



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL  
HELD 19 SEPTEMBER 2018 AT THE COUNCIL CHAMBER, 92 NELSON STREET,  
NHILL 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. Activity Reports**

**8. Correspondence**

**9. Assembly of Councillors**

9.1 Record of Assembly

**10. Planning Permit Reports**

10.1 Application for Planning Permit 1596 – 2018 – 59 Lloyd Street Dimboola

10.2 Application for Amendment to Planning Permit 1365 – 2012 – 760 Gerang  
Glenlee Road

**11. Reports Requiring a Decision**

- 11.1 State Emergency Services Lease
- 11.2 Rainbow Desert Enduro
- 11.3 Financial Statements and Performance Statement for the Year ending 30 June 2018

**12. Special Committees**

- 12.1 Rainbow Town Committee

**13. Late Reports**

No report

**14. Other Business**

No report

**15. Confidential Matters**

- 15.1 Community Action Grants 2018/19
- 15.2 Contract Award - Management and Operation of Council owned Swimming Pool Facilities

**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 Sarah Dickinson (Acting Executive Assistant), Ms Janette Fritsch (Manager Strategic Assets and Planning) (items 1-11.1), Mr Wayne Schulze (Manager Operations) (items 1 – 15.2), Ms Janelle Reichelt (Manager Finance and Customer Service (items 11.2 – 11.3)

**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.

**2. APOLOGIES**

Cr T Schneider (leave of absence)

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

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

**CARRIED**

**3. CONFIRMATION OF MINUTES**

***RECOMMENDATION:***

***That the Minutes of the Ordinary Council Meeting held on Wednesday 5 September 2018 at the Health and Fitness Centre, Dimboola as circulated to Councillors be taken as read and confirmed.***

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

***That the Minutes of the Ordinary Council Meeting held on Wednesday 5 September 2018 at the Health and Fitness Centre, Dimboola 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 D Colbert declared an indirect interest because of conflicting duties in item 15.1 Community Action Grants.

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**5. PUBLIC QUESTION TIME**

Mr James Barry indicated he was present to answer any questions regarding his planning permit application, item 11.2.

Ms Wendy Bywaters requested that her thanks be conveyed to staff responsible for the recently laid bark over the gardens at the eastern end of Nhill, as it has made a dramatic improvement to the aesthetics of Nhill. Mr Power thanked Ms Bywaters for her comments and said he would pass her thanks onto the staff involved in the works.

Ms Marlene Dahlenburg requested to know the process and reasoning behind not advertising the planning permit in item 11.2. Mr Wood answered that certain criteria will trigger a permit to be advertised, and in this instance, he used his discretion not to advertise as he was satisfied *“that the grant of the permit would not cause material detriment to any person”* as required by Section 52 of the Planning and Environment Act 1987. The reasons for this decision included consent from neighbours and that the application was a variation to the existing use.

**6. DEPUTATIONS**

No deputations

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**7. ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: AUGUST 2018**

**Cr ISMAY, Mayor**

Attended:

01/08/2018 Mayor/CEO meeting, Nhill  
01/08/2018 Briefing meeting, Nhill  
01/08/2018 Council meeting Nhill  
01/08/2018 Vorra off-road race meeting  
01/08/2018 Off-road race working bee  
05/08/2018 HPV expo Dimboola  
10/08/2018 Off-road race scrutineering and welcome  
11/08/2018 Rainbow Desert Enduro day one  
12/08/2018 Rainbow Desert Enduro day two  
13/08/2018 Jeparit Town Committee meeting  
15/08/2018 Mayor/CEO meeting, Nhill  
15/08/2018 Briefing meeting, Nhill  
15/08/2018 Council meeting, Nhill  
21/08/2018 Wimmera Mallee Tourism meeting, Woomelang  
27/08/2018 Rainbow Town Committee meeting

**Cr LOWE, DEPUTY MAYOR**

Attended:

01/08/2018 Council Briefing and Council Meeting, Nhill  
11/08/2018 Rainbow Desert Enduro, Bird cage area and other locations  
15/08/2018 Council Briefing and Council Meeting, Nhill  
24/08/2018 Karen Book Launch, Lutheran School, Nhill  
28/08/2018 Wimmera Mallee Pioneer Museum Meeting, Jeparit

**Cr GERSCH**

Attended:

01/08/2018 Council meeting  
02/08/2018 Farewell function for MAV CEO Rob Spence  
04/08/2018 Announcement by Emma Kealy for Nhill clubrooms  
06/08/2018 Radio interview ABC re Rural future  
10/08/2018 Rural Councils Victoria board meeting  
15/08/2018 Council meeting  
23/08/2018 Cocktail Evening at Parliament House re Regional Cities  
24/08/2018 Regional Cities forum  
26/08/2018 Meeting with Little Desert management  
29/08/2018 Funeral for Bill Magrath  
31/08/2018 Presentation of 35 years acknowledgement as a JP

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

*That Council writes to retired MAV CEO Rob Spence, thanking him for his 25 years of service to local government, and in particular his support to Hindmarsh Shire Council during this time.*

**CARRIED**

**Cr COLBERT**

Attended:

01/08/2018 Council Briefing and Council Meeting, Nhill  
15/08/2018 Council Briefing and Council Meeting, Nhill

**Cr NELSON**

Attended:

01/08/2018 Briefing meeting, Nhill  
01/08/2018 Council meeting, Nhill  
05/08/2018 HPV event, Dimboola  
06/08/2018 Wimmera Business Awards judges meeting, Horsham  
12/08/2018 Allambi 50<sup>th</sup> Year Celebrations, Dimboola  
14/08/2018 Wimmera Southern Mallee LLEN Finance meeting, Horsham  
14/08/2018 Wimmera Development Association meeting, Horsham  
15/08/2018 Briefing meeting, Nhill  
15/08/2018 Council meeting, Nhill  
15/08/2018 Dimboola Through My Eyes Exhibition, Dimboola  
23/08/2018 Wimmera Business Awards judging  
24/08/2018 Dual Language Book Launch, Nhill  
27/08/2018 Wimmera Business Awards judging  
28/08/2018 Wimmera Business Awards judging  
29/08/2018 Wimmera Business Awards judges meeting, Horsham  
31/08/2018 Community Action Network meeting, Dimboola

**Cr SCHNEIDER**

Leave of absence for August

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**SENIOR MANAGEMENT ACTIVITIES: AUGUST 2018**

**GREG WOOD, Chief Executive Officer:**

Attended:

