



29 November 2017

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chamber, Nhill on Wednesday 6 December 2017, commencing at **3.00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1. **Acknowledgement of the Indigenous Community and Opening Prayer**

2. **Apologies**

3. **Confirmation of Minutes**

4. **Declaration of Interests**

5. **Public Question Time**

6. **Deputations**

7. **Correspondence**

8. **Assembly of Councillors**

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for Planning Permit 1561-2017

10. Reports Requiring a Decision

- 10.1 Addition of roads to the 2017/2018 Capital Works Program
- 10.2 Sale of Land
- 10.3 Future meeting dates
- 10.4 Review of Council Policies
- 10.5 Yanac CFA Building and Land

11. Special Committees

- 11.1 Dimboola Town Committee
- 11.2 Nhill Town Committee

12. Late Reports

No report

13. Other Business

No report

14. Confidential Matters

- 14.1 Youth Council Nominations
- 14.2 Financial Hardship application
- 14.3 Chief Executive Officer Appraisal 2016/17

15. Meeting Close

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

We acknowledge the Shire's Indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

Opening Prayer

Dear Lord,

We humbly request your blessing upon this Council and welcome your guiding presence among us.

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 15 November 2017 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

Attachment: 1

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

- Direct; or
- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;
 - d) because of receipt of an applicable gift;
 - e) as a consequence of becoming an interested party; or
 - f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

No deputations

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council:

- Ewan Christian
 - o *Thanking him for his contribution to Yurunga Homestead Committee*
- Nhill, Jeparit, Rainbow and Dimboola A & P Societies
 - o *Congratulating the committees on the success of the 2017 shows*
- Stephanie Mieklejohn
 - o *Congratulating her on winning 2017 Pharmacy Assistant of the Year*

Options:

1. That Council notes the attached correspondence.

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment: 2

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

Introduction:

The attached Assembly of Councillors Records are presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

Options:

1. That Council accept the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

Attachment: 3

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT 1561-2017

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 004820
Attachment: 4
Applicant: Mr Shane Brown – Gross Profit Pty T/as Rainbow Brewery
Owner: Two Little Brainiacs Pty Ltd
Subject Land: Lots 1, 2 and 3 on TP120777, 42 Federal St Rainbow
Proposal: Construction of Microbrewery
Zoning & Overlays: Township Zone (TZ), Heritage Overlay Schedule 33 (HO33) - Rainbow Town Centre Heritage Precinct

Summary:

This application is for Use and Development of Land (including Buildings and Works), for the construction of a microbrewery. Under the provisions of the Hindmarsh Planning Scheme, the proposal accords with the definition of a “Tavern,” being:- *“Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling”*

Proposal Details:

The proposal in detail involves the construction of a 24.0m x 15.0m x 7.0m shed oriented in an east-west direction, to the south of the existing Eureka Hotel in Rainbow. The proposal consists of the shed (described as a warehouse), an office and attached skillion, a loading area and driveway, with the façade of the building set back 10 metres from King Street. The surrounding area primarily consists of commercial buildings of a heritage style and nature, with residential development primarily to the south of the subject site.

Planning Assessment:

Permit Requirement:

Use:

A planning permit is required pursuant to Clause 32.05-2 of the Township Zone to use the land for a Tavern (Section 2 Use).

Development:

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

Planning Scheme Requirements

State Planning Policy Framework

Clause 11 – Settlement

Clause 11.07 – Regional Victoria

Clause 11.15 – Wimmera Southern Mallee

Clause 15 – Built Environment and Heritage

Clause 17 – Economic Development

Clause 19 - Infrastructure

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 32.05 Township Zone (TZ)

Overlay Provisions

Clause 43.01 – Heritage Overlay Schedule 33 (HO33) Rainbow Town Centre Heritage Precinct

Particular Provisions

Clause 52.27 – Licensed Premises

Clause 52.05 – Advertising Signs

General Provisions

Clause 65 – Decision Guidelines

Clause 66 - Referral and Notice Provisions

Discussion

The application has been assessed against the State Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

Clause 32.05 –Township Zone states that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate (as outlined in detail within the planning scheme):

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives set out in a schedule to this zone.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- Any other decision guidelines specified in a schedule to this zone.

