



24 April 2018

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chambers, 92 Nelson Street, Nhill on Wednesday 2 May 2018, 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

No report

10. Reports Requiring a Decision

- 10.1 Council Plan 2017-2021 progress report
- 10.2 Village Settlement School Road upgrade
- 10.3 West Wimmera Health Service Tri State Games Team
- 10.4 Nhill Neighbourhood House Learning Centre
- 10.5 Melbourne Cup Day Public Holidays 2018
- 10.6 Special Council Meeting

11. Special Committees

11.1 Rainbow Town Committee

12. Late Reports

No report

13. Other Business

No report

14. Confidential Matters

No report

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 18 April 2018 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:

- Mr Anthony Judd, CEO Buloke Shire Council
 - o *Letter of congratulations to Mr Judd on becoming CEO*

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 accepts the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

Attachment: 3

9. PLANNING PERMITS

No planning permits.

10. REPORTS REQUIRING A DECISION

10.1 COUNCIL PLAN 2017-2021 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Discussion to be held during the meeting regarding the status of the 2017/2018 strategic actions in the council plan 2017-2021.

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, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

RECOMMENDATION:

That Council notes the report.

10.2 VILLAGE SETTLEMENT SCHOOL ROAD UPGRADE

Responsible Officer: Director Infrastructure Services

Introduction:

In December 2017, Council received a request from a property owner on Village Settlement School Road to have Village Settlement School Road and the road known as Road 277 A03, to be upgraded to all-weather access roads.

This report provides Council with information required for its consideration of this request, and recommends the development of a Special Charge Scheme Policy to guide Council in their considerations for future requests for infrastructure upgrade.

Discussion:

Village Settlement School Road is a class 6 'formed only' road (no structural pavement) which provides paddock access to rural properties. Maintenance is performed on an ad-hoc basis usually in response to customer requests. The road is inspected once every three years to assess for defects that may pose a risk to road users.

Road 277 A03 is listed in Hindmarsh Shire Council Road Register as a 'paper road'. Paper roads are parcels of land that are reserved by government for the purpose of roads if deemed required by the appropriate road authority. Paper roads are not managed in accordance with Council's Road Management Plan and therefore are not inspected or maintained.

The landowner seeking to have Village Settlement School Road and Road 277 A03 upgraded, has constructed a dwelling subject to a planning permit dating back to 2006.

The planning permit (1010/06) was conditioned with a requirement for the applicant to construct a road to the satisfaction of Hindmarsh Shire Council as the Road Authority for the purposes of providing all weather access to the landowner's property. Site inspections confirm that no works have occurred in accordance with the permit.

It is also understood that two other properties along Village Settlement School Road that have dwellings have not been through the planning permit process which would require property owners to contribute to the upgrade of the access road to a class 5 all-weather gravel pavement.

Image 1 - Aerial map showing location of 3 dwellings on Village Settlement School Road



Image 2 - Map showing road hierarchy in vicinity of Village Settlement School Road



The request for the upgrade of Road 277 A03 is to provide a through route to the Western Highway via Settlement Road. As shown in image 2, an existing link is currently provided via an all-weather class 5 road (Lawson Road) to the west of Village Settlement School Road. Lawson and Patterson Roads have recently undergone re-sheeting works.

Property owners intending to construct dwellings on rural properties where no all-weather access currently exists, are usually required by the engineering conditions of the

development application to upgrade the access road to an all-weather standard. Council assumes maintenance responsibility of the road once construction is complete and to the satisfaction of Council.

With an increasing expectation for better infrastructure assets many Victorian Councils have introduced Special Charge Schemes (SCS) to facilitate the provision of works or services. Section 163 of the *Local Government Act 1989* enables Councils to levy special rates and charges against individual properties for infrastructure upgrades that have direct or special benefit those properties.

Options

1. Council can choose to upgrade Village Settlement Road to an all weather road at a cost of approximately \$20,000 and upgrade Road 277 A03 at a cost of approximately \$40,000;
2. Council can choose to upgrade Village Settlement Road to an all weather road at a cost of approximately \$20,000 and not upgrade Road 277 A03;
3. Council can choose to upgrade Road 277 A03 at a cost of approximately \$40,000 and not upgrade Village Settlement Road;
4. Council can choose not upgrade either Village Settlement Road or Road 277 A03;
5. Council can choose to instruct staff to draft a Special Charge Scheme policy consistent with Sections 163-166 of Local Government Act 1989, to provide Council guidance in future decision making with regard to apply special charges for infrastructure upgrades that directly benefit small sections of the ratepayer community.

