



West Wimmera Shire Council

MINUTES

COUNCIL MEETING

Wednesday 17 May 2023
2:00 pm

Minimay Hall
Minimay



Councillors and Shire Map



MAYOR
Cr. Tim Meyer



**DEPUTY
MAYOR**
**Cr. Jodie
Pretlove**



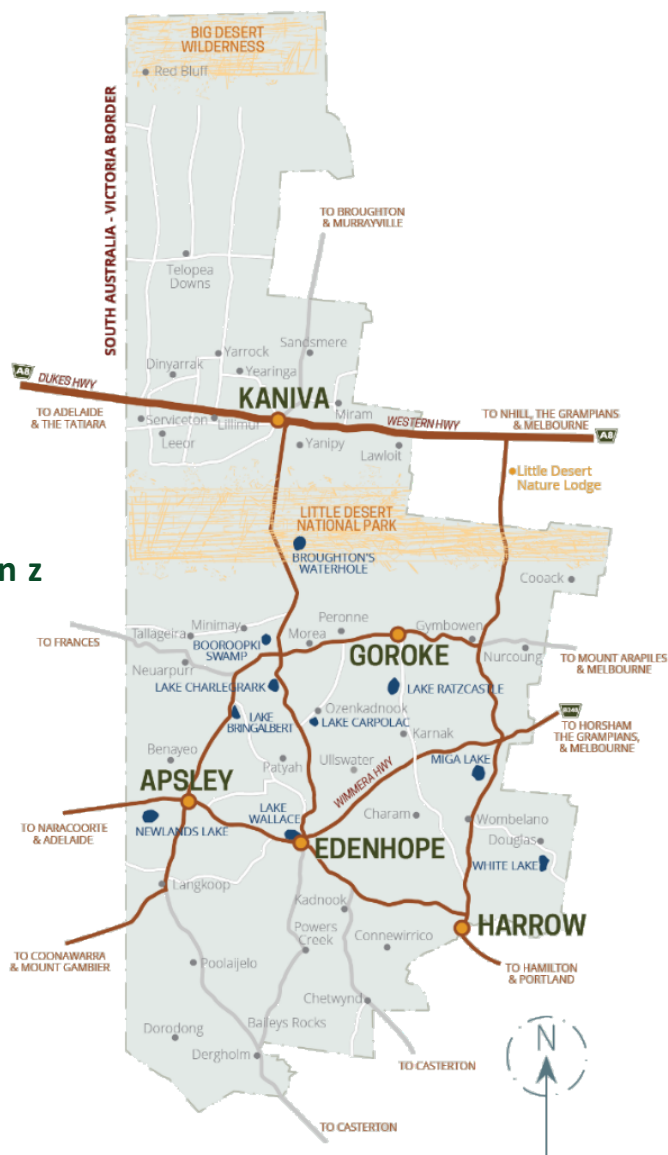
**Cr. Trevor
Domaschenz**



**Cr. Tom
Houlihan**



**Cr. Bruce
Meyer OAM**





COUNCIL VISION

Our West Wimmera community is healthy, thriving, diverse, harmonious, prosperous, and self-sustaining, with regional and global connectivity.

OUR VALUES

INNOVATIVE – We will proactively respond to change, are optimistic about our future and pursue continuous improvement in everything that we do.

ACCOUNTABLE – We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency, achievement of goals and advocating for our community

UNITED – We will do everything within our ability to encourage and form trusting relationships, to work together as one team to achieve our goals and advocate for ‘One West Wimmera’.

COLLABORATIVE – We will actively and openly consult with you and work constructively with community organisations, agencies, the business community and other levels of government to our community’s benefit.

OUR GOALS





Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.*
- (2) Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee meetings are open to the public and the community are able to attend.*
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:*
 - (a) there are clear reasons for particular matters to remain confidential; or*
 - (b) a meeting is required to be closed for security reasons; or*
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.*
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:*
 - (a) the meeting may be adjourned; or*
 - (b) a recording of the proceedings may be available on the Council website*

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 5 Questions from the Gallery.

This Council meeting will be recorded for live streaming.

Councillors pledge

As Councillors of West Wimmera Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.



In Attendance:

Councillors:

Tim Meyer, Mayor
Jodie Pretlove, Deputy Mayor
Trevor Domaschenz
Tom Houlihan
Bruce Meyer OAM

Executive Leadership Group:

David Bezuidenhout - Chief Executive Officer (CEO)
James Bentley - Director Corporate & Community Services (DCCS)
Ram Upadhyaya - Director Infrastructure Development & Works (DIDW)

Officers:

Kaddie Cother - Governance Coordinator
Philippa Hicks - Executive Assistant to the CEO
Katie Frost - Governance Manager
Abbas Mehr - Chief Financial Officer
Edwin Irvine - Senior Planning Officer
John Hutchins - Community Development & Tourism Manager



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1 Welcome

2 Acknowledgement of Country

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.

3 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.

4 Apologies, Leave of Absences, Declaration of Conflict of Interest

4.1 Apologies

Nil

4.2 Leave of Absence

Nil

4.3 Declaration of Conflict of Interest

Cr Tom Houlihan declared a conflict of interest in item 10.1 - Item Title Notice of Motion, stating his involvement in the Harrow Recreation Reserve.



5 Questions from the Gallery

5.1 Written Questions on Notice

No questions on notice were received for inclusion in the agenda.



5.2 Verbal Questions without Notice

No questions from the gallery



6 Delegates Reports

Delegate Reports are providing feedback on formal council business and are for information only.

6.1 Councillor Tim Meyer (Mayor)

Date	Event
20/04/2023	Councillor Workshop – Draft Budget
25/04/2023	Kaniva ANZAC Day Service
28/04/2023	Western Highway Action Committee Meeting
02/05/2023	Strategic Leadership Team Meeting
02/05/2023	Council Grants Workshop – Community Support Funding and Guidelines
03/05/2023	Councillor Forum
05/05/2023	RFA May Meeting
16/05/2023	Strategic Leadership Team Meeting
17/05/2023	Budget Discussion
17/05/2023	Pre Council Meeting
17/05/2023	Community Forum & Council Meeting

6.2 Councillor Jodie Pretlove (Deputy Mayor)

Date	Event
20/04/2023	Councillor Workshop – Draft Budget
02/05/2023	Strategic Leadership Team Meeting
02/05/2023	Council Grants Workshop – Community Support Funding and Guidelines
03/05/2023	Councillor Forum
16/05/2023	Strategic Leadership Team Meeting
17/05/2023	Budget Discussion
17/05/2023	Pre Council Meeting
17/05/2023	Community Forum & Council Meeting



6.3 Councillor Trevor Domaschenz

Date	Event
20/04/2023	Councillor Workshop – Draft Budget
25/04/2023	Edenhope ANZAC Day Service
02/05/2023	Council Grants Workshop – Community Support Funding and Guidelines
03/05/2023	Councillor Forum
17/05/2023	Budget Discussion
17/05/2023	Pre Council Meeting
17/05/2023	Community Forum & Council Meeting

6.4 Councillor Tom Houlihan

Date	Event
20/04/2023	Councillor Workshop – Draft Budget
25/04/2023	Harrow ANZAC Day Service
02/05/2023	Council Grants Workshop – Community Support Funding and Guidelines
03/05/2023	Councillor Forum
17/05/2023	Budget Discussion
17/05/2023	Pre Council Meeting
17/05/2023	Community Forum & Council Meeting

6.5 Councillor Bruce Meyer OAM

Date	Event
20/04/2023	Councillor Workshop – Draft Budget
25/04/2023	Goroke ANZAC Day Service
02/05/2023	Council Grants Workshop – Community Support Funding and Guidelines
03/05/2023	Community Forum
17/05/2023	Budget Discussion
17/05/2023	Pre Council Meeting
17/05/2023	Community Forum & Council Meeting

7 Condolences

None Received



8 Confirmation of Previous Minutes

8.1 Council Meeting held on Wednesday, 19th April 2023

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 19th April 2023 be taken as an accurate record and confirmed.