The proposal accords with the relevant decision guidelines in the zone, with the design of the proposal assessed as being appropriate to the character of the area. Services to the subject land are adequate to cater for the proposal, and landscaping is to be conditioned.

Heritage Overlay

A permit is required under Clause 43.01 of the Hindmarsh Planning Scheme to construct a building or carry out works. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

The proposal generally accords with the cultural significance of the Rainbow Heritage Precinct. The current practice when treating applications within heritage areas is to ensure that new development of this scale and nature contrasts with traditional heritage development, designed and built to the contemporary standard of the day, to reflect current design philosophy, and avoiding 'false heritage', which can negate the value of true heritage buildings.

Clause 52.27 - Liquor Licensing

The application was referred to the Victorian Commission for Gambling and Liquor Regulation (Section 52 Planning and Environment Act 1987). No objection was received for the proposal.

Clause 52.05 - Advertising Signage

The proposal generally accords with the decision guidelines of this Clause.

It is considered that this proposal will produce acceptable outcomes, having regard to the decision guidelines as listed above.

Notification & Referral of Application:

Pursuant to Sections 52 (1) (a) (b) and (d) of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and affected authorities, unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

Notification was undertaken by way of letter to adjoining landowners, placing signs on the land, and an advertisement in the Rainbow / Jeparit Argus. No objections were received. Notification was given to both the Victoria Police (Nhill), and the Victorian Commission for Gambling and Liquor Regulation. No objections were received.

The application was referred internally to Council's Engineering, Environmental Health and Local Laws Units. Should Council approve to issue a permit for this application, a number of conditions are to be placed on the permit to the satisfaction of Council's internal units.

Authorities:

Pursuant to Section 55 of the Planning and Environment Act 1987 (the Act), the application must be referred to stipulated authorities. This was not required (refer Clause 66 of the Planning Scheme).

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Town Planner advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on the 09 October 2017. The report is being presented to the Council meeting of 06 December 2017, giving a processing time of 58 days. A request for information to support the application was issued to the applicant. In this instance the prescribed timeframe for processing applications is effectively put on hold, therefore the statutory processing time requirements of the Planning and Environment Act 1987, have been satisfied.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Shane Power, Director Infrastructure Services

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning and Development

In providing this advice as the Author, I have no disclosable interests in this report.

RECOMMENDATION:

That Council approves the use and development of the land (including buildings and works) for a microbrewery, subject to the following conditions:

Amended Plans Required

(1) Before the use starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) ***The brewery area delineated on the site plan (shown hashed) that encompasses the existing buildings on the land (and may include areas between buildings) to be utilized for the manufacture, bottling, packaging, storage and consumption and sale of alcohol, consistent with the application plans;***
- b) ***A red-line plan delineating the area within which liquor is to be consumed and sold, that is confined to part of the existing buildings, as shown on the application plans;***
- c) ***The location and design of external lighting;***
- d) ***Location and dimensions of waste and recycling storage areas which allow for them to be effectively screened and conveniently collected and emptied;***
- e) ***The location of employee parking; and***
- f) ***A landscape plan in accordance with Condition 3 of this permit.***

Endorsed Plans

(2) The development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.

Landscaping

(3) Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with plans submitted except that the plan must show:

- (a) Details of surface finishes of pathways and driveways;***
- (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;***
- (c) Landscaping and planting within all open areas of the site; and***
- (d) Detail of site and soil preparation including mulching and maintenance.***

All species selected must be to the satisfaction of the Responsible Authority.

Amenity

(4) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, goods or commodities to or from the land;***
- (b) Appearance of any building, works or materials;***
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
- (d) Presence of vermin; or***
- (e) In any other way.***

(5) The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

(6) All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

(7) Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

General

(8) During the construction phase of the development, the following conditions shall be met:

- (a) Only clean rainwater shall be discharged to the stormwater drainage system;**
- (b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;**
- (c) Vehicle borne materials shall not accumulate on the roads abutting the site;**
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads; and**
- (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly.**

Heritage

(9) The exterior of the proposed microbrewery must be constructed of external materials, colours, and finishes commensurate with development in the area to the satisfaction of the Responsible Authority.

Car Parking/Access

(10) Car parking must be provided internally within the site for maintenance vehicles.

Engineering

(11) Access to the site and ancillary road works must be constructed in accordance with the requirements of the Responsible Authority.

(12) The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.

