



ORDINARY COUNCIL MEETING AGENDA – 18 DECEMBER 2019 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday 18 December 2019

LOCATION: Kaniva Council Chamber

COMMENCEMENT: 2.00pm

REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Bruce Meyer, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer (CEO)
Richard Hicks Tom Houlihan	Ashley Roberts Director Corporate & Community Services (DCCS)
Jodie Pretlove	Mark Marziale Director Infrastructure Development & Works (DIDW)

Members of the Gallery are advised that the following Local Law applies to this meeting:

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

- (1) Any member of the public asking a question of the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates*
- (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.*

Vision Statement:

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



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1.0 WELCOME

2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire. Amen.

3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via Docs On Tap.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday nine days prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

RECOMMENDATION:

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



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4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2017.

RECOMMENDATION:

That Council resume Standing Orders.

5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS PRIOR TO AGENDA BEING ISSUED

5.1 COUNCILLOR BRUCE MEYER (MAYOR)

21/11/2019	Selling Houses Australia Media Filming in Kaniva
27/11/2019	Kaniva & District Progress Association
29/11/2019	Kaniva Community Roadhouse AGM
03/12/2019	Volunteers' Morning Tea, Kaniva
04/12/2019	Councillor Forum, Kaniva
04/12/2019	Environmental Protection Authority Community Meeting, Kaniva
06/12/2019	CEO David Leahy
06/12/2019	Wayne Street Presentation, Edenhope
11/12/2019	CEO David Leahy
13/12/2019	Wimmera Regional Library Corporation Board Meeting
16/12/2019	Goroke College Presentation Night
17/12/2019	CEO David Leahy
18/12/2019	Council Meeting, Kaniva
18/12/2019	Edenhope College Presentation Night

5.2 COUNCILLOR TREVOR DOMASCHENZ

27/11/2019	DELWP Meeting, Kalkee
28/11/2019	Lake Wallace Strategic Plan Workshop
04/12/2019	Councillor Forum, Kaniva
06/12/2019	Wayne Street Presentation, Edenhope
11/12/2019	West Wimmera Rural Water Supply Project
11/12/2019	Anne Webster MP & Emma Kealy MP, Horsham
12/12/2019	Wimmera Development Association Board Meeting
12/12/2019	Edenhope Flora Recreation Reserve Committee of Management
13/12/2019	Wimmera Mallee Tourism Cross Border Meeting, Bordertown
18/12/2019	Council Meeting, Kaniva



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5.3 COUNCILLOR RICHARD HICKS

24/11/2019	Bills Gully Recreation Reserve Committee of Management
29/11/2019	Wimmera Southern Mallee Regional Transport Group
04/12/2019	Councillor Forum, Kaniva
04/12/2019	Environmental Protection Authority Community Meeting, Kaniva
13/12/2019	Western Highway Action Committee, Melton
17/12/2019	Kaniva College Presentation Night
18/12/2019	Council Meeting, Kaniva

5.4 COUNCILLOR TOM HOULIHAN

04/12/2019	Councillor Forum, Kaniva
04/12/2019	Environmental Protection Authority Community Meeting, Kaniva
06/12/2019	Wayne Street Presentation, Edenhope
18/12/2019	Council Meeting, Kaniva

5.5 COUNCILLOR JODIE PRETLOVE

04/12/2019	Councillor Forum, Kaniva
06/12/2019	Wayne Street Presentation, Edenhope
18/12/2019	Council Meeting, Kaniva

5.6 GENERAL DELEGATES' REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 20 NOV 2019

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 November 2019, be taken as an accurate record and confirmed.



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8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

9.1 HISTORIC TRAIL – NOM 2019/09 – CR T DOMASCHENZ

Preamble

The first cricket team to leave Australia's shores was an aboriginal cricket team, mostly from the old Kowree Shire, now part of West Wimmera Shire. This team mostly from this area trained on the shores of Lake Bringalbert and Lake Wallace, and left Australia for England in 1868 from Edenhope. Some of the more famous members of the team were Tarpot, famous for running backwards, Dick a dick, for finding the lost children with memorial at Duffholme, Johnny Mullagh for his all-round cricketing skills, and Peter from Lake Wallace, expert at spear throwing and using a stock whip.

Efforts were made by the Shire in 2002, which ended up with a West Wimmera Walkabout Cricket Trail committee, and again in 2015 to properly set out the trail for history purposes, and to attract tourists to explore our Shire while reading the wonderful history of Australia's First XI.

Past efforts were not properly followed through. We now have the opportunity via a grant and some Shire money to do it properly. It's important that this is as factual as possible. There are many locals who can input their knowledge before it is lost.

Motion

That:

1. West Wimmera Shire Council form a committee of seven and Council oversee the project, with a Councillor as chair and staff to assist. Barengi Gadjin Land Council be invited to the Committee.
2. That Councillor be appointed to the Committee.

Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion 2019/09	AD0183



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10.0 ASSEMBLY OF COUNCILLORS RECORD – 4 DEC 2019

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 4 December 2019 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 APPOINTMENT OF DEPUTY MAYOR FOR 2020

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

As per the resolution from the Annual Statutory Meeting of Council, the following report is provided to enable further discussion and a decision on the appointment of a Councillor to the role of Deputy Mayor for West Wimmera Shire Council for 2020.

A report was presented to the 4 December 2019 Council Assembly to enable greater discussion to occur and it was agreed to present a report to the 18 December 2019, Ordinary Meeting of Council for decision.

Declaration of Interests

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

Background

Following the discussion at the Statutory Meeting of Council on 6 November 2019, where the following resolution was carried:

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

That the position of Deputy Mayor be discussed at the December 2019 Councillor Forum, and presented to the December 2019 Council Meeting for decision.

Carried (4/1)

Further research has been undertaken into the Deputy Mayor position in Victorian Councils. The research was targeting whether or not Councils had a policy regarding the election of a Deputy Mayor and the process followed to facilitate the election of a Deputy Mayor.



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There are many varied approaches taken ranging from, having no Deputy Mayor elected to undertaking the election according to Deputy Mayor provisions within Meeting Procedure – Local Laws. A number of Councils also choose to elect a Deputy Mayor, but do not have any policy or Local Law provisions in place.

The information was gathered by discussions with CEO's and via Council web-sites in the meeting minutes and policy sections. The following is a summary of the sites visited and discussions held.

Hindmarsh Shire Council – Does elect a Deputy Mayor. It does not have Deputy Mayor Policy, but it does have a clause in the Local Law. This clause spells out the responsibility of the position. The responsibilities include, automatically stepping into the chair at meetings in the absence of the Mayor and assuming all of the Mayoral functions in the Mayors absence.