Moved: Cr Tom Houlihan

Seconded: Cr Jodie Pretlove

That the Minutes of the Council Meeting held on Wednesday, 19th April 2023 be taken as an accurate record and confirmed.

CARRIED UNANIMOUSLY (4 / 1)

Attachments

Nil

9 Business Arising From Previous Minutes

Nil



10 Notices of Motion

10.1 Notices of Motion

Notice of Motion Number: 2023/01

MOTION:

That West Wimmera Council immediately contact the relevant Victorian State Ministers for an update and any outcomes from the Department of Sport and Recreation investigation into the Making a Difference @ Harrow & District Recreation Reserve Project that was referred to at the December 2022 West Wimmera Shire Council meeting.

Cr Tom Houlihan left the meeting at 2:32 pm.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That West Wimmera Council immediately contact the relevant Victorian State Ministers for an update and any outcomes from the Department of Sport and Recreation investigation into the Making a Difference @ Harrow & District Recreation Reserve Project that was referred to at the December 2022 West Wimmera Shire Council meeting.

LOST (1 / 3)

Cr Tom Houlihan returned to the meeting at 2:43 pm.

EXPLANATION

This issue has been in front of Council for five years and needs to be resolved. This issue as in front of the West Wimmera Shire Council six months ago at the December meeting for decision but wasn't decided.

Attachments

1. Notice of Motion 2023 01 10 May 2023 [**10.1.1** - 2 pages]



11 Councillor Forum Record

11.1 Councillor Forum Record Wednesday, 3rd May 2023

RECOMMENDATION:

That the Record for the Councillor Forum Record Wednesday, 3rd May 2023 be received and noted.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That the Record for the Councillor Forum Record Wednesday, 3rd May 2023 be received and noted.

CARRIED UNANIMOUSLY (5 / 0)

12 Deputations and Petitions

There were no Petitions or Deputations submitted for the agenda.



13 Chief Executive Officer

13.1 Quarterly Budget Report

Directorate: Corporate & Community Services

Report Author: Chief Finance Officer

Report Purpose: For Decision

Introduction

Section 97 of the Local Government Act 2020 requires that Council be presented with a Quarterly Budget Report comparing actual to budgeted revenue and expenditure at the conclusion of each quarter of the financial year.

This report summarizes the financial position of the Council at end of Q3 FY 2022-23. The report also provides Council's operating performance as presented in the Operating Statement and Council's financial position as at 31 March 2023 reflected in the Balance Sheet.

A summarized report on the Capital Works Program for FY 2022-23 is also included. A schedule of Employee Costs presents the distribution of these costs to various business units.

The quarterly report also provides information on state of financial affairs relating to:

- Cash and Investments
- Working Capital
- Rates Debtors Outstanding
- Sundry Debtors Outstanding

Declaration of Interest

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

Background

The Quarterly Budget Review Report for Q3 FY 2022-23 attached

Risk Management Implications

Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.



Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Nil

Financial and Budgetary Implications

Not applicable

Policy Implications

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

Not applicable

Council Plan Implications

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

Goal 4 – Good Governance

4.1 Ensure long term financial sustainability.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion

The Council's financial position reflects strong ability to meet its financial obligations. The Capital Works Program is now in its Q4 with works on major projects. As part of EoFY preparation, the Finance Team will closely work with the Projects Team to undertake a detailed review for accuracy of costs booked to the projects as well as building in the major oncost component to reflect the true value of capital works undertaken during the financial year.



OFFICER RECOMMENDATION:

That Council note and receive the Q3 Quarterly Budget Report.

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

That Council note and receive the Q3 Quarterly Budget Report.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Q 3 Council Report - Final Version 1.0.2 [**13.1.1** - 12 pages]



13.3 Public Advertisement of 2023-24 Draft Budget and Annual Plan

Directorate: Corporate & Community Services

Report Author: Chief Financial Officer

Report Purpose: For Decision

Introduction

Under section 94 of the *Local Government Act 2020* (the Act), Council is required to prepare and adopt a budget for each year and the 3 subsequent financial years by June 30 each year. The budget is required to include certain information about the rates and charges that Council intends to levy as well as a range of other information required by the Local Government (Planning and Reporting) Regulations which support the Act.

In accordance with section 96(1)(b) of the Act, Council must prepare the proposed budget in line with its community engagement policy. This report seeks Council to formally advertise the Proposed 2023-24 Budget and Annual Plan for a period of 28 days commencing 18 May 2023 until 14 June 2023. The community will be asked to provide feedback and ask questions they have in relation to the annual plan or proposed budget via submission forms made available on Council's website and at its customer service centres.

The traditional budget submission period held annually in April/May will be conducted in a different format per Council's engagement policy. This period will be used primarily for the purposes of providing feedback or seeking clarification on the 2023-24 Proposed Budget, and will not be to present a bid or proposal. Council have conducted extensive community consultation during the Council Plan development, which has informed the Annual Plan and Proposed Budget. Additionally, Council launched a new community engagement initiative, being the Innovation Platform, in late 2021 which invites the community to submit ideas, proposals and suggestions. The platform is open year-round and all submissions are investigated for potential inclusion during budget planning.

Following the public advertisement period, Council will consider a recommendation or notice of motion to adopt the Proposed Budget at the Unscheduled Council Meeting on Wednesday 28th June 2023.

Declaration of Interests

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



Background

Annual Plan

The Annual Plan sets out the activities that Council will undertake during the year to deliver the outcomes of the Council Plan 2021-2025. The annual plan works in conjunction with the Annual Report and the Budget for financial year 2023-24. The Chief Executive Officer must present a written quarterly progress report to Council outlining progress towards implementing the Annual Plan. Council may amend the Annual Plan during the year by resolution. The proposed budget provides allocations and resourcing for the achievement of all initiatives outlined in the Annual Plan.

Proposed Budget 2023-24

The overall operating result budgeted for 2023-24 is a balanced budget and demonstrates our vision to progress sustainable financial efficiency. Given Council's very strong cash position, this budget reflects a drawdown from cash reserves in addition to Commonwealth and State grants in order to provide maximum benefit to the community, whilst still maintaining a strong working capital level and cash position. A nominal cash deficit is reflective of several factors, including a significant capital works program of \$11.710 million. The recent announcement by the Victorian Local Government Grants Commission of 9.6% increase in the amounts allocated to the Councils is considered positive. The announcement indicates General Purpose Grants representing an increase of up to 9.4% and the Local Roads Grants allocation increasing up to 10.3%

As external grants are of vast importance to Council's sustainability, Council has committed \$5.314 million to provide matching funds for grant opportunities for several projects including Edenhope Aerodrome Upgrade, Apsley Netball Tennis Court Upgrade, Band Park Amenities, Edenhope Caravan Park Landscaping & Amenities, Harrow Caravan Park Cabins, Lake Charlegark Caravan Park Cabins and several other community projects. In addition to this, Council has committed an allocation of \$0.245 million to a shovel-ready projects fund focusing on scoping around 19 projects to assess viability and assist in the ability to apply for all available funding opportunities as they arise.

Income

Rates and charges revenue for 2023-24 is budgeted at \$8.618 million. This represents a 3.50% increase as per the rate cap under the 'Fair Go Rates System.' The preliminary valuations have shown an overall increase to property values of around 11%. Due to this



reason, the rate in the dollar (RID) is budgeted to decrease from \$0.127950 in 2022-23 to \$0.11981 in 2023-24, a decrease of 6.36%.

Overall budgeted average rates and charges payable for 2023-24 will be \$1,658.52, including general rates and municipal charge. This represents an increase of \$55.20 in the base average rate over the previous year.

