



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD  
5 SEPTEMBER 2018 AT THE HEALTH AND FITNESS CENTRE, DIMBOOLA  
COMMENCING AT 3:00PM.**

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**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 Former Rainbow Primary School

**11. Special Committees**

- 11.1 Nhill Town Committee
- 11.2 Rainbow Town Committee

**12. Late Reports**

No report

**13. Other Business**

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**14. Confidential Matters**

- 14.1 Contract No 2018-19/01 - Tender for Construction of Nhill Skate Park
- 14.2 Change in Contract Award – 2017-2018/11 - Restoration of Flood Affected Roads - Package 1 Revised
- 14.3 Business Assistance Grants Program 2018/19 – Round 1

**15. Meeting Close**

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**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)

**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

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

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**2. APOLOGIES**

Cr T Schneider (leave of absence)

***MOVED: Crs R Gersch/R Lowe***

***That Council accepts the apologies.***

**CARRIED**

**3. CONFIRMATION OF MINUTES**

***RECOMMENDATION:***

***That the Minutes of the Ordinary Council Meeting held on Wednesday 15 August 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.***

***MOVED: Crs D Colbert/D Nelson***

***That the Minutes of the Ordinary Council Meeting held on Wednesday 15 August 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*Attachment: 1*

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**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.

Cr R Ismay declared an indirect interest because of conflicting duties in item 10.1 Former Rainbow Primary School Site.

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**5. PUBLIC QUESTION TIME**

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**6. DEPUTATIONS**

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No deputations

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## 7. CORRESPONDENCE

### 7.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer  
**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council:

- Ken Lehmann
  - *Congratulating him on his service to bands in the Wimmera*

**RECOMMENDATION:**

*That Council notes the attached correspondence.*

**MOVED: Crs R Gersch/R Lowe**

*That Council notes the attached correspondence.*

**CARRIED**

*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.*

**MOVED: Crs R Lowe/D Nelson**

*That Council accepts the Assembly of Councillors Records as presented.*

**CARRIED**

*Attachment: 3*

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**9. PLANNING PERMITS**

No planning permits.

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<b>10. REPORTS REQUIRING A DECISION</b>
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Cr R Ismay declared an indirect interest because of conflicting duties and left the room at 3:03pm.

Deputy Mayor, Cr R Lowe assumed the role of Chairperson in Cr R Ismay's absence.

### **10.1 FORMER RAINBOW PRIMARY SCHOOL SITE**

**Responsible Officer:** Chief Executive Officer

**Introduction:**

The purpose of this report is to enter into a lease with the Rainbow Progress Association at the Former Rainbow Primary School Site, 30 Bow Street, Rainbow.

**Discussion:**

At the Council meeting on 6 June 2018, Council resolved to:

1. retain ownership of the property formerly known as the Rainbow Primary School.
2. propose a \$15,000 upfront payment from the Rainbow Progress Association and enter a 15 year lease with annual lease payments of \$1,000 per year for 10 years, then \$100 per year for the following five years.
3. authorise the CEO to discuss Council's proposal with the Rainbow Progress Association and negotiate an outcome ensuring Council are not liable for any expenses on the property (other than Rainbow Skate Park associated expenses).

Under section 190(3)(b) of the Local Government Act if a lease is to be more than 10 years Council must at least 4 weeks before the lease is made, publish a public notice of the proposed lease. Any person wishing to make a submission in relation to Council's intention to lease land. Under section 190(4) a person has a right to make a submission under section 223 on the proposed lease.

Council's intention to enter into a fifteen year lease with Rainbow Progress Association Inc. for the former Rainbow Primary School Site located at 30 Bow Street, Rainbow was advertised in the Rainbow Jeparit Argus on 19 July 2018, Wimmera Mail Times 20 July 2018 and on Council's website with any person proposing to make a written submission in relation to Council's intention having until close of business on Friday 24 August 2018 to make the submission.

At the time of closing no submissions were received in relation to Council's intention to enter into the lease with Rainbow Progress Association.

Negotiations between the CEO and Rainbow Progress Association in relation to the lease are currently being finalised. Upon discussions with Rainbow Progress Association a clause in relation to sale of the property will be included to allow Rainbow Progress Association

first option to purchase the property if Council decide to sell, with the upfront payment of \$15,000 being the deposit.