Yarriambiack Shire Council – Does elect a Deputy Mayor. They do not have a policy or any provisions in the Local Law.

Buloke Shire Council – Does elect a Deputy Mayor. They do not have a policy for the Deputy Mayor role. They do have provisions within their Local Law which enables the Deputy Mayor to automatically assume the chair at meetings in the absence of the Mayor (this includes if the Mayor is 15 minutes late for the commencement of the meeting)

Loddon Shire Council – Does not elect a Deputy Mayor.

Northern Grampians Shire Council – Does not elect a deputy Mayor, in the absence of the Mayor, an acting chairperson is to be elected (this is the provision in their Local Law). This position is compliant with the Local Government Act 1989.

Gannawarra Shire Council – Does elect a Deputy Mayor. At the Statutory Meeting of Council each year, Council resolves to elect a Deputy Mayor and the same nomination and election process used for the election of the Mayor is implemented to elect the Deputy Mayor.

Pyrenees Shire Council – Does not elect a Deputy Mayor.

Golden Plains Shire Council – Does elect a Deputy Mayor. The Local Law contains provisions for the election of a Deputy Mayor, which includes the requirement for nominations to be provided to the CEO. The closing time for nominations is to be set by the CEO but their Local Law did not mention what that timeframe is.

All of the aforementioned examples of Councils with a Deputy Mayor, have elected a Councillor into the role at the Statutory Meeting of Council. As the act is silent on the appointment of a deputy Mayor, Council can choose to appoint a Councillor into the role at any time.



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Also with all of the Councils mentioned in this report, the Deputy Mayor receives the same allowance as a Councillor as there is no allowance range provided for the role and the act does not provide any guidance.

If West Wimmera was to choose to appoint a Councillor to become the Deputy Mayor, it would need to have conditions included in the resolution. The conditions applied by the Buloke Shire Council, appear to be the clearest set of rules that could be found during the research. This would assume that the Deputy would automatically assume the chair in the absence of the Mayor, including if the Mayor is more than 15 minutes late to start a meeting. It is also suggested that a condition be that the Deputy be provided with the allowance as set for a Councillor (unless the Mayor is on a formal leave of absence).

It would also be possible for the resolution to appoint the Deputy Mayor as the principle spokesperson for the Council in the absence of the Mayor and CEO.

With the Local Government Bill before Parliament now, it is recommended that Council does not commence a review of the Meeting Procedure and Common Seal - Local Law, as the proposed new act contains a different approach to managing meeting procedure and also contains a proposal for a Deputy Mayor position to be mandated across the sector.

A list of requirements of the position is provided within the Officer Recommendation within this report.

Risk Management Implications

Nil

Legislative Implications

There is no legislative requirement to appoint a Deputy Mayor and there is also no legislation or regulation preventing the role from being developed and implemented.

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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



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Community Engagement Policy
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support Policy
Media Relations Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

As mentioned previously in this report, the appointment of a Deputy Mayor would present the opportunity for responsibilities associated with being the principle spokesperson, to be undertaken in the absence of the Mayor.

Conclusion

Following the discussions with CEOs and the research undertaken of Council websites, there appears to be a number of ways of managing the appointment (or non-appointment) of a Deputy Mayor.

It also appears that there are more Councils who have chosen to appoint a Deputy Mayor than chosen not to, and all of the Councils with a Deputy Mayor appear to have the role automatically deputise in all facets, in the absence of the Mayor.

The current act provides Council with the opportunity to appoint a Councillor as a Deputy Mayor without requiring the nominations to be made at a Statutory Meeting. The current Act also ensures that there is no cost impost on Council as the Deputy Mayor will not be provided with a specific higher allowance.



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OFFICER RECOMMENDATION:

1. That Council resolves to appoint a Councillor to the role of Deputy Mayor for 2020.
2. That the role include the following requirements:
 - a. Assume the chair at Council Meetings and Assembly of Councillors meetings if the Mayor is 15 minutes late,
 - b. Assume the chair if the Mayor is required to leave the meeting due to a conflict of interest,
 - c. Deputise for the Mayor at community events where the Mayor is unavailable,
 - d. Undertake the role of chair or welcome attendees to meetings and events where the Mayor is unavailable,
 - e. Be a secondary Council spokesperson in the absence of the Mayor and CEO,
 - f. Act as a proxy delegate to the Municipal Association Victoria (MAV), Rural Councils Victoria (RCV) and the North West Municipalities Association (NWMA),
 - g. Be remunerated at the same allowance rate as a Councillor.
3. That Council nominates Councillor to fulfil the role of Deputy Mayor of West Wimmera Shire Council for 2020.

Attachments: Nil



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 CORELLA MANAGEMENT

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID PIETSCH – MANAGER PLANNING AND ENVIRONMENT

FOR DECISION

Introduction

On 20 November 2019, Council was presented with a report outlining a number of options to consider in relation to the management of Corellas within the West Wimmera Shire. The officer recommendation outlined within this report is as follows:

- 1. For the 2019 – 2020 Corella season, Council officers undertake a Corella scaring program on Council managed land in strategic locations within the Shire (Edenhope and Kaniva). This program will utilise gas scare guns, hand held laser lights and hand held scare (flare) guns in the morning and evenings to disperse roosting birds.*
- 2. In addition to the above, Council officers to investigate the possibility of engaging professional Falconers (as described above) to assess their effectiveness on deterring problem flocks of Corellas.*
- 3. Council update the West Wimmera Shire Corella Management Plan in consultation with DELWP and the local community. The Plan is to be endorsed by Council prior to the 2020 – 2021 Corella season and may include some additional options identified above.*

At this meeting, the following resolution was adopted by Council:

That the West Wimmera Shire Council Chief Executive Officer immediately enact the 2018 Council resolutions relating to control of Corellas, including the following resolution from the 21 November 2018 Ordinary Council Minutes:

That Council:

- 1. Staff identify, investigate and report to Council the effectiveness of alternative Corella control measures referred to in this report, and compare and incorporate them to the current listed Corella Management Plan (2013-2017) by the December 2018 forum for discussion;*



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2. *Staff apply immediately for all the necessary permits to cull and disperse problem Corella flocks from within town boundaries where they are a major issue, damaging infrastructure as referred to in 2.6.2 of our current Council Plan;*
3. *Resolve that once granted, the cull and disperse permits be enacted as soon as practical if the control measures referred to in motion 1 are deemed not effective or practicable.*

And including the following resolutions from the 19 December 2018 Ordinary Council Minutes:

1. *That Council resolves to allocate up to \$15,000 of the existing Corella control budget (\$30,000) towards an immediate Corella management control program, to the satisfaction of the responsible authorities.*
2. *Furthermore, Council resolves to direct staff to identify and develop comprehensive and measurable programs for the control of Corellas on public and private lands, and report back to Council no later than the February 2019 Council Meeting.*

And:

That Council commence an education program starting in September 2019 in relation to the younger Corellas.