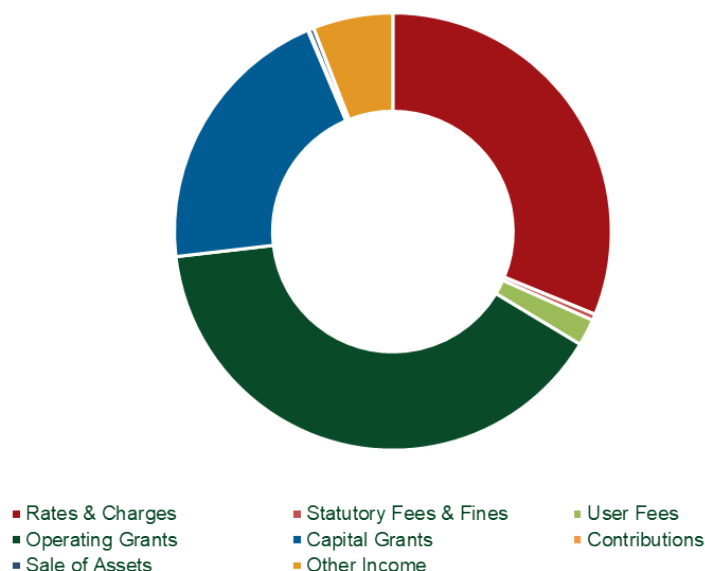
Statutory fees and fines show a marginal decrease in line with applicable fee and other variables. User fees are budgeted at \$545K in line with the historic levels and proposed changes in the Schedule of Fees and Charges.

Operating grants are budgeted at \$10.926 million and include various funding streams to fund Council's operational programs. Federal recurrent financial assistance grants are budgeted to remain consistent levels with previous year to \$6.783 million, with non-recurrent operating grants expected at \$3.235. This funding is for several different projects and are all subject to successful funding applications.

Capital grants are budgeted to a total of \$5.655million. Local Roads and Community Infrastructure (LRCIP) phase 4 will generate \$1.478 million, with Roads to Recovery budgeted to remain the same at \$1.528 million. Non-recurrent capital grants are expected to be \$2.649 million and include several projects which are subject to successful funding applications.

Income sources and comparisons to the projected result for 2022-23 are summarised in the below chart and Comprehensive Income Statement in the attached proposed budget document. Total revenue is \$31.26 million, an increase of \$6.97 million on 2021-22 projections.

Sources of Income





Expenditure

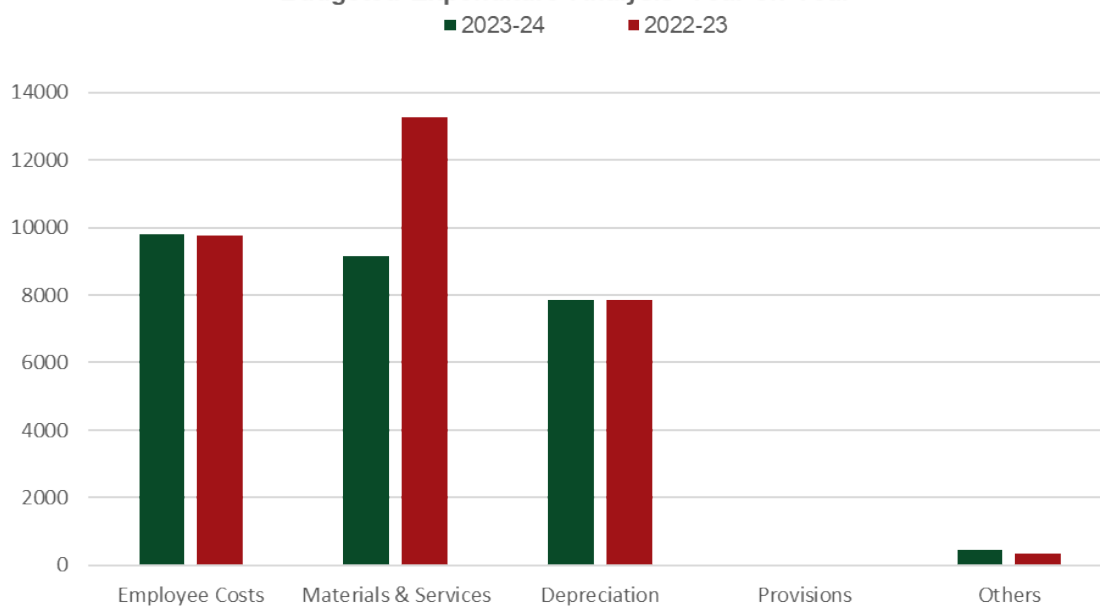
Employee operating costs for 2023-24 are budgeted at \$9.806 million. This represents a very nominal increase of 1.00% from previous years budgeted expense of \$9.776 million.

Materials and services are budgeted at \$9.142 million and indicate improved controls on this expenditure in relation to the level of different activities across our service delivery and business units. This budget includes contractor works required to complete various community projects as noted throughout this document and are pending successful funding applications. Similarly, Council is committing funds within the consultant area for 'shovel-ready' initiatives, in order to plan projects and improve future funding opportunities. Information technology is anticipated to increase by \$0.200 million as Council transforms its current IT programs and environment, including moving to a cloud-based records system and introducing a new Project Management system.

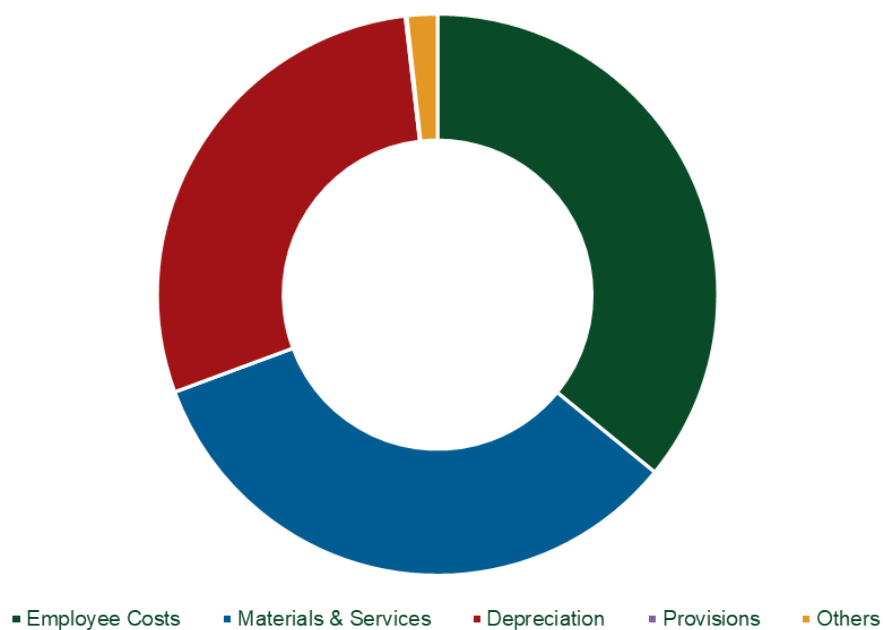
Other expenses are expected to increase to \$0.479 million, amid increased cost of goods and services in the post COVID inflation trends as well as other initiatives and programs to provide improved services in diverse range of community expectations.