01/08/2018 Mayor/CEO meeting, Nhill  
01/08/2018 Briefing meeting, Nhill  
01/08/2018 Council meeting Nhill  
01/08/2018 Watoto Signs and Wonders Concert, Nhill  
02/08/2018 Rob Spence Farewell, Melbourne  
05/08/2018 Human Powered Vehicle (HPV) Expo, Dimboola  
09/08/2018 Wimmera Regional CEO Meeting, Horsham  
10/08/2018 Antwerp Woorak Road inspection  
10/08/2018 Rainbow Desert Enduro Scrutineering  
11/08/2018 Rainbow Desert Enduro  
12/08/2018 Rainbow Desert Enduro  
14/08/2018 Meeting with Uniting Wimmera, Nhill  
14/08/2018 WDA Meeting, Horsham  
15/08/2018 Mayor/CEO Meeting, Nhill  
15/08/2018 Council briefing and meeting, Nhill  
16/08/2018 MAV Rural and Regional Forum, Melbourne  
16/08/2018 LGPro CEO Forum, Melbourne  
22/08/2018 Wimmera Regional Library review, Nhill  
23/08/2018 Early Years Trial meeting, Nhill  
23/08/2018 Rural Councils Transformation Program, Horsham  
24/08/2018 Nhill Lutheran School Karen Book Launch, Nhill  
25/08/2018 "Prevention is Better than Cure" Project Launch, Nhill  
27/08/2018 Victorian Grants Commission, Warracknabeal  
27/08/2018 Rural Councils Transformation fund CEO Meeting, Warracknabeal  
28/08/2018 Municipal Liaison Meeting – VicRoads and Transport for Victoria, Nhill  
30/08/2018 Local Government CEO Speakers Forum with David Wolf, Chief  
Municipal Inspector, Melbourne

**SHANE POWER, Director Infrastructure Services:**

Attended:

1-7/08/2018 Leave  
13/08/2018 Capital Works Group, Nhill  
14/08/2018 Senior Management Team meeting, Nhill  
15/08/2018 Council Briefing, Nhill  
15/08/2018 Council Meeting, Nhill  
16/08/2018 Wimmera Emergency Management Resource Sharing Program  
Steering Group, Dimboola  
20/08/2018 Nhill Township Committee, Nhill  
21/08/2018 Senior Management Team meeting, Nhill  
23/08/2018 Meeting with Telstra, Nhill  
27/08/2018 DELWP Listening Tour, Nhill



28/08/2018	Senior Management Team meeting, Nhill
28/08/2018	Municipal Liaison Meeting with VicRoads and Transport for Victoria, Nhill
28/08/2018	Environmental Water Management Forum, Horsham
31/08/2018	Seasonal Conditions Outlook, Horsham

**MONICA REVELL, Director Corporate and Community Services:**

Attended:

01/08/2018	Council Briefing
01/08/2018	Council Meeting
03/08/2018	Profile ID workshop
05/08/2018	Human Powered Vehicle (HPV) Expo, Dimboola
08/08/2018	Corporate & Community Services Rainbow / Jeparit Tour
09/08/2018	Emergency Management Working Group Meeting
13/08/2018	MAV Workshop – Developing a decision making framework
14/08/2018	Meeting with Uniting Wimmera
15/08/2018	Council Briefing
15/08/2018	Council Meeting
16/08/2018	Wimmera Emergency Management Resource Sharing Steering Group Meeting
17/08/2018	Wimmera Regional Library Corporation Board Meeting
21/08/2018	Rainbow / Jeparit HACC staff meeting
22/08/2018	Wimmera Libraries Review consultation Meeting
23/08/2018	Dimboola HACC staff meeting
23/08/2018	Rural Councils Transformation Program Meeting
27/08/2018	Victorian Grants Commission Regional Information session
29/08/2018	Early Years information session – Dimboola
30/08/2018	Wimmera Regional Library Corporation – various meetings

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**8. CORRESPONDENCE**

**8.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council:

- ) Tony Clark
  - o *Letter to Council regarding truck access on the Nhill-Rainbow Road*
- ) Hindmarsh Shire Council
  - o *Response to Tony Clark regarding truck access on the Nhill-Rainbow Road*
- ) Tony Clark
  - o *Response to Hindmarsh Shire Council regarding truck access on the Nhill-Rainbow Road and attached petition*
- ) Rainbow P12 College (late correspondence)
  - o *Nhill-Rainbow Road*

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

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

***That Council:***

- 1. notes the attached correspondence***
- 2. Continues to advocate for funding to upgrade the Nhill-Rainbow Road***

**CARRIED**

*Attachment: 2*

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

***That the upgrading of the footpath in Lake Street, Rainbow be referred to the 2019/2020 Budget***

**CARRIED**

**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 Lowe/D Colbert***

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

**CARRIED**

*Attachment: 2*

**10. PLANNING PERMITS**

**10.1 APPLICATION FOR PLANNING PERMIT 1596-2018 – 59 LLOYD ST  
DIMBOOLA – BUILDINGS AND WORKS TO DWELLING IN HERITAGE  
OVERLAY**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 24700  
**Applicant:** Robin Barber  
**Owner:** Victoria Police c/- Minister for Finance  
**Subject Land:** CA12A Sec 9 Tsh Dimboola Psh Dimboola  
**Proposal:** Buildings and works – alterations to existing dwelling  
**Zoning & Overlays:** Public Park & Recreation Zone (PPRZ);  
Environmental Significance Overlay Schedule 6 (ESO 6) –  
Catchments of Wetlands of Conservation Value;  
Heritage Overlay Schedule 34 - Dimboola Town Centre  
Heritage Precinct (HO34)

**Attachments:** Attachment 4 – Site plans & Elevations

**Summary:**

This report recommends that Council approves planning permit 1596-2018 for Buildings and Works – alterations to existing dwelling, by enclosing the garage (including removal of the garage door), and replacing with two additional bedrooms. No additional building works to increase the footprint of the existing dwelling is proposed.

**Background:**

On 31 July 2018, a planning permit for the alterations to the existing dwelling was lodged. The works are relatively minor in nature. The requirement for a planning permit is discussed within the body of this report.

**Proposal Details:**

The proposal is to alter the existing garage by enclosing the door space with a solid wall and window, and construct two additional bedrooms. The proposed building works will not increase the footprint of the existing dwelling.

**Subject site & locality:**

The subject site is known as 59 Lloyd Street Dimboola, and is currently used for a dwelling – police residence - defined under the scheme as “Dwelling”, being “*a building used as a self contained residence which must include:*

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

*It includes out-buildings and works normal to a dwelling”.*

The surrounding properties are primarily residential in nature.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

### **Public Notification**

Section 52 of the Planning and Environment Act 1987 prescribes the requirements relating to giving notice as such:

#### **s52 Notice of application**

- (1) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- J Given the proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposal will not adversely impact upon the landscape and general amenity of the area;
- J The proposal is in keeping with the existing use of the subject land; and
- J The proposal is not considered to negatively impact on the heritage significance of the locality in general.