The following report will outline each of these resolutions and provide Councillors with an update of actions to ensure that these resolutions are enacted.

Declaration of Interests

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

Discussion

1. *Staff identify, investigate and report to Council the effectiveness of alternative Corella control measures referred to in this report, and compare and incorporate them to the current listed Corella Management Plan (2013-2017) by the December 2018 forum for discussion;*

On 5 December 2018, a report was presented to the Councillor forum for discussion around the management of Corellas. Discussion centered on the possibility of reimbursing farmers for control work and running a competition for the biggest bag of Corellas shot within 1km of the town. These options were not pursued.

In November 2019, a report was presented to Council outlining a number of additional options in relation to Corella management. These options included:



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- Do nothing
- Poisoning
- Trapping
- Vegetation removal
- Shooting with live ammunition
- Seeking support from surrounding farmers
- Disturbing Corellas with drones
- Raptor based bird removal
- Scaring Corellas (gas guns, lasers and flare guns)

Each option was assessed and a recommendation was made as to whether the option was considered to be viable and effective.

Further to the above, a Corella Management Working Group is being established to further assess and review the above options and to incorporate the appropriate measures into a revised and updated West Wimmera Shire Corella Management Plan. (It is noted that existing Corella Management Plan is now out of date). The Corella Management Working Group will consist of representatives from Council, the local community, DELWP and the Victorian Police.

The Plan will be updated and adopted by Council by August 2020. This will ensure that any early actions identified within the Plan can be enacted prior to the 2020 – 2021 season (i.e. control measures to deter scout birds in September).

- 2) *Staff apply immediately for all the necessary permits to cull and disperse problem Corella flocks from within town boundaries where they are a major issue, damaging infrastructure as referred to in 2.6.2 of our current Council Plan;*

It is noted that following this resolution, Council's Ranger/Local Laws Officer who held an appropriate gun licence left the organisation.

Since this time, Council's current staff including the Director or Infrastructure, Development and Works, Manager Planning and Environment and Council's Ranger/Local Laws Officer have all undertaken the required Firearms Safety Training courses and have consequently applied for their respective firearms licences. This will enable these staff to use firearms, including the use of live ammunition, hand held lasers and hand held flare guns should this be necessary.

- 3) *Resolve that once granted, the cull and disperse permits be enacted as soon as practical if the control measures referred to in motion 1 are deemed not effective or practicable.*

Given not all of the options identified above have been assessed and tested, it is difficult to determine whether all of the options are effective or practicable. However, should Council



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determine based on past experiences that scare tactics are not effective and Corellas should be culled, given the relevant Council officer's currently do not hold firearms licences, and no comprehensive risk management plan has been developed, it is recommended that a pest control contractor be engaged. This process would require a job specification being written, a request for quotation being advertised for a 10 – 14 day period and awarding the contract to a suitable candidate. If there are a number of responses, a panel of contractors can be established.

1. *That Council resolves to allocate up to \$15,000 of the existing Corella control budget (\$30,000) towards an immediate Corella management control program, to the satisfaction of the responsible authorities.*

It is noted that this budget line has not been utilised to date and is available to pay contractors to undertake culling operations.

2. *Furthermore, Council resolves to direct staff to identify and develop comprehensive and measurable programs for the control of Corellas on public and private lands, and report back to Council no later than the February 2019 Council Meeting.*

A report was presented to the Councillor Forum on 6 February 2019 providing Councillors with an update on the Corella Management Program. This report detailed that:

- *All actions undertaken to manage corellas will occur with all necessary licences, authorisations, permits and risk assessments in place.*
- *Drone scaring activities in 2 locations have been postponed on the week commencing 14/1/19 and week commencing 21/1/2019 due to limited capacity of drones to operate in extreme temperatures.*
- *Council is still waiting for Corporate Firearms Licence and new Local Laws Officer to commence 11 February 2019.*

The final resolution is as follows:

That Council commence an education program starting in September 2019 in relation to the younger Corellas.

This is an issue that can be raised and included within the revised West Wimmera Corella Management Plan. The purpose of the Plan being adopted no later than June 2020 is to ensure that any actions that need to occur early on in the season can be enacted.

Risk Management Implications

Risk management is a key issue when considering the control of Corellas, in particular, the option of using live ammunition to reduce bird numbers and disperse problem flocks. This is why shooting Corella's is not recommended for this season by Council officers without a detailed risk management plan being developed and implemented.



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Council officers are also in the process of acquiring firearms licences for the use of the hand held laser gun and the hand held flare gun. This equipment cannot be used until the appropriate licences have been issued by the Firearms Licencing Branch.

Legislative Implications

There is no regulatory requirement for Council to undertake Corella control measures.

The following Acts are relevant to this report:

- Wildlife Act 1975
- Firearms Act 1996
- Prevention of Cruelty to Animals Act 1994
- Catchment and Land Protection Act 1994

Environmental Implications

Corellas are birds native to Victoria. Their migration patterns have been consistent for years, varying slightly according to climatic conditions, water availability and food sources. Any Council management program is unlikely to reduce population numbers of the birds but can at best disperse the birds influencing where they settle and roost.

Financial and Budgetary Implications

The cost of purchasing two gas scare guns is approximately \$1800. Council has already purchased these locally.

Council already owns a hand held laser gun and a hand held scare (flare) gun with adequate ammunition for the season should it be deemed necessary.

The cost of implementing the program will be absorbed within the current Local Laws budget and resource allocation.

Policy Implications

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

- West Wimmera Council Plan 2017 – 2021 (2.6.2)
- Communication Policy
- Risk Management Policy
- Environmental Policy



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Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Prior to the implementation of any control measures, Council's actions will be communicated to the affected communities. Communication Strategies will include but not limited to:

- Council's website
- Council's Facebook Page

Conclusion

This report identifies that specific action has occurred in response to the 2018 Council resolutions in relation to the management of Corellas.

Furthermore, the report highlights that Council officers currently cannot undertake culling operations without the development of a risk management plan developed by a suitably qualified person.

This report therefore concludes that for the up-coming Corella season, should Councillors wish to undertake culling operations, it is recommended that contractors be engaged to undertake this work in strategic locations within the Kaniva and Edenhope townships.