Budgeted Expenditure Analysis Year on Year



Budgeted Expenditure 2023-24



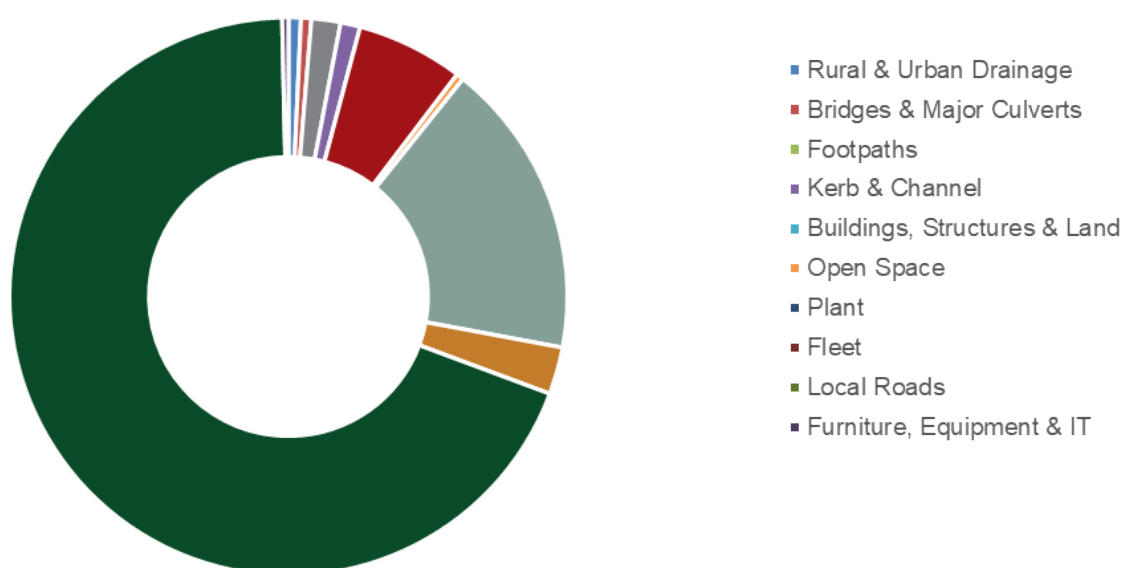
Council proposes no new borrowings for the 2023-24 year.



Capital Expenditure

Council's capital works program for the 2023-24 year is budgeted to be \$11.710 million. This amount will include \$ 6.711 million in renewal expenditure. The capital works program will be funded by capital grants of \$ 4.547 million, the sale of redundant or obsolete assets and community contributions of \$ 0.050 million, whilst \$3.788 million will be funded from Council operations. There are projects which will be funded through recurrent grants by Commonwealth and the State Government. Included in the Proposed Budget document is a detailed schedule of capital works.

The local roads and infrastructure programs receive the most out of our proposed capital works program and will provide a sustainable growth and progressive economic road map for our Council.



Risk Management Implications

There are significant risks in not producing a relevant and accurate budget. The major of these relates to the inability of Council to efficiently allocate resources to achieve all of its goals as set out in the Council Plan. The lack of an effective budget would also prevent Council from being able to measure its performance against the Council Plan, potentially leading to an inefficient use of resources.



Section 94 of the Local Government Act 2020 requires that “Council must prepare and adopt a budget for each financial year and the subsequent 3 financial years by—

- (a) 30 June each year; or
- (b) any other date fixed by the Minister by notice published in the Government Gazette.”

Legislative Implications

Local Government Act 1989:

- Sections 154 – 181 – Rates and charges

Local Government Act 2020:

- Section 94 – The budget
- Section 95 – Revised budget
- Section 96 – Preparation of budget or revised budget

Local Government (Planning and Reporting) Regulations 2020:

- Regulation 7 – The financial statements
- Regulation 8 – Other information to be included

Local Government Amendment (Fair Go Rates) Act 2015

- Capped rate increase

Valuation of Land Act 1960

- Valuation of all properties within the Shire

Environmental Implications

Not environmental implications

Financial and Budgetary Implications

As detailed in this report and the proposed budget 2023-24



Policy Implications

The proposed budget 2023-24 has an effect on all Council policies.

Council Plan Implications

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

- Goal 1: Liveable and Healthy Community
- Goal 2: Diverse and Prosperous Economy
- Goal 3: Sustainable Environment
- Goal 4: Good Governance
- Goal 5: Our Commitment

Communication Implications

In accordance with section 96(1)(b) of the Act, Council will undertake community engagement on the proposed 2023-24 Budget in accordance with its Community Engagement Policy. The level of community engagement called for in the policy for preparation of the annual budget is participatory engagement.

The proposed budget 2023-24 will be published for community inspection commencing 18th May 2023 and ending 14th June 2023. During this time, Council encourages feedback and questions from the public about the information contained in the budget. The budget document will be published on Council's website and physical copies made available in Council Offices in Edenhope and Kaniva.

Following the public advertisement period, Council will consider a recommendation or notice of motion to adopt the Proposed Budget at the Unscheduled Council Meeting on Wednesday 28th June 2023.

Gender Equality

Not Applicable



Conclusion

Council has prepared its Proposed Budget 2023-24 in accordance with the provisions of the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020 and has presented the budget using the Model Budget template provided by Local Government Victoria.

OFFICER RECOMMENDATION:

1. That the 2023-24 Proposed Budget be prepared by Council for the purposes of Section 94 of the *Local Government Act 2020*.
2. That the Chief Executive Officer be authorised to:
 - a. Give public notice of the preparation of the 2023-24 Proposed Budget, in accordance with the Council's community engagement policy per Section 96(1)(b) of the *Local Government Act 2020*; and
 - b. The 2023-24 Proposed Budget will be made available for inspection at Council's Customer Service Centres in Edenhope and Kaniva, and online via Council's website and promoted on social media and is available for public inspection and feedback until Wednesday 14th June 2023, and
 - c. Submissions may be included in an agenda for a meeting of the Council that will be made available to the public, and
 - d. Undertake minor editorial changes to the proposed annual budget 2023-24 prior to adoption if required.
3. That Council consider a recommendation or notice of motion to adopt the Proposed Budget at the Unscheduled Council Meeting on Wednesday 28th June 2023.



Moved: Cr Jodie Pretlove

Seconded: Cr Bruce Meyer

1. That the 2023-24 Proposed Budget be prepared by Council for the purposes of Section 94 of the *Local Government Act 2020*.
2. That the Chief Executive Officer be authorised to:
 - a. Give public notice of the preparation of the 2023-24 Proposed Budget, in accordance with the Council's community engagement policy per Section 96(1)(b) of the *Local Government Act 2020*; and
 - b. The 2023-24 Proposed Budget will be made available for inspection at Council's Customer Service Centres in Edenhope and Kaniva, and online via Council's website and promoted on social media and is available for public inspection and feedback until Wednesday 14th June 2023, and
 - c. Submissions may be included in an agenda for a meeting of the Council that will be made available to the public, and
 - d. Undertake minor editorial changes to the proposed annual budget 2023-24 prior to adoption if required.
3. That Council consider a recommendation or notice of motion to adopt the Proposed Budget at the Unscheduled Council Meeting on Wednesday 28th June 2023.

CARRIED (4 / 1)

A subsequent motion was made

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

That the West Wimmera Shire Council authorises the CEO to add all detail regarding current and non-recurrent capital grants into the budget detail before releasing for public consultation.

CARRIED UNANIMOUSLY (5 / 0)



A further subsequent motion was made.

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

Receive a report on the shire run childcare project including all financials, at the June Forum and Council Meeting. Council is to set the final fees after receiving the report.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Annual Plan 2023-24 for Public Version 1.0.0 12052023 2125 hrs [**13.3.1** - 20 pages]
2. Annual Budget 2023-24 Council Meeting 17052023 - Version 1.0.3 13052023 1015 hrs [**13.3.2** - 47 pages]



14 Corporate and Community Services

14.1 West Wimmera Tourism Strategic Plan

Directorate: Corporate and Community Services

Report Author: Community Development and Tourism Manager

Report Purpose: For Decision

Introduction

Council seeks a tourism strategy that provides opportunities for council and business to capitalise on the tourist market in Victoria and southeast South Australia

The project brief is to prepare a tourism strategy that incorporates the whole of the WWSC (West Wimmera Shire Council) equally

The expected outcomes include:

- Strategic way forward for Tourism operators in the West Wimmera area

Declaration of Interest

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

Background

Stafford Strategy (consultant) has provided Council and Community the opportunity to provide input into the West Wimmera Shire Tourism Strategic Plan. This plan, in final Draft form has been submitted to Council by the Consultant at the March full meeting of Council. The Consultant provided a full briefing of the report at this meeting and no amendments were required

Risk Management Implications

Risk identified:

There are no obvious risks for the Council to mitigate or eliminate regarding the proposal.

