



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 23 MAY 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET, NHILL COMMENCING AT 3.00PM.

MINUTES

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. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Planning Permit 1580-2018

10.2 Application for Planning Permit 1577-2018

11. Reports Requiring a Decision

- 11.1 Laneway Rear Lloyd Street Dimboola
- 11.2 Draft Budget 2018/19
- 11.3 Council Plan 2017-2021 Annual Review & Strategic Resource Plan
2019-2022
- 11.4 Nhill Aerodrome Master Plan Update
- 11.5 Wimmera Regional Library Corporation Agreement

12. Special Committees

- 12.1 Nhill Town Committee
- 12.2 Rainbow Town Committee
- 12.3 Yurunga Homestead Committee
- 12.4 Rainbow Civic Centre Committee of Management

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

- 15.1 Dimboola Football Netball Female Changerooms
- 15.2 Rainbow Recreation Reserve / Rainbow Caravan Park Master Plan

16. Meeting Close

Present:

Crs R. Ismay (Mayor), R. Lowe (Deputy Mayor), R. Gersch, D. Nelson, D. Colbert

In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Shane Power (Director Infrastructure Services), Ms Shelley Gersch (Executive Assistant), Ms Janette Fritsch (Manager Strategic Assets and Planning) (items 10.1-11.1), Mr Andre Dalton (Coordinator Planning and Development) (items 10.1-11.1), Ms Helen Thomson (HR, Governance and Compliance Coordinator) (item 11.1), Mr Phil King (Manager Economic and Community Development) (items 15.1-15.2)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr Ismay opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

Cr T. Schneider

MOVED: CRS R. Lowe/D. Nelson

That the apologies be accepted.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 2 May 2018 in the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R. Gersch/R. Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 2 May 2018 in the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed, with the following amendments to item 10.2:

CR D. Colbert moved the amendment not CR R. Lowe as in the draft minutes, and

CRS R. Lowe/R. Gersch moved the original not CRS R. Gersch/R. Lowe as written the second time the original motion is listed in the draft minutes.

CARRIED

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

Ms W. Robins asked questions concerning the invitation of Youth Councillors to the Rural Summit held in Lakes Entrance 16 May 2018 – 18 May 2018, and questioned Council's advertising process regarding the Hindmarsh Planning Scheme Review being held in Nhill on Wednesday 23 May 2018.

6. DEPUTATIONS

No deputations

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: APRIL 2018

Cr ISMAY, Mayor

Attended:

04/04/2018 Mayor/CEO Meeting, Nhill
04/04/2018 Council Briefing and Meeting, Nhill
09/04/2018 Official Opening Rainbow Skate Park
09/04/2018 Jeparit Town Committee, Jeparit
10/04/2018 Official Opening Dimboola Skate Park
11/04/2018 RCV Mayors, Councillors and CEOs Forum, Melbourne
17/04/2018 Public Meeting Rear Laneway Lloyd Street Dimboola Consultation
18/04/2018 Mayor/CEO Meeting, Nhill
18/04/2018 Council Briefing and Meeting, Nhill
25/04/2018 ANZAC Day Ceremony, Rainbow
23-29/04/2018 Indonesian dancers events, Rainbow
26/04/2018 MAV Rural and Regional Forum, Melbourne
28/04/2018 Tour of Rainbow with Andrew Broad MP

Cr LOWE, Deputy Mayor

Attended:

04/04/2018 Council Briefing, Meeting, Nhill
07/04/2018 Inspection of WMPM, Jeparit
09/04/2018 Funeral Ewan Christian, Rainbow
09/04/2018 Opening of Skate Park, Rainbow
10/04/2018 Opening of Skate Park, Dimboola
10/04/2018 WMPM Rally Meeting, Jeparit
17/04/2018 WMPM Meeting, Jeparit
18/04/2018 Council Briefing, Meeting, Nhill
21/04/2018 Working Bee, WMPM, Jeparit
28/04/2018 Wirraway Arrival, Nhill Aerodrome

Cr GERSCH

Attended:

04/04/2018 Council meeting
04/04/2018 Skate park meeting Nhill
06/04/2018 Nhill debutante ball
10/04/2018 Opening Dimboola skate park
11/04/2018 RCV forum Melbourne
12/04/2018 RCV board meeting
13/04/2018 Meeting with Treasurer Tim Pallas
18/04/2018 Council meeting
25/04/2018 Anzac day dawn service
25/04/2018 Chairman for Anzac Day service

26/04/2018 MAV forum Melbourne
26/04/2018 Meeting in Melbourne with Local Government Minister.

Cr COLBERT

Attended:

04/04/2018 Briefing meeting, Nhill
04/04/2018 Council Meeting, Nhill
18/04/2018 Briefing meeting, Nhill
18/04/2018 Council meeting, Nhill
28/04/2018 Wirraway arrival event, Nhill aerodrome

MOVED: D. Colbert/R. Gersch

That Council writes a letter of congratulations to the Nhill Aviation Heritage Centre Committee regarding the success of their fundraising and the event welcoming the “Wirraway” held in Nhill on 28 April 2018.

CARRIED

Cr NELSON

Attended:

02/04/2018 Town Committee Meeting – Dimboola
04/04/2018 Briefing meeting, Nhill
04/04/2018 Council Meeting, Nhill
10/04/2018 Official opening Dimboola Skate Park
10/04/2018 Wimmera Development Association meeting, Horsham
17/04/2018 Wimmera Southern Mallee LLEN Finance meeting, Horsham
17/04/2018 Public meeting re laneway, Dimboola
18/04/2018 Briefing meeting, Nhill
18/04/2018 Council meeting, Nhill
20/04/2018 Meals on wheels, Dimboola
25/04/2018 ANZAC Day Service, Dimboola
26/04/2018 Wimmera Southern Mallee LLEN meeting, Horsham
28/04/2018 Wirraway arrival event, Nhill aerodrome

Cr SCHNEIDER

Attended:

04/04/2018 Briefing meeting, Nhill
04/04/2018 Council Meeting, Nhill
17/04/2018 Public meeting re laneway, Dimboola
18/04/2018 Briefing meeting, Nhill
18/04/2018 Council meeting, Nhill
20/04/2018 Wimmera Regional Library Corporation Board Meeting, Horsham
23/04/2018 Dimboola Memorial Secondary College School Council
25/04/2018 ANZAC Day Service, Dimboola

SENIOR MANAGEMENT ACTIVITIES: APRIL 2018

GREG WOOD, Chief Executive Officer:

Attended:

