



WELCOME

TO THE WEST

West Wimmera Shire Council

AGENDA


COUNCIL MEETING

Wednesday 16 October 2024
2:00 pm

Council Chambers
Kaniva Council Office
25 Baker Street, Kaniva Victoria
3419

PUBLIC ACCESS

Open to the public and Live streaming from
Council's website:
www.westwimmera.vic.gov.au





Councillors and Shire Map



MAYOR
Cr. Tim Meyer



**DEPUTY
MAYOR**
**Cr. Tom
Houlihan**



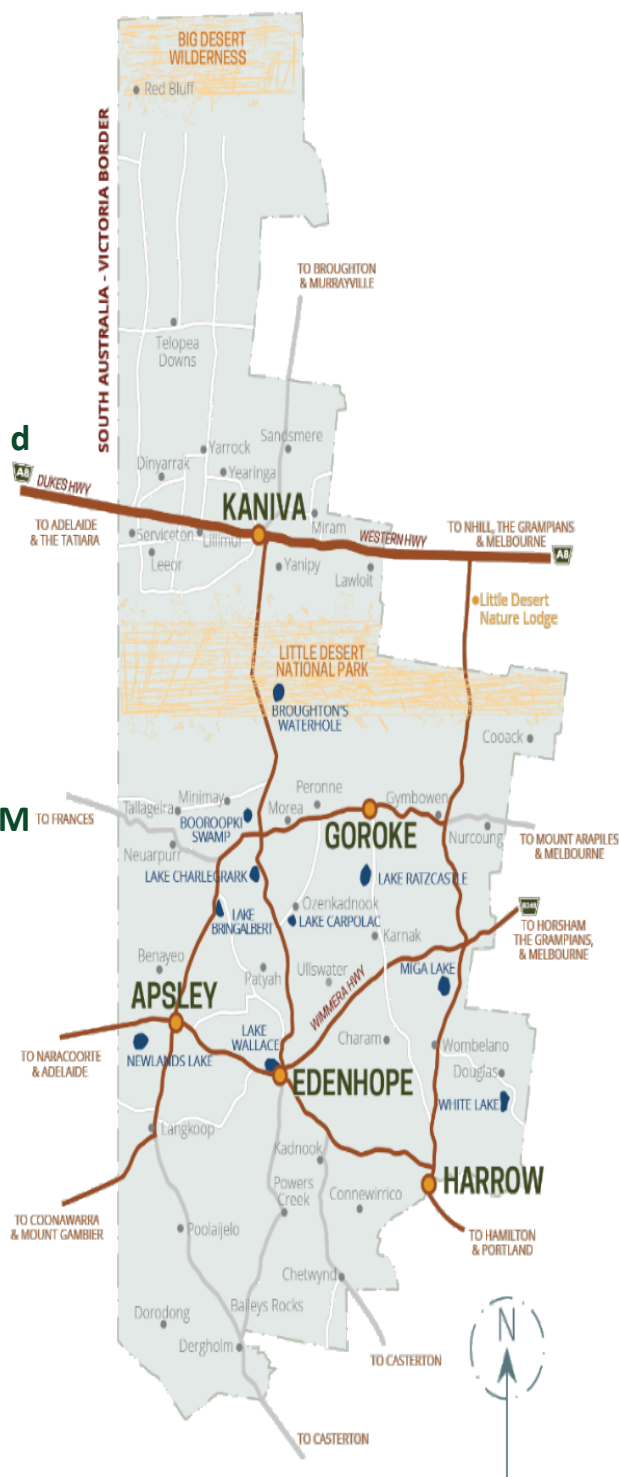
**Cr. Richard
Hicks**



**Cr. Bruce
Meyer OAM**



**Cr. Jodie
Pretlove**





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.

This Council meeting will be recorded for live streaming.

Recording of Meeting and Disclaimer

Please note every Council Meeting (other than items deemed confidential under section 3 (1) of the Local Government Act 2020) is being recorded and streamed live on West Wimmera Shire Council's website in accordance with Council's Governance Rules. Live streaming allows everyone to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency. All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast. Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of West Wimmera Shire Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.