Legislative Implications

Not Applicable

Environmental Implications

Nil

Financial and Budgetary Implications



The financial risk rating has been assessed as: Low

Policy Implications

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

Tourism Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

- 1.1 Create a healthy, active, and vibrant community.
- 1.4 Deliver quality services that support community life.
- 1.5 Support and encourage our events, cultural and arts communities.
- 1.7 Improve the liveability of the shire to assist in growing our population into the future.

Goal 2 – Diverse and Prosperous Economy

- 2.1 Encourage and support the establishment and expansion of innovative, creative, and sustainable businesses.
- 2.2 Promote the Shire as a great place to visit, live and invest.
- 2.3 Facilitate the development of the local economy and jobs.

Goal 3 – Sustainable Environment

- 3.1 Preserve and enhance the natural environment.
- 3.2 Promote sustainable environmental management practices.
- 3.3 Protect and promote public open space and natural assets.

Goal 4 – Good Governance

- 4.1 Ensure long term financial sustainability.
- 4.3 Advocate for our community on issues important to our future.

Goal 5 – Our Commitment Values

Innovation - We will proactively respond to change, are optimistic about our future and pursue continuous improvement in everything that we do.

Uniting - We will do everything within our ability to encourage and form trusting relationships, to work together as one team to achieve our goals and advocate for “One West Wimmera”.

Collaboration - We will actively and openly consult with you and work constructively with community organisations, agencies, the business community, and other levels of government to our community’s benefit.

Communication Implications



Consultation has already been undertaken in development of the plans

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 draft report has been through consultation with Councillors, the Community and Council Tourism Staff. Feedback on the report has been positive.

OFFICER RECOMMENDATION:

That Council:

1. **Adopt the attached West Wimmera Shire Council Tourism Strategic Plan.**
2. **That Council Officers will annually present any proposed actions under the West Wimmera Shire Council Tourism Strategic Plan for consideration and potential inclusion in the Annual Plan and Budget.**

Moved: Cr Bruce Meyer

Seconded: Cr Tim Meyer

That Council publishes the draft West Wimmera Tourism Strategy document out for public consultation for 14 days.

CARRIED (4 / 1)

Amendment became the motion.



Moved: Cr Bruce Meyer

Seconded: Cr Tim Meyer

That Council publishes the draft West Wimmera Tourism Strategy document out for public consultation for 14 days.

CARRIED (5 / 0)

A subsequent motion was made.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council call a meeting of the West Wimmera Tourism Advisory committee to seek their advice on the matter of the West Wimmera Tourism Strategic Plan

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. PDF Copy.1 [14.1.1 - 60 pages]



14.3 Revocation COVID-19 Financial Hardship Rate Recovery Policy

Directorate: Corporate and Community Services

Report Author: Director Corporate and Community Services

Report Purpose: For Decision

Introduction

The COVID-19 Financial Hardship Rate Recovery Policy (the Policy) was adopted by Council on 18 August 2021 to address temporary hardship due to the impact of the COVID-19 pandemic. To be eligible for assistance under the Policy, an individual or business is required to demonstrate a reduction in income and/or employment which is directly attributable to a COVID-19 lockdown.

Declaration of Interest

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

Background

The Policy allows for payment arrangements, interest holds and debt recovery suspension to be granted to ratepayers who can demonstrate that they have suffered economically as the result of a COVID-19 lockdown. Individuals are required to prove that they have lost employment and/or income because of a lockdown, and businesses are required to prove that they have experienced a reduction in income of 15 per cent or more arising from a lockdown (in accordance with the requirements of the expired Commonwealth JobKeeper program).

In the almost two years since the Policy was adopted, the Commonwealth's COVID-19 vaccination program has been successful in ensuring that the vast majority of Australians have now been vaccinated against the pandemic. Even though COVID-19 is still present in the community, there have been no recent lockdowns, and the need for any future lockdowns can reasonably be regarded as very low.

In the absence of a lockdown, the eligibility criteria specified in the Policy cannot be fulfilled. Any ratepayers currently experiencing financial hardship have recourse to Council's Financial Hardship Policy which was adopted on 15 June 2022, and which continues to provide a mechanism to assist ratepayers who are experiencing financial hardship for any reason.

Accordingly, officers recommend that Council revoke the COVID-19 Financial Hardship Rate Recovery Policy.



Risk Management Implications

Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Not applicable

Financial and Budgetary Implications

Nil

Policy Implications

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

Not applicable

Council Plan Implications

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

Goal 4 – Good Governance

4.1 Ensure long term financial sustainability.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion

The end of COVID-19 lockdowns makes it impossible for ratepayers to satisfy the eligibility requirements of the COVID-19 Financial Hardship Rate Recovery Policy. Ratepayers experiencing financial hardship for any reason whatsoever have recourse to Council's Financial Hardship Policy.



OFFICER RECOMMENDATION:

That Council revoke the COVID-19 Financial Hardship Rate Recovery Policy.

Moved: Cr Tom Houlihan

Seconded: Cr Bruce Meyer

That Council revoke the COVID-19 Financial Hardship Rate Recovery Policy.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

Nil



14.4 Audit and Risk Committee Meeting Minutes and April 2023 Activity Report

Directorate: Corporate and Community Services

Report Author: Chief Financial Officer

Report Purpose: For Decision

Introduction

This report presents West Wimmera Shire Council (Council) with the minutes of the Audit and Risk Committee Meeting held on 21 March 2023. In addition, Mr Mick Jaensch, Chair of the West Wimmera Shire Council Audit and Risk Committee, has provided Council with the April 2023 Audit and Risk Committee activity report relating to the Committee meetings held on 20 December 2022 and 21 March 2023. This report has been provided for information and includes confirmation from the Audit and Risk Committee that there are no matters under its purview which are not being appropriately responded to.

Declaration of Interest

No officer declared an interest under the Local Government Act 2020 (LGA 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.

Risk Management Implications

Risk identified:

Financial risk

Regulatory risk

Reputation risk

Strategic risk

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Not applicable

Financial and Budgetary Implications

Not applicable

Policy Implications

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

Fraud & Corruption Control Policy

Risk Management Policy

Council Plan Implications

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

Goal 4 – Good Governance

4.5 Maintain a rigorous risk management framework.

Goal 5 – Our Commitment Values

Accountability - We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency and advocating for our community.



Communication Implications

No Communication Implications

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.

OFFICER RECOMMENDATION:

That Council:

1. Note and receive the draft minutes of the Audit and Risk Committee meeting held 21 March 2023.
2. Note and receive the April 2023 Audit and Risk Committee activity report relating to the Committee meetings held on 20 December 2022 and 21 March 2023.

Moved: Cr Jodie Pretlove

Seconded: Cr Bruce Meyer

That Council:

1. Note and receive the draft minutes of the Audit and Risk Committee meeting held 21 March 2023.
2. Note and receive the April 2023 Audit and Risk Committee activity report relating to the Committee meetings held on 20 December 2022 and 21 March 2023.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. West Wimmera ARC Half Yearly Report April 2023 [14.4.1 - 4 pages]
2. 2023 03 21 Audit Committee Minutes [14.4.2 - 23 pages]



15 Infrastructure Development and Works

15.1 Community Projects Contributions Policy

Directorate: Infrastructure Development and Works

Report Author: Assets & GIS Coordinator

Report Purpose: For Decision

Introduction

It is prudent for Council to have a policy for guidance in allocating the required contributions from Council and community to support application for external funding for the development or redevelopment of assets. The policy will differentiate between Council owned or controlled assets and those assets that are owned and controlled by other entities.

Declaration of Interest

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

Background

West Wimmera Shire Council regularly undertakes development projects within its local communities, including:

- development or redevelopment of Council assets
- Coordinating the redevelopment of existing community infrastructure owned by the Victorian Government or one of its entities, where the Council is legally required to be the project coordinator.

Council applies for suitable grants from the Victorian and Australian Governments to fund these projects, for the benefit and enjoyment of all Shire residents.