It is therefore determined that the proposal will not cause material detriment to any person.

### **Referrals:**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required  
Section 52 Notices: Not required

Internal Referrals:

- J Engineering: Not required, as the local road network will not be significantly impacted upon.

- ) Environmental Health: Not required.
- ) Building: A Building Permit is required, due to structural work proposed.

**Planning Assessment:**

Permit Requirement:

A planning permit is required under Clause 36.02-2 – Public Parks and Recreation Zone of the Hindmarsh Planning Scheme to:

- ) Construct a building or construct or carry out works.

Further to this, A planning permit is required under Clause 43.01-1 of the Heritage Overlay, which states:-

A permit is required to:

- ) Construct a building or construct or carry out works, including:
  - Externally alter a building by structural work, rendering, sandblasting or in any other way.

No permit is required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value.

Planning Scheme Requirements:

**Planning Policy Framework:**

- Clause 11 – Settlement
- Clause 11.01 –Victoria
- Clause 15 - Built Environment and Heritage
- Clause 15.01 – Built Environment
- Clause 15.03 – Heritage
- Clause 16 – Housing
- Clause 16.01 – Residential Development

**Local Planning Policy Framework:**

- Clause 21 – Municipal Strategic Statement

**Zoning Provisions:**

- Clause 36.02 - Public Park and Recreation Zone

**Overlay Provisions:**

- Clause 42.01 - Schedule 6 to the Environmental Significance Overlay Catchments of Wetlands of Conservation Value;
- Clause 43.01 - Heritage Overlay Schedule 34 - Dimboola Town Centre Heritage Precinct

**Particular Provisions:**

None applicable.

**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.

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

**Discussion:**

The application has been assessed against the 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.

**Decision Guidelines:**

Clause 36.02-5 of the Public Parks and Recreation Zone - Decision guidelines states that before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- ) The Municipal Planning Strategy and the Planning Policy Framework.
- ) The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- ) Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Planning Response:

The proposed location of the building and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal does not increase the overall footprint of the building.

Clause 43.01-8 of the Heritage Overlay - Decision guidelines – states:

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

- ) The Municipal Planning Strategy and the Planning Policy Framework.
- ) The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- ) Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- ) Any applicable heritage design guideline specified in the schedule to this overlay.
- ) Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- ) Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- ) Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- ) Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- ) Whether the proposed subdivision will adversely affect the significance of the heritage place.
- ) Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- ) Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.



- J) Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

**Planning Response:**

The proposed location of the building and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal will not adversely impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The site itself does not exhibit any significant heritage characteristics, and is a single storey brick façade dwelling of 70's to 80's style of construction, and the works proposed are not considered to have any impact upon the heritage significance of the Dimboola Town Centre streetscape.

**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 31 July 2018. The report is being presented to Council for approval at its meeting on 19 September 2018 (51 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

**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 issues a planning permit for buildings and works – alterations to existing dwelling, on CA 12A Tsh Dimboola (59 Lloyd St Dimboola) 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.***

**Amenity**

- 2. The construction of the alterations to the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
  - (a) Transport of materials, goods or commodities to or from the land;***
  - (b) Appearance of any buildings, works or materials;***
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (d) Presence of vermin; or***
  - (e) In any other way.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

**Permit Lapse/Extension**

- 5. The development approved by this permit will expire if one of the following circumstances applies:***
  - (a) Construction is not commenced within two years of the date of this permit.***
  - (b) Construction is not completed within four years of the date of this permit.***

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

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

**Notes:**

- (1) ***This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.***
- (2) ***A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.***

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

***That Council issues a planning permit for buildings and works – alterations to existing dwelling, on CA 12A Tsh Dimboola (59 Lloyd St Dimboola) 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.***

**Amenity**

2. ***The construction of the alterations to the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
  - (a) ***Transport of materials, goods or commodities to or from the land;***
  - (b) ***Appearance of any buildings, works or materials;***
  - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (d) ***Presence of vermin; or***
  - (e) ***In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

**Permit Lapse/Extension**

5. ***The development approved by this permit will expire if one of the following circumstances applies:***
  - (a) ***Construction is not commenced within two years of the date of this permit.***
  - (b) ***Construction is not completed within four years of the date of this permit.***

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

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

**Notes:**

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.***
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.***

**CARRIED**

**Attachment: 4**

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**10.2 APPLICATION FOR AMENDED PLANNING PERMIT 1365-2012 – 760  
GERANG-GLENLEE RD, GERANG GERUNG**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	71860
<b>Applicant:</b>	Angus McGuckian – Journeyman Planning
<b>Owner:</b>	James & Kylie Barry
<b>Subject Land:</b>	Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung
<b>Proposal:</b>	Use and development of land (including buildings and works) – Intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of growing ducks from 60,000 to 88,000.
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ); Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value; Bushfire Management Overlay (BMO)
<b>Attachments:</b>	Attachment 5 – Site plan overview and Elevations

**Summary:**

This report recommends that Council approve an amendment to planning permit 1365-2012 for the Use and Development of Land (Including Buildings and Works) – Intensive Animal Husbandry – to permit the construction of two additional duck breeding sheds and an extension of two existing duck sheds in order to expand current operations from 60,000 ‘growing ducks’ to 88,000 ‘growing ducks’, at 760 Gerang-Glenlee Rd Gerang Gerung.

In the applicant’s submission, it states that:

*“The subject farm has already been established and is operating on the subject site under planning permit 1365-12. This amendment to the permit only seeks to expand the existing use, increasing the duck numbers from 60,000 to 88,000 ducks, add two additional sheds and expand the existing sheds to match. This is not proposing a new use that requires a full reassessment of the operations on the site, rather it is a logical expansion of the existing farm. The additional 22,000 ducks can be accommodated on the site without any environmental or amenity impacts on adjoining land uses.*

*It should also be noted that the planning permit had already granted approval for a total of 4 sheds on the site, however this approval has expired due to inarticulate wording in the permit. This amendment largely seeks to correct some issues with the current permit, seek re-approval for the sheds and approval to increase the number of ducks permitted under the permit”.*

**Background:**

On 6 December 2012, a planning permit for the construction of four duck sheds to house up to 60,000 growing ducks was approved, subject to conditions. Condition 16 of this permit – ‘Permit Lapse / Extension’ states:-

*“The time for commencement of the use and development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time of the development may be issued if application is made less than three months after the date on which the permit would have lapsed”.*

**Comment:**

The use and development of the land for the intended purpose, inclusive of the construction of the two existing sheds commenced before the actual expiry of the permit on the 6 December 2016. Therefore, Permit 1365-2012 is deemed current.

This permit application was initially to construct four additional sheds (total six), however, at the applicant’s request, the application has been amended to reduce the total number of sheds to four, in order to expedite the process. The applicant intends to apply for the two additional sheds in a future amendment application.