04/04/2018 Mayor/CEO Meeting, Nhill
04/04/2018 Council Briefing and Meeting, Nhill
06/04/2018 Meeting with David Leahy, CEO West Wimmera Shire Council
09/04/2018 Ewen Christian Funeral
09/04/2018 Official Opening Rainbow Skate Park
10/04/2018 Official Opening Dimboola Skate Park
11/04/2018 RCV Mayors, Councillors and CEOs Forum, Melbourne
17/04/2018 Meeting with Ritchie Dodds, CEO West Wimmera Health Service
17/04/2018 Public Meeting Rear Laneway Lloyd Street Dimboola Consultation
18/04/2018 Mayor/CEO Meeting, Nhill
18/04/2018 Council Briefing and Meeting, Nhill
19/04/2018 Meeting with Nhill Learning Centre for grant opportunity
19/04/2018 Regional Partnership Meeting, Horsham
23/04/2018 Youth Council Meeting, Jeparit
26/04/2018 MAV Rural and Regional Forum, Melbourne
26/04/2018 Business lunch with The Hon Daniel Andrews MP and Treasurer
Tim Pallas MP

SHANE POWER, Director Infrastructure Services:

Attended:

04/04/2018 Council Briefing, Nhill
04/04/2018 Council Meeting, Nhill
11/04/2018 Meeting with West Wimmera Health Service executive, Nhill
16/04/2018 Nhill Township Committee, Nhill
17/04/2018 Public Meeting, Dimboola
18/04/2018 Council Briefing, Nhill
18/04/2018 Council Meeting, Nhill
19/04/2018 Victorian Recycling Taskforce workshop, Ararat
25/04/2018 ANZAC Day Service, Dimboola

MONICA REVELL, Director Corporate and Community Services:

Attended:

04/04/2018 Council Briefing
04/04/2018 Council Meeting
06/04/2018 Meeting with David Leahy West Wimmera Shire Council
09-13/04/2018 Annual Leave
18/04/2018 Council Briefing
18/04/2018 Council Meeting
20/04/2018 WRLC Meeting
23/04/2018 Youth Council Meeting, Jeparit
24/04/2018 West Wimmera Shire Audit Committee Meeting

27/04/2018 EPA Meeting

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment: 2

- Letter to the Hon Philip Dalidakis MP
 - *Re: Public Holiday arrangements in lieu of Melbourne Cup Day 2018*

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS R. Lowe/R. Gersch

That Council notes the attached correspondence.

CARRIED

Attachment: 2

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer
Attachment: 3

Introduction:

The attached Assembly of Councillors Record is 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.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Record as presented.

MOVED: CRS R. Gersch/D. Nelson

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 3

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT 1580-2018.

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	130740
Attachment:	4
Applicant:	Mr John Rethus
Owner:	Nhill Agricultural & Pastoral Society Inc.
Subject Land:	CA 2B Sec 24 Township Nhill (Nhill-Harrow Rd Nhill)
Proposal:	Construction of store shed.
Zoning & Overlays:	Public Use Zone Schedule 7 - Other Public Use (PUZ7) Environmental Significance Overlay (ESO6) – Catchments of Wetlands of Conservation Value Bushfire Management Overlay (BMO)
Attachments:	Sheet 1 - Site Plan prepared by applicant Sheet A1.1- Floor Plan prepared by A-Line Building Systems Sheet A2.1& A2.2 Elevations prepared by A-Line Building Systems Sheet A3.1 & A3.2 – 3 dimensional views prepared by A Line Building Systems

Summary:

This application seeks approval to construct a storage shed on land adjacent the Nhill – Harrow Rd, south of the Nhill Showgrounds.

Proposal Details:

The shed is proposed to be located in the centre of the subject land. The dimensions of the shed are 43.5m long x 27m wide x 8.4m high, constructed of Colorbond, with colours specified on the plans (attached). The proposal is defined as a 'store' under the provisions of the Hindmarsh Planning Scheme, being:

"Land used to store goods, machinery, or vehicles".

The applicant has stated that the proposed store is for the purposes of storing a private collection of vintage machinery, including tractors, engines, and memorabilia. A subdivision of the land is proposed at a later date, however, it is not the subject of this application. An information request issued on the 9 April 2018 requested details as to whether the use of the proposed store will be open to members of the public – as this would require further permission under the Hindmarsh Planning Scheme, however, this will not be the case, and a condition will be applied to address this matter. The applicant has been advised that should this be the case in future, separate planning approval will be required.

Subject site & locality:

The site has a total area of 1.497 ha and is currently vacant. Surrounding development is primarily rural in nature, with land used for showground purposes to the north and west, and land to the east being zoned 'Public Conservation and Recreation' (area known as the Nhill Swamp), and land to the south zoned 'Public Parks and Recreation' – Nhill Racecourse. It is the view of Council's Coordinator Planning and Development that the proposal will not detract visually from the amenity of the area.

Public Notification:

The application was not required to be publicly notified under the provisions of the Hindmarsh Planning Scheme, as it is not considered to be of a scale detrimental to the amenity of the locality.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not Required

Section 52 Notices: Not Required

Internal Referrals:

- Engineering: - Neither comments nor conditions required.
- Building: - Advised that a Building Permit is required.

Planning Assessment:

Permit Requirement:

Use:

A planning permit is required pursuant to Clause 36.01-1 of the Hindmarsh Planning Scheme for Buildings and Works to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.

A planning permit is not required for a 'store' under the provisions of the Bushfire Management Overlay (BMO) or the Environmental Significance Overlay Schedule 6 (ESO 6).

Planning Scheme Requirements:

State Planning Policy Framework:

Clause 11 – Settlement

Clause 11.07 – Regional Victoria

Clause 11.15 – Wimmera Southern Mallee

Clause 13.05 - Bushfire

Local Planning Policy Framework:

Clause 21 – Municipal Strategic Statement

Zoning Provisions:

Clause 36.01 – Public Use Zone Schedule 7 – Other Public Use (PUZ7)

Overlay Provisions:

Clause 42.01 Environmental Significant Overlay 6 (ESO6)

Clause 44.06 Bushfire Management Overlay (BMO)

Particular Provisions:

None Applicable

General Provisions:

Clause 65 – Decision Guidelines

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.

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 Coordinator Planning and Development 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 22 March 2018. An information request was issued on the 9 April 2018, and responded to the following day verbally. The information request was issued within the statutory 28 days from lodgement. The report is being presented to the Council meeting of 23 May 2018 (43 statutory days from the date of the information response). 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 an application to construct a store on CA 2B Sec 24 Township of Nhill, Parish of Balrootan (Nhill-Harrow Road, Nhill), subject to the following conditions:

Endorsed Plans:

- 1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

General:

- 3. The exterior colour and cladding of the building(s) must be non-reflective to the satisfaction of the responsible authority.***
- 4. The store is for private use only. No other uses requiring planning approval may be undertaken on-site without separate planning approval being obtained.***

Permit Lapse/Extension:

- 5. The time for commencement of the development is within two (2) years from the date of issue of the permit and the development works are to be completed within four (4) years of the commencement of the permit. An extension of time of the development may be issued if application is made less than six (6) months after the date on which the permit would have lapsed.***

Note:

- 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. 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.***

MOVED: CRS R. Lowe/D. Colbert

That Council approves an application to construct a store on CA 2B Sec 24 Township of Nhill, Parish of Balrootan (Nhill-Harrow Road, Nhill), subject to the following conditions:

Endorsed Plans:

- 1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

General:

- 3. The exterior colour and cladding of the building(s) must be non-reflective to the satisfaction of the responsible authority.***
- 4. The store is for private use only. No other uses requiring planning approval may be undertaken on-site without separate planning approval being obtained.***

Permit Lapse/Extension:

- 5. The time for commencement of the development is within two (2) years from the date of issue of the permit and the development works are to be completed within four (4) years of the commencement of the permit. An extension of time of the development may be issued if application is made less than six (6) months after the date on which the permit would have lapsed.***

Note:

- 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. 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.***

CARRIED

Attachment: 4

10.2 APPLICATION FOR PLANNING PERMIT 1577-2018

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	148520
Applicant:	Mr Wes Randerson – Total Outdoor Media Pty Ltd
Owner:	Mr Leigh McGinty
Subject Land:	Lot 1 PS512719, 108 Victoria St Nhill
Proposal:	Major promotion sign
Zoning & Overlays:	Industrial 1 zone (IN1Z) Environmental Significance Overlay (ESO6) – Catchments of Wetlands of Conservation Value
Attachments:	Attachment 5 - Site Plan, elevation, light spill diagram and axonometric view prepared by Archtistic Attachment 6 – Locality Plan

Summary:

This application seeks approval to construct a major promotion sign on industrial land on the western side of the southern approach into Nhill (Melbourne bound). The sign is intended to be used for a variety of advertisements and community service messages. If approved, a condition is to be applied ensuring that any content of the advertising (or other) material displayed on the structure is not to depict racist, sexually explicit, offensive or any subject matter which is considered contentious or offensive by the Responsible Authority.

Proposal Details:

The double sided panel sign is proposed to be located on the eastern boundary of the subject land, will be 1 metre from the frontage, 20 metres from the southern boundary and 51 metres from the northern boundary. The dimensions of the sign are 12.660 metres wide x 3.350 metres high with 0.650 metre high cladding below and 4 x top mounted flood lights. The overall height of the sign will be 6.350 metres and the total face area of the sign will be 42.11m². The sign face will be angled perpendicular to the frontage.

The proposal is defined as a 'major promotion sign' under the provisions of the planning scheme (Clause 73), being:

“A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited”.

Subject site & locality:

The site has a total area of 5,491 square metres, and is occupied by two existing industrial sheds. Surrounding development is primarily light industry in nature, with land to the west being zoned 'Farming', and land to the east being zoned 'Road Zone 1' (RDZ1). Opposite the subject land (across the Western Highway), land is zoned 'Commercial 1' (C1Z), and 'General Residential 1' (GRZ1). It is the view of Council's Coordinator Planning and Development that the proposal will have minimal impact visually on the amenity of the area.

Public Notification:

The application was not required to be publicly notified under the provisions of Clause 33.01-4 (Industrial Zone) of the Hindmarsh Planning Scheme, which states:

"An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre".

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: None

Section 52 Notices: VicRoads – responded with suggested conditions

Internal Referrals:

- Engineering: - Neither comments nor conditions required.
- Building: - Advised that a Building Permit is required.

Planning Assessment:

Permit Requirement:

A planning permit is required pursuant to Clause 33.01-4 of the Hindmarsh Planning Scheme for Buildings and Works.

Clause 52.05 – Advertising Signs, outlines the requirements for signage within the Hindmarsh Planning Scheme. This zone is in Category 2, office and industrial - low limitation.

A planning permit is not required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO 6).

Planning Scheme Requirements:

State Planning Policy Framework:

Clause 11 – Settlement
Clause 11.07 – Regional Victoria
Clause 11.15 – Wimmera Southern Mallee
Clause 22.01 - Western Highway

Local Planning Policy Framework:

Clause 21 – Municipal Strategic Statement

Zoning Provisions:

Clause 33.01 Industrial 1 Zone

Overlay Provisions:

Clause 42.01 Environmental Significant Overlay 6 (ESO6)

Particular Provisions:

Clause 52.05 Advertising Signs

The decision guidelines of this particular provision state:

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.

- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The impact of structures associated with the sign:

- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

The impact of any illumination:

- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign.
- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
 - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.

- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

An assessment of the proposal against these provisions indicates the proposal complies, subject to the application of appropriate conditions, including the mandatory conditions specified within Clause 52.05-6 in the scheme.

General Provisions:

Clause 65 – Decision Guidelines, states that:-

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined.

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.

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 Coordinator Planning and Development 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 22 March 2018. The report is being presented to the Council meeting of 23 May 2018 (62 statutory days from the date of lodgement). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance, as Council officers awaited a response from VicRoads. Under normal circumstance, a referral agency would respond within 28 days, however, Council officers afforded VicRoads more time to respond due to the nature of the proposal being located on the Western Highway.

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 approve an application to construct a major promotion sign on Lot 1 PS512719T, 108 Victoria St Nhill, subject to the following conditions:

Endorsed Plans:

1. ***The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***

Signage:

2. ***Signs not to be altered***
 - a) ***The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.***
 - b) ***The sign, and any part of the structure, is not to protrude over any part of the property boundary onto road reserve.***
3. ***No flashing light***

The sign must not contain any flashing light.
4. ***Light emissions***

The sign lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
5. ***Sign maintenance***

The sign(s) must be maintained to the satisfaction of the responsible authority.
6. ***Content***

Any content of the advertising material displayed on the structure is not to depict racist, sexually explicit, offensive or subject matter which is considered contentious or offensive in the opinion of the Responsible Authority.

VicRoads:

7. ***Any sign must be located within the property boundaries.***
8. ***Any sign must not dazzle or distract drivers, be able to be mistaken for a traffic signal sign or be mistaken as an instruction to drivers.***

Permit Lapse/Extension:

9. ***This permit expires 15 years from the date of this permit.***

Note:

- 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. 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.**

MOVED: CRS R. Gersch/R. Lowe

That Council approves an application to construct a major promotion sign on Lot 1 PS512719T, 108 Victoria St Nhill, subject to the following conditions:

Endorsed Plans:

- 1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.**

Signage:

- 2. Signs not to be altered**
 - a) The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.**
 - b) The sign, and any part of the structure, is not to protrude over any part of the property boundary onto road reserve.**
- 3. No flashing light**

The sign must not contain any flashing light.
- 4. Light emissions**

The sign lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
- 5. Sign maintenance**

The sign(s) must be maintained to the satisfaction of the responsible authority.
- 6. Content**

Any content of the advertising material displayed on the structure is not to depict racist, sexually explicit, offensive or subject matter which is considered contentious or offensive in the opinion of the Responsible Authority.