Link to Council Plan:

- | | |
|-------|---|
| 1.1.6 | Continue to engage with our farming community on road and road related infrastructure maintenance and improvements. |
| 2.1.3 | Develop and prioritise detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town. |

Financial Implications:

Council manages over 2,800 kilometres of roads including over 1,400km earthen formed (dry weather only) roads.

There is a significant cost to upgrading earth roads to an all-weather gravel pavement. The magnitude of this cost is currently around \$35,000 per km.

The cost to upgrade Village Settlement Road to an all-weather road is approximately \$20,000.

The cost to upgrade Road 277 A03 to an all-weather road is approximately \$40,000.

A Special Charge Scheme would spread this initial cost between adjoining land owners although Council would assume the ongoing maintenance costs for the length of all-weather road added to the network. Classification 5R roads, are graded once per year and inspected annually. It is expected that the ongoing maintenance costs for Village Settlement Road would be \$400 p/annum and for Road 277 A03 would be \$800 p/annum.

It should be noted that existing vegetation (including threatened species) would pose difficulties in achieving sufficient road width required for a Class 5 standard road.

Risk Management Implications:

The current lack of all-weather access to properties with inhabited dwellings is outside Council's adopted service levels for residential access. Roads in these circumstances can have limitations for emergency service vehicles to have all year access to properties.

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 – Mike Coppins, Senior Assets Engineer

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

Communications Strategy:

Following approval to proceed, and the preparation of a draft Special Charge Scheme Policy, community consultation will be undertaken. This will include advertising, meeting with stakeholder groups, and making documents available at Customer Service Centres and Council's website for feedback for a period of at least four weeks.

Sections 1A-1C of the Local Government Act 1989, outline the consultation requirements for implementing a special charge.

Next Steps:

The proposed draft Special Charge Scheme policy will be prepared and place on exhibition for the purposes of public consultation. The results of this process will be collated and a report presented to Council for its consideration at a later meeting.

RECOMMENDATION:

That Council:

- 1. Officers write to the landowner of the property known as allotment 53 Village Settlement School Road Dimboola,***
 - (a) instructing compliance with condition 5.1 of planning permit 1010/06 and subsequent section 173 agreement which states:***

“The pavement on Village Settlement School Road shall be located and constructed of a 4 metre wide by 100mm consolidated depth gravel pavement to the satisfaction of the responsible authority, at the applicants cost”;
 - (b) advising that the road known as Road 277 A03 will not be upgraded by Council to an all-weather surface at this point in time; and***
 - 2. Officers develop a Special Charge Scheme policy including undertaking a public consultation process.***
-

10.3 WEST WIMMERA HEALTH SERVICE TRI STATE GAMES TEAM

Responsible Officer: Director Corporate and Community Services
Attachment Number: 4

Introduction:

This report seeks support from Council to provide sponsorship to the West Wimmera Health Service Tri State Games team to enable them to compete in the Tri State Games being held in Adelaide from 11 – 16 November 2018.

West Wimmera Health Service will be represented at the Tri State Games by Cooinda Disability Service clients and will be known as the 'Cooinda Kookaburras'. Cooinda is a day service facility for adults with varied abilities offering life skills programs, recreation and leisure activities, respite and employment opportunities.

Discussion:

West Wimmera Health Service is offering various sponsorship packages ranging in value from \$1,000 to \$100.00 or for the provision of a donation.

- Platinum - \$1,000
- Gold - \$500
- Silver - \$250
- Bronze - \$100

See attachment 5 for full details of sponsorship packages.

The Tri State Games is a week-long sporting event attracting nearly 350 participants from across Victoria, South Australia and New South Wales. The games are held annually and focus on promoting active participation, friendly competition and positive social interaction for adults with a disability.

At the close of the final round of the 2017 – 2018 Community Action Grants Program an amount of \$7,175 was unallocated. It is proposed that sponsorship of the 'Cooinda Kookaburras' be made available from these funds.

Based on the Sponsorship Package details, there will only be one Platinum Sponsor accepted. Therefore the proposed recommendation will be for Council to become a Gold Sponsor at a cost of \$500.