The applicant has applied for the following amendments to permit 1365-2012:

- J Update the permit preamble to read “Use and development of duck farm (intensive animal husbandry)”.
- J Correct the legal description of the land from CA 42, Parish of Banu Bonyit to Lot 1 on Plan of Subdivision 703792T.
- J Amend condition 10 of the permit to increase the number of ducks to 88,000. It is also requested that Council amend the wording of this condition to include a secondary consent mechanism to increase the number of ducks and add the wording “without the further written consent of the Responsible Authority”.
- J Remove the reference in the permit description to 60,000 ducks. This duplicates unnecessarily the function of Condition 10 and if retained would necessitate a separate s.72 application to change what the permit allows should the capacity of the farm be sought to be increased. This would work against the insertion of the secondary consent into the condition.
- J Seek to amend and substitute new plans under the permit to:
  - Show the current as built form of the two sheds already constructed on site to effectively re-orientate them to run east-west as opposed to the currently permitted north-south alignment;
  - Construction of extensions to the eastern end of the two existing sheds on site;
  - Reflect the re-approval of the two additional sheds and silos originally permitted under planning permit 1365-12, to show them located to the north of the existing shed and in the amended east-west alignment;

J) That Council review the wording of Condition 16 of the permit with a view to substituting it with improved and updated wording. The following is suggested:

*This permit will expire if one of the following circumstances applies:*

- *the development and use is not commenced within two (2) years from the date of issue of this permit,*
- *the development is not completed within four (4) years from the date of this permit,*
- *the permitted use is discontinued for a period of two years.*

*The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.*

J) Extend the time of the permit pursuant to Section 69 of the Act, as it relates to the permitted building and works, to 6 December 2020. This is on the basis that the original permit should have permitted 4 years (minimum) to complete the works, extending the date to 6 December 2016.

The applicant is requesting that this be extended an additional 4 years to enable the construction of the two sheds subject of this application and to allow sufficient time for a further amendment application for sheds 5 and 6.

**Proposal Details:**

The proposal is to amend the existing planning permit to construct two additional duck sheds, 195 metres in length, x 4.8 metres in height (to the ridgeline), x 15.4 metres in width, extend the two existing duck sheds and to increase the number of ducks from the permitted 60,000 to 88,000.

**Subject Site & Locality:**

The subject site is known as 760 Gerang-Glenlee Rd, Gerang Gerung and is currently used for the purposes of 'intensive animal husbandry' – defined under the scheme as

*“Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures. It does not include:*

- a) an abattoir or sale yard;*
- b) emergency and supplementary feeding if incidental to the use of land for extensive animal husbandry; or*
- c) the penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of land for extensive animal husbandry”.*

The property (and surrounds) has been extensively cleared with remaining patches of established vegetation. The site is located approximately 6 km to the north east of the Nhill Post Office. There is a dwelling located approximately 2.5 km to the south and another dwelling located approximately 1.3km to the north.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

### **Public Notification**

Section 52 of the Planning and Environment Act 1987 prescribes the requirements relating to giving notice as such:

#### ***s52 Notice of application***

- (2) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
- (b) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- J The applicant has provided letters of support for the proposal from all adjoining neighbours.
- J The proposal seeks to expand on the existing use of the subject land;
- J The proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposal will not adversely impact upon the landscape and general amenity of the area; and
- J The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

### **Referrals:**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- J Engineering: Not required, as the local road network will not be significantly impacted upon.
- J Environmental Health: Not required.
- J Building: A Building Permit is required, due to structural work proposed.

### **Planning Assessment:**

Permit Requirement:



A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme as the proposed sheds, extensions and associated works are associated with a use in Section 2 of the zone, being Intensive Animal Husbandry.

Planning Scheme Requirements:

**Planning Policy Framework**

Clause 11 – Settlement  
Clause 11.01 –Victoria  
Clause 12 – Environmental and Landscape Values  
Clause 13.02 - Bushfire  
Clause 13.07 - Amenity  
Clause 14.01- Agriculture  
Clause 17 - Economic Development  
Clause 22.02 - Fire Protection

**Local Planning Policy Framework**

Clause 21 – Municipal Strategic Statement

**Zoning Provisions**

Clause 35.07 Farming Zone

**Overlay Provisions**

Clause 42.01 - Environmental Significance Overlay – Schedule 6 – Catchments of Wetlands of Conservation Value (ESO 6)  
Clause 44.06 – Bushfire Management Overlay

**Particular Provisions:**

None applicable.

**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:

- J The matters set out in Section 60 of the Act.
- J The State Planning Policy Framework and the Local Planning Policy
- J Framework, including the Municipal Strategic Statement and local planning policies.

- J The purpose of the zone, overlay or other provision.
- J Any matter required to be considered in the zone, overlay or other provision.
- J The orderly planning of the area.
- J The effect on the amenity of the area.
- J The proximity of the land to any public land.
- J Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- J Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- J The extent and character of native vegetation and the likelihood of its destruction.
- J Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- J 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.
- J The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 the Responsible Authority must consider, as appropriate (as outlined in detail within the Planning Scheme):

**Decision Guidelines**

**General Issues:**

- J The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- J Any Regional Catchment Strategy and associated plan applying to the land.
- J The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- J How the use or development relates to sustainable land management.
- J Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- J How the use and development makes use of existing infrastructure and services.

Planning response:

The proposed building and works is considered to meet the applicable decision guidelines as outlined above.

**Agricultural issues and the impacts from non-agricultural uses:**

- ) Whether the use or development will support and enhance agricultural production.
- ) Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- ) The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- ) The capacity of the site to sustain the agricultural use. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- ) Any integrated land management plan prepared for the site.

Planning response:

The proposal is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be prepared for the site. The proposal provides for the expansion and efficient continued operation of the existing Luv-a-Duck enterprise.

**Environmental issues:**

- ) The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- ) The impact of the use or development on the flora and fauna on the site and its surrounds.
- ) The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- ) The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Planning Response:

The proposed building and works is considered to:

- ) Not negatively impact on the natural physical features and resources of the area.
- ) Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- ) Not negatively impact upon biodiversity of the area, inclusive of the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- ) The proposed buildings and works does not include any additional on-site septic facilities.

### **Design and siting issues**

- J The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- J The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- J The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- J The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- J Whether the use and development will require traffic management measures.

#### Planning Response:

The proposed location of the building and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal will not adversely impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The applicable location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities supports the proposed buildings and works.