Grant applications often require a contribution from the applicant. The contribution could consist of one or a combination of the following:

- A financial contribution from Council
- A financial contribution from the local community, known as a community contribution

The previous version of the policy did not specify the quantum of community contribution required. To allow Council to approach this aspect consistently, the inclusion of a clause was thought to be appropriate.

Risk Management Implications



Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Nil

Financial and Budgetary Implications

Not applicable

Policy Implications

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

Asset Management Policy
Asset Management Strategy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

- 1.1 Create a healthy, active, and vibrant community.
- 1.2 Support a safe and inclusive community.
- 1.3 Provide well planned and sustainable community infrastructure.
- 1.4 Deliver quality services that support community life.
- 1.5 Support and encourage our events, cultural and arts communities.
- 1.6 Support a prepared and resilient community.
- 1.7 Improve the liveability of the shire to assist in growing our population into the future.

Communication Implications

This report and the associated attachment are administrative tasks that do not require public communication and the staff concerned will be formally advised of their new authorisation

Gender Equality



Not Applicable

Conclusion

The Community Projects Contributions Policy was last updated in 2020 so is due for review and renewal. The main change to the policy attached is the inclusion of Clause 5 which specifies the community contribution requirement as a percentage of total project cost and specifies a maximum contribution from Council's own source funds for projects on land owned and/or managed by entities other than Council.

OFFICER RECOMMENDATION:

That Council adopt the attached Community Projects Contributions Policy.

Moved: Cr Bruce Meyer

Seconded: Cr Tim Meyer

That Council adopt the attached Community Projects Contributions Policy.

CARRIED (3 / 1)

Attachments

1. WWSC Council Policy Community Contributions Policy draft V 3 [15.1.1 - 4 pages]



15.2 Kaniva Racecourse Lease

Directorate: Infrastructure Development and Works

Report Author: Facilities and Quality Manager

Report Purpose: For Decision

Introduction

On 12 August 2011 the West Wimmera Shire Council was issued a Section 138, Land Act 1958 Miscellaneous (General) Licence (Tenure ID 2019326). The provisions of the use of “licensed land” were specified for the purpose of “Council Purposes”. This was done in the best interest of allowing the council some flexibility of usage. DEECA (Department of Energy, Environment and Climate Action) advised that technically the council are not allowed to sublet the land without DECCA permission, which is currently happening with the current lease arrangement.

To align the land to be used by Council to lease to a third party, Council must give approval to DEECA to reserve this land for Council to become the Committee of Management.

The Council Plan 2021-25 identifies this land as a potential location for creation of a manmade lake (item 3.3.3).



The picture above shows the boundaries of the subject land.



Declaration of Interest

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

Background

Officers have had numerous discussions with DEECA representatives on this matter to seek some resolution. The options to continue subletting this piece of land include the following:

- Relinquish the licence for this piece of land and DEECA can enter into licencing agreement with the relevant party. The subject land can be utilised for recreational purposes in the future. Relinquishing the licence can potentially prohibit any such actions.
- Purchase the subject land and then the Council enters into a licencing agreement with the relevant party. This might impose a significant financial burden on the Council.
- The Council becomes the Committee of Management for the subject land and then sublets it to the relevant party. This option will allow us to continue with the current arrangements as well as permit any future proposed developments.

Council officers have had recent discussions with a DEECA representative, the formal process would be to reserve the land for the Council to become the Committee of Management. DEECA will need to investigate whether a survey assessment report is necessary. Depending on whether the assessment is needed or not, the process of reserving the land can take between 2 to 9 months. A small fee is involved for the land reservation process which Council will have to pay for.

Risk Management Implications

Risk identified:

Regulatory risk

Reputation risk

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Nil



Financial and Budgetary Implications

The financial risk rating has been assessed as: Low

The council will need to pay for the fee for the reservation of the land and a title plan.

Policy Implications

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

Environmental Policy

Recreation Policy

Council Plan Implications

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

Goal 3 – Sustainable Environment

3.3 Protect and promote public open space and natural assets.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion

As the Kaniva Racecourse and Recreation Reserve was revoked in 2011 and a licence issued to Council, DEECA would need to reserve this land again for the West Wimmera Shire to become the Committee of Management. A letter in writing is requested by DEECA to progress with the application.



OFFICER RECOMMENDATION:

That the Council gives approval to become the Committee of Management and authorise the Chief Executive Officer to progress with the necessary arrangements to appoint the West Wimmera Shire Council as the Committee of Management of the Kaniva Racecourse and Recreation Reserve.

Moved: Cr Tom Houlihan

Seconded: Cr Trevor Domaschenz

That the Council gives approval to become the Committee of Management and authorise the Chief Executive Officer to progress with the necessary arrangements to appoint the West Wimmera Shire Council as the Committee of Management of the Kaniva Racecourse and Recreation Reserve.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

Nil



15.3 Planning Scheme Amendment C37wwim Implementation of Planning Scheme Review

Directorate: Infrastructure Development and Works

Report Author: Senior Planning Officer

Report Purpose: For Decision

Introduction

On November 2022, Council's Chief Executive Officer forwarded the Review of the West Wimmera Planning Scheme to the Minister for Planning, as required by Section 12B of the *Planning and Environment Act 1987*. This action brought to a close the process of the review of the West Wimmera Planning Scheme (the Planning Scheme).

The Planning Scheme Review contains a number of recommendations for changes to the Planning Scheme. This report seeks a resolution of Council to proceed with a Planning Scheme amendment to

- 1 Make a number of policy neutral changes to the Planning Scheme that seek to correct errors and inconsistencies with the Ministerial Direction on the Form and Content of Planning Schemes;
- 2 Incorporate elements from the Council Plan that were missed during the Planning Policy Framework Translation and make other updates to factual data;
- 3 Amend the Municipal Planning Strategy at Clause 02.01 Context of the Planning Scheme to include appropriate reference to Traditional Owners and Country;
- 4 Reinstate policy for 'Agriculture' and 'Rural Industry' that was inadvertently not carried across as part of the recent PPF translation;
- 5 Strengthen the Municipal Planning Strategy to include a strategic direction about protection of Red-Tailed Black Cockatoo habitat over the long term;
- 6 Include new policy to implement the:
 - West Wimmera Council Plan 2021-2025 – incorporating Municipal Health and Wellbeing Plan (West Wimmera Shire Council, October 2021)
 - Target 10,000: West Wimmera Shire Economic Development Strategy (West Wimmera Shire Council, 2014)
 - West Wimmera Heritage Study (Stage 1) (Grieve Gillett Dimitty Andersen Architects, 2014)
 - Council Policy, Recreation Policy (West Wimmera Shire Council, 2018) ; and



- 7 Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review and prioritisation of the strategic planning work identified in Section 9.

Declaration of Interest

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

Background

Section 12B of the *Planning and Environment Act 1987* requires Council to review the West Wimmera Planning Scheme (the Planning Scheme) every four years. The last occasion that the Planning Scheme was reviewed was in 2011. As the review is now complete, implementation of the recommendations needs to occur, as Council Plan Initiative 1.7.4 identifies *"Implement findings of the Planning Scheme review through an amendment to the Planning Scheme"*.

This proposed amendment can proceed without further strategic work as the Planning Scheme Review included marked up changes to the Planning Scheme as part of the recommendations that were forwarded to the Minister for Planning.

A copy of the changes to be made via Planning Scheme Amendment C37 are included in an attachment to this report.

All Planning Scheme Amendments require authorisation from the Minister for Planning to proceed. As the amendment is policy neutral, it is proposed to seek authorisation to proceed with the amendment via Section 20 (2) of the Planning and Environment Act 1987, which exempts Council from giving notice. Seeking this authorisation is the next step in the process of preparing the amendment.

Once authorisation is received, Council officers will proceed to prepare the required amendment documents for processing. Once the amendment has been prepared, a further report will be prepared for Council to adopt the amendment and forward it to the Minister for Planning for their consideration.