Sponsorship of the 'Cooinda Kookaburras' also links with the Social values of Council's Health and Wellbeing Plan – community connectedness, education choices, community support, sense of belonging and acceptance, safety, arts and culture programs, recreation and leisure services.

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 our 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

There are no financial implications.

Risk Management Implications

There are no risk management implications.

Conflict of Interest:

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

Author: Phil King, Economic and Community Development Manager

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

West Wimmera Health Service will receive formal notification within 14 days of the Council meeting.

Options:

1. Council can support the request of this report to approve sponsorship of \$500.00 for the 'Cooinda Kookaburras'.
2. Council can support the request of this report but nominate an alternative amount of sponsorship.
3. Council can decline the request of this report and not provide sponsorship of the 'Cooinda Kookaburras'.

RECOMMENDATION:

Council approve sponsorship of \$500.00 for the West Wimmera Health Service Tri State Games team (Cooinda Kookaburras) to enable them to compete in the Tri State Games being held in Adelaide from 11 – 16 November 2018.

Attachment: 4

10.4 NHILL NEIGHBOURHOOD HOUSE LEARNING CENTRE

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks support from Council to allocate funds in support of a grant application by Nhill Neighbourhood House Learning Centre (NNHLC) to engage a full-time Culturally and Linguistically Diverse (CALD) support worker and a part time (.6EFT) multi-lingual support worker to be based at NNHLC.

NNHLC have submitted an expression interest with the Victorian Government seeking grant funding over three years to employ the above.

Should the expression of interest be approved, NNHLC will be invited to submit a full application.

They are seeking funding of \$500,000 over three years, which if approved is expected to be effective from 1 July 2018 until 30 June 2021.

Discussion:

Hindmarsh Shire Council's funding for the employment of Council's Settlement Officer expires on 30 October 2018 and it has been identified that the services of a dedicated CALD support worker is crucial to the ongoing success of the Karen community and other migrant communities in Nhill and the broader Hindmarsh Shire.

Since the first Karen people arrived in Nhill in 2010 to take up employment at Luv-a-Duck, the settlement of the Karen people has had a major positive impact on Nhill and Hindmarsh Shire.

Many employers are continually experiencing labour shortages and the attraction of migrants to the region provides an extremely valuable and versatile labour pool.

Since the Karen first arrived and settled in Nhill, at least 15 other employers have employed CALD employees to meet their workforce demands.

One of the major obstacles facing both employers and CALD employees are poor English speaking and comprehension skills, limited numeracy skills, a lack of understanding of workforce rights and responsibilities, limited access to training and advancement opportunities.

In addition to the above barriers, there are significant issues in relation to other areas of support including housing, legal and financial matters, Government support services, eg Centrelink, which also have an adverse effect on private and social wellbeing, workforce engagement and employability.

The NNHLC project aims to partner with industry to;

- Work with employers to identify significant capabilities / skills gaps of CALD employees and to devise learning strategies to meet workforce needs.
- Empower CALD employees to build priority job skills, identify future employment and education pathways for career progression.
- Provide opportunities for employers employing CALD workers to enhance their workforce diversity and to source labour to suit future needs, and
- Develop partnerships with service providers including Federation University to provide certificate training to CALD employees.

This project will benefit industry across the Hindmarsh Municipality and the broader region by providing work based support to CALD employees.

Expected outcomes include:

- Improved job retention
- Development of a more capable, skilled and resilient employees
- A more productive and diverse workforce, and
- Improved potential for business development and expansion

NNHLC have listed a number of businesses that have indicated their support for this project including:

- Luv-a-Duck
- Australian Wildflowers (Laharum)
- West Wimmera Health Service
- Sherwell Ahrens
- Oscar Furniture (Horsham)

NNHLC seeks support from Council for in-kind and financial support (\$3,000 per year) over the three year period of the project.

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 our community.

Strategic Objective 3.1: A strong rural economy and thriving towns.

Financial Implications:

NNHLC seeks financial support of \$3,000 per year for the three year project.

Risk Management Implications:

There are no risk management implications.

Conflict of Interest:

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

Author: Phil King, Economic and Community Development Manager

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

NNHLC will receive formal notification within 14 days of the Council meeting.

Options:

1. Council can support the request of this report to approve funding of \$3,000 per year for three years.
2. Council can decline the request of this report and not provide financial support for the project.