**Options:**

1. Enter into lease arrangements with Rainbow Progress Association for a period of 15 years.

**Link to Council Plan:**

- 1.1 An actively engaged community.
- 1.1.4 Support and celebrate volunteering and work collaboratively with volunteer groups.
- 3.2 A thriving tourism Industry.
- 3.2.3 Support innovative community-driven events and festivals that stimulate tourism growth in the region.
- 3.2.7 Promote and support local historic assets and heritage groups

**Financial Implications:**

There are financial implications for Council incurring costs associated with the lease agreement preparation.

**Risk Management Implications:**

There are risk management implications from retaining ownership. Council will need to ensure adequate insurance coverage over the property.

**Conflict of Interest:**

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

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

**Communications Strategy:**

Council notify the Rainbow Progress Association of its intentions to finalise the lease arrangement.

**RECOMMENDATION:**

***That Council:***

1. ***Enters into a lease arrangement with Rainbow Progress Association.***
2. ***Lease terms include a \$15,000 upfront payment from the Rainbow Progress Association and a 15 year lease with annual lease payments of \$1,000 per year for 10 years, then \$100 per year for the following five years.***
3. ***Gives first option to purchase the property Rainbow Progress Association should Council decide to sell the property, with the \$15,000 upfront payment being used as the deposit for the purchase.***



- 4. Authorises the CEO to finalise and sign the lease arrangements with the Rainbow Progress Association.***

***MOVED: Crs R Gersch/D Colbert***

***That Council:***

- 1. Enters into a lease arrangement with Rainbow Progress Association for the property known as the former Rainbow Primary School.***
- 2. Lease terms include a \$15,000 upfront payment from the Rainbow Progress Association and a 15 year lease with annual lease payments of \$1,000 per year for 10 years, then \$100 per year for the following five years.***
- 3. Gives first option to purchase the property Rainbow Progress Association should Council decide to sell the property, with the \$15,000 upfront payment being used as the deposit for the purchase.***
- 4. Authorises the CEO to finalise and sign the lease arrangements with the Rainbow Progress Association.***

***CARRIED***

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Mayor, Cr R Ismay returned to the room at 3:05pm and resumed the role of Chairperson.

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## 11. SPECIAL COMMITTEES

### 11.1 NHILL TOWN COMMITTEE

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

**Introduction:**

The Nhill Town Committee held its general meeting on 16 July 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 Nhill Town Committee general meeting held on 16 July 2018.***

***MOVED: Crs R Gersch/D Nelson***

***That Council notes the minutes of the Nhill Town Committee general meeting held on 16 July 2018.***

**CARRIED**

*Attachment: 4*

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### 11.2 RAINBOW TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 5

**Introduction:**

The Rainbow Town Committee held its general meeting on 23 July 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:***

- 1. notes the minutes of the Rainbow Town Committee general meeting held on 23 July 2018;***
- 2. notes that the Rainbow Town Committee will require Council approval prior to spending the \$7,400 allocated to the Silo Art Trail***

***MOVED: Crs R Lowe/D Nelson***

***That Council:***

- 1. notes the minutes of the Rainbow Town Committee general meeting held on 23 July 2018;***
- 2. notes that the Rainbow Town Committee will require Council approval prior to spending the \$7,400 allocated to the Silo Art Trail***

***CARRIED***

***Attachment: 5***

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**12. LATE REPORTS**

No report

**13. OTHER BUSINESS**

**14. CONFIDENTIAL REPORTS**

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

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

**RECOMMENDATION:**

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

- 14.1 *Contract No 2018-19/01 - Tender for Construction of Nhill Skate Park***
- 14.2 *Change in Contract Award – 2017-2018/11 - Restoration of Flood Affected Roads - Package 1 Revised***
- 14.3 *Business Assistance Grants 2018/19 Round 1***

**MOVED: Crs R Gersch/R Lowe**

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

- 14.1 *Contract No 2018-19/01 - Tender for Construction of Nhill Skate Park***
- 14.2 *Change in Contract Award – 2017-2018/11 - Restoration of Flood Affected Roads - Package 1 Revised***
- 14.3 *Business Assistance Grants 2018/19 Round 1***

**CARRIED**

Council resumed in open session at 3:30pm.

<b>15. MEETING CLOSE</b>
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***MOVED: Crs D Colbert***

***That Council remains a member of the Rail Freight Alliance.***

***MOTION LAPSED (no seconder)***

The CEO agreed that officers would present a report to a future Council meeting regarding the Rail Freight Alliance membership.

There being no further business, Cr R Ismay declared the meeting closed at 3:46pm.

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