Liquor License

(13) The area approved by this permit for the sale and consumption of liquor on the land is the area delineated by the red line on the Endorsed Plans. The owner and/or operator of the premises and/or licensee must at all times ensure that no patron or member of the public consumes alcohol on the land outside this approved area.

(14) Unless with the further written consent of the Responsible Authority, the days and hours of operation for the licensed venue are limited to:

Seven days a week including public holidays except for Good Friday and Christmas Day between 10am – 11pm inclusive, and 10am – 1am Fridays and Saturdays.

Environmental Health

(15) Noise levels emanating from the land must not exceed those set out in Environment Protection Authority 1254 – Noise Control Guidelines; State Environment Protection Policies N-1 (Control of Noise from Commerce, Industry and Trade); N-2 (Control of Music Noise from Public Premises) and EPA Publication 1411 Noise in Regional Victoria.

(16) Approval from Council's Environmental Health Unit must first be obtained prior to installing or altering a food processing area.

(17) Air conditioning and other fixed plant or equipment must be designed and installed to comply with relevant State Environment Protection Policies and prevent any noise nuisance beyond the boundaries of the land.

(18) Exhaust ventilation systems must comply with Australian Standard 1668:4 – The use of ventilation and air-conditioning in buildings.

(19) A procedure for recording and reporting incidents, complaints and associated responses, regarding matters with potential to cause off-site impacts (such as odour, noise, pollution) including notice to the Responsible Authority, and that must:

- (a) Be made available to neighbours and/or patrons upon request;**
- (b) Specify a contact phone number for the venue manager to be made available to neighbours upon request to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the venue;**
- (c) Specify that all calls to this number will be logged and all complaints and/or issues raised by or on behalf of a local resident will be recorded; and**
- (d) Specify that evening patrons be informed of the importance of noise minimisation when leaving the site.**

Time Limit (Use and Development)

(20) The development approved by this permit will expire if one of the following circumstances applies:

- (a) The development and use is not started within two years of the date of this permit.**
- (b) The development is not completed within four years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or**
- (b) Within twelve months afterwards for completion.**

Notes

(1) This is not a Building Permit. Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.

(2) Approval must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

(3) Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444).

(4) A copy of this permit and the endorsed plans must be provided to all builders and contractors who are to work on the site so that they are aware of the conditions to which this approval is subject.

Attachment: 4

10. REPORTS REQUIRING A DECISION

10.1 ADDITION OF ROADS TO THE 2017/2018 CAPITAL WORKS PROGRAM

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks Council approval to amend the 2017/2018 capital works program with the inclusion of three additional roads to the program.

Discussion:

Where a public road is a municipal road then Council is the coordinating and responsible Road Authority for the operational function. In the instance of boundary roads with other municipalities the responsibility is allocated according to an agreement between the two municipalities. The Hindmarsh Shire Council borders West Wimmera Shire Council, Horsham Rural City Council, Yarriambiack Shire Council and Mildura Rural City Council.

Agreements are in place with each bordering municipality to ensure fair and equitable financial contributions for delivering operational functions and capital investments required for responsible road management.

The boundary road agreements set out the following responsibilities:

Each municipality is responsible for all routine maintenance (grading and rolling), without any cost sharing, on the agreed length of boundary roads. Periodic maintenance, rehabilitation and improvement works (including reseals and gravel re-sheeting) shall be proposed by the municipality responsible for the road, but the cost shall be shared on a 50:50 basis. The decision to carry out any works requires consent of both municipalities.

Yarriambiack Shire Council has advised officers of their intent to renew approximately 1.7 kilometre section of Geodetic Road, beginning from Dimboola Minyip Road. The works include re-sheeting the surface with 100mm of gravel to return the road to original standard.

West Wimmera Shire Council has advised officers of their intent to renew a section approximately five kilometers in length of Boundary Road between Edgerley Road and Millers Road, Yanac.

The works include re-sheeting the surface with 100mm of limestone to return the road to original standard.

Savings identified in the 2017/2018 capital works budget will accommodate the costs associated with meeting Councils shared cost responsibilities for the renewal of Geodetic Road, Dimboola and Boundary Road, Yanac.

Further to this, officers propose to use savings to bring forward the renewal of a section of the Nhill-Murrayville Road, Yanac which is currently listed in the 2018/2019 program.