Risk Management Implications

Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications



The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Nil

Financial and Budgetary Implications

The financial risk rating has been assessed as: Low

Policy Implications

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

Not applicable

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

1.7 Improve the liveability of the shire to assist in growing our population into the future.

Goal 2 – Diverse and Prosperous Economy

2.1 Encourage and support the establishment and expansion of innovative, creative and sustainable businesses.

Goal 5 – Our Commitment Values

Accountability - We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency and advocating for our community.

Communication Implications

This report and the associated attachment are administrative tasks that do not require public communication and the staff concerned will be formally advised of their new authorisation

Gender Equality

Not Applicable

Conclusion

The proposed amendment is an administrative step that will bring the West Wimmera Planning Scheme into line with the statutory requirements that guide the preparation of



Planning Schemes in Victoria, as well as correct a number of errors and omissions. The effect of the amendment will be to improve the performance of the Planning Scheme.

OFFICER RECOMMENDATION:

That Council resolves to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C37wwim under Section 20 (2) of the Planning and Environment Act 1987.

Moved: Cr Bruce Meyer

Seconded: Cr Tim Meyer

That Council resolves to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C37wwim under Section 20 (2) of the Planning and Environment Act 1987.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Amendment C37 track change content May 2023 [15.3.1 - 48 pages]



15.4 West Wimmera Shire Local Law

Directorate: Infrastructure Development and Works

Report Author: Manager Planning and Environment

Report Purpose: For Decision

Introduction

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

Declaration of Interest

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

Risk Management Implications

Risk identified: Environmental risk

People risk

Regulatory risk

Reputation risk

Safety risk



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

Legislative Implications

The report complies with the requirements of the:
Local Government Act 2020

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;
- 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);
- 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;
 - v.
- 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.

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;
- 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 were required;
- b. administrative provisions in relation to permit applications, issuing of permits, advertising and appeal rights were lengthy and have been 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;
- 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
- xxiii.

Environmental Implications

Environmental Risk rating has been assessed as: High

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 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 West Wimmera Shire Council Policy/s:

Community Engagement Policy
Domestic Firewood Collection Policy
Environmental Policy
Risk Management Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

- 1.1 Create a healthy, active, and vibrant community.
- 1.2 Support a safe and inclusive community.
- 1.3 Provide well planned and sustainable community infrastructure.
- 1.4 Deliver quality services that support community life.
- 1.5 Support and encourage our events, cultural and arts communities.
- 1.6 Support a prepared and resilient community.
- 1.7 Improve the livability of the shire to assist in growing our population into the future.

Goal 2 – Diverse and Prosperous Economy

- 2.1 Encourage and support the establishment and expansion of innovative, creative and sustainable businesses.
- 2.2 Promote the Shire as a great place to visit, live and invest.
- 2.4 Create vibrant and attractive town centres.

Goal 3 – Sustainable Environment

- 3.1 Preserve and enhance the natural environment.
- 3.2 Promote sustainable environmental management practices.
- 3.3 Protect and promote public open space and natural assets.

Goal 4 – Good Governance

- 4.1 Ensure long-term financial sustainability.
- 4.2 Engage with the community in a timely and respectful way.
- 4.3 Advocate for our community on issues important to our future.

Goal 5 – Our Commitment Values



Accountability - We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency and advocating for our community.

Communication Implications

Consultation has already been undertaken in development of the plans
The proposed local law and associated documents have now been advertised twice in accordance with the LGA 2020 and Council's Community Engagement Policy.

Submissions

As a result of the advertising process, submissions were received from

- a. Peter Hicks; and
- b. Cr Trevor Domaschenz.

The submission from Mr Hicks objects to the requirement in clause 11.4.2 of the proposed local law which provides that "A person must not, without a permit, drive, or graze livestock on roads for which Council is not the responsible road authority".

The previous local law (clause 8) referred to the need for a permit *"where it is proposed to drive livestock on Council roads from outside the municipal district through any part of the municipal district to a point of destination beyond the municipal district"*.

The local law also said:

"This requirement applies to roads under the care and management of the Council (a Council road). Any proposal to move cattle on a State road (VicRoads road) should be referred to VicRoads to ensure that any requirements of VicRoads are met".

The VicRoads website provides information in relation to Stock Crossing Permits which apply to declared roads (as defined).

The VicRoads requirement is not new and accordingly it is unclear what the submitter means by "the proposal to alter the permit system". Clause 11.4.2 is simply intended to explain that in relation to declared roads, a permit may be required from another authority. The wording



has been amended to make this clear and the reference to penalty units has been removed as enforcement would be a matter for the relevant authority.

The submission from Cr Domaschensz refers to 'changes in zones and town boundaries'

Officer comment: The proposed local law does not refer to zones. In any event, a change to a zoning is a planning (not a local law) matter and would require an amendment to the Planning Scheme. A revised set of Township Maps has now been prepared (as requested by Councillors) and additional advertising was arranged which did not result in any submissions.

Legal advice

During the original submission period, the advertised version of the draft local law was reviewed by Council's solicitors who recommended some minor changes, in particular, amending *Table 1* to clarify the aggregate number of animals which may be kept on certain properties.

Gender Equality

Not Applicable

Current Status

The proposed Local Law was considered at the Forums on 1 February 2023 and on 1 March 2023 and 3 May when some amendments were requested by Councillors.

The matters raised and the amendments made are summarised in *Table 2*.

Clause	Issue	Request	Amendment
5	Definition of livestock	New definition requested to exclude reference to horses.	Definition amended as requested.
11.2.2	Wording	That the word "not" be deleted from sub-clause 11.2.2 (e)	Arranged and reverted following discussion at May councilor forum
11.4.2	Driving or grazing livestock on non Council roads.	Remove the sub-clause.	Sub-clause removed.



17.3	Road Management Plan 2021-2025 (RMP)	None	Removed as the RMP is a “stand alone” document unrelated to the proposed Local Law.
Various	Township maps	Alternative maps requested	Provided.

Table 2

Given the requests for alternative township maps, the proposed Local Law was again considered at the Council meeting on 15 March 2023, when Council resolved:

- a. the proposed Community Local Law No 9 2023 be advertised in accordance with section 73 of the LGA 2020;
- b. submissions be invited with a closing date of 12 April 2023;
- c. that any submissions be considered by Council its meeting on 17 May 2023; and
- d. the proposed local law be further considered by Council after the submission process.

The only reason for the additional advertising was to enable further consideration of the revised township maps. In this context:

- a. it is proposed that the Township Maps be incorporated documents. They will not appear in the proposed local law but need to be adopted by Council on 17 May 2023, prior to the Local Law being adopted;
- b. the version of the proposed Local Law advertised in November 2022 included maps for Apsley, Chetwynd, Dergholm, Edenhope, Goroke, Harrow, Kaniva, Lillimur, Miram and Serviceton;
- c. maps have now been added for:
 - i. Minimay; and
 - ii. Gymbowen.

Sub-clause 11.4.1 of the proposed Local Law also provides that the Livestock Driving and Grazing Guidelines are an incorporated document. As with the Township Maps, the Guidelines will not appear in the proposed Local Law, but need to be adopted by Council on 17 May 2023, prior to the Local Law being adopted.

In relation to roadside firewood collection, sub-Clause 10.1.2(f) allows for the collection of firewood subject to a permit or other form of permission. As a permit can be issued with conditions, there is no longer a need for Council’s Domestic Firewood Collection Policy and it is proposed that the Policy be revoked.



Legal Certification

The required Certification is attached.

Conclusion

The proposed local law has been developed after extensive research, consultation with staff, comparisons with the local laws of three councils, legal advice and the required advertising. The two submissions received were considered at the February Forum and do not identify any significant changes required from the advertised version of the proposed local law.

The process of proposing a new Local Law commenced in March 2022 and it is now imperative that Council finalise the matter particularly (as has been noted on numerous occasions) Council has not had a Local Law since 30 September 2022.

Accordingly, no permits, notices comply, or infringements can be issued.