Further to the above planning assessment, the applicant's submission states:

*"It is noted that at a state level the use of the subject site for intensive agriculture, including animal husbandry, is strongly supported by planning policy. The subject use is an appropriate and encouraged use within the Farming Zone and one that enjoys policy support in that it is well located and will not impact on adjoining uses. This support is continued at the local planning policy level with policy seeking to maintain a viable and sustainable agricultural industry with strategies focusing on promoting and supporting the traditional rural industries such as cropping, livestock and wool production. It is specifically noted that the scheme at 21.03-3 Agriculture, specifically states that planning is to promote the continual expansion of the poultry industry such as Luv-a-Duck Pty. Ltd. The subject farm is one of the main growing farms associated with Luv-a-Duck.*

*The site is located in the Farming Zone under Clause 35.07 of the Hindmarsh Shire Planning Scheme.*

*It is noted that the decision guidelines in the zone require consideration of agricultural issues, namely whether the use or development will support and enhance agricultural production, whether it would limit the operation and expansion of adjoining and nearby agricultural uses and if the site is of a capacity to sustain the agricultural use. The subject site is a very large 101.3 ha property that is surrounded by large farming zoned properties of similar size and there are no sensitive uses nearby. The nearest dwellings are located over 1.2km from the existing and proposed shed and will not be affected by the expansion.*

*With respect to design and siting issues, the zone requires consideration of the need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land and consider the impact of the siting, design, height, bulk, colours and materials to be used on the surrounding landscape and vistas. The existing sheds along with the proposed sheds are located at the south west corner of the subject site, maintaining the remaining land on the site to be used for productive agricultural purposes. Further the sheds take advantage of the vegetative screening along Gerang-Glenlee Road and the topography of the site, being set back of the road and down the hill. This makes the sheds difficult to see in the surrounding environment and in particular from Maringa Road and Gerang-Glenlee Road.*

*It is submitted that the proposed amendments to the permit to increase the number of ducks on the site and to construct the two additional sheds are wholly consistent with the purpose of the zone, namely to provide for the use of land for agriculture. The proposed amendment is considered acceptable under the zoning for the following reasons:*

- ) The site of the farm is well separated from dwellings to the extent that any potential amenity impacts are mitigated. It is noted that letters of consent have been provided already to Council from surrounding neighbours indicating their support of the expansion. It is for this reason that it is submitted that the application does not warrant notification pursuant to Section 52 of the Act.*
- ) The site is sufficiently large to accommodate and manage any increase in stormwater runoff due to the increased roof area.*
- ) The materials of the shed are consistent with the existing approved sheds, consistent with this type of structure found in the area and suitable to the landscape context.*
- ) There is no additional environmental load or impact as a result of the expansion of the number from 60,000 to 88,000 ducks with no need for any waste treatment and no waterways within proximity for nutrient run off to be an issue. It is noted that the permit currently requires the farm to be run on the dry shed system.*
- ) There is an existing dwelling and farm infrastructure on the site to support the duck farm use and there is no additional upgrading required.*

### Overlays

*It is noted that the subject site is affected by the Environmental Significance Overlay (ESO) and also the Bushfire Management Overlay (BMO), however the buildings and works proposed under this amendment lie outside of both overlays.*

*The application does not propose the removal of any native vegetation, the development is outside of the ESO and as such a planning permit is not required under the ESO. Similarly, the development is outside the BMO area shown and are for building and works not associated with any of the uses listed under the BMO. As such a permit is not required under the BMO. The ESO and the BMO therefore are not relevant to the consideration of the application”.*

### **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 29 August 2018. The report is being presented to Council for approval at its meeting on 19 September 2018 (22 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

### **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 amendment to planning permit 1365-2012 for the use and development of land (including buildings and works) – intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of permitted growing ducks from 60,000 to 88,000 on Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung, subject to the following conditions:***

**1. Amended Plans:**

***Prior to the commencement of buildings and works authorised under this amended permit, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, include a north point, and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***

- (a) The current 'as built' form of the two existing sheds already constructed on site as they exist on the land;***
  - (b) Construction of extensions to the eastern end of the two existing sheds on site; and***
  - (c) The two additional sheds and silos proposed, and to show them located to the north of the existing sheds and in the amended east-west alignment.***
- 2. Soil erosion and the resultant contamination of runoff from the site during and post construction must be minimized to ensure the water quality of nearby wetlands and watercourses is maintained. The Authority recommends that the guidelines documented in EPA Publication 275 — Construction Techniques for Sediment Pollution Control are followed.**
- 3. Duck litter, including solid waste made-up of wood shavings and duck manure must not be applied to wetlands of conservation value identified in the Hindmarsh Planning Scheme ESO 5 — Wetlands of Conservation Value.**
- 4. Any fencing on the allotment must not act as a barrier that would redirect surface water flow or impact on the movement of runoff to downstream wetlands.**
- 5. Earthworks must not alter the direction of natural drainage patterns leading to neighbouring wetlands and waterways.**
- 6. The waste management plan submitted as part of the application must be maintained and implemented for the site. No wastewater, shall be discharged to the land or water environments from operations on the premises.**

7. ***The detailed waste management plan, when approved, will be endorsed and form part of the planning permit.***
8. ***Any clearing or construction activity associated with the development on the subject land should be carried out in accordance with EPA Publication No 275, "Construction Techniques for Sediment Pollution control."***
9. ***Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the site.***
10. ***The development is limited to 88,000 birds. Written consent of the Responsible Authority is required for any future proposed increase in duck numbers.***
11. ***No duck carcasses are permitted to be disposed of on the property.***
12. ***All duck breeder sheds constructed on the property must be a 'dry shed' system.***
13. ***That the buffer distance to the nearest offsite residence from the poultry sheds be at least 500 metres, as recommended in the EPA Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".***
14. ***That all pest, plant and animal infestations are actively controlled to the satisfaction of the Responsible Authority.***
15. ***Permit Lapse/Extension***

***This amended permit will expire if one of the following circumstances applies:***

- ) the development and use is not commenced within two (2) years from the date of issue of this amended permit,***
- ) the development is not completed within four (4) years from the date of this amended permit,***
- ) the permitted use is discontinued for a period of two years.***

***The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.***

**Notes:**

- (1) *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.***



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

Council noted that the report incorrectly stated that the site is located approximately 6 km to the north east of the Nhill Post Office, when it is actually approximately 26 km from the post office.