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.



REQUIRED TO ATTEND:

Councillors:

Tim Meyer, Mayor
Tom Houlihan, Deputy Mayor
Richard Hicks
Bruce Meyer OAM
Jodie Pretlove

Executive Leadership Team:

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



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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

4.2 Leave of Absence

4.3 Declaration of Conflict of Interest

All Councilors 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.



5 Questions from the Gallery

Under section 5.6 of the Election Period Policy, Question Time at Council Meetings is not permitted during the election period.

6 Delegates Reports

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

6.1 Councillor Tim Meyer (Mayor)

Date	Event
24/09/2024	Unscheduled Council Meeting – Draft Annual Report 2023/24
02/10/2024	Councillor Forum
12/10/2024	Lions Club Dinner
16/10/2024	Pre-Council Meeting
16/10/2024	Council Meeting

6.2 Councillor Tom Houlihan (Deputy Mayor)

Date	Event
24/09/2024	Unscheduled Council Meeting – Draft Annual Report 2023/24
02/10/2024	Councillor Forum
16/10/2024	Pre-Council Meeting
16/10/2024	Council Meeting

6.3 Councillor Richard Hicks

Date	Event
24/09/2024	Unscheduled Council Meeting – Draft Annual Report 2023/24
02/10/2024	Councillor Forum
16/10/2024	Pre-Council Meeting
16/10/2024	Council Meeting



6.4 Councillor Bruce Meyer OAM

Date	Event
19/09/2024	Audit & Risk Committee Meeting
24/09/2024	Unscheduled Council Meeting – Draft Annual Report 2023/24
02/10/2024	Councillor Forum
16/10/2024	Pre-Council Meeting
16/10/2024	Council Meeting

6.5 Councillor Jodie Pretlove

Date	Event
19/09/2024	Audit & Risk Committee Meeting
24/09/2024	Unscheduled Council Meeting – Draft Annual Report 2023/24
02/10/2024	Councillor Forum
16/10/2024	Pre-Council Meeting
16/10/2024	Council Meeting

7 Condolences

Nil



8 Confirmation of Previous Minutes

8.1 Community Forum held on Wednesday, 21 August 2024

RECOMMENDATION:

That the Minutes of the Community Forum held on Wednesday, 21 August 2024 be taken as an accurate record and confirmed.

Attachments

Nil



8.2 **Unscheduled Council Meeting held on Monday, 16 September 2024**

RECOMMENDATION:

That the Minutes of the Unscheduled Council Meeting held on Monday, 16 September 2024 be taken as an accurate record and confirmed.

Attachments

Nil



8.3 Council Meeting held on Wednesday, 18 September 2024

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 18 September 2024 be taken as an accurate record and confirmed.

Attachments

Nil

8.4 Unscheduled Council Meeting held on Tuesday, 24 September 2024

RECOMMENDATION:

That the Minutes of the Unscheduled Council Meeting held on Tuesday, 24 September 2024 be taken as an accurate record and confirmed.

Attachments

Nil



9 Business Arising From Previous Minutes

10 Notices of Motion

There were no Notices of Motion submitted for the agenda.

11 Councillor Forum Record

11.1 Councillor Forum Record Wednesday, 2 October 2024

RECOMMENDATION:

That the Record for the Councillor Forum Record Wednesday, 2 October 2024 be received and noted.

12 Deputations and Petitions

There were no Petitions or Deputations submitted for the agenda.

13 Chief Executive Officer

No Reports



14 Corporate and Community Services

No Reports



15 Infrastructure Development and Works

15.1 Sealing of Section 173 Agreement Crown Allotment 8 Parish of Nateyip, Billy Ho Road, Kaniva

Directorate: Infrastructure Development and Works

Report Author: Senior Planning Officer

Report Purpose: For Decision

Purpose

To seek a resolution of Council to use the Common Seal of Council to complete a Section 173 Agreement for Crown Allotment 8 Parish of Nateyip, Billy Ho Road, Kaniva.

OFFICER RECOMMENDATION:

That Council authorise the use of the Common Seal of Council for the signing of the Section 173 Agreement for Crown Allotment 8 Parish of Nateyip, Billy Ho Road, Kaniva.

