



# **West Wimmera Shire Council**

## **MINUTES**

### **COUNCIL MEETING**

Wednesday 19 July 2023  
2:00 pm

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



## Councillors and Shire Map



**MAYOR**  
**Cr. Tim Meyer**



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



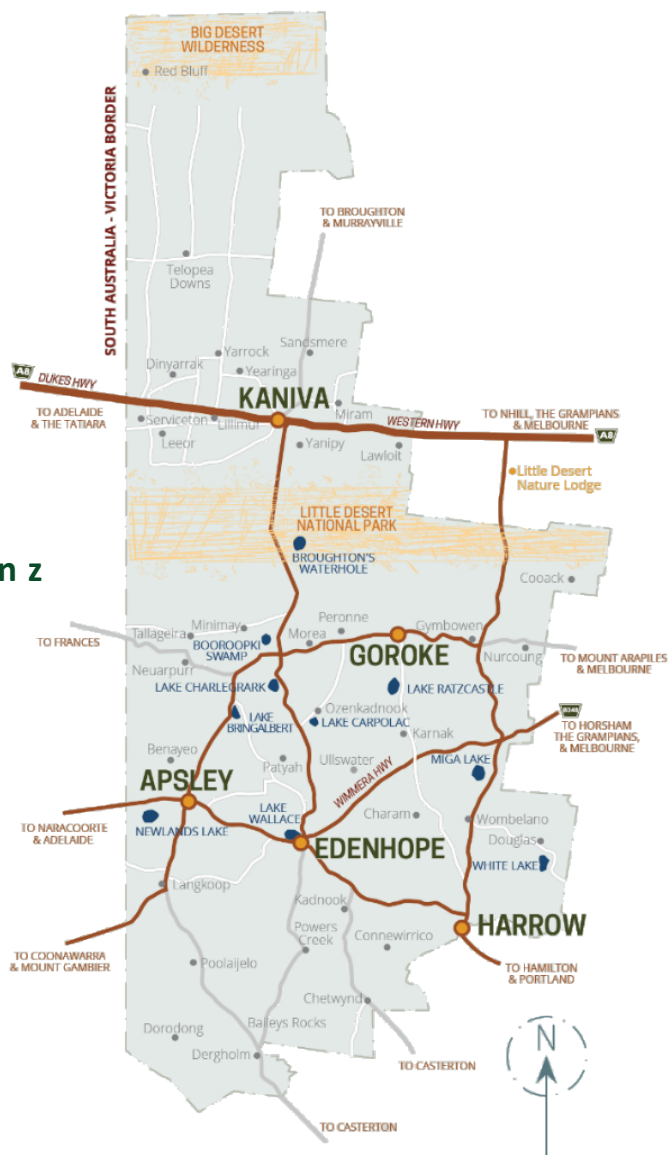
**Cr. Trevor  
Domaschenz**



**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 (Online)  
Tom Houlihan  
Bruce Meyer OAM

**Executive Leadership Team:**

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

**Officers:**

Katie Frost - Governance Manager  
Philippa Hicks - Executive Assistant to the CEO  
John Hutchins - Community Development and Tourism Manager  
Louise Gabbe - Facilities and Quality 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

**Moved:** Cr Tom Houlihan

**Seconded:** Cr Bruce Meyer

That Council approve the request from Councillor Jodie Pretlove to attend the Council Meeting via electronic means.

**CARRIED UNANIMOUSLY (4 / 0)**

### 4.2 Leave of Absence

**Moved:** Cr Tom Houlihan

**Seconded:** Cr Jodie Pretlove

That Council grant Councillor Trevor Domaschensz' request for Leave of Absence from the 19 July 2023 to the 17 October 2023

**CARRIED UNANIMOUSLY (4 / 0)**

### 4.3 Declaration of Conflict of Interest





Mayor Tim Meyer declared a conflict of interest in item 14.1 – Item Title Community Strengthening Grants, stating his involvement in Kaniva Community Sporting complex and Lawloit CFA (Country Fire Authority).

Cr Bruce Meyer OAM declared a conflict of interest in item 14.1 Item Title Community Strengthening Grants, stating his involvement in Kaniva Community Sporting complex and Lawloit CFA (Country Fire Authority).

