity to hold a major event in their region to draw upon a large group of young farmers.

### Risk Management Implications

Not commented on

### Legislative Implications

Not commented on

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

BCG is requesting a Council contribution of \$10,000 per year over three years. Council has made provisions for this in the current budget.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Not Applicable

### Council Plan Implications



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This report supports the following sections 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

Nil.

### Gender Equality

A Gender Impact Assessment is not required.

### Conclusion

Partnering with the BCG supports our agriculture sector. This program provides an opportunity for the young farmers of West Wimmera to learn together and create and strengthen professional networks.

### **OFFICER RECOMMENDATION:**

**That Council approves the contribution of \$10,000 per year for the following 3 years.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Tom Houlihan**

**That Council approves the contribution of \$10,000 per year for the following 3 years to support the Birchip Cropping Group Young Farmers Group within the West Wimmera Shire**

**Carried (4/0)**



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### 14.4 COUNCIL EXTERNAL HIRE OF PLANT POLICY

**FILE NUMBER:**

**REPORT AUTHOR: DARYL SINCLAIR – WORKS MANAGER**

#### **FOR INFORMATION**

##### Introduction

The West Wimmera Shire *Council External Hire of Plant Policy* is now due for periodic review. The intention of this report is to present the draft External Plant Hire Policy to the Council for discussion with the intention get it adopted in November Council Meeting.

##### Declaration of Interests

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

##### Background

The External Hire of Plant Policy provides the framework for Council to offer and conduct private works for customers and community members/groups.

Private works is an extension of Council services and must not impede Council's obligations to the Road Management Plan and service level requirements.

Private work and Plant Hire are approved following consideration of plant and employee availability and a suitably qualified operator.

The reviewed policy reinforces the priority of the Council's works over individual private works requests.

##### Risk Management Implications

The revised Council External Hire of Plant Policy reduces the risk for Council. The risk mitigation includes:

- reduction of potential injury to community groups by Council undertaking works rather than the operation of Council plant by the groups.
- removal of Occupational Health and Safety risks associated with staff using Council equipment for private works.

##### Legislative Implications



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Not commented on.

### Environmental Implications

Not commented on

### Financial and Budgetary Implications

As a decision-making framework, there is an administrative cost to all of the functions underlying the policy however there is little or no additional cost in the actual policy. There may potentially be some reduction of dry hire income from staff to Council, which will be partially offset by reduced depreciation of the assets

### Policy Implications

Strengthening of approval processes for private works and avoiding any perceived or actual conflicts of interest.

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

- Asset Management Plan 2022-2023
- West Wimmera Shire Municipal Emergency Management Plan
- Road Management Plan

### Council Plan Implications

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

- Goal 4 – Good Governance

### Communication Implications

Not commented on.

The policy outcomes including updated amendments will be promoted to staff and operatives who deliver the External Hire of Plant.

### Conclusion

The Council External Hire of Plant Policy continues to provide support to community groups and private individuals while strengthening approval processes and limiting risks to Council.





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**OFFICER RECOMMENDATION:**

**That Council adopt the amended Council External Hire of Plant Policy.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council adopt the amended Council External Hire of Plant Policy.**

**Carried (4/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.4.1	WWSC_Council External Hire of Plant Policy_DRAFT	



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 14.5 ASSET DISPOSAL POLICY

**FILE NUMBER:**

**REPORT AUTHOR: JAMES MAGEE, ASSETS MANAGER**

#### **FOR INFORMATION**

##### Introduction

The primary objective of this policy is to provide a systematic, transparent, and accountable method for the disposal of Council-owned assets in accordance with Council policies and all appropriate legislation and accounting standards.

##### Declaration of Interests

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

##### Background

The Asset Disposal Policy was last reviewed and adopted by Council in 2020. It is now due for renewal.

##### Risk Management Implications

The Asset Disposal Policy provides guidance for the proper disposal of assets, thereby assisting in the management of financial risk. The draft policy has been reviewed by Council's Audit and Risk Committee.