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OFFICER RECOMMENDATION:

- 1) That for the 2019 – 2020 Corella season, Council engage suitably qualified and licenced contractors to undertake the culling of Corellas on Council managed land in strategic locations within the Shire (Edenhope and Kaniva).
- 2) That the Corella Management Working Group review options and update the West Wimmera Shire Corella Management Plan in consultation with DELWP and the local community. The Plan is to be presented to Council no later than June 2020.
- 3) That Council officers prepare a letter to the State Government (DELWP) advocating for assistance and a regional coordinated approach to the management of Corellas.

Attachments: Nil



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13.2 PROPOSED TREE REMOVAL – R & N JOLLY

FILE NUMBER: PS0389

REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER

FOR DECISION

Introduction

Consideration of a report on a street tree removal application received from Roger and Nanette Jolly of 16 Fry Street Kaniva, for the removal of one large Black Box tree adjacent to their property at 16 Fry Street Kaniva.

Background

This tree is a large Black Box tree and is situated within approximately 1 metre of the applicant's side fence. The tree is quite large, possibly self-sown and is approximately 50 – 70 years old. The tree is situated in the footpath alignment and leans over the fence and towards the applicant's property, although no constructed footpath exists at present. The initial tree removal request for this tree was received from Roger and Nanette Jolly dated 5 March 2019.

This request has been referred to Council as a second tree removal application has now been received from the adjacent landowners.

Risk Management Implications

Any street tree can pose a potential risk to the general public, however this risk is mitigated through Council's street tree management program through its annual inspection and maintenance program.

The potential risks associated with this tree are damage to the adjacent property due to its close proximity. The risk could be mitigated by heavy pruning or total removal.

Legislative Implications

Compliance with the Electrical Safety Victoria (Electric Line Clearance) Regulations 2010.



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Environmental Implications

This tree is quite large, established and quite old. It provides some shade value in summer. However, the tree is not aesthetically pleasing and its removal would not have a negative impact on the streetscape.

Financial and Budgetary Implications

The cost of the tree removal will be allocated against the Street tree vegetation removal budget if Council decided that the tree is to be removed.

Cost of removal	\$2,000.00	(approx.)
Cost of stump removal	<u>\$300.00</u>	(approx.)
Total Cost	\$2,300.00	

Policy Implications

The removal of this tree has been assessed as not falling within clause 5.2.1 the Tree Removal criteria in Council's Street Tree Policy.

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 3: Quality sustainable community services and infrastructure.

Communication Implications

The initial tree removal request dated 5/03/19 for the street tree removal was received from Roger and Nanette Jolly stating that the tree is leaning dangerously towards their premises of 16 Fry Street Kaniva. The premises is at the corner of Fry Street and David Street, however the tree in question is actually situated on the side nature strip in Fry Street.

A council risk assessment was carried out on 1 May 2019 and described the future risk as "leaning towards property, no risk at this stage, will monitor and reassess as required".

A letter was written to the applicant on 1 May 2019 advising that the reasons for removal do not fall within the criteria of Councils Street Tree Policy.

A further letter was received from the applicant on 12 November 2019 requesting Council to reconsider the tree removal application as the tree is leaning 11 metres over their property and they believe it poses a risk of major damage to their premises.



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Conclusion

This Black Box tree is well established, and is situated on the footpath alignment in David Street, therefore this tree would require removal in the future if a new footpath is constructed.

During the risk assessment the tree was determined as having no risk at this stage, however it would be monitored and reassessed as required. Due to its size, and notable leaning towards the property, there is potential risk of the tree falling into the property and causing damage to the premises.

OFFICER RECOMMENDATION:

That Council approves the tree removal request from R & N Jolly to remove the Black Box tree adjacent to their property at 16 Fry Street Kaniva.

Attachments:

No.	Name	RecFind Ref
13.2.1	Tree Removal Request (1)	C18/001693
13.2.2	Tree Risk Assessment	C18/001693
13.2.3	Letter to Applicant	C18/001693
13.2.4	Tree Removal Request (2)	E19/000625
13.2.5	Map	E19/000626



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 MAYORAL AND COUNCILLOR ALLOWANCES

FILE NUMBER: FM0045

REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

West Wimmera Shire Council (Council) Councillor and Mayoral allowances are required to be reviewed annually and any necessary adjustments made accordingly.

Under section 73B of the *Local Government Act 1989* (the 'Act'), the Minister for Local Government makes a determination of an annual adjustment factor for all Councillor and Mayoral allowances. Accordingly the current allowances paid to Councillors and the Mayor were adjusted by 2.0% from 1 December 2019.

The following report provides information on the current allowances, the increase in thresholds and superannuation, and seeks a Council resolution to set both the Mayoral and Councillor allowances for the twelve months from 1 December 2019 to 31 November 2020.

Declaration of Interests

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

Background

Councils across Victoria are categorised into three groups by the Victorian Government and allowance ranges are determined for each category.

West Wimmera Shire is one of 22 Category One Councils. Within this category, a minimum and maximum is set for Councillors and a maximum threshold set for Mayors. The thresholds in 2018 were as follows:

- Councillors: \$8,660 to \$20,636
- Mayor: Up to \$61,651



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Under section 73B of the Local Government Act 1989, the Minister for Local Government makes a determination of an annual adjustment factor and accordingly the current allowances paid to Councillors and the Mayor were adjusted by 2.0% on 1 December 2019.

The current ranges since the adjustment are:

- Councillors \$8,833 to \$21,409
- Mayor: Up to \$62,884

With the 2.0% escalation applied, from 1 December 2019 the following allowances will apply:

- Councillors are paid **\$19,764** pa (plus 9.5% superannuation).
- The Mayoral allowance is **\$46,120** pa (plus 9.5% superannuation).

The current payments equate to \$1,285 below the upper limit and the Mayoral allowance \$16,764 below the upper limit for category one Councils.

Under Section 73B(5) of the Act Council must increase its level of Councillor and Mayoral allowances in accordance by the escalation factor gazetted by order of the Minister for Local Government.

Allowances are set at individual Councils by an order in Council, which means that Councillors are required to make a decision at an Ordinary Meeting of Council to determine the level of the allowances.

Risk Management Implications

Council faces legislative compliance and reputational risk from breaching the Act by not resolving an allowance level for Councillors and the Mayor at an Ordinary Council Meeting. Council may also face budget risk if insufficient funds are budgeted to cover Councillor Allowances

Legislative Implications

Section 73B of the Local Government Act 1989 ('the Act') enables the Minister to determine the adjustment factor annually. Section 73B(5) requires Council to apply this adjustment factor.

Section 74(1) requires Councils to review and determine the level of Councillor and Mayoral allowances.