John Hutchins declared a conflict of interest in item 14.1 Item Title Community Strengthening Grants, stating his involvement in Kaniva Community Sporting complex.

David Bezuidenhout declared a conflict of interest in item 18.4 Item Title Sponsorship and Contributions Grants (Confidential Meeting) -Item Title, stating his wife's involvement with Life Force.



## 5 Questions from the Gallery

### 5.1 Written Questions on Notice

Answer:

Thank you, Council Watch, for this question. It is not easy for us to answer this as we do not track these types of costs. We do know that they are occurring, in particular with roads, road funding, library services, childcare, kindergarten services, building regulations, planning works and school crossings. We do not track the costs and we do not have the resources to provide an accurate response. It would be a considerable waste of our resources to put into it.



## 5.2 Verbal Questions without Notice

### RECOMMENDATION:

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

### RECOMMENDATION:

That Council resume Standing Orders.



## 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
26/06/2023	Quarterly Meeting – WWSC & Dr. Anne Webster MP
28/06/2023	Unscheduled Council Meeting
30/06/2023	Western Highway Action Committee Meeting
04/07/2023	Strategic Leadership Meeting
05/07/2023	Councillor Forum
11/07/2023	Goroke Lions Club Changeover Dinner
13/07/2023	RCV Forum
14/07/2023	RCV Forum
19/07/2023	Pre-Council Meeting
19/07/2023	Council Meeting

### 6.2 Councillor Jodie Pretlove (Deputy Mayor)

Date	Event
28/06/2023	Unscheduled Council Meeting
04/07/2023	Strategic Planning Meeting
05/07/2023	Councillor Forum
19/07/2023	Pre-Council Meeting
19/07/2023	Council Meeting

### 6.3 Councillor Trevor Domaschenz

Councillor Trevor Domaschenz did not deliver a report due to being on leave of absence.

### 6.4 Councillor Tom Houlihan

Date	Event
28/06/2023	Unscheduled Council Meeting
05/07/2023	Councillor Forum
19/07/2023	Pre-Council Meeting
19/07/2023	Council Meeting



## 6.5 Councillor Bruce Meyer OAM

Date	Event
28/06/2023	Unscheduled Council Meeting
05/07/2023	Councillor Forum
11/07/2023	Goroke Lions Club Changeover Dinner
14/07/2023	RCV Forum
19/07/2023	Pre-Council Meeting
19/07/2023	Council Meeting

## 7 Condolences

Nil



## 8 Confirmation of Previous Minutes

### 8.1 Council Meeting held on Wednesday, 21st June 2023

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 21st June 2023 be taken as an accurate record and confirmed.

Moved: Cr Bruce Meyer

Seconded: Cr Tom Houlihan

That the Minutes of the Council Meeting held on Wednesday, 21st June 2023 be taken as an accurate record and confirmed.

CARRIED UNANIMOUSLY (4 / 0)

#### Attachments

Nil

### 8.2 Council Meeting held on Wednesday, 28th June 2023

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 28th June 2023 be taken as an accurate record and confirmed.

Moved: Cr Tom Houlihan

Seconded: Cr Bruce Meyer

That the Minutes of the Council Meeting held on Wednesday, 28th June 2023 be taken as an accurate record and confirmed.

CARRIED UNANIMOUSLY (4 / 0)



## 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, 5th July 2023

#### RECOMMENDATION:

That the Record for the Councillor Forum Record Wednesday, 5th July 2023 be received and noted.

**Moved:** Cr Bruce Meyer

**Seconded:** Cr Tom Houlihan

That the Record for the Councillor Forum Record Wednesday, 5th July 2023 be received and noted.

**CARRIED UNANIMOUSLY (4 / 0)**





## 11.2 Community Forum Record held Wednesday, 17th May 2023

### RECOMMENDATION:

That the Record for the Community Forum Record held Wednesday, 17th May 2023 be received and noted.

**Moved:** Cr Tom Houlihan

**Seconded:** Cr Jodie Pretlove

That the Record for the Community Forum Record held Wednesday, 17th May 2023 be received and noted.