Options

Council has the following options available:

1. Use identified savings to meet its financial obligations to Yarriambiack and West Wimmera Shire Councils, for shared cost arrangements for Geodectic Road, Dimboola and Boundary Road, Yanac, and bring forward the section of Nhill-Murrayville Road, Dimboola from the 2018/2019 budget to complete this financial year.
2. Use identified savings to bring forward the section of Nhill-Murrayville Road, Dimboola from the 2018/2019 budget to complete this financial year and defer its financial obligations to Yarriambiack and West Wimmera Shire Councils, for shared cost arrangements for Geodectic Road, Dimboola and Boundary Road, Yanac to the 2018/2019 budget process.
3. Allocate identified savings to separate project/s and defer its financial obligations to Yarriambiack and West Wimmera Shire Councils, for shared cost arrangements for Geodectic Road, Dimboola and Boundary Road, Yanac to the 2018/2019 budget process, and bring forward the section of Nhill-Murrayville Road, Dimboola from the 2018/2019 budget to complete this financial year.
4. Allocate identified savings to separate project/s and defer its financial obligations to Yarriambiack and West Wimmera Shire Councils, for shared cost arrangements for Geodectic Road, Dimboola and Boundary Road, Yanac to the 2018/2019 budget process, and not bring forward the renewal of the section of Nhill-Murrayville Road, Dimboola from the 2018/2019 budget.

Link to Council Plan:

- 2.1 Well maintained physical assets and infrastructure to meet community organisational needs.

Financial Implications:

At its 23 August 2017 meeting, Hindmarsh Shire Council adopted its 2017/2018 budget. The budget includes a capital works program to the approximate value of \$5.8M, inclusive of capital works for road and bridge infrastructure totaling \$2.85M.

The capital works program for 2017/2018 consists primarily of renewal works valued at approximately \$3.5M or 61% of the overall program. This investment demonstrates Council's recognition of the importance renewal works in ensuring responsible asset and financial management.

Council is guided by data relating to asset condition, usage and customer expectations in determining the capital works priorities for infrastructure renewal each year. Based on industry best practice, in depth data analysis allows Council to forecast renewal requirements over a ten-year period, with years one to four presented in the 2017/2018

budget.

The estimated cost for the renewal of approximately 1.7 kilometer section of Geodetic Road, beginning from Dimboola Minyip Road is \$29,500.

The estimated cost for the renewal of approximately five kilometer length of Boundary Road between Edgerley Road and Millers Road, Yanac is \$80,000.

The inclusion of these additional road projects in the 2017/2018 capital works program funded through identified savings will have no negative impact on the 2017/2018 budget.

The inclusion of Nhill-Murrayville Road in the 2017/2018 capital program at a cost of approximately \$70k will have a positive impact on the 2018/2019.

Risk Management Implications:

There is a risk that identified renewal projects listed for the 2018/2019 financial year may need to be deferred, if costs associated with Councils required contribution to Yarriambiack and West Wimmera Shire Councils, under shared cost arrangements is not funded through savings this financial year.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Shane Power, Director Infrastructure Services

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Shane Power, Director Infrastructure Services

In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

Should Council resolve to accept the recommendation in this report as presented, officers will write to Yarriambiack and West Wimmera Shire Councils, confirming it will meet its financial obligations under the shared cost arrangements for boundary roads, this financial year.

Next Steps:

Officers will write to Yarriambiack and West Wimmera Shire Councils as described above, and undertake a procurement process for associated construction works for the renewal of Nhill-Murrayville Road.

RECOMMENDATION:

That Council:

- 1. Allocate \$29,500 from the 2017/2018 budget for payment to Yarriambiack Shire Council for the renewal of approximately 1.7 kilometre section of Geodetic Road, Dimboola;**
 - 2. Allocate \$80,000 from the 2017/2018 budget for payment to West Wimmera Shire Council for the renewal of approximately 5 kilometre section of Boundary Road, Yanac; and**
 - 3. Bring forward the renewal of a section of Nhill-Murrayville Road, Yanac from the 2018/2019 financial year to the 2017/2018 financial year at an approximate cost of \$70,000.**
 - 4. Fund the projects above from savings to be made in the 2017/18 capital works budget**
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10.2 SALE OF LAND

Responsible Officer: Acting Director Corporate and Community Services

Introduction: This report provides Council with an update on the property formerly known as the Ni Ni Abattoirs, located at Woorak Ni Ni Lorquon Road, Glenlee.