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Environmental Implications

Not commented on.

Financial and Budgetary Implications

Council's Annual Budget contains allocations sufficient to cover the increased Councillor and Mayoral Allowances.

Policy Implications

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

Councillor Code of Conduct Policy Councillor Expense Entitlement & Support Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

The increases to Councillor and Mayoral Allowances have been advertised in the *Victoria Government Gazette S 459* on 13 November 2019 in accordance with the provisions of the Act.

Conclusion

The Minister for Local Government has in accordance with Section 73B of the Act applied a 2.0% escalation factor to Councillor and Mayoral allowances to apply from 1 December 2019. This escalation to allowances has been advertised in the *Victorian Government Gazette S 459* on 13 November 2019. Accordingly under S.73B(5) of the Act Council must apply a 2.0% escalation to Councillor and Mayoral Allowances.

Under S.74(1) Council must review and determine the level of Councillor and Mayoral allowances. This report recommends the allowances for the next 12 months.



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OFFICER RECOMMENDATION:

That Council resolve that in accordance with Section 73 of the *Local Government Act 1989*, from 1 December 2019 Councillor and Mayoral allowances will increase by 2.0% to:

- Councillor allowance \$19,764 pa + 9.5% superannuation allowance
- Mayoral allowance \$46,120 pa + 9.5% superannuation allowance

Attachments:

No.	Name	RecFind Ref
14.1.1	Government Gazette S 459	C18/000070



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14.2 CONSIDERATION OF WEST WIMMERA SHIRE COUNCIL'S 2018/19 ANNUAL REPORT

FILE NUMBER: AD0068

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required under S.131 of the *Local Government Act 1989* (the Act) to produce and provide to the Minister for Local Government by 30 September each year an Annual Report on the operations of Council for the financial year ending 30 June of that year. This report is in addition to the Annual Financial Statements and the Performance Statement.

A delay with the audit of Council's Financial Statements led to Council receiving an extension from the Minister for Local Government for submission of the Financial Statements to 30 November 2019.

This report seeks that Council formally adopt the 2018-19 Annual Report.

Declaration of Interests

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

Background

The Annual Report summarises Council operations and provides general information about Council's activities over a 12 month period to 30 June 2019. The report contains statutory requirements and various local government indices along with the audited Financial Statements and the Performance Statement as appendices.

The Annual Report also provides departmental reports, which provide additional information regarding Council's activities throughout the 2018/19 financial year.

The Annual Report along with the Annual Financial Statements and Performance Statement is audited by an agent of the Victorian Auditor General's Office before being submitted to the Minister.



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Risk Management Implications

Council's reputation would be negatively impacted if the Annual Report was not submitted and presented in a professional manner. Council can be named specifically in Parliament for failure to submit the Annual Report to the Minister by the deadline.

Legislative Implications

Sections 131 and 134 of the Act require Council to provide and consider the Annual Report. It also requires that Public Notice be given that the Annual Report, including the report from the Victorian Auditor General Office, has been prepared and can be inspected at the Council office.

Section 134 (2) (b) of the Act requires that Council advertise at least 14 days prior to the Council Meeting at which the Annual Report will be discussed. Council has met this advertising obligation by including that Council will consider the Annual Report in the Ordinary Council Meeting advertisement.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Council adopted in principle the 2018/19 Annual Financial Statements and 2018/19 Performance Statement at its September Ordinary Council Meeting.

Council's Audit and Risk Committee has also reviewed the Annual Financial Statements and Performance Statement and recommended adoption by Council.

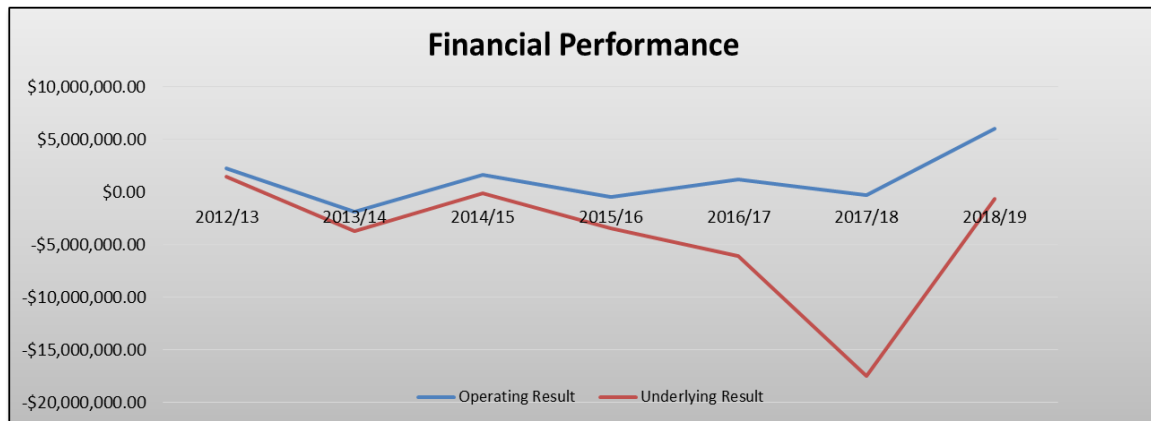
The Financial Statements show Council achieved an operating surplus of \$5.97 million for 2018/19 (\$0.30 million deficit 2017/18). Much of this result came on the back of a reduction in materials spend, notably relating to contractors, as Council's flood recovery works came to an end and also as capital expenditure increased over the year. However, this reduces to a comprehensive deficit of \$21.94 million when asset valuation decreases are taken into consideration. This asset valuation decrement was the result of a comprehensive analysis of asset costing rates and values to assess what it would cost Council today to replace all of its infrastructure assets.

Further analysis of the result shows that Council produced an underlying deficit (when non-recurrent funding is removed) of \$0.65 million for 2018/19. In addition to this Council incurred depreciation charges of \$7.66 million for 2018/19. These numbers show that Council is reliant on non-recurrent funding to fund its on-going asset renewal requirements.