**CARRIED UNANIMOUSLY (4 / 0)**

## 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

### 14.1 Community Strengthening Grants

*Directorate: Corporate and Community Services*

*Report Author: Community Development and Tourism Manager*

*Report Purpose: For Decision*

#### **Introduction**

These grant applications were presented at last month's Council meeting, however due to conflicts of interest council was not able to discuss these grants due to a lack of quorum.

#### **Declaration of Interest**

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

#### **Background**

There are two rounds of grants each year with applications opening on the

- 1st Monday in April and closing last Friday in April
- 1st Monday in September and closing last Friday in September

Grants will be assessed with recommendations going to the 1st Council meeting after the closing date.

#### **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.
- 1.2 Support a safe and inclusive community.
- 1.3 Provide well planned and sustainable community infrastructure.
- 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

No Communication Implications

## Gender Equality

Not Applicable

## Conclusion

All Grants were read for compliance by a Council Officer who is not a member of the Assessment Team. This officer advised the Assessment Team Chairperson that all applications were compliant but did offer the following advice on two of the grants

- Kaniva Community Sporting complex has allocated \$1944.72 for machine repairs, though they are unable to provide an additional quote for this as the Gym and Treadmill Surgeon will not know the cost until they inspect the broken items. This cost was determined to be around the same cost as the servicing requirements as an approximation.
- Lawloit CFA (Country Fire Authority) has requested funding. The guidelines (attached - Community Strengthening Grants – Guidelines for Applicants) stipulate that Services or activities which are considered to be primarily the responsibility of the State or Federal Governments are ineligible. As discussed with me, the purchase of this piece of equipment is not part of the brigade's primary funded equipment and as such would not be considered by the CFA in their budget or funding streams. The equipment is utilised to assist the brigade in accessing water sources that would not be accessible with a fire engine pumping capacity. The trailer adds to the speed in filling up with water and returning to the fire ground for the Lawloit brigade and all other fire engines in that particular sector. The ownership of the trailer remains with the Brigade (Brigade owned and managed) and does



not automatically get returned to the CFA if the brigade ceases to exist. If this happens then the trailer would usually be passed onto a neighbouring brigade as a brigade owned piece of equipment that remains in the area for future use.

Three Council Grant Assessment Officers have independently assessed the applications before meeting together. There was unanimous agreement to approve all Grants for Council discussion

#### **OFFICER RECOMMENDATION:**

**That Council considers the Community Strengthening Grants as presented**

**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Tom Houlihan

**That Council form a Delegated Committee to deal with item 14.1 Community Strengthening grants with the following members to be part of that committee.**

**Cr Jodie Pretlove (chair)**

**Cr Tom Houlihan**

**Erica Manh**

**CARRIED UNANIMOUSLY (4 / 0)**

**Moved:** Cr Tom Houlihan

**Seconded:** Erica Manh

**That Council approve the CFA Lawloit Rural Fire Brigade Community Strengthening Grant application for the amount of \$3,148.48.**

**CARRIED (3/0)**

**Moved:** Cr Tom Houlihan

**Seconded:** Erica Manh

**That Council approve the Kaniva Community Sporting Complex's Community Strengthening Grant application for the amount of \$4,620.27.**



CARRIED (3/0)

## Attachments

1. Residual CSG Grant applications - June 2023 [**14.1.1** - 25 pages]

*Cr Tim Meyer left the meeting at 2:27 pm.*

*Cr Bruce Meyer left the meeting at 2:27 pm.*

*John Hutchins left the meeting at 2:34pm*

*Cr Tim Meyer returned to the meeting at 2:40 pm.*

*Cr Bruce Meyer returned to the meeting at 2:40 pm.*

*John Hutchins returned to the meeting at 2:40pm*

*Mayor Tim Meyer resumed the meeting at 2:41pm and thanked Erica Manh for joining the delegated committee for the Council*



## 14.2 Visitor Economy Partnership

*Directorate: Corporate and Community Services*

*Report Author: Community Development and Tourism Manager*

*Report Purpose: For Decision*

### Introduction

Regional Tourism Boards are transitioning to new administrative structures called VEP (Visitor Economy Partnerships).