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

**That Council approves an amendment to planning permit 1365-2012 for the use and development of land (including buildings and works) – intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of permitted growing ducks from 60,000 to 88,000 on Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung, subject to the following conditions:**

**1. Amended Plans:**

**Prior to the commencement of buildings and works authorised under this amended permit, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, include a north point, and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**

- (a) The current 'as built' form of the two existing sheds already constructed on site as they exist on the land;**
- (b) Construction of extensions to the eastern end of the two existing sheds on site; and**
- (c) The two additional sheds and silos proposed, and to show them located to the north of the existing sheds and in the amended east-west alignment.**

**2. Soil erosion and the resultant contamination of runoff from the site during and post construction must be minimized to ensure the water quality of nearby wetlands and watercourses is maintained. The Authority recommends that the guidelines documented in EPA Publication 275 — Construction Techniques for Sediment Pollution Control are followed.**

**3. Duck litter, including solid waste made-up of wood shavings and duck manure must not be applied to wetlands of conservation value identified in the Hindmarsh Planning Scheme ESO 5 — Wetlands of Conservation Value.**

**4. Any fencing on the allotment must not act as a barrier that would redirect surface water flow or impact on the movement of runoff to downstream**

**wetlands.**

- 5. Earthworks must not alter the direction of natural drainage patterns leading to neighbouring wetlands and waterways.**
- 6. The waste management plan submitted as part of the application must be maintained and implemented for the site. No wastewater, shall be discharged to the land or water environments from operations on the premises.**
- 7. The detailed waste management plan, when approved, will be endorsed and form part of the planning permit.**
- 8. Any clearing or construction activity associated with the development on the subject land should be carried out in accordance with EPA Publication No 275, "Construction Techniques for Sediment Pollution control."**
- 9. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the site.**
- 10. The development is limited to 88,000 birds. Written consent of the Responsible Authority is required for any future proposed increase in duck numbers.**
- 11. No duck carcasses are permitted to be disposed of on the property.**
- 12. All duck breeder sheds constructed on the property must be a 'dry shed' system.**
- 13. That the buffer distance to the nearest offsite residence from the poultry sheds be at least 500 metres, as recommended in the EPA Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".**
- 14. That all pest, plant and animal infestations are actively controlled to the satisfaction of the Responsible Authority.**
- 15. Permit Lapse/Extension**

**This amended permit will expire if one of the following circumstances applies:**

- ) the development and use is not commenced within two (2) years from the date of issue of this amended permit,**
- ) the development is not completed within four (4) years from the date of this amended permit,**
- ) the permitted use is discontinued for a period of two years.**

***The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.***

**Notes:**

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.\***
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.***

**CARRIED**

*Attachments: 5*

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**11. REPORTS REQUIRING A DECISION**

**11.1 STATE EMERGENCY SERVICE, NHILL LEASE**

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

**Introduction:**

This report seeks to notify Council of the lease arrangements with the Nhill State Emergency Service (SES) over Council land 94 Nelson Street, Nhill.

**Discussion:**

Council entered into a lease with Nhill SES on 1 July 2016 for a term of 9 years for the site located at 94 Nelson Street Nhill, but following the construction of a large shed, new lease arrangements are required.

Particulars of the new lease terms are consistent with the previous lease dated 1 July 2016, being for a period of 9 years commencing in late 2018 and concluding in late 2027, and annual rent of \$1.00 per annum plus GST.

Under the lease agreement Nhill SES are responsible for general maintenance, cleaning, furnishings and equipment, fixtures and fittings, insurance, signage and general plumbing requirements.

Section 191(1)(c) of the *Local Government Act 1989* provides that a Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to any public body. It is in the best interest of Council and the SES to update the lease agreement, negotiations between Council staff and the State Emergency Services in relation to the lease are currently being finalised.

**Options:**

1. Enter into lease arrangements with the State Emergency Services for a period of 9 years for the Nhill SES.

**Link to Council Plan:**

- Strategic Objective 1.1.4: Support and celebrate volunteering and work collaboratively with volunteer groups.
- Strategic Objective 4.5: Support for the community in the areas of emergency preparedness, response and recovery.
- 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 are responsible for major building repairs which will be included in annual budgets when required.

**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 enters into a lease with Nhill SES for the term of 9 years;**
- ) **annual rental be \$1.00 per annum plus GST, and that all outgoings including utility costs, building insurance, Fire Services Levy, and public liability insurance, contents insurance and building insurance be payable by the Tenant.**

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

**That:**

- ) **Council enters into a lease with Nhill SES for the term of 9 years;**
- ) **annual rental be \$1.00 per annum plus GST, and that all outgoings including utility costs, building insurance, Fire Services Levy, and public liability insurance, contents insurance and building insurance be payable by the Tenant.**

**CARRIED**

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## 11.2 RAINBOW DESERT ENDURO

**Responsible Officer:** Monica Revell, Director Corporate & Community Services

### **Introduction:**

This report is intended to provide Council with a summary of the second edition of the Rainbow Desert Enduro, the final round of the BF Goodrich CAMS Australian Off Road Championship.

### **Discussion:**

#### *The Event*

The Rainbow Desert Enduro was held over the weekend of 10 to 12 August 2018 which again provided a mix of weather conditions.

Hosting the final round of the BF Goodrich CAMS Australian Off Road Championship for the second year, the Rainbow Desert Enduro attracted entries from all mainland states and the Northern Territory. Though the numbers were down approximately 25% on last year Australia's top off road competitors were present, headlined by 8 times Australian Champions Shannon and Ian Rentsch in Pro Buggy and last year's Rainbow Desert Enduro winner Greg Gartner and Jamie Jennings in 2WD Extreme.

Milder weather greeted competitors on the Friday afternoon and evening for entry confirmation and race vehicle scrutineering ahead of the weekend's competitive activities. This took place in the main street of Rainbow which was closed to regular traffic, providing a great opportunity for race fans and locals to inspect the racing machines up close and chat with the drivers and navigators about their goals for the weekend.

Race qualifying took place on a shorter Prologue circuit to establish the running order for Saturday afternoon's two laps of the gruelling 75km course ahead of a further 5 laps on Sunday. Intermittent moisture (an emerging theme for the weekend) created slippery conditions for qualifying on the shorter prologue stage however Shannon Rentsch emerged fastest despite the traction advantage held by the smaller four wheel drive Side by Side (SXS) class vehicles.

The main race, 7 laps of the gruelling 75km course commenced on Saturday afternoon with 2 laps completed ahead of a long Sunday of competition where competitors raced for a further 5 laps to see who would be crowned the Rainbow Desert Enduro and Australian Off Road Champion for 2018. At the end of more than 500km of racing (the longest round of the Championship) the Rentsch family entry from Warrnambool took both crowns, winning the Enduro ahead of Western Australia's Beau Robinson and Australian Off Road Racing legend Mark Burrows of Victoria.

The event again received an outstanding report from the Confederation of Australian Motor Sports (CAMS) with only a few minor issues to be sorted ahead of next year's event.

#### *Areas of concern*

The GrainCorp pit area again suffered from the rain over the weekend, great for the farmers, but less so for competitors needing to work on their cars (in some places ankle deep mud).

Better communication between the army of local volunteers and the Victorian Off Road Racing Association (VORRA) is also required so that other minor issues are eliminated. This particular issue is currently being addressed.