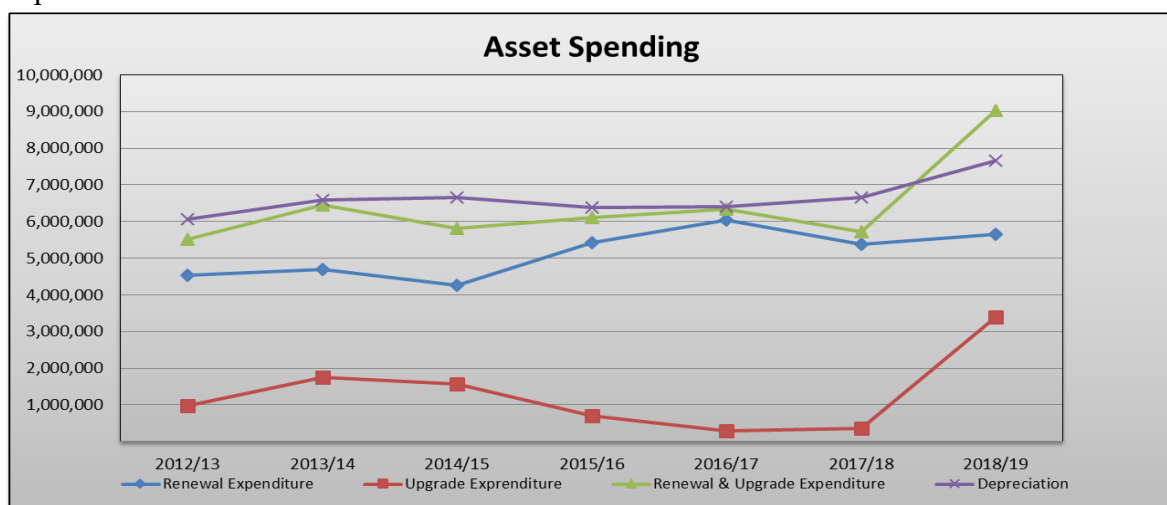
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The other item to note in 2018/19 was the inclusion of a \$1.04 million asset write-down cost. Without this amount included in the figures the 2018/19 underlying result would be significantly better.



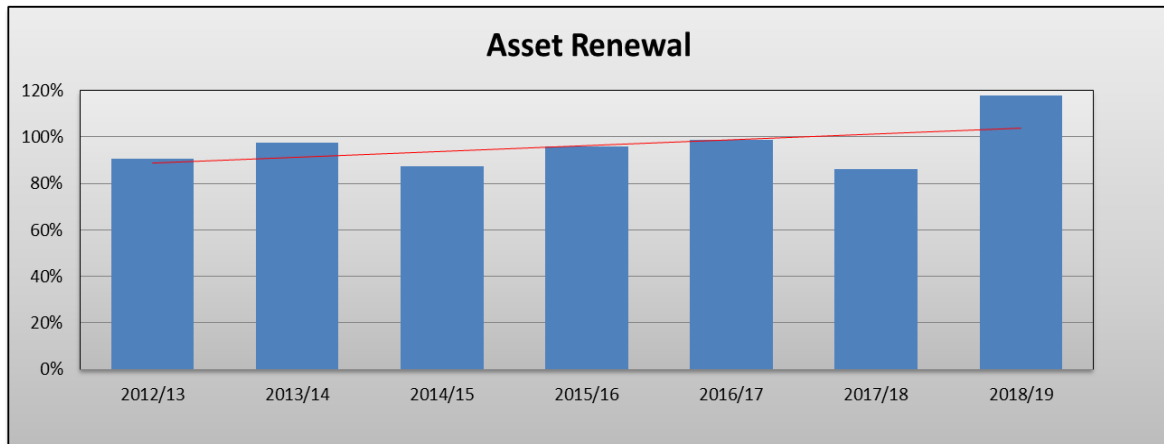
During 2018/19 Council delivered \$9.10 million of capital works, and increase of 51% over the previous year (2017/18: \$6.01 million).

Of this \$5.63 million was spent on roads with a further \$0.63 million spent on bridges, all aided by Roads to Recovery funding and additional funding received by Council from Rural Roads Victoria. Of the \$9.10 million spend, \$5.64 million was expended on renewing Council's existing assets, with a further \$3.38 million spent on upgrading Council's existing assets. This amount was sufficient to cover Council's consumption of its asset base, as measured through depreciation, meaning that Council was restoring its assets at a greater rate than it was consuming them during the year. The following graphs show Council's last seven years of asset renewal and upgrade spending as compared to depreciation:



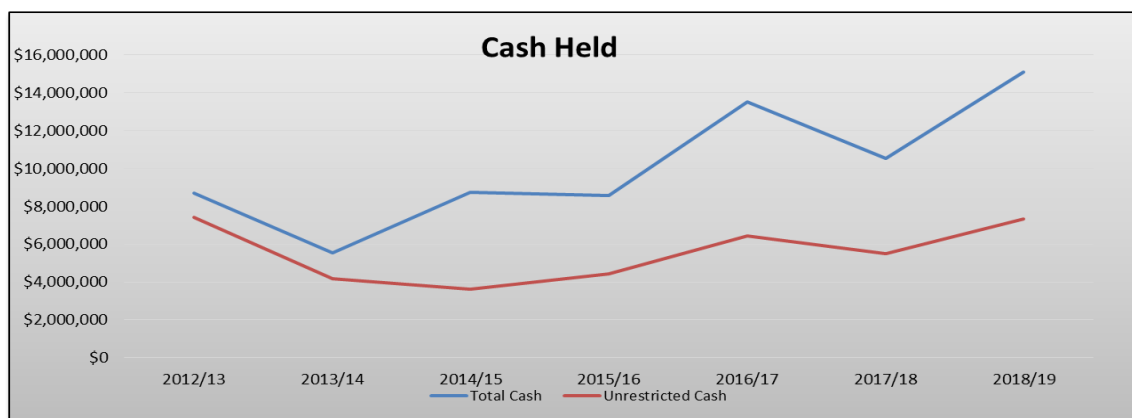


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Council's cash position remains healthy, with \$15.12 million in the bank at 30 June 2019. This represents an increase of \$4.58 million on the previous year. The major factor behind this was in Council having received flood recovery grant monies in arrears for some works carried out in the previous year, and also an amount of grant monies received for works to happen in the 2019/20 year.