Every regional Council will be invited to join a Visitor Economy Partnership and as such CEOs (Chief Executive Officer's) for the four Wimmera Mallee Tourism Councils have been recommended to sit on the GT (Grampians Tourism) VEP whilst the term's of refence, financials and administration are being discussed. CEO's can collaborate with other VEP's in order to get the best result for their Council however in the case of West Wimmera Tourism there is strong consensus to say that the Grampians VEP is the most suitable for the four Councils involved.

### Declaration of Interest

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

### Background

Following extensive stakeholder consultation and the Regional Tourism Review, a reformed tourism network initiative has been developed to grow and strengthen Victoria's regional visitor economy. During 2023 Regional Tourism Boards (RTB's) will begin their transition into Visitor Economy Partnerships (VEP's).

VEP's will operate as independently legal, destination management entities and will be recognised by the State Government as the official voice for the visitor economy in their region. VEP's will be a collaborative between all stakeholders, State Government, Councils, regional tourism organisations and industry.

Each VEP will be governed by an independent board. These boards will be strengthened, so each has the scale, structure, resources, and strategy to perform its role. Board membership will be diverse, comprising of local government, industry and skill-based professionals and region-wide representatives.

### 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:

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.

1.5 Support and encourage our events, cultural and arts communities.

***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.

**Communication Implications**

No Communication Implications

**Gender Equality**

Not Applicable



## Conclusion

The move from a local government-based tourism entity to a Visitor Economy Partnership will commence with high level discussions concerning our ability to be an effective and an influential partner within an established Tourism board. Initial discussions, I imagine, will centre on our ability to contribute to the funding of the partnership and the terms of reference to progress the VEP strategically and with equity. Business planning, cross pollination of tourism administrative methodology will also be discussed which can be approved either by the CEO or brought back to council as a report for discussion and/or decision

The current Grampians Tourism Board has CEO representation, so it stands to reason that the West Wimmera Shire Council CEO represents Council at this board level delegating as required to the WWSC Tourism team

## OFFICER RECOMMENDATION:

**That Council authorise the CEO to proceed in negotiations with Grampians Tourism Visitor Economy Partnership and West Wimmera Tourism on behalf of the West Wimmera Shire Council.**

**That the CEO provides the mayor with an update as required with strategic changes being brought to a council meeting for discussion where necessary.**

**VEP Minutes, Agenda's and discussion papers are provided to Council as deemed necessary**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tim Meyer**

**That Council authorise the CEO to proceed in negotiations with Grampians Tourism Visitor Economy Partnership and West Wimmera Tourism on behalf of the West Wimmera Shire Council.**

**That the CEO provides the mayor with an update as required with strategic changes being brought to a council forum for discussion where necessary.**

**VEP Minutes, Agenda's and discussion papers are provided to Council as deemed necessary**

**CARRIED (2 / 2)**

**With Mayors casting vote**





## Attachments

1. VEP CEO Approval [**14.2.1** - 6 pages]



## 15 Infrastructure Development and Works

### 15.1 Revoke West Wimmera Township Amenity Policy

*Directorate: Infrastructure Development and Works*

*Report Author: Manager Planning and Environment*

*Report Purpose: For Decision*

#### **Introduction**

The West Wimmera Shire Township Amenity Policy was created in 2015. This report is being put to the council to consider revoking the Township Amenity Policy as it is a double up of sections from Council's (old) Local Law and other legislation that Council already administers.

#### **Declaration of Interest**

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

#### **Background**

A review of this policy has found that this policy takes sections of the Local Law (now superseded) and other legislation that council administers and has been combined to form the Township Amenity Policy. The Township Amenity Policy also refers to issuing permits and notices. Permits and fines can only be issued under the relevant Legislation or Local Law. This policy does not fit into the category of either a Legislation or Local Law and hence the permit or fines cannot be issued. This policy can be seen as a double up of sections of the Local Law, Environment Protection Act 1970(now superseded by Environment Protection Act 2017), Public Health and Wellbeing Act 2008, Road Management Act 2004 and the Building Act 1993. There is a level of ongoing administrative burden to keep this policy in place as it requires staff to update it as the Local Law and other legislation changes.