VicRoads:

- 7. Any sign must be located within the property boundaries.**
- 8. Any sign must not dazzle or distract drivers, be able to be mistaken for a traffic signal sign or be mistaken as an instruction to drivers.**

Permit Lapse/Extension:

- 9. This permit expires 15 years from the date of this permit.**

Note:

- 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. 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.**

CARRIED

Attachments: 5 & 6

11. REPORTS REQUIRING A DECISION

11.1 LANEWAY REAR LLOYD STREET DIMBOOLA

Responsible Officer: Director Infrastructure Services

Attachments: 7 (non-confidential)

16 (confidential)

Introduction:

A public consultation process has been undertaken to gain community views on Council's proposal to consider whether the informal gravel laneway (Laneway) located at the rear of properties known as 84-104 Lloyd Street Dimboola, is 'reasonably required for general public use' pursuant to section 17(3) of the Road Management Act 2004 (Vic) (Proposal).

This report provides Council information required to consider making a decision to proceed with the Proposal and to take steps to obtain title to the land comprising the Laneway, for the purpose of formalising the Laneway for public use under Council management.

Discussion:

Council at its meeting 4 April 2018 resolved:

"in respect of the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway):

1. approves Council officers writing to registered proprietors of the land on which the Laneway is constructed and any person whose property abuts the Laneway (together 'Landowners') to:

a) informs the Landowners of Council's proposal to consider whether the Laneway is 'reasonably required for general public use' pursuant to section 17(3) of the Road Management Act 2004 (Vic) (Proposal); and

b) invites the Landowners to make written submissions regarding the Proposal by a date determined by Council, being a date which is no earlier than 14 days after Council informs the Landowners of the Proposal;

2. considers any submissions received from any Landowners and considers whether to proceed with the Proposal;

3. approves Council officers preparing and lodging at Land Use Victoria an application for title to the Laneway pursuant to section 59 of the Transfer of Land Act 1958 (Vic); and

4. approves Council officers writing to the owner of 90 Lloyd Street, Dimboola, requiring the removal of any gates and fences constructed on the Laneway, pursuant to clause 10 of Schedule 10 to the Local Government Act 1989 (Vic)".

In reaching this resolution, Councilors considered a summary of legal advice received on the matter as contained within the report of 4 April 2018.

In accordance with the resolution, Officers (by way of letter dated 5 April 2018)

informed affected property owners (84-104 Lloyd Street, Dimboola) of Council’s proposal to consider if the Laneway is reasonably required for general public use’ pursuant to section 17(3) of the Road Management Act 2004 (**RMA**). The letter also informed affected property owners that should Council proceed with its Proposal, land would be transferred from private ownership to Council without compensation. The letter also invited affected property owners to make a submission to the Proposal by 23 April 2018 (Attachment 3).

The property owners of 90 Lloyd Street Dimboola, were also issued with a notice (dated 5 April 2018) to remove the fence and gates that were under construction at the rear of the property and were obstructing through passage of the Laneway (Attachment 2). The community were informed of Council’s Proposal by way of a public meeting held 7:00pm Tuesday 17 April 2018 at the Dimboola Bowls Club. The public meeting was promoted to the community by way of Public Notice in the Dimboola Banner.

Approximately 30 people attended the public meeting with 26 people having registered their details for future correspondence. Present at the meeting was the Mayor Cr Ismay, East Ward Councillors Cr Nelson and Cr Schneider, the CEO and a number of senior officers. Attendees of the public meeting were invited to make a submission to the proposal by 23 April 2018.

Council received a total of 13 submissions within the deadline. A total of 10 submissions indicated their support for the proposal. A total of 3 submissions indicated they were against the proposal (Attachments 3-16).

Submissions to the Proposal are to be considered in the context of the specific matter before Council, namely, whether the Laneway is ‘**reasonably required for general public use**’ for the purpose of section 17(3) of the RMA. A number of themes have been identified in the submissions received. The following tables present the themes contained within the submissions received in ‘favor’ and ‘against’ the proposal separately.

Submissions in favor of proposal (10/13)	
Theme	Present in Submissions (#)
Maintain pedestrian safety	3
Maintain truck access & maneuverability	6
Avoid disruption to business operations	6
Maintain through access for emergency services	5
Public has right of way/access to laneway	5
Laneway is of historic importance	3

Submitters were given the option to remain confidential or have their submission public. The public submissions are available in attachment 7, while those that chose to remain confidential are provided to the Councillors in attachment 16.

Two late submissions were also received but are not included in the attachments to this report.

Themes identified within the submissions for the proposal are summarised below.

Maintain pedestrian safety

Three of the submitters in 'favor' of the proposal suggest the proposal will maintain pedestrian safety by not increasing traffic movements onto Lloyd Street and instead existing onto Victoria Street where there is less traffic and pedestrian activity.

Maintain truck access & maneuverability

Many of the submitters in 'favor' of the proposal raised concern with regard to the lack of space available for trucks to safely turn around if the Laneway is not open for use by the public on its existing alignment.

Avoid disruption to business operations

Many of the submitters put forward that the proposal will avoid disruption to business where trucks may otherwise have to service commercial properties from Lloyd Street and claim that the Laneway is the only practical entry and exit point for deliveries.

Maintain through access for emergency services

Four of the submitters claim that through access is required for emergency services. This claim is supported in an email from the Dimboola Urban Fire Brigade who suggest the Laneway could be a critical strategic access point and effective egress if required.

Public has right of way/access to laneway

Many of the submissions suggest that the public has accrued rights over the Laneway due to having unimpeded through access over many years.

Laneway is of historic importance

Three submissions including one from the Dimboola Historic Society have indicated that the Laneway has historic importance.

Proposed realignment of Laneway

Six submissions have indicated support for the proposed Laneway alignment, two have indicated that the proposed or other alignment to achieve through access would be satisfactory, one of the submitters in 'favor' of the proposal was silent on the proposed alignment.

Submissions received against proposal 3/13	
Theme	Present in Submissions (#)
Laneway not required for public use	2
Primary use of laneway is by trucks	2
Laneway is unsafe for public use	3
Land at 90 Lloyd St, not required to accommodate truck movements	2
Alternate options for laneway available to Council	2
Proposal devalues properties	2
Proposal is contrary to objectives in HSC Planning Scheme	2
Proposal will have negative economic impact on businesses and town	2
Fence at 90 Lloyd Street enhances security	2
Council has been negligent in its proposal	1
Council is in breach or has breached law	1

Themes identified within the submissions against the proposal are summarised below.

Laneway not required for public use

Two submitters put forward the view that the Laneway is not required for public use suggesting pedestrians and vehicles (not associated with servicing commercial properties) can utilise Lloyd, Lochiel, Wimmera and Victoria Streets.

Primary use of laneway is by trucks

Two submitters claim that the Laneway is primarily utilised by trucks associated with the businesses abutting the Laneway and therefore not required for general public use.

Laneway is unsafe for public use

All submitters 'against' the proposal suggest that the Laneway would be unsafe for public use given its proposed width, potential fences abounding the Laneway, lack of pedestrian infrastructure and potential conflicts with trucks.

Land at 90 Lloyd St, not required to accommodate truck movements

Two submitters present that trucks can access the rear of commercial properties by way of reversing down laneways or by way of alternate Laneway alignments that exclude the rear of 90 Lloyd Street. See attached submission for graphical representation of submitter's alternate proposal.