Entries were lower in 2018, with several other events throughout Australia on the same date and weekends prior and after, spreading the available competitors thinly. Ensuring competitors are marking the Rainbow Desert Enduro on their calendar is a major focus (both locally and within CAMS).

#### *Community Benefit*

Small country towns don't often have the opportunity to welcome large numbers of visitors to their 'home' for the weekend, particularly when that small town is around an hour from any major highway.

Various local community and sporting groups provided catering for the event across Friday night, Saturday and Sunday, all raising significant funds for their organisations. The Rainbow Recreation Reserve raised several thousand dollars providing camping sites at the reserve and meals at the Community Pavilion on the Saturday and Sunday night.

Early feedback from the competitor survey has again highlighted the friendly and helpful local community and their efforts to make all visitors feel welcome when they arrived for the event.

#### *Community Contribution*

It is impossible to capture the exact number of volunteer hours and in-kind support that goes in to ensuring the Rainbow Desert Enduro is a successful event for both competitors and race fans each year. Support comes from across the community with the local population helping out when and where they can. This year the Enduro committee tried to measure just how much support has been provided by the local community, be it volunteering their time or providing their equipment and machinery for use before, during and after the event.

For the 2018 Rainbow Desert Enduro, the local community have contributed in excess of 1,600 volunteer hours and more than \$30,000 of equipment provision and material support. Local support via event meetings, working bees, providing tractors and operators, graders, trucks and trailers, generators, lighting towers, electrical installations and maintenance, marquees, fuel and food make the Rainbow Desert Enduro possible.

This is a fantastic local contribution which doesn't take in to account the many hours also provided by local clubs and organisations that catered for the event or the hundreds of hours committed by the Victorian Off Road Racing Association in organising the competition side of the weekend.

Whilst Council's contribution to the Rainbow Desert Enduro is significant, it is pleasing to see that the local community are making an even larger commitment to the success of this event.

#### *Economic Benefit*

Local businesses again enjoyed substantial economic benefits as a result of the Australian Off Road Championship visiting Rainbow. Competitors and their support

crews, event officials and spectators were accommodated across the Shire, ensuring Jeparit, Dimboola and Nhill also benefited from the event.

*Planning for 2019*

Meetings have already been held and plans are underway for further improvements to the event for 2019. Every competitor has been sent a short survey to provide them with an opportunity to provide feedback on the 2018 Rainbow Desert so that any areas of concern may be addressed.

**Link to Council Plan:**

Strategic Objective 3.1 A strong rural economy and thriving towns  
Strategic Objective 3.2 A thriving tourism industry

**Financial Implications:**

Council contributed \$10,000 directly towards the running of this event.

**Risk Management Implications:**

Appropriate Risk Assessments were prepared in accordance with Councils procedures and policies prior to the event.

**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 – Monica Revell, Director Corporate & Community Services

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

Author – Simon Landrigan, Community Development Coordinator

In providing this advice as the Author, I disclose an indirect interest because of conflicting duties as a member of VORRA.

**Communications Strategy:**

NA

**RECOMMENDATION:**

***That Council notes the Rainbow Desert Enduro 2018 report and writes to the organising committee congratulating them on a successful event.***

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

***That Council notes the Rainbow Desert Enduro 2018 report and writes to the organising committees congratulating them on a successful event.***

**CARRIED**

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**11.3 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR  
THE YEAR ENDING 30 JUNE 2018**

**Responsible Officer:** Director Corporate & Community Services  
**Attachment:** 6 - Annual Accounts 2017/18  
7 - Performance Statement 2017/18

**Introduction:**

The purpose of this report is to provide Council with the audited Financial Statements and Performance Statement for the year ended 30 June 2018 and for Council to adopt the statements pending no material change to the reports presented.

**Discussion:**

The Local Government Act 1989 (LGA) requires a resolution of Council to adopt the In-Principle Financial Statements and the In-Principle Performance Statement. The Act also requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, Section 131 (4) and (5) and 132 (2) and (5) of the Act.

The Financial and Performance Statements are prepared in accordance with the requirements of the LGA and the applicable accounting standards. Copies of the Statements were provided to Crowe Horwath (external auditor acting for the Victorian Auditor-General's Office). The audit of the Statements has now been completed and a few adjustments were made at the request of Council's auditors.

The draft reports will be presented to Council's Audit Committee meeting on 13 September 2018 with the recommendation being, pending no material change to the Statements, that Council:

1. Adopts the In-Principle Financial Statements for the year ended 30 June 2018.
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2018;
3. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.

At the time of preparing this report, the audit committee meeting had not been held and the closing letter from the Victorian Auditor-General's Office (VAGO) had not yet been received. Any VAGO correspondence received will be provided as a late addition to this report.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial and Performance Statements.

The 2017/18 Financial Statements show a comprehensive surplus for the year of \$131,000.

Total revenue for the financial year was \$18.19 million, a decrease of \$3.51 million from the previous financial year. The decrease is due to reduction in grants received during 2017/18.

Total expenditure for the financial year was \$17.30 million an increase of \$0.14 million from the previous financial year.

During the financial year Council spent \$4.537 million on capital works, including \$2.76 million on renewal projects, \$1.063 million on new assets and \$0.714 million on upgrade projects.

At 30 June 2018 Council held \$11.228 million cash at bank. This is due to a number of large projects not being completed during the 2017/18 financial year, including the Albacutya Bridge, Dimboola Library incorporating the civic hub, Dimboola drainage works.

**Options:**

Council must comply with its obligations under the Local Government Act 1989 by passing the resolutions required by S131 and S132. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or appoint all Councillors to certify with any two Councillors to sign. Once all certifications are received the Annual Report must be forwarded to the Minister by 30 September 2018.

**Link to Council Plan:**

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

**Financial Implications:**

There are no financial implications in this process. The statements outline financial performance for the previous year but costs for their production are part of normal operating expenditure.

**Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

**Communications Strategy:**

Following signing of the final form of the Statements, the Statements will be included in Council's Annual Report for 2016/17 as well as being available on Council's website.

**RECOMMENDATION:**

***That, pending no material changes to the Statements, Council:***

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2018; and***
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

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

***That, pending no material changes to the Statements, Council:***

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2018; and***
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

***CARRIED***

***Attachment: 6 & 7***

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**11.4 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE OF  
MANAGEMENT - ALLOCATION OF FUNDS**

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

**Introduction:**

This report seeks support from Council to approve the allocation of funds from the Wimmera Mallee Pioneer Museum (WMPM) Committee of Management to appoint a historian consultant to run training and establish procedures for collecting oral history.

In accordance to the limitations and conditions specified in the Schedule, item 6 of the Instrument of Delegation to the Wimmera Mallee Pioneer Museum Committee of Management dated 1 November 2017, the Wimmera Mallee Pioneer Museum Committee of Management seeks support from Council to enter into an agreement exceeding its limit of \$2,000.