In addition, submitters were originally notified that their submissions would be considered by Council on 15 February 2023, however that did not occur due to the additional advertising process.

No submissions were received as a result of the additional advertising.

OFFICER RECOMMENDATION:

It is recommended that Council consider and resolve on four matters:

Recommendation 1

- a. That the submissions from Mr Peter Hicks and Cr Trevor Domaschenz be noted;
- b. That Council note that as a result of the submissions, amendments were made to the proposed (advertised) local law; and
- c. That the submitters be advised accordingly.

Recommendation 2

That council note the required legal certification (attached).

Recommendation 3

That the proposed Township Maps (attached) be adopted and treated as Incorporated Documents for the purpose of the proposed local law.

Recommendation 4

That the proposed Livestock Driving and Grazing Guidelines (attached) be adopted and treated as Incorporated Documents for the purpose of the proposed local law.



Recommendation 5

That

- a. The proposed local law (attached) be adopted; and
- b. Public notice of the local law be given pursuant to section 74(4) and (5) of the *Local Government Act 2020*

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

It is recommended that Council consider and resolve on four matters:

Recommendation 1

- a. That the submissions from Mr Peter Hicks and Cr Trevor Domaschenz be noted;
- b. That Council note that as a result of the submissions, amendments were made to the proposed (advertised) local law; and
- c. That the submitters be advised accordingly.

Recommendation 2

That council note the required legal certification (attached).

Recommendation 3

That the proposed Township Maps (attached) be adopted and treated as Incorporated Documents for the purpose of the proposed local law.

Recommendation 4

That the proposed Livestock Driving and Grazing Guidelines (attached) be adopted and treated as Incorporated Documents for the purpose of the proposed local law.

Recommendation 5

That

- a. The proposed local law (attached) be adopted; and
- b. Public notice of the local law be given pursuant to section 74(4) and (5) of the *Local Government Act 2020*

CARRIED (4 / 1)



Attachments

1. Certified Local Law(37112791.1) [**15.4.1** - 39 pages]
2. Township Boundaries - West Wimmera Local Law [**15.4.2** - 14 pages]
3. West Wimmera Livestock Droving and Grazing Guidelines 002 [**15.4.3** - 3 pages]



16 Sealing Schedule

16.1 Section 173 Agreement for Signing and Sealing - 7430 Nhill-Harrow Rd Miga Lake - 10:00am

Directorate: {directorate-do-not-remove}

Report Author: {position-do-not-remove}

Report Purpose: For Decision

Introduction

Planning Permit PA1081 was issued on 5 October 2022 allowing the owner to subdivide the land into two lots. This Section 173 Agreement has the following condition to be lodged on the title for Lot 2:

The owner of Lot 2 on proposed PS911719T acknowledges and accepts the possibility of nuisance from adjoining agricultural uses on Lot 1 on proposed PS911719T and the agricultural lots surrounding Lot 2 on proposed PS911719T, including animal grazing and production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural activities.

A section 173 Agreement is attached to be signed and sealed.

Declaration of Interest

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

Background

Planning Permit PA1081 was issued on 5 October 2022 allowing the owner to subdivide the land at 7430 Nhill- Harrow Road, Miga Lake into two lots.

Risk Management Implications

Risk identified:

There are no obvious risks for the Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

The council is the responsible authority for the administration of the Planning and Environment Act 1987. The signing and sealing of the 173 Agreement is an administrative process required prior to lodgment with the title's office.

Legislative Implications



The report complies with the requirements of the:
Local Government Act 2020

Environmental Implications

Environmental Risk rating has been assessed as: Low
Ensuring that planning and building controls are appropriately implemented in accordance with the relevant legislation ensures the protection of our environment.

Financial and Budgetary Implications

Nil

Policy Implications

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

Environmental Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

1.3 Provide well planned and sustainable community infrastructure.

Communication Implications

Consultation has already been undertaken in development of the planning permit in 2022.

Gender Equality

Not Applicable

Conclusion

The final administrative process required before lodging the subdivision with the title's office is to have the Section 173 Agreement signed and sealed.



OFFICER RECOMMENDATION:

That the Council approves the CEO and Mayor signing the 173 Agreement for 7430 Nhill-Harrow Rd Miga Lake to be able to lodge the subdivision with the titles office.

Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That the Council approves the CEO and Mayor signing the 173 Agreement for 7430 Nhill-Harrow Rd Miga Lake to be able to lodge the subdivision with the titles office.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Section 173 Agreement - draft 2 [16.1.1 - 4 pages]



17 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.*

None were submitted for the agenda.

None Received



14.2 Sponsorship and Contributions Grant - Update to include Individual application

Directorate: Corporate and Community Services

Report Author: Community Development and Tourism Manager

Report Purpose: For Decision

Introduction

The West Wimmera Shire Council Sponsorship and Contributions Grants provides communities with the opportunity to collaborate with Council to make their locality a better place to live. The Council provides Sponsorships and Contributions to address local needs and provide opportunities to support the community and enhance lifestyles of West Wimmera Shire Council residents.

Declaration of Interest

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

Background

Sponsorship and Contributions grant was written to ensure that Council manages their requests for funding in a consistent and equitable manner. The guideline provides structure for applicants and provides structure in the assessment and recommendations for Council officers.

Risk Management Implications

Risk identified:

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

Not Applicable

Environmental Implications

Nil

Financial and Budgetary Implications

Nil



Policy Implications

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

Council Grants Policy

Council Plan Implications

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

Goal 1 – Liveable & Healthy Community

- 1.1 Create a healthy, active, and vibrant community.
- 1.4 Deliver quality services that support community life.
- 1.5 Support and encourage our events, cultural and arts communities.
- 1.7 Improve the liveability of the shire to assist in growing our population into the future.

Goal 2 – Diverse and Prosperous Economy

- 2.1 Encourage and support the establishment and expansion of innovative, creative and sustainable businesses.
- 2.2 Promote the Shire as a great place to visit, live and invest.
- 2.3 Facilitate the development of the local economy and jobs.
- 2.6 Provide infrastructure to sustain economic activity.

Goal 3 – Sustainable Environment

- 3.1 Preserve and enhance the natural environment.

Goal 4 – Good Governance

- 4.2 Engage with the community in a timely and respectful way.

Goal 5 – Our Commitment Values

Innovation - We will proactively respond to change, are optimistic about our future and pursue continuous improvement in everything that we do.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion



Sponsorship and contributions grant is a new grant category however the concept of these grants is not. The council has provided sponsorship and contributions in the past within the budget. However, with the adoption of these guidelines the process will meet VAGO recommendations and be transparent and equitable to the community.

OFFICER RECOMMENDATION:

That Council:

- 1. Adopt the Sponsorship and Contributions Grant Guideline for Community Groups/Organisations and Individuals and that the Guideline be attached to the current Grants Policy and existing Guidelines.**

Moved: Cr Bruce Meyer

Seconded: Cr Jodie Pretlove

That Council move item 14.2 to the June Council Meeting.

CARRIED UNANIMOUSLY (5 / 0)

Attachments

1. Sponsorship and Contributions Grant Guidelines 2023 May 8 draft [**14.2.1** - 7 pages]



18 Confidential Reports

18.0 Confidential Reports - Close to Public

RECOMMENDATION:

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

16.1 Income Protection Insurance Policy 2023-2024

16.2 Wimmera Libraries Partnership & Funding Agreement

Confidential Report:

Reason for confidentiality – Local Government Act 2020, Section 3 – Council Business Information.

Moved: Cr Jodie Pretlove

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 4:48 pm to resolve on matters pertaining to the following items:

16.1 - Income Protection Insurance Policy 2023-2024

16.2 - Wimmera Libraries Partnership & Funding Agreement

CARRIED UNANIMOUSLY (5 / 0)



19 Close of Meeting

Meeting closed:

The Council Meeting 17th May 2023 was declared closed at 5:27 pm

Next Meeting:

Wednesday 21st June 2023

Edenhope Council Chamber