Alternate proposals for Laneway available to Council

Submitters 'against' the proposal nominate a number of alternatives for the Laneway, including:

- abandoning the proposed Laneway at properties 90-96 Lloyd Street;

- utilising existing road reserve; and
- extending road reserve into land currently occupied by the Senior Citizens Club.

Proposal devalues properties

Submitters 'against' the proposal have cited concern over potential decrease in property value due to diminished land size, land use and segregation of private land by proposed Laneway alignment.

Proposal is contrary to objectives in HSC Planning Scheme

Two of the submitters claim that Council's proposal for the Laneway is in contrast to the objectives of the Hindmarsh Planning Scheme citing a number of clauses including:

- Economic Development
- Urban Development
- Community Development

Proposal will have negative economic impact on businesses and town

Submitters 'against' the proposal raise concern that the proposal will detract from potential business operators, residents and investors by diminishing land and options for commercial/residential mixes and alternate residential opportunities (or other) uses. Submitters also cite concern for loss of investment in fence and carport should Council's proposal proceed.

Fence at 90 Lloyd Street enhances security

It is suggested by the submitters 'against' the proposal that security is enhanced by having the fences in place at the rear of 90 Lloyd Street, through the creation of 'cull de sacs' therefore reducing escape routes by potential offenders. Submitters also suggest that the fences prevent 'hoon' behavior by removing thoroughfare to vehicles, and that CFA can still access rear of properties if required.

Council has been negligent in its proposal

This view was raised in one submission and references the time in which Council had taken to make a determination to consider the Laneway as a 'public highway'. The submitter refers to inspections from Council planning and building Officers undertaken in December 2017 where the submitter is of the view that Council could have made a determination to consider the Laneway as a 'public highway' prior to any construction of the fence and carport at the rear 90 Lloyd Street, Dimboola.

Council is in breach or has breached law

One submission presents that Council may be in breach of various laws. Preliminary legal advice suggests that Council (or its officers) has not breached any law in this matter.

Options:

1. Having undertaken a consultation process and considered submissions received, Council makes a decision by way of resolution that the crushed gravel laneway

- constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is 'reasonably required for general public use' pursuant to section 17(3) of the RMA, and proceeds with the process to include the Laneway on its Public Roads Register and the process to become registered proprietor of the land required for the Laneway as outlined in the 'Next Steps' section of this report; or
2. Council does not consider the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is 'reasonably required for general public use' pursuant to section 17(3) of the RMA; and
 3. Council considers alternate options for the provision of a laneway at the rear of properties known as 84 to 104 Lloyd Street, Dimboola.

Link to Council Plan:

- 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:

Should Council proceed with formalising the Laneway under its management, Officers recommend classifying the laneway to category 6U. This category of road is maintained on an adhoc basis and best reflects the current usage of the Laneway as a secondary access to commercial properties. It is therefore considered that the management of the Laneway would have insignificant financial implications.

It should be noted however that renewal costs will be incurred at some point in the future.

There is no legal requirement for Council to financially compensate affected landowners for obtaining title to land which is vested in Council under the RMA.

There are costs associated with the survey land and preparation of a title plan.

There are substantial costs associated with the construction of roadways should Council resolve to construct laneways that align with the existing road reservations.

Risk Management Implications:

The owner of property 90 Lloyd Street, Dimboola (Owner) may be choose to take legal action to prevent Council from taking steps to remove the fence over the Laneway. There is a risk that Council may be the subject of criticism by the Owner and/or members of the public.

Should Council proceed with formalising the Laneway under its management, the Laneway would then be included on Council's Public Roads Register and managed in accordance with its Road Management Plan (RMP). The RMP sets out Council's road management obligations and management system to mitigate risk to the public and itself from potential claims.

Conflict of Interest:

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

Officer Responsible and Author – Shane Power, Director Infrastructure Services
In providing this advice as the Officer Responsible and Author, I have no disclosable interests in this report.

Communications Strategy:

Council has conducted a thorough consultation process with all persons who Council considers may be affected by the Proposal.

Next Steps:

The following process is required should Council resolve:

- that the Laneway is reasonably required for general public use pursuant to section 17(3) of the RMA;
- to include the Laneway on its register of public roads (Register); and
- to obtain title to a road vested in Council under the RMA.

1. Including roads on the Register

1.1 Before it can include road on the Register, Council must first:

- 1.1.1 make a decision that the road is a public highway for the purposes of the LGA pursuant to section 204(1) of the LGA and publish a notice in the Victoria Government Gazette to that effect (section 17(1)(c) of the RMA); or
- 1.1.2 make a decision that the road is ‘reasonably required for general public use’ (section 17(3) of the RMA).

Once such a decision has been made, Council is then obliged to include that road on its Register (sections 17(2) and 17(3) of the RMA, respectively).

1.2 Section 17(3) of the RMA

The RMA does not expressly require Council to conduct a public consultation process before making a decision to include a road on the Register under section 17(3) of the RMA. However, the Supreme Court of Victoria has recently held that councils may in certain circumstances be required to afford natural justice or procedural fairness to particular persons who would be affected by a decision, by consulting with those persons before making such a decision to include a road on the Register.

2. Obtaining title to roads vested in Council

- 2.1 A ‘road’ for the purpose of the RMA will vest in the relevant municipal council pursuant to clause 1(4) of Schedule 5 of the RMA, provided that the road is not vested in another authority pursuant to clause 1(6) of Schedule 5 of the RMA.
- 2.2 If a road has vested in Council by operation of the RMA, Council may apply to the Registrar of Titles (Registrar) to become the registered proprietor of that land, pursuant to section 59 of the Transfer of Land Act 1958 (Title Application).

- 2.3 Council is not required to undertake any public consultation before proceeding with a Title Application.

Ms Mary Clarke spoke to her submission.

Mr Dieter Aschenbrenner spoke to his submission.

Mr Norbert Aschenbrenner spoke to his submission.

Ms Ilse Aschenbrenner spoke to her submission.

Ms Kim Grey spoke against the recommendation.