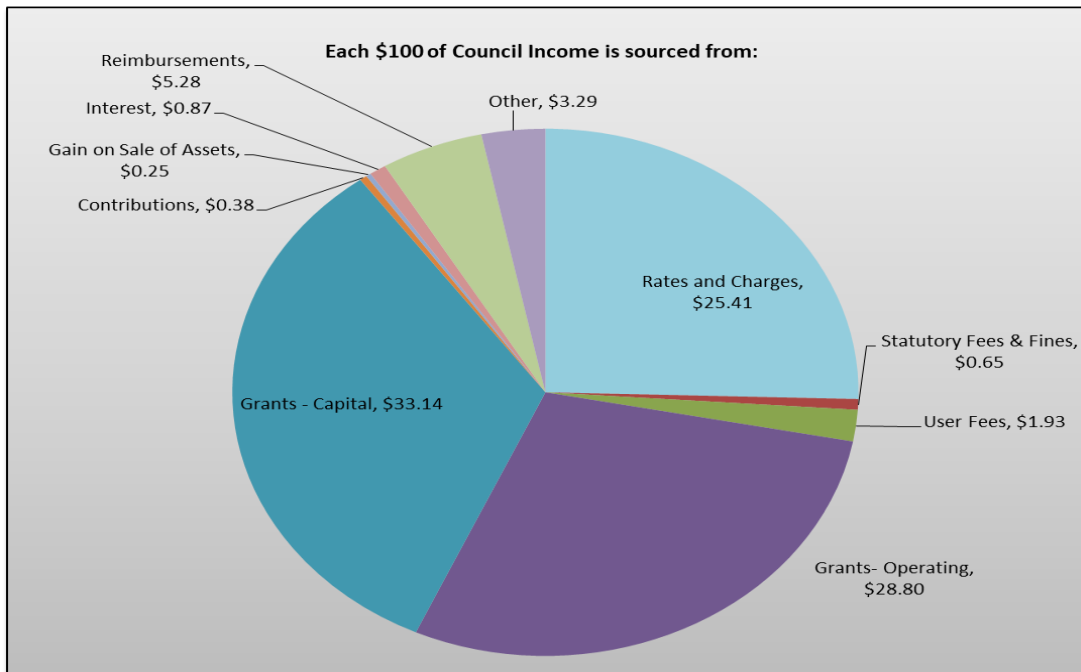
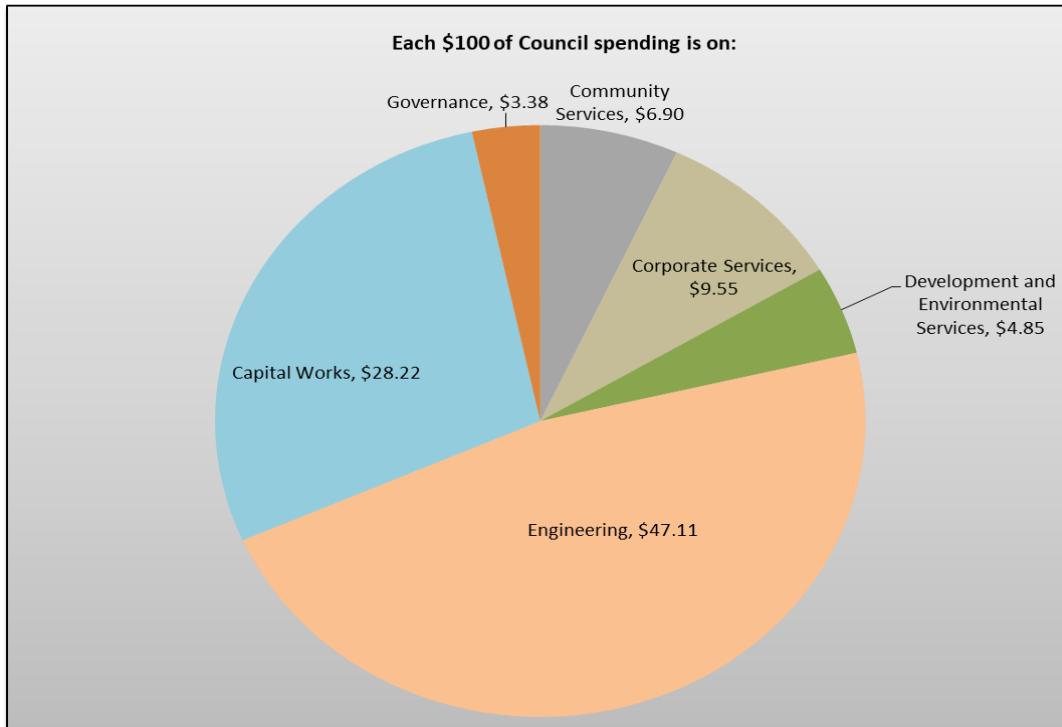
However, care must be taken when assessing the cash figure. Council is holding commitments by way of reserves, unspent grants, and trust deposits of \$7.79 million, leaving an unrestricted cash amount of \$7.33 million. Of course it must be noted that the majority of the \$7.79 million of funds restricted is held on a discretionary basis which Council may resolve to use for other purposes if the need arises.





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The following graphs provide a breakdown of Council's sources and applications of income and expenditure:





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Policy Implications

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

Asset Capitalisation Policy
Asset Disposal Policy
Asset Management Policy
Asset Management Strategy
Borrowings Policy
Communications Policy
Community Engagement Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

In accordance with Sections 131 and 134 of the Act, public notice via local media and Council's website was provided 14 days prior to the October Ordinary Council Meeting that:

- Council would consider the Annual Report for 2018/2019 at the Ordinary Council Meeting to be held at Kaniva Council Chamber, 25 Baker Street Kaniva on Wednesday 18 December 2019.
- That Council has received the Audit Report in relation to the 2018/2019 financial accounts.
- Those copies of the Annual Report, including the Audit Report, will be available for inspection at Council's two customer service centers and on Council's website.



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Conclusion

The 2018/19 Annual Report contains information concerning the operations of Council during the 2018/19 year. It also includes the 2018/19 Financial Statements and 2018/19 Performance Statement as appendices, which have previously been adopted in principle by Council.

OFFICER RECOMMENDATION:

That Council adopts the 2018/19 Annual Report.

Attachments:

No.	Name	RecFind Ref
14.2.1	Annual Report 2018/19	AD0068
14.2.2	Annual Financial Statements 2018/19	AD0068
14.2.3	Performance Statement 2018/19	AD0068



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14.3 COMMUNITY GRANT APPLICATION – HARROW DISCOVERY CENTRE “BLACK COCKATOO IN HARROW”

FILE NUMBER: PR0118

**REPORT AUTHOR: NOLA MCFARLANE MANAGER COMMUNITY AND
ECONOMIC DEVELOPMENT**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) Community Strengthening Grants program is designed to promote and increase participation of residents in community initiatives, to build and strengthen local networks and partnerships and to support community leadership, learning and skill development.

Council will provide financial assistance to community groups and organisations to support the provision of programs, activities and services which respond to identified community needs, contribute to the building of a stronger community, develop innovative approaches and local social issues and are in accordance with Council’s strategic objectives.

Round one grants closed Monday 30 September 2019, Round two is due to open in January closing March 2020. An Application has been received on 9 December 2019 that will require consideration outside of the usual grant rounds due to the timing of the proposed project.

The application requests funding to support the staging of a professional theatre production of a play creatively based on the Johnny Mullagh story from the first XI cricket team. It will be staged in Harrow in April 2020 and the applicant requires confirmation of funding prior to the next grant round. No applications were received to the community projects grant in the first round.