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 PA1170 is an application to subdivide an existing property into two lots.

As the subdivision creates a lot boundary through an area of native vegetation, the permit is needed to address the matter of consequential loss of native vegetation.

A Section 173 agreement is a legally binding agreement under the Victorian Planning and Environment Act 1987, typically between a landowner and the local council. It is used to impose restrictions or requirements on the use or development of land that are not easily dealt with through traditional planning permits. In the context of native vegetation, the agreement can be used to ensure long-term protection and management of vegetation in lieu of more immediate offset planting requirements.

In this case, the Section 173 agreement related to Planning Permit PA1170 addresses the potential for consequential loss of native vegetation resulting from the subdivision – particularly the potential to clear native vegetation for a boundary fence.

Instead of requiring the applicant to provide immediate offset planting (as typically mandated by the Native Vegetation Regulations 2017), the agreement would commit the



applicant to a set of land management obligations that protect or enhance existing native vegetation on-site.

By entering into this agreement, this arrangement represents a significant dollar saving to the applicant, and a better land management outcome for the bushland area contained within the subdivision.

Maddocks Lawyers have reviewed the draft agreement and have advised that it is suitable to proceed. The applicant's Lawyer also concurs with the wording of the agreement.

Signing of the agreement completes the actions required by the conditions of the planning permit, and the matter can then proceed to issuing of the Statement of Compliance.

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:

Not applicable

Council Plan Implications

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

Goal 3 – Sustainable Environment

3.1 Preserve and enhance the natural environment.



Communication Implications

No Communication Implications

Gender Equality

No Gender Impact Assessment is required

Conclusion

In summary, the Section 173 agreement removes the immediate requirement for offset planting by providing a legally enforceable framework for managing the vegetation in a way that compensates for its loss. This approach can be more flexible and sustainable while still meeting the regulatory goals of protecting biodiversity and managing land in accordance with native vegetation laws.

Signing of the agreement completes the actions required by the conditions of the planning permit, and the matter can then proceed to issuing of the Statement of Compliance.

Attachments

Nil



15.2 Planning Scheme Amendment C37wwim

Directorate: Infrastructure Development and Works

Report Author: Senior Planning Officer

Report Purpose: For Decision

Purpose

To adopt Planning Scheme Amendment C37wwim and forward it to the Minister for Planning for their consideration.

OFFICER RECOMMENDATION:

That Council adopt Planning Scheme amendment C37wwim and authorise the Chief Executive Officer to forward the amendment to the Minister for Planning for their consideration.

Declaration of Interest

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

Background

On 17 May 2023, Council resolved to seek authorisation from the Minister for Planning to prepare an exhibit Planning Scheme amendment C37wwim.

The amendment was exhibited on Thursday 18 July 2024. No submissions were received.

Amendment C37wwim is a policy neutral amendment that makes a number of changes to the Planning Scheme that were identified in the Planning Scheme Review, and does not make any changes to the use and development rights for any land.

The changes that are being made to the West Wimmera Planning Scheme have already been presented to Council as part of the Planning Scheme Review.

The amendment was prepared with the assistance of the Department of Transport and Planning's Planning Hub assistance program.

Once Council has adopted the amendment, it can be forwarded to the Minister for Planning for their consideration, prior to gazettal. There is no further work required for this amendment.



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

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 1 – Liveable & Healthy Community

1.1 Create a healthy, active, and vibrant community.

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

Goal 2 – Diverse and Prosperous Economy

2.3 Facilitate the development of the local economy and jobs.

Communication Implications

No Communication Implications

Equal Impact Assessment

No Equal Impact Assessment is required

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 and correct some errors and omissions. The effect of the amendment will be to improve the performance of the Planning Scheme.

Attachments

Nil



16 Sealing Schedule

Nil.

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.*

18 Confidential Reports

RECOMMENDATION:

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

18.1 Nominations for the WWSC Senior Citizen of the Year Award



19 Close of Meeting

Next Meeting:

Wednesday, 20 November 2024

Edenhope Council Chambers