##### Legislative Implications

Relevant sections of the Local Government Act 2020 are referenced in the policy.

##### Environmental Implications

Nil

##### Financial and Budgetary Implications

There are no direct financial implications of the policy, however, the cost of each asset disposal would need to be quantified and allowed for under the usual processes.

##### Policy Implications



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

- Asset Management Policy
- Asset Capitalisation Policy
- Asset Management Strategy
- 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
- Goal 4 – Good Governance
- Goal 5 – Our Commitment

### Communication Implications

There is no requirement for public advertising for submissions. The adopted document should be placed on Council's website.

### Gender Equality

A Gender Impact Assessment is not required.

### Conclusion

The policy has been reviewed and it is appropriate that Council adopt the Asset Disposal Policy at a Council meeting.



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**OFFICER RECOMMENDATION:**

**That Council adopts the draft Asset Disposal Policy (Attachment 1).**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Bruce Meyer**

**That Council adopts the draft Asset Disposal Policy (Attachment 1).**

**Carried (4/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
14.5.1	Draft Asset Disposal Policy	
14.5.2	Draft Asset Disposal Procedure	



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 14.6 PROVISION OF A FREE GREEN WASTE FORTNIGHT IN WEST WIMMERA SHIRE

**FILE NUMBER:**

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

**FOR DECISION**

#### Introduction

The intention of this report is to seek approval from the Council for the introduction of “Free Green Waste Disposal fortnight” at West Wimmera Shire Council. This will provide an opportunity for residents within the municipality to clean up their overgrown vegetation induced by extended wet spring and dispose at no cost.

#### Declaration of Interests

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

#### Background

West Wimmera Shire Council introduced fees for the disposal of green waste at transfer stations as a part of the 22/23 budgeting process. The fee was introduced to cover the cost of green waste processing due to the change in waste legislation.

The Innovation Platform idea that we recently received suggested the introduction of the free green waste week to potentially reduce the fire hazard as well as illegal dumping on roadsides.

The excessive vegetation growth created by extended wet springs is likely to create a potential fire hazard in the upcoming fire season. Moreover, the extra growth is likely to create a situation where residents might be tempted towards illegal dumping or putting green waste into the garbage bin.

During Free Green Waste Fortnight, residents will be able to take green waste at their nearest Transfer Station at no cost. The Free Green Waste Fortnight is proposed to occur in late November this year and sometime between July and September annually to fit with seasonal and operational needs.



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### Risk Management Implications

This initiative is likely to reduce the risk of illegal roadside dumping.

### Legislative Implications

Not commented on.

### Environmental Implications

This initiative is also likely to divert some of the green waste from the Landfill to Transfer Stations where it will eventually be recycled/processed.

### Financial and Budgetary Implications

Assuming 30 cubic meters (trailer load) of green waste is received in each transfer station during this free green waste fortnight. The total collection would be approximately 200 cubic meters. This means the total revenue lost by this free green waste week would be approximately \$3,000. This cost will be partly offset by a reduction in garbage volume due to green waste going to the transfer station.

### 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
- Goal 4 – Good Governance

### Communication Implications

Not commented on.

### Conclusion

The introduction of Free Green Waste Fortnight is likely to reduce potential fire hazards and illegal dumping as well as have a positive impact on the community.



## **COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL**

### **OFFICER RECOMMENDATION:**

**That Council approves the introduction of Free Green Waste Fortnight at West Wimmera Shire Council to occur in late November this year and between July and September each year.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Tom Houlihan**

**That Council approves the introduction of Free Green Waste Fortnight at West Wimmera Shire Council to occur in late November this year and ideally between July and September each year.**

**Carried (3/1)**



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 14.7 SEEKING APPROVAL FOR REALLOCATION OF FUNDING

#### **FILE NUMBER:**

#### **REPORT AUTHOR: DARYL SINCLAIR – WORKS MANAGER**

#### Introduction

This report seeks approval to reallocate funding that was previously allocated in the 20/21 budget as “Kaniva Depot Meeting/Tea Room” to undertake urgent works in the Kaniva Depot.