Discussion: At its meeting on 20 August 2014, Council resolved to write off a number of debts, including the rates for this property that were believed to be unrecoverable. While the property is listed with a CIV of \$38,000, considering the dilapidated state of the buildings its value is realistically lower and unlikely to cover the outstanding rates and costs of proceedings.

A further report was presented to Council on 15 July 2015 to proceed to sell the property under section 181 of the Local Government Act (the Act) with Council resolving to initiate court proceedings against the Australian Securities and Investments Commission (ASIC) to enforce the outstanding rates and costs against the property and proceed to sell the former Ni Ni Abattoirs site.

Council received an expression of interest from a resident on 23 December 2014 who was interested in purchasing the property. A formal expression of interest was received on 7 September 2016 with the condition of sale being the approval of planning application 1525-16, use and develops existing buildings for raising chickens. A draft contract of sale was prepared and forwarded to the interested party.

The planning application resulted in a VCAT hearing with Council being notified on 26 October 2017 the planning permit application 1525-16 was not granted.

With the rejection of planning application 1525-16 the property will be readvertised seeking formal expressions of interest from other interested parties. The proposed advertising period is mid-January 2018 to mid-February 2018.

It will be necessary for Council to obtain a new property valuation, with valuations expiring six months after the date of issues.

Options:

Council can choose to advertise for expressions of interest from third parties interested in purchasing the property.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

The property currently has rates arrears totalling \$63,036.72 as at 22 November 2017. While the property is yet to be revalued, it is expected to come in below the rates owed. The majority of rates arrears as well as costs are therefore likely to remain unpaid.

Further rates will be raised each year against the property (under section 158 of the Local Government Act), with the likelihood that these rates will be written off each year against the rate income.

Risk Management Implications:

There are risk management implications from the process of the sale, should the interested party not commit to buy at that stage. Failing to proceed with the sale bears the risk that Council will never be able to claim any rates on this property.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Acting Director Corporate & Community Services

In providing this advice as the Officer Responsible, I have no interests to disclose.

Communications Strategy:

Council will advertise the sale of the property in the Local Newspapers in January 2018, with expressions of interest closing on 16 February 2018.

RECOMMENDATION:

That Council

- 1. Advertises for expressions of interest to purchase the former Ni Ni Abattoirs site, C/A 1 SEC 1, V5756 F165, C/A 2 SEC 1, V9583 F144, C/A 3 SEC 1 V9583 F145, C/A 4 SEC 1, V2404 F613, C/A 5 SEC 1, V9583 F147, C/A 6 SEC 1, V2346 F173, C/A 2 SEC 2, V2327 F326, C/A 3 SEC 2, V10159 F626, C/A 4 SEC 2, V8409 F131, C/A 5 SEC 2, V9583 F146, C/A 9 SEC 2, V10159 F624, C/A 10 SEC 2, V10159 F625 all in the Parish of Ni Ni and all in the name of Ni Ni Abattoirs Pty Ltd.***
 - 2. Obtain a Valuation of the above properties as required by s189 of the Local Government Act 1989.***
 - 3. Invite submissions regarding the intended sale of the above properties under section 223 of the Local Government Act 1989.***
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10.3 FUTURE MEETING DATES

Responsible Officer: Chief Executive Officer

Introduction:

This report seeks approval from Council for the 2018 meeting dates and their advertisement in the local media.

Discussion:

Each year Council advertises the meeting dates for the upcoming 12 months in the local newspapers. The advertised dates are for the Council meetings and the Annual Statutory Meeting.

It is proposed that Council continue to hold two ordinary Council meetings each month, on the first and third Wednesday, commencing at 3pm.

As in 2017, it is proposed that two Council meetings be held in Dimboola and one meeting each in Jeparit and Rainbow. This would allow school groups and local organisations the opportunity to provide deputations to Council. Locations are suggested in the recommendation below, based on school holiday timing and seasonal comfort in each of the facilities.

It is proposed that in keeping with practice of other councils around the state, Council does not meet in January.

It is the officers' recommendation to hold Briefing meetings prior to the ordinary Council meetings, commencing at 1pm.

Options:

Council may choose to adopt the recommended timing and location for Ordinary Council Meetings and Council Briefings or select alternative dates, times or locations to hold its meetings.