RECOMMENDATION:

That Council, having undertaken a consultation process and considered submissions received in respect of the extent to which the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is required for public use:

- 1. declares that the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is reasonably required for general public use, pursuant to section 17(3) of the Road Management Act 2004, for the following reasons:***
 - a. the public, adjoining landowners and emergency services have been continuously using the Laneway for a many years;***
 - b. the Laneway is required for vehicular access to the rear of a number of properties, and as a through road between Lloyd Street and Victoria Street, Dimboola, which access cannot be reasonably provided by alternative routes; and***
 - c. the public would benefit from the Laneway being included on Council's Public Roads Register and maintained by Council;***
- 2. authorises Officers to proceed with the process to include the Laneway on its Public Roads Register:***
- 3. authorises Officers to proceed with the process to become registered proprietor of the land comprising the Laneway which has vested in Council under the Road Management Act 2004, pursuant to section 59 of the Transfer of Land Act 1958 (Title Application).***

MOVED: CRS D. Nelson/R. Lowe

That Council, having undertaken a consultation process and considered submissions received in respect of the extent to which the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is required for public use:

- 1. declares that the crushed gravel laneway constructed on the properties known as 84 to 104 Lloyd Street, Dimboola (Laneway) is reasonably required***

for general public use, pursuant to section 17(3) of the Road Management Act 2004, for the following reasons:

- a. the public, adjoining landowners and emergency services have been continuously using the Laneway for a many years;***
 - b. the Laneway is required for vehicular access to the rear of a number of properties, and as a through road between Lloyd Street and Victoria Street, Dimboola, which access cannot be reasonably provided by alternative routes; and***
 - c. the public would benefit from the Laneway being included on Council's Public Roads Register and maintained by Council;***
- 2. authorises Officers to proceed with the process to include the Laneway on its Public Roads Register:***
 - 3. authorises Officers to proceed with the process to become registered proprietor of the land comprising the Laneway which has vested in Council under the Road Management Act 2004, pursuant to section 59 of the Transfer of Land Act 1958 (Title Application).***

CARRIED

Attachment: 7 & 16

11.2 DRAFT 2018/19 BUDGET

Responsible Officer: Director Community and Corporate Services
Attachment Number: 8

Introduction:

The purpose of this report is for Council to formally present the draft 2018/19 Budget in accordance with the Local Government Act 1989 and associated Regulations.

Discussion:

Council is required under section 127(1) of the Local Government Act 1989 to formally prepare a budget. Council must ensure that the budget contains:

- (a) the financial statements in the form and containing the matters required by the regulations;
- (b) a description of the activities and initiatives to be funded in the budget;
- (c) a statement as to how the activities and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan; and
- (d) separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity
- (e) service performance indicators that are required to be reported against in the performance statement, and the prescribed measures relating to those indicators.

The budget document is based on the four Key Result Areas used in the Council Plan, namely;

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

The 2018/19 budget document reflects the requirements of the Local Government Performance Reporting Framework and revised Local Government Planning and Reporting Regulations (LGPRF). It has been developed in consideration of the Institute of Chartered Accountants' Australia and New Zealand Victorian City Council Model Budget 2018/19.

The budget balances the retention of existing community service levels, maintenance and renewal of assets, and new initiatives designed to grow our economy, improve amenity and make Hindmarsh a better place to live in a challenging financial environment.

This is the third year of rate capping. The budget proposes a rate increase of 2.25% in line with the Essential Services Commission (ESC) calculation method, which applies the increase to the average rates payable per assessment. This is in line with the State

Government Fair Go Rates System (FGRS) which has capped rate increases by Victorian councils to 2.25% in 2018/19.

The increase in Kerbside waste / recycling collection charge of \$21 reflects the rising costs of waste management and global recycling challenges. Council has also introduced a general waste charge to cover waste costs not covered by the kerbside collection / recycling charge. This new charge will be phased in over 3 years. For 2018/19, the general waste charge will be \$9, payable using the same criteria as the municipal charge. These rises in waste charges reflect the cost of providing the services; Council does not make a profit on waste.

Key Initiatives

Community Infrastructure

- Construction of a new skate park at Nhill, supported by state government funding of \$100,000.
- \$50,000 in recurrent and \$50,000 in capital as seed funding for grant opportunities arising during the year.
- \$5,000 assistance grant allocation to assist public halls throughout the Shire that are not owned by Council.

Tourism Development

- \$10,000 to support the Rainbow Desert Enduro in August 2018.
- \$10,000 to update the Nhill Aerodrome Master Plan.

Economic Development:

- Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$20,000 has been included in the 2018/19 budget for this project.

Empowered Communities

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its third year, this funding has enabled some fantastic projects in our towns over the years.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.
- \$30,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.

Infrastructure

- \$100,000 to replace the roof at the Dimboola sports stadium which at the end of its life.
- Local Roads: Block 40 Road, Broughton \$144,955; Katyl-Wail Road \$132,170; Netherby-Baker Road \$155,052 and Pigick Bus Route Road \$305,976 will be reconstructed in 2018/19.
- Construction of Sealed Pavements: Council has budgeted for a further two urban reconstruction projects – Anderson Street, Dimboola and Elgin Street in Nhill. These projects carry a total cost of around \$470,000.
- Five unsealed road resheet projects: A Bells Road, Antwerp-Katyl Road, W Cooks Road, Geodetic Road, and Greig/McKenzie Road will total more than \$380,000.
- Sealed Pavement Shoulder Resheet: In 2018/19 Council will be undertaking 3 sealed pavement shoulder resheets on Block 40 Road, Diapur-Yanac Road, and Salisbury-Woorak Road at just under \$190,000.
- Council will be undertaking 17 reseal and final seal projects in 2018/19, totalling more than eight hundred thousand dollars. These projects include Victoria, Lloyd and McDonald Streets in Dimboola, Gunn, Railway, George Streets in Nhill, Nhill-Murrayville Road, Netherby-Baker Road, Lorquon Palms Road, Antwerp-Woorak Road, Winiam East Road, Katyl-Wail Road, Tarranyurk West Road, Jeparit East Road, Rainbow-Nhill Road, and Rainbow Rises Road.
- Kerb and Channel: Wimmera Street; Dimboola, Scott Street; Jeparit, and Nelson Street; Nhill will be constructed costing approximately \$250,000.
- Carpark Renewal: Resurfacing Bongiorno's Carpark in the Nhill CBD median with asphalt at a cost of \$66,000.

Summary:

The 2018/19 Budget provides for a broad range of services, programs and infrastructure projects and is a reflection of the strategic direction that Council has adopted through the Council Plan. The Budget has been developed through a rigorous process of consultation and review with officers, senior management, Council and community.

The budget is prepared for approval by Council for public exhibition and receiving of any submissions under section 223 of the Local Government Act 1989. Council will be advised of any submissions received at the 27 June Council meeting.

The Budget is required to be available for public inspection at Customer Service Centres and residents have 28 days to lodge submissions on the budget.

Options:

Council must formally prepare and advertise its 2018/19 Annual Budget pursuant to Section 127 of the Local Government Act 1989.

Link to Council Plan:

The 2018/19 Budget has direct links with the Council Plan. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies as detailed in the Council Plan.

Financial Implications:

The 2018/19 Budget is consistent with the parameters set out in Council's ten-year financial plan.

Risk Management Implications:

The preparation of the Budget is a statutory requirement.

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 and Community Services

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

Communications Strategy:

Council must give notice of the preparation of the 2018/19 Budget under section 125 LGA, make a copy available at each Council office and on Council's website and allow submissions under section 223 LGA. It is proposed that the draft budget will be made available to the community for comment from 25 May to 25 June 2018. Comments will be considered at the 27 June 2018 Special Council meeting.