#### **Risk Management Implications**

Risk identified:

Business continuity risk

Regulatory risk

Reputation risk

#### **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:

Township Amenity Policy

### **Council Plan Implications**

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

#### ***Goal 4 – Good Governance***

4.4 Develop a high performing accountable organisation.

4.5 Maintain a rigorous risk management framework.

### **Communication Implications**

No Communication Implications

### **Gender Equality**

Not Applicable

### **Conclusion**

The Township Amenity Policy doubles up on the Council Local Law and other Legislations that Council already administers. Should the Council revoke this policy the Local Law and other legislation will remain in force for Council officers to enforce. The Township Amenity Policy is not a Law and would not be able to be enforced as such.



**OFFICER RECOMMENDATION:**

**That the Council revoke the West Wimmera Township Amenity Policy.**

**Moved: Cr Bruce Meyer**

**Seconded: Cr Jodie Pretlove**

**That the Council revoke the West Wimmera Township Amenity Policy.**

**CARRIED UNANIMOUSLY (4 / 0)**

**Attachments**

1. WWSC Council Policy Township Amenity Policy adopted 21 May 2015 (1) [15.1.1 - 13 pages]



## 15.2 Revoke West Wimmera Building Permit Information Policy

*Directorate: Infrastructure Development and Works*

*Report Author: Manager Planning and Environment*

*Report Purpose: For Decision*

### Introduction

The West Wimmera Shire has many policies that help ensure the ongoing governance of the Council as an organisation. Over time policies get reviewed and adapted to meet current times and working environments. This report seeks to discuss and revoke the Building Permit Information Policy due to it doubling up on legislation that Council is already bound to administer and adhere to.

### Declaration of Interest

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

### Background

The West Wimmera Shire Council Building Information Policy has been a policy of the West Wimmera Shire since 1996 when the first version of this policy was adopted by the Council. The detail within the current version of the policy is very little and refers to legal requirements out of the Building Regulations that the council is bound to comply with, with or without a policy in place.

The policy refers to making the Building Approval Register available for Government agencies and members of the public which is the legal requirement under Building Regulations. Hence the policy is deemed redundant, and continuation of this policy will add the administrative burden of reviewing it, without serving any specific purpose.

### Risk Management Implications

Risk identified:

Regulatory risk

Reputation risk

### Legislative Implications

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



This report has Legislative implications regarding the Building Act 1993 and the Building Regulations 2018 where there are provisions that provide the legal framework for providing building permit information.

#### **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:

Building Permit Information Policy

#### **Council Plan Implications**

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

##### ***Goal 4 – Good Governance***

4.4 Develop a high performing accountable organisation.

4.5 Maintain a rigorous risk management framework.

#### **Communication Implications**

No Communication Implications

#### **Gender Equality**

Not Applicable

#### **Conclusion**

The West Wimmera Shire Council Building Permit Information Policy doubles up with legislation that Council officers and contractors are already required to comply with and adhere to. The Building Permit Information Policy has little detail and would require a level of ongoing administrative burden to ensure that it does not differ from the Building Regulations over time.



**OFFICER RECOMMENDATION:**

**That the Council revoke the West Wimmera Shire Council Building Information Policy.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Bruce Meyer**

**That the Council revoke the West Wimmera Shire Council Building Information Policy.**

**CARRIED UNANIMOUSLY (4 / 0)**

**Attachments**

1. WWSC Council Policy Building Permit Information Policy adopted 19 Apr 2017 2  
[15.2.1 - 2 pages]



## 15.3 Part road closure Gall Street Lillimur - Mr Michael Fagg User Agreement

*Directorate: Infrastructure Development and Works*

*Report Author: Facilities and Quality Manager*

*Report Purpose: For Decision*

### Introduction

A report was tabled in December 2022 to seek in principle support from Council to close and discontinue a parcel of land on the road reserve of Gall St, Lillimur which is outlined in red in the drawing of diagram one.

The reason for this request is that this area is only used by this landowner to access the rear of their block which they currently mow and maintain.

The proponent would like to fence this area to run a few sheep and to be able to move them between lots and not totally graze out one area. At the north and south end of this closure there would be gates to make this accessible to the public.

A public notice was issued to seek feedback from the community on the proposal. No written objections received from the community.