#### Declaration of Interests

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

#### Background

For the 20/21 financial year, a budget of \$80,000 was allocated for the “Meeting/Tea Room” for the Kaniva Depot. Apart from an amount spent for urgent repairs to the existing Meeting/Tea Room following damage resulting from a white ant infestation, this budget has been carried forward to this financial year and awaiting design to be finalised in consultation with Depot Staff.

#### Discussion

Recently one of the two underground diesel tanks at the Depot has allowed water ingress into the diesel and as a result, this tank has been decommissioned. This leaves the Depot with one tank of insufficient capacity to effectively manage diesel supply to the Depot.

In addition to the above, Council staff are working on an overall strategy for the Kaniva Depot Redevelopment. This work is being driven by several issues that have Occupational Health and Safety concerns along with potential environmental concerns with the current facility. This project is currently being designed as a part of the “shovel-ready” program.

Under this draft strategy, the highest priority identified was the replacement of the aged underground diesel tanks with a single above-ground bunded tank. An estimate for the supply, delivery and installation of this tank will be around \$60,000. A “state of the art” bunded tank will have the added benefit of allowing cloud-based fuel monitoring at individual plant item level using a swipe card system.

The funds for Kaniva Depot will be sought through the budget bid process as a part of the 23/24 budgeting process.





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### Risk Management Implications

A significant reduction of risk for the Council has been identified with this proposal. Specifically, the environmental risk of fuel leakage as well as OHS risks associated with staff trying to clean aged pumps. There has been an OHS incident regarding this issue

### Legislative Implications

Not commented on.

### Environmental Implications

Reduction of risk if the recommendation is adopted.

### Financial and Budgetary Implications

Reallocation of funding required to undertake this recommendation.

### Council Plan Implications

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

- Goal 4 – Good Governance

### Communication Implications

Not commented on.



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### **OFFICER RECOMMENDATION:**

That Council reallocates funding from the current budget for the “Kaniva Depot Meeting/Tea Room” to allow the supply, delivery and installation of a new above-ground bunded diesel tank for the Kaniva Depot and notes that the funding for Kaniva Depot Meeting/Tea Room will be sought during 23/24 budget development.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Jodie Pretlove

That the Council make a new budget allocation of \$60,000 to cover the cost of a bunded fuel tank in the Kaniva works depot.

Carried (4/0)

### **Attachments:**

No.	Name	RecFind Ref
14.7.1	Typical Bunded Tank	





## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 14.8 INTRODUCTION OF KERBSIDE GLASS COLLECTION

#### FILE NUMBER:

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

#### FOR DECISION

##### Introduction

The intention of this report is to get approval from the Council to start the Kerbside collection of glass in the 23/24 financial year in line with the State Government's Circular Economy Policy.

##### Declaration of Interests

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

##### Background

Under the State Government's Circular Economy Policy, each of the municipalities and Alpine Resort Boards in Victoria must make provisions to cater for four waste streams namely garbage, comingled recyclables, glass, and food organics and garden organics (FOGO) by 2030. Glass stream must be introduced by 2027.

The Draft Transition Plan submitted by West Wimmera Shire Council in September 2020 indicated the introduction of glass service by 2026. The proposal was to create a series of glass drop-off locations to enable the separation of glass from the comingled recyclable bin (yellow lid)

The bin audit data from 2020 indicated that 20% of the content of the recyclable bin (yellow lid) and approximately 4% of the content of the garbage bin (red lid) is glass. This equates to approximately 77 tons of glass produced per annum.

West Wimmera Shire Council has a very dispersed population with townships where the population is aggregated as well as people living in farming properties. Hence, the entire population is not currently serviced by kerbside collection. The waste management for rural properties is catered by rural transfer stations.