RECOMMENDATION:

That Council:

- 1. approves the draft 2018/19 Budget for the purpose of public consultation in accordance with the Local Government Act 1989,***
- 2. gives public notice of the preparation of the draft Budget pursuant to sections 129 and 223 of the Local Government Act 1989, inviting written submissions from the public,***
- 3. considers public submissions and the formal adoption of the draft budget at the Special Council meeting on 27 June 2018, and***
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the proposed budget 2018/19 if required.***

MOVED: CRS R. Gersch/D. Nelson

That Council:

- 1. approves the draft 2018/19 Budget for the purpose of public consultation in accordance with the Local Government Act 1989,**
- 2. gives public notice of the preparation of the draft Budget pursuant to sections 129 and 223 of the Local Government Act 1989, inviting written submissions from the public,**
- 3. considers public submissions and the formal adoption of the draft budget at the Special Council meeting on 27 June 2018, and**
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the proposed budget 2018/19 if required.**

CARRIED

Attachment: 8

11.3 COUNCIL PLAN 2017-2021 ANNUAL REVIEW & STRATEGIC RESOURCE PLAN 2019-2022

Responsible Officer: Director Corporate and Community Services
Attachment Number: 9

Introduction:

This report presents the draft revised Council Plan 2017-2021, recommending that Council make minor editorial changes and update the Strategic Resource Plan.

Discussion:

Section 125 of the Local Government Act 1989 (LGA) provides that a Council must prepare and approve a Council Plan within six months after a general election or by the next 30 June, whichever is the later. Council adopted its 2017-2021 Council Plan at its meeting held on 23 August 2017.

Section 125 of the LGA provides that at least once each financial year Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Plan.

The Council Plan is the key document that drives the direction of the Council and is a requirement of the LGA. It must include, s125 (2)

- a. The strategic objectives of Council;
- b. The strategies for achieving the objectives for at least the next four years;
- c. Strategic indicators for monitoring the achievements of the objectives;
- d. A Strategic Resource Plan; and
- e. Any other matters prescribed by the regulations.

It is recommended that Council make only minor editorial changes to the Council Plan.

The Strategic Resource Plan details the resources required to achieve the strategic objectives. It must include in respect of at least the next four financial years

- a. Financial statements;
- b. Statements describing the required non-financial resources, including human resources;

A Council must review the Strategic Resource Plan during the preparation of the Council Plan; and adopt the Strategic Resource Plan no later than 30 June each year. A copy of the current Strategic Resources Plan must be available for inspection by the public at the Council office and any district offices and any other place required by the regulations. In addition, a Council must ensure that the current Strategic Resource Plan is published on the Council's internet website.

Since the adoption of the Council Plan in August 2017, 18 of the 32 objectives to be completed in 17/18 have been completed. The remaining 14 objectives have been

delayed due to funding or staff absences, or by their nature, will be ongoing, recurring for the four years of this Council term and most likely into the future.

In this review, only minor editorial adjustments have been made to the Council Plan:

- Mayor has been updated;
- Employment statistics has been updated to reflect 2016 census data;
- Challenges have been updated to reflect the current factors;
- Where initiatives have been completed this has been reflected in the 'Year to be achieved' column.

The Strategic Resources Plan (SRP) has been updated to show the 2019 to 2022 figures.

The LGA provides that should Council propose to make an adjustment to those aspects (as outlined in s125 (2)(a)(b) and (c) then public notice of the proposal must be given and submissions invited in accordance with s223.

Options:

Council can:

1. Endorse and release the draft revised Council Plan 2017-2021 for public consultation.
2. Further amend the draft revised Council Plan 2017-2021 and endorse the amended draft plan for public consultation.

Link to Council Plan:

Compliance with the requirements to prepare and review the Council Plan is an important aspect of Good Governance and Leadership.

Financial Implications:

A Strategic Resource Plan is prepared as part of the Council Plan preparation process. It outlines the financial and other resources required to complement the objectives, and strategies for achieving them, within the Council Plan.

Risk Management Implications:

The preparation of the Council Plan is a statutory requirement.

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

Communications Strategy:

Council must give notice of the proposed adjustment of the Council Plan under section 125 LGA, make a copy available at each Council office and on Council's website and allow submissions under section 223 LGA. It is proposed that the draft plan will be made available to the community for comment from Thursday 3 May to Friday 1 June 2018. Comments will be considered at the June Council meeting.

RECOMMENDATION:

That having reviewed and adjusted the Council Plan 2017-2021 in accordance with the requirements of s125 of the Local Government Act 1989, Council:

- 1. endorses and releases the draft revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2019-2022, for public consultation in accordance with section 223 of the Local Government Act 1989,***
- 2. considers public submissions and the formal adoption of the draft revised Hindmarsh Shire Council Plan 2017 – 2021 at the Council meeting on 27 June 2018, and***
- 3. authorises the Chief Executive Officer to undertake minor editorial changes to the revised draft Hindmarsh Shire Council Plan 2017 – 2021 if required.***

MOVED: CRS R. Gersch/R. Lowe

That having reviewed and adjusted the Council Plan 2017-2021 in accordance with the requirements of s125 of the Local Government Act 1989, Council:

- 1. endorses and releases the draft revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2019-2022, for public consultation in accordance with section 223 of the Local Government Act 1989,***
- 2. considers public submissions and the formal adoption of the draft revised Hindmarsh Shire Council Plan 2017 – 2021 at the Council meeting on 27 June 2018, and***
- 3. authorises the Chief Executive Officer to undertake minor editorial changes to the revised draft Hindmarsh Shire Council Plan 2017 – 2021 if required.***

CARRIED

Attachment: 9

11.4 NHILL AERODROME MASTER PLAN UPDATE

Responsible Officer: Director Infrastructure Services

Attachment: 10

Introduction:

This report seeks Council approval to allocate funds in the 2017/2018 budget to commission the services of a suitably qualified consultant to update the Nhill Aerodrome Master Plan.

Discussion:

The Nhill Aerodrome Master Plan (attached) was developed in 2011 in consultation with the Nhill Aerodrome Master Plan Advisory Committee, and was formally adopted by Council at its meeting 21 March 2012. The Nhill Aerodrome Master Plan Advisory Committee at the time comprised representatives from:

- A & P Vintage Machinery Committee
- Aero Club
- Apex
- Business Nhill
- Hindmarsh Shire Council
- Nhill & District Sporting Club
- Nhill Ambulance Auxiliary
- Nhill Aviation Heritage Centre Incorporated
- Nhill Lions Club
- Nhill Town Committee
- Rotary Club
- RSL
- West Wimmera Health Service

Council was approached in November 2017 by an interested party seeking to build a shed for the purposes of a private aircraft hangar. The application suggested the site designated 'T' on the master plan which is reserved for aerodrome storage purposes (see attached).