Communications Strategy:

The advertisement for the meeting dates will appear in the Dimboola Banner, Dimboola Courier, Nhill Free Press, and the Rainbow Jeparit Argus. The meeting dates will also be listed on Council's website.

RECOMMENDATION:

That Council continue to meet on the first and third Wednesday of every month; and the dates for Council Meetings in 2018 be set and advertised as:

WEDNESDAY	TIME	LOCATION
7 February 2018	3pm	Council Chambers, 92 Nelson St, Nhill
21 February 2018	3pm	Memorial Hall, Roy St, Jeparit

WEDNESDAY	TIME	LOCATION
7 March 2018	3pm	Council Chambers, 92 Nelson St, Nhill
21 March 2018	3pm	DMSC Health and Fitness Centre, Dimboola
4 April 2018	3pm	Council Chambers, 92 Nelson St, Nhill
18 April 2018	3pm	Council Chambers, 92 Nelson St, Nhill
2 May 2018	3pm	Council Chambers, 92 Nelson St, Nhill
23 May 2018	3pm	Council Chambers, 92 Nelson St, Nhill
6 June 2018	3pm	Council Chambers, 92 Nelson St, Nhill
20 June 2018	3pm	Council Chambers, 92 Nelson St, Nhill
4 July 2018	3pm	Council Chambers, 92 Nelson St, Nhill
18 July 2018	3pm	Council Chambers, 92 Nelson St, Nhill
1 August 2018	3pm	Council Chambers, 92 Nelson St, Nhill
15 August 2018	3pm	Council Chambers, 92 Nelson St, Nhill
5 September 2018	3pm	DMSC Health and Fitness Centre, Dimboola
19 September 2018	3pm	Council Chambers, 92 Nelson St, Nhill
3 October 2018	3pm	Supper Room, MECCA, Federal St, Rainbow
24 October 2018	3pm	Council Chambers, 92 Nelson St, Nhill
7 November 2018	6pm	Nhill Memorial Community Centre, Nelson St, Nhill
21 November 2018	3pm	Council Chambers, 92 Nelson St, Nhill
5 December 2018	3pm	Council Chambers, 92 Nelson St, Nhill
19 December 2018	3pm	Council Chambers, 92 Nelson St, Nhill

10.4 REVIEW OF COUNCIL POLICIES

Responsible Officer: Chief Executive Officer

Attachment Number: 5, 6, 7 & 8

Introduction:

As part of an ongoing governance review, the following four policies relevant to Councillors have been revised—

- Councillor Expense Entitlements Policy
- Councillor Gifts and Hospitality Policy
- Media Policy
- Election Period (Caretaker) Policy

This report seeks support from Council for the adoption of the revised policies.

Discussion:

Councillor Expense Entitlements Policy (attachment 6)

The purpose of the Councillor Expense Entitlements Policy is to define the parameters for the reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor. Section 75B of the *Local Government Act 1989* requires Council to adopt and maintain a reimbursement policy. The policy must be made available for public inspection at the Council office.

The policy has been updated and modernised to ensure it adequately covers the range of expenses Councillors may incur in exercising their duties. This includes a new provision for reimbursement of dependent care costs, additional flexibility regarding the technology and resources needed by Councillors and allowing Councillors to retain personal mobile phones and internet connections for a monthly reimbursement in lieu of Council providing a mobile phone or internet connection. The policy also provides clarity regarding the insurance policies covering Councillors while performing their duties and responsibility for legal costs.

Councillor Gifts and Hospitality Policy (attachment 7)

The purpose of the Councillor Gifts and Hospitality Policy is establish appropriate conduct in circumstances where Councillors are offered gifts, benefits, hospitality or are granted awards or win prizes, whether part of their official duties or while attending functions as Council representatives.

The previous policy applied to both Councillors and Council employees and, for clarity and ease of application, it has been decided to separate the policies. The policy provides that certain gifts may be accepted while other gifts must be refused. Hospitality may be accepted if it is reasonable in the circumstances. The policy includes the procedures for declaring and disposing of gifts.

Media Policy (attachment 8)

The purpose of the Media Policy is to establish protocols for managing communication between the Council and media, to ensure coordinated, coherent, professional, accurate and reliable presentation.