The proposal is to provide the kerbside glass service (purple lid) to properties currently serviced by kerbside collection of comingled recyclables. This equates to approximately 1400 properties in the municipality. The residents of rural properties can drop their separate



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

glass at the nearest transfer station. The collection of the kerbside glass bin (purple lid) will be on a four-weekly cycle.

The residents are likely to exhibit better recycling behaviour when the glass recycling facility is closer i.e., in the form of a household bin. With the change in recycling practices in Australia, it is likely that the recyclable processors will be imposing premium fees for those mixed with the glass. Hence, the introduction of glass service has the potential to reduce future recycling costs.

West Wimmera Shire Council recently secured funding through the Transfer Station Upgrade Program to create a glass drop-off facility at all transfer stations and some community locations. This project's scope can now be slightly downsized to result in some savings if the majority population can have access to kerbside bins for glass. This saving can then be used to purchase purple-lidded bins for glass.

The Council has partnered with three other Councils to create a shared glass-crushing facility at Warracknabeal. The introduction of glass service would significantly reduce the cost of glass recycling.

### Risk Management Implications

There are some minor risks that the project commencement can be delayed due to supply chain issues with bins.

### Legislative Implications

Complies with the Victorian Government directives to have four waste streams by 2030.

### Environmental Implications

Better recycling processes and hence likely to have positive contributions to the environment.

### Financial and Budgetary Implications

Approximately \$50 to \$60K initial investment for the purchase of bins. This cost can be covered by the reallocation of funding secured through the Transfer Station Upgrade Fund.

The approximate cost of this service will be \$45 to \$55 per bin per annum. The cost is dependent on the bin lift cost offered by the contractor. This cost will be passed directly to the residents using this service. The proposed service will be provided to every resident that currently has access to a kerbside recyclable bin.

### Policy Implications

- Not Commented on.



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### Council Plan Implications

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

- Goal 3 – Sustainable Environment
- Goal 4 – Good Governance

### Communication Implications

Not commented on.

### Conclusion

The introduction of kerbside glass collection coupled with the provision of glass drop-off service at transfer stations and community locations will improve recycling practices in line with the directives set by the Victorian Government.

### **OFFICER RECOMMENDATION:**

**That Council approves the introduction of the Kerbside Glass Collection Service in the 23/24 financial year commencing 1 July 2023.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

- 1. That Council approves the introduction of the Kerbside Glass Collection Service in the 23/24 financial year commencing 1 July 2023.**
- 2. That Council upgrade transfer stations to create glass drop off facilities**
- 3. That Council investigate providing facilities for isolated communities that don't have nearby transfer stations.**

**Carried (4/0)**



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 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.*

### OFFICER RECOMMENDATION:

That Council consider the following late items of business:

15.1

FILE NUMBER:

REPORT AUTHOR:



## COUNCIL MEETING MINUTES – 16 NOVEMBER 2022 WEST WIMMERA SHIRE COUNCIL

### 16.0 CONFIDENTIAL ITEMS OF BUSINESS

#### **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 EXPRESSION OF INTEREST – EDENHOPE BUSINESS CENTRE – 55 ELIZABETH STREET, EDENHOPE**

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Tom Houlihan

**That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 3:57 pm to resolve on matters pertaining to the following items:**

#### **16.1 EXPRESSION OF INTEREST – EDENHOPE BUSINESS CENTRE – 55 ELIZABETH STREET, EDENHOPE**

**Carried (4/0)**

1. 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: EXPRESSION OF INTEREST – EDENHOPE BUSINESS CENTRE – 55 ELIZABETH STREET, EDENHOPE**

**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.



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**MEETING CONCLUDED: 4:04PM**

**NEXT MEETING: WEDNESDAY, 21 DECEMBER 2022**  
**KANIVA COUNCIL CHAMBER**