Council at the November meeting 2019 adopted a revised policy relating to its community support fund. This funding is also considered in this grant application.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report, or the assessment of the applications for grant funding.



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Background

Community strengthening grants are open for application twice per financial year, round one being in the first quarter (July – September) and round two in the third quarter (January – March). Grants must be submitted on the published forms and submitted within the opening period to be eligible for assessment by the panel.

Applications must be from eligible applicants (community based not for profits, incorporated or sponsored by an incorporated organisation). They are then assessed against a number of selection criteria as well as the requirements of the specific funding categories. The criteria are tabulated below. It is proposed that the submitted grant will be assessed by the same panel as assessed the round one grants to determine that the application is eligible and meets the mandatory selection criteria.

Mandatory Selection Criteria	Ineligibility (Council will not fund):
Meets recognised community need	Retrospective funding for projects commenced prior to receipt of grant funding
Will strengthen liveability	Applications for 100% funding, organisations are required to contribute financial and/ or in-kind to the project within the requirements established in each specific grant program guidelines.
Has been designed to foster community engagement and participation	Fundraising activities.
Will primarily benefit the residents in the West Wimmera community, and benefits the broader community rather than just the members of the applicant organisation	Core business and operational responsibilities of the organisation.
Encourages a strong sense of community wellbeing that supports learning, participation, inclusiveness, healthy lifestyles and environmental sustainability	Staff wages and salaries and ongoing operational, maintenance or administrative costs.
The project can stand alone and will not require recurrent funding from council	Ongoing projects or a duplication of existing services.



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Wherever possible, goods and services are being sourced from WW suppliers	Support for individual pursuit without community benefit.
	Projects that do not involve the WWSC community.
	Services or activities which are considered to be primarily the responsibility of the State or Federal Governments.
	Applicants that have failed to correctly acquit funding with Council in the past
	Applicants who have received funding from Council within the last 12 months.

The application will then be assessed against the criteria of the community projects funding category criteria listed in the Community Strengthening Guidelines listed below along with the weightings applied to each criterion.

<u>Criteria</u>	Maximum assigned points
Meets an identified need in one or more of the following categories: §Community and cultural development §Sport and recreation §Community health and safety §Environmental improvement	10
Creates a direct benefit to residents in WW	10
Enhances the lifestyle and wellbeing of participants through innovative, learning and/or sustainable opportunities	10
Provides opportunities to extend the skills of participants and provides access to a unique and diverse opportunity	5
Demonstrated a need for financial support in undertaking the initiative along with the ability to contribute their own resources (financial/ in kind)	3
Clearly defined, specific objectives and measurable outcomes	1

The evaluation panel comprised of the following members of council staff:

- Director Corporate and Community Services



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- Manager Engineering
- Manager Economic and Community Development
- Occupational Health and Safety and Risk Coordinator

Each panel member will independently score the application against the above criteria and the average score will inform the recommendation.

The grant request is for \$5000 from the community projects stream to support a proposed budget of \$54,136.35 a budget is provided in the attached documents.

Due to the timing of the second round of Community strengthening grant the application has been assessed against the Community Support Fund policy as eligible for funding due to timing constraint on the assessment for round two of Community Strengthening Grants.

Risk Management Implications

Community Strengthening Grants present minimal risk to council. The policy requires a successful applicant to manage the grant funding themselves. The application will be assessed against the policy guidelines, ensuring a transparent and equitable process has been followed.

A requirement of staging the production will be the holding of appropriate public liability insurances (\$20M coverage)

Legislative Implications

No known implications

Environmental Implications

The project will be evaluated for foreseeable Environmental implication.

Financial and Budgetary Implications

A total of \$50,000.00 is allocated in the 2019-20 budget, for two rounds of Community Strengthening Grants. This funding has been divided between the three categories as follows:

- Community Events \$4,000.00.
- Community Projects \$10,000.00.
- Facilities Upgrades and Equipment \$36,000.00

In Round 1 the following funds were awarded:

- Community Events \$500



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- Facilities upgrades and equipment \$9,913.00

There are funds available to support this application in both the Community Support Fund and the Community Strengthening Grant fund

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Council Grants Policy
Support to Community Events Policy
Community Support Fund Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

Community Strengthening grants were promoted through Council's social and media channels. Grant applicants have received an email acknowledgement of their submission of application and will be advised of the outcome of the Council decision once made.

Given the low application numbers in round one, it is likely that the grant fund will be under subscribed even with a targeted campaign of promotion for the second round in 2020. This application could be used to encourage others to apply for the second round of grants to increase uptake and application rate.

Successful applicants will be asked to provide updates for follow up media on the outcomes of their projects and the impacts for their communities

Conclusion

The performance of this play, the inclusion of a visit to West Wimmera as part of Cricket Australia's Reconciliation Action Plan (on an annual basis) and the continued and growing interest in the telling of the story of the first XI cricket team represent a great opportunity for the region.



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Council has options available through Community strengthening grants to support such initiatives, the timing on these grants is tied to two application window per year with the next application window January – March 2020.

However Council is able to support this application from the Community Support Fund, with the funds being re-allocated to the Community Strengthening Grants if the application progresses once evaluated through that process

OFFICER RECOMMENDATION:

That:

- 1. Council award the requested \$5000 from the Community Support Fund for the staging of “Black Cockatoo” in Harrow in April 2020.**
- 2. Council Officers assess the submitted application in round two of the Community Strengthening grants and if it is evaluated eligible, Council consider reinstating the funds to the Community Support Fund from the Community Grant allocation.**

Attachments:

No.	Name	RecFind Ref
14.3.1	Harrow Discovery Centre Community Strengthening Grant application	C19/009532



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15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2017), Meeting Procedure and Common Seal Local Law 2017, West Wimmera Shire Council:

28. *Urgent Business*

Business must not be admitted as urgent business unless it:

- i. Relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- ii. Cannot safely or conveniently be deferred until the next Ordinary Meeting.*

16.0 SEALING SCHEDULE

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal Advice of the Local Government Act 1989 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 2020 AUSTRALIA DAY AWARDS

17.2 KADNOOK CONNEWIRRICOO ROAD BRIDGE STRENGTHENING CM0518

17.3 SUPPLY OF A TIP TRUCK AND 3 AXLE TIPPING DOG TRAILER CM0519

RECOMMENDATION

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at pm.



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MEETING CONCLUDED:

NEXT MEETING:

**WEDNESDAY 19 FEBRUARY 2020
KANIVA COUNCIL CHAMBER**