RECOMMENDATION:

That Council approves funding of \$3,000 per year for three years in support of a grant application by Nhill Neighbourhood House Learning Centre (NNHLC) to engage a full-time Culturally and Linguistically Diverse (CALD) support worker and a part time (.6EFT) multi-lingual support worker to be based at NNHLC..

10.5 MELBOURNE CUP DAY PUBLIC HOLIDAYS 2018

Responsible Officer: Director Corporate and Community Services
Attachment: 5

Introduction:

This report outlines the procedure and options for the declaration of substitute public holidays for Melbourne Cup Day in 2018.

Discussion:

In 2011, the Victorian Government amended the *Public Holidays Act 1993* to give regional Councils the ability to request alternative local public holiday arrangements in lieu of Melbourne Cup Day.

The Public Holidays Act 1993 section 8A (1) states:

Council may request substitute holiday for Melbourne Cup Day

- (1) *A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*
 - (a) *that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and*
 - (b) *that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.*
- (2) *A request under subsection (1) must—*
 - (a) *be made at least 90 days before the Melbourne Cup Day to which the request relate; and*
 - (b) *specify the day or 2 half-days of the substituted public holiday; and*
 - (c) *specify the reasons for making the request.*
- (3) *In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.*
- (4) *A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.*

Since 2012, Hindmarsh Shire Council has successfully applied to the Minister for Small Business for substitute public holidays to Melbourne Cup Day for the Rainbow and Nhill agricultural shows, as these are held each year on weekdays. The Dimboola and Jeparit districts continued to take Melbourne Cup Day as a public holiday, as their respective agricultural shows fall on a weekend.

Councils nominating substitute holiday arrangements need to make their request at least 90 days prior to Melbourne Cup Day 2018, that is, no later than Wednesday 8 August 2018.

The dates for the 2018 agricultural shows are:

Rainbow	Tuesday 16 October 2018;
Nhill	Thursday 18 October 2018;
Dimboola	Saturday 20 October 2018; and
Jeparit	Sunday 21 October 2018

The Nhill Show public holiday incorporates the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert.

The Rainbow Show public holiday incorporates the localities of Rainbow, Albacutya and Kenmare.

Options:

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

Communication Strategy:

Advertisements will be placed in each of the local papers following approval of the Gazettal by the Minister for Small Business.

Conflict of Interest:

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

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

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

RECOMMENDATION:

That Council writes to the Minister for Small Business expressing a preference for the following:

1. ***A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 16 October 2018) for the localities of Rainbow, Albacutya and Kenmare within the Shire;***
2. ***A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 18 October 2018) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and***
3. ***Melbourne Cup Day for the remainder of the Shire.***

Attachment: 5

10.6 SPECIAL MEETING

Responsible Officer: Greg Wood, Chief Executive Officer

Introduction:

It is proposed to hold a special meeting on at 4:00pm Wednesday 27 June 2018 to adopt the Budget 2018/19 and amended Council Plan 2017-2021 incorporating the Strategic Resource Plan.

Discussion:

The approved revaluation figures from the Valuer General's office are not expected to be received by Council before early to mid-May 2018. To allow for an accurate rating strategy, the draft budget document and amended Council Plan 2017-2021 incorporating the Strategic Resource Plan will need to be presented to Council on 23 May 2018. A 28 day period for submissions is required once the draft budget and amended Council Plan are presented to Council, and, as there is currently no other meetings scheduled after this time period, a special meeting will need to be held on 27 June 2018.

Options:

1. Council can choose to accept the inclusion of a special meeting on 27 June 2018.
2. Council can choose propose a different date for a special council meeting.

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:

Nil

Risk Management Implications:

Nil

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: Greg Wood, Chief Executive Officer

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

Author: Shelley Gersch, Executive Assistant

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

Communications Strategy:

Advertising of the special meeting date will be placed in the local newspapers.

RECOMMENDATION:

That Council:

- 1. Calls a special council meeting for 4:00 pm on 27 June 2018 at the Nhill Council Offices for the purpose of adopting the Budget 2018/19 and amended Council Plan 2017-2021 incorporating the Strategic Resource Plan.***
 - 2. Advertises in local newspapers notifying the community of the time, date and location of the special council meeting.***
-

11. SPECIAL COMMITTEES

11.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Introduction:

The Rainbow Town Committee held its general meeting on 26 March 2018. 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 Rainbow Town Committee general meeting held on 26 March 2018.

Attachment: 6

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.

No confidential reports

15. MEETING CLOSE