The policy has been expanded to apply to Councillors and Council employees, similar to the Social Media Policy approved by Council on 6 September 2017. The policy remains largely the same as the previous version, with some definitions added to assist with clarity and a cross-reference added to the new Social Media Policy.

Election Period (Caretaker) Policy (attachment 9)

The purpose of the Election Period (Caretaker) Policy is to ensure that the ordinary business of local government for the Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements regarding general elections.

Section 93B of the *Local Government Act 1989* requires Council to adopt and maintain an election period policy and publish a copy on the Council's website. The policy contains minor amendments to ensure consistency with the new Councillor Expense Entitlements Policy in relation to the non-reimbursement of monthly costs for use of a private mobile phone or internet connection during the election period. Other minor changes have been made to improve clarity and to remove references to the previous election.

Options:

Council may adopt, reject, or adopt subject to change, the following policies:

- Councillor Expense Entitlements Policy
- Councillor Gifts and Hospitality Policy
- Media Policy
- Election Period (Caretaker) Policy

Link to Council Plan:

4.6 An organisation that takes its risk management responsibilities seriously

Financial Implications:

No financial implications arise.

Risk Management Implications:

No risk management implications arise.

Conflict of Interest:

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible— Greg Wood, Chief Executive Officer

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author—Alicia Stewart, Governance Advisor

In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

The Election Period (Caretaker) Policy will be published on the Council website.

The remaining policies will be available for public inspection at the Council office. Council staff will be informed of their obligations under the Media Policy.

RECOMMENDATION:

- 1. That Council adopts the Councillor Expense Entitlements Policy (version 2.0) (attachment 6) as presented.**
- 2. That Council adopts the Councillor Gifts and Hospitality Policy (version 1.0) (attachment 7) as presented.**
- 3. That Council adopts the Media Policy (version 2.0) (attachment 8) as presented.**
- 4. That Council adopts the Election Period (Caretaker) Policy (version 1.1) (attachment 9) as presented.**

Attachment: 5,6,7,8

10.5 YANAC CFA BUILDING AND LAND

Responsible Officer: Acting Director Corporate and Community Services

Introduction:

This report provides Council with an update on the negotiations in relation to the purchase of the unused CFA building and land in Yanac.

Discussion:

Council moved on 21 December 2016 to support the Yanac Hall Committee and make an offer of \$1,000 + GST on behalf of the Section 86 Committee for the purchase of the Yanac CFA shed.

Valuation on the property was \$10,000, and Council's offer of \$1,000 + GST was rejected. Further negotiations have taken place and the accepted purchase price is \$3,000 + GST.

The purchase of the unused CFA shed will allow the Yanac Hall Committee storage facilities close to the Yanac Hall.

Options:

1. Council can choose to proceed with the purchase of the unused Yanac CFA shed and land.
2. Council can choose not to proceed with the purchase of the unused Yanac CFA shed and land.

Link to Council Plan:

Strategic objective 1.1: An actively engaged community.

Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of the community.

Strategic objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.

Financial Implications:

The Yanac Hall Committee has advised that they will undertake any ongoing routine maintenance on the property.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author – Monica Revell, Acting Director Corporate and Community Services

In providing this advice as the Officer Responsible and Author, I have no disclosable interests in this report.

RECOMMENDATION:

That Council purchases the unused Yanac CFA shed and land for the purchase price of \$3,000 + GST.

11. SPECIAL COMMITTEES

11.1 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Acting Director Corporate and Community Services

Attachment: 9

Introduction:

The Dimboola Town Committee held its Annual General Meeting on 2 October 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee Annual General Meeting on 2 October 2017.

Attachment: 9

11.2 NHILL TOWN COMMITTEE

Responsible Officer: Acting Director Corporate and Community Services

Attachment: 10

Introduction:

The Nhill Town Committee held its Annual General Meeting and its general meeting on 20 November 2017. The purpose of this report is to note the minutes from these meetings. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee Annual General Meeting and general meeting on 20 November 2017.

Attachment: 10

12. LATE REPORTS

No report

13. OTHER BUSINESS

14. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act 1989*, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

RECOMMENDATION:

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider a) Personnel matters, b) The personal hardship of any resident or ratepayer;

14.1 Youth Council Nominations

14.2 Financial Hardship application

14.3 Chief Executive Officer Appraisal 2016/17

15. MEETING CLOSE