As the current master plan does not explicitly provide for private hangars, a meeting was convened with relevant stakeholders of the site including representatives from:

- Nhill Aerodrome Master Plan Advisory Committee
- Ambulance Victoria
- Nhill Aero Club
- Nhill Historical Society
- Nhill Aviation Heritage Centre Incorporated
- Department of Environment, Land, Water and Planning

- Hindmarsh Shire Council

Members of the meeting raised concerns that the proposed site may conflict with emergency services activities and that a public consultation process would be beneficial to gauge interests of other potential aviation enthusiasts. The members of the meeting thus resolved:

“That Council revise the Nhill Aerodrome Master Plan to reflect current and future use of facilities, including emergency services and stakeholder needs and present to Council for budget consideration”.

As a result, an allocation of \$10,000 has been provided for in the draft 2018/2019 budget. Both the applicant and the Nhill Aerodrome Master Plan Advisory Committee have expressed concerns about the potential delay in revising the master plan. This report therefore seeks approval from Council to allocate \$10,000 from the \$50,000 2017/2018 budget for Precinct and Recreation Plan Projects Funding (general ledger 20720).

Options

1. Council can approve to allocate \$10,000 from the 2017/2018 Precinct and Recreation Plan Projects Funding budget of \$50,000 for the purposes of revising the Nhill Aerodrome Master Plan;
2. Council can decide to consider an allocation of \$10,000 for the purposes of revising the Nhill Aerodrome Master Plan as part of the 2018/2019 budget process; or
3. Council can choose to revise the Nhill Aerodrome Master Plan at a later stage if deemed necessary.

Link to Council Plan:

Strategic Objective 1.1:	An actively engaged community.
Strategic Objective 1.3:	A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
Strategic Objective 2.1:	Well-maintained physical assets and infrastructure to meet community and organisational needs.
Strategic Objective 3.1:	A strong rural economy and thriving towns.

Financial Implications:

An allocation of \$10,000 can be provided through the 2017/2018 Precinct and Recreation Plan Projects Funding budget.

Risk Management Implications:

There is a risk that suitable consultants will not be able to deliver the revised master plan within the 2017/2018 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 and Author Responsible – Shane Power, Director Infrastructure Services
In providing this advice as the Officer and Author Responsible, I have no disclosable interests in this report.

Communications Strategy:

Should Council resolve to proceed with the revision of the Nhill Aerodrome Master Plan, a consultation plan will be developed to ensure all current and potential future users and stakeholders of the aerodrome site are suitably engaged.

Next Steps:

Should Council resolve to proceed with the revision of the Nhill Aerodrome Master Plan, Officers will undertake a procurement process to engage a suitably qualified consultant in accordance with Council's Procurement Policy.

RECOMMENDATION:

That Council:

- 1. Allocates \$10,000 from the 2017/2018 Precinct and Recreation Plan Projects Funding budget of \$50,000 (general ledger 20720) for the purposes of revising the Nhill Aerodrome Master Plan.***

MOVED: CRS R. Lowe/R. Gersch

That Council allocates \$10,000 from the 2017/2018 Precinct and Recreation Plan Projects Funding budget of \$50,000 (general ledger 20720) for the purposes of revising the Nhill Aerodrome Master Plan.

CARRIED

Attachment: 10

11.5 WIMMERA REGIONAL LIBRARY CORPORATION AGREEMENT

Responsible Officer: Director Corporate and Community Services

Attachment Number: 11

Introduction:

Under the Local Government Act 1989 (the Act) Council can enter into an agreement with a public body to form a regional library to service the area specified in the agreement.

The agreement has no effect unless it is approved by the Minister by notice published in the Government Gazette.

Discussion:

With the withdrawal of Buloke Shire Council from the Wimmera Regional Library Corporation, an amended Regional Library Agreement is required to be lodged with the Minister under section 196(2) of the *Local Government Act 1989*.

The Regional Library was established in 1996 by an agreement made under section 196 of the *Local Government Act 1989* between Buloke Shire Council, Hindmarsh Shire Council, Horsham Rural City Council, Northern Grampians Shire Council, West Wimmera Shire Council, and Yarriambiack Shire Council.

The Wimmera Regional Library Corporation Agreement 2018 is an agreement between Hindmarsh Shire Council, Horsham Rural City Council, Northern Grampians Shire Council, West Wimmera Shire Council, and Yarriambiack Shire Council.

The agreement provides for the continuation of the Regional Library Corporation and records the terms on which the continuing Councils will continue to operate the regional library. All rights and obligations under the existing Regional Library Agreement made in 1996 will be preserved.

Options:

Council can sign and seal the Wimmera Regional Library Corporation Agreement 2018.

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:

Council contribute to the operations of the Wimmera Regional Library Corporation and allow for this in the annual budget.

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 & Author: Monica Revell, Director Corporate & Community Services

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

RECOMMENDATION:

That Council approves the Wimmera Regional Library Corporation Agreement 2018, and signs and seals agreement.

MOVED: CRS D. Nelson/R. Lowe

That Council approves the Wimmera Regional Library Corporation Agreement 2018, and signs and seals agreement.

CARRIED

Attachment: 11

Cr D. Colbert left the room at 4:05pm and returned to the room at 4:07pm.

12. SPECIAL COMMITTEES

12.1 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 12

Introduction:

The Nhill Town Committee held its meeting on 16 April 2018. 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 meeting held on 16 April 2018.

MOVED: CRS R. Lowe/D. Colbert

That Council notes the minutes of the Nhill Town Committee meeting held on 16 April 2018.

CARRIED

Attachment: 12

12.2 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 13

Introduction:

The Rainbow Town Committee held its meeting on 23 April 2018 . 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 Rainbow Town Committee meeting held on 23 April 2018.

MOVED: CRS R. Ismay/D. Colbert

That Council notes the minutes of the Rainbow Town Committee meeting held on 23 April 2018.

CARRIED

Attachment: 13

12.3 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 14

Introduction:

The Yurunga Homestead Committee held its meeting on 15 March 2018. 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 Yurunga Homestead Committee meeting held on 15 March 2018.

MOVED: CRS R. Lowe/D. Nelson

That Council notes the minutes of the Yurunga Homestead Committee meeting held on 15 March 2018.

CARRIED

Attachment: 14

12.4 RAINBOW CIVIC CENTRE MANAGEMENT COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 15

Introduction:

The Rainbow Civic Centre Committee held its meeting on 1 February 2018. 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 Rainbow Civic Management Committee meeting held on 1 February 2018.

MOVED: CRS R. Lowe/D. Nelson

That Council notes the minutes of the Rainbow Civic Management Committee meeting held on 1 February 2018.

CARRIED

Attachment: 15

13. LATE REPORTS

No reports

14. OTHER BUSINESS

15. 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:

15.1 *Dimboola Football Netball Female Changerooms*

15.2 *Rainbow Recreation Reserve / Rainbow Caravan Park Master Plan*

MOVED: CRS R. Gersch/D. Nelson

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider:

15.1 *Dimboola Football Netball Female Changerooms*

15.2 *Rainbow Recreation Reserve / Rainbow Caravan Park Master Plan*

CARRIED

Council resumed in open session at 4:37pm.

16. MEETING CLOSE

There being no further business, Cr R. Ismay declared the meeting closed at 4:38pm.