### Diagram One:







## Declaration of Interest

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

## Background

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

The following terms and conditions have been devised for the agreement: -

- This Agreement permits the applicant to use the land for the purposes of grazing stock and ancillary purposes, but not for any other purpose.
- The applicant accepts full responsibility for stock control and will maintain stockproof fences accordingly.
- This arrangement is a licence, not a lease, and therefore does not convey an interest in the land.
- As a road reserve which has been used from time to time, the land is a public highway at common law, and therefore members of the public may not be excluded from it.
- Accordingly, the applicant will ensure that any fencing constructed across the road at either end will include an unlocked swing gate and will not attempt to prohibit public passage.
- The applicant accepts full responsibility for pests and weeds, as per the Catchment and Land Protection Act and Regulations.
- The applicant indemnifies Council against any claims made by third parties in connection with the applicant's occupation or use of the land.
- The council may at its absolute discretion terminate this agreement at 30 days' notice, whereupon the applicant will remove any stock and improvements and reinstate fencing on the boundary between his/her property and the road reserve.
- Unless terminated earlier, this agreement will expire three (3) years from the date of signing the agreement or upon the sale of the applicant's property at 35 Brewer Street, Lillimur, whichever is earlier. Upon such termination, it may be renewed at the Council's discretion.



### **Risk Management Implications**

Risk identified:

The road is currently declared as a public use road in a farming zone, the closure may have little impact on adjoining landowners. There were no objections from the community when advertised.

### **Legislative Implications**

The report complies with the requirements of the:

Land Act 1958

Road Management Act 2004

Local Government Act 2020

### **Environmental Implications**

With the grazing of sheep on the road reserve, this should reduce the regrowth of grass and therefore there may not be a need for Council to maintain this road reserve, which is likely to have a positive impact on the environment.

### **Financial and Budgetary Implications**

Currently there have been costs associated with advertising, advice from The Public Land Consultancy with some legal direction and wording with the agreement.

### **Policy Implications**

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

Asset Management Policy

### **Council Plan Implications**

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

#### ***Goal 3 – Sustainable Environment***

3.2 Promote sustainable environmental management practices.

### **Communication Implications**

Consultation has already been undertaken in development of the plans

### **Gender Equality**

Not Applicable



## Conclusion

The closure of part of Gall Street will allow the proponent to take care of their stock while enhancing biosecurity and the environment. There will be a nil fee for the agreement between the West Wimmera Shire Council and Mr. Michael Fagg.

## OFFICER RECOMMENDATION:

**That Council approves the part closure of Gall Street, Lillimur and authorises the Chief Executive Officer to formalise the agreement with Mr. Michael Fagg per the draft terms and conditions.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Tom Houlihan**

**That Council approves the part closure of Gall Street, Lillimur and authorises the Chief Executive Officer to formalise the agreement with Mr. Michael Fagg per the draft terms and conditions.**

**CARRIED UNANIMOUSLY (4 / 0)**

## Attachments

1. WWSC and Michael Fagg - Gall St, Lillimur user agreement July 2023 [15.3.1 - 5 pages]
2. Advert [15.3.2 - 1 page]



## 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 to resolve on matters pertaining to the following items:**

- 18.1 Business Streetscape Grant Application**
- 18.2 Business Assistance Grant Application**
- 18.3 Sponsorship & Contributions Grant Application**
- 18.4 Sponsorship & Contributions Grant Application**

### **Reasons for Confidential:**

Local Government Act 2020, Section 3 - Private commercial information

Local Government Act 2020, Section 3 - Personal information



**Moved:** Cr Jodie Pretlove

**Seconded:** Cr Bruce Meyer

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 Business Streetscape Grant Application
- 18.2 Business Assistance Grant Application
- 18.3 Sponsorship & Contributions Grant Application
- 18.4 Sponsorship & Contributions Grant Application

**CARRIED UNANIMOUSLY (4 / 0)**

## 19 Close of Meeting

**Meeting closed:**

The Council Meeting 19th July 2023 was declared closed at 3:06pm

**Next Meeting:**

Wednesday, 16<sup>th</sup> August 2023

Edenhope Council Chamber

Mayor's Signature

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