**Discussion:**

At its meeting on 18 August 2018, the Wimmera Mallee Pioneer Museum Committee of Management unanimously agreed to proceed with the appointment of a historian consultant to run training and establish procedures for collecting oral history.

The Wimmera Mallee Pioneer Museum Committee of Management received quotations from two consultants and opted to appoint the lower of the two at a cost of \$2,500 (excluding GST).

This training and facilitation will enable members of the committee to begin collecting oral local histories. It is envisaged that these will be utilised in both audio/visual and static interpretive displays at the Museum. As such it is supported by the WMPM Masterplan and Interpretation Plan by working towards the initial capture of stories and information, the first step in developing interpretive displays.

The Wimmera Mallee Pioneer Museum Committee of Management has sufficient funds to appoint this consultant.

**Link to Council Plan:**

Strategic Objective 1.1:	An actively engaged community.
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
Strategic Objective 3.2:	A thriving tourism industry
Strategic Objective 3.2.2:	Appealing tourism facilities that promote visitation and meet visitor needs

**Financial Implications:**

The Wimmera Mallee Pioneer Museum have enough funds to cover the expenditure of \$2,500 (excluding GST).

**Risk Management Implications:**

There are no risk management implications.

**Conflict of Interest:**

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

Author: Jeff Woodward, Tourism and Economic Development Officer

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

The Wimmera Mallee Pioneer Museum Committee of Management will receive formal notification within 14 days of the Council meeting.

**Options:**

1. Council can approve the Wimmera Mallee Pioneer Museum Committee of Management request to allocate funds towards the appointment of a historian consultant.
2. Council can decline the request and suggest to the Wimmera Mallee Pioneer Museum Committee of Management to identify another project where the funds can be allocated to.

**RECOMMENDATION:**

***That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$2,500 (excluding GST) towards the appointment of a historian consultant.***

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

***That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$2,500 (excluding GST) towards the appointment of a historian consultant.***

**CARRIED**

**12. SPECIAL COMMITTEES**

**12.1 RAINBOW TOWN COMMITTEE**

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

**Attachment:** 8

**Introduction:**

The Rainbow Town Committee held its meeting on 27 August 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Rainbow Town Committee meeting held on 27 August 2018.***

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

***That Council notes the minutes of the Rainbow Town Committee meeting held on 27 August 2018.***

***MOVED***

***Attachment: 8***

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**13. LATE REPORTS**

No report

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**14. OTHER BUSINESS**

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

***That Council purchases tickets for Cr D Nelson and Cr T Schneider to attend the Tidy Towns Awards dinner to be held in Beechworth on 13 October 2018.***

**CARRIED**

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**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 Community Assistance Grants Round 1**

**15.2 Contract Award – Management and Operation of Council owned Swimming Pool Facilities**

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

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

**15.1 Community Assistance Grants Round 1**

**15.2 Contract Award – Management and Operation of Council owned Swimming Pool Facilities**

**CARRIED**



Council resumed in open session at 4:07pm.

**16. MEETING CLOSE**

There being no further business, Cr R Ismay declared the meeting closed at 4:08pm

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## ASSEMBLY OF COUNCILLORS RECORD

*Assembly of Councillors means a planned or scheduled meeting of at least 3 councillors and one member of council staff which considers matters that are intended or likely to be:*

- a) the subject of a decision of the Council; or*
- b) subject to the exercise of a function, duty of power of the council that has been delegated to a person or committee; but does not include a meeting of the Council, a special committee of the Council, a club, association, peak body, political party or other organisation.*

Requirements to be observed by an assembly of Councillors (Section 80A Local Government Act, 1989)

**Title of Meeting:** Council Briefing Session

**Date:** Wednesday 19 September 2018      **Time:** 1:00pm – 3:00pm

**Assembly Location:** 92 Nelson Street, Council Chamber, Nhill

**Present:**

Crs. Ronald Ismay (Mayor), Debra Nelson, Ronald Lowe, David Colbert, Rob Gersch

**Apologies:**

Cr Tony Schneider (leave of absence)

**In Attendance:**

Mr. Greg Wood (Chief Executive Officer), Mr Shane Power (Director Infrastructure Services) (items 2-4), Ms Monica Revell (Director of Corporate and Community Services) (items 2-4), Ms Shelley Gersch (Executive Assistant) (items 2-4), Ms Janelle Reichelt (Manager Finance and Customer Service) (item 3)

**Conflict of Interest Disclosures**

1. Direct; or
2. 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.

**Councillors:**

Nil

**Officers:**

Nil

**Matters Discussed:**

<b>No.</b>	<b>Detail</b>	<b>Presenter</b>
1.	<b>CEO Update</b>	Greg Wood
2.	<b>Nhill Learning Centre</b>	Annette Creek
3.	<b>Carry Forwards</b>	Monica Revell/Janelle Reichelt
4.	<b>Councillor Question Time</b>	Greg Wood

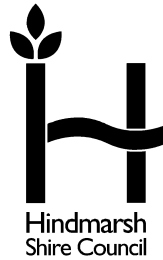
Completed by: Greg Wood

Signed:



Date: 19/09/2018

*Must be kept for four years from date of the assembly. Available for public inspection at Council Offices for 12 months after date of assembly.*



**MINUTES OF THE HINDMARSH SHIRE COUNCIL AUDIT COMMITTEE HELD IN THE NHILL COUNCIL CHAMBER, HINDMARSH SHIRE COUNCIL, NELSON STREET, NHILL ON THURSDAY 13 SEPTEMBER 2018, COMMENCING AT 3.00 P .M.**

**PRESENT:**

Mr D Welsh (Chairperson), Mr A Roberts (Committee Member), Cr D Nelson, Mr G Wood (Chief Executive Officer), Mrs M Revell (Director Corporate & Community Services), Mrs J Reichelt (Manager Finance & Customer Services), Ms H Thomson (HR, Governance & Compliance Coordinator), Mr R Ainio (External Auditor), Ms K Teasdale (Internal Auditor)

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**1. Welcome and Acknowledgement of the Indigenous Community**

Welcome and acknowledgement of the indigenous community by the Chairperson.

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

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**2. Apologies**

Cr T Schneider,

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**3. Declaration of Interests**

Committee Members to declare any known interests in relation to any item published on the agenda for this meeting, either:

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

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

**4. Confirmation of Minutes of Previous Meeting**

***MOVED NELSON / ROBERTS:***

***That the Minutes of the Audit Committee meeting held on Thursday 24 May 2018 in the Council Chamber, Hindmarsh Shire Council, Nelson Street, Nhill, as circulated to members be taken as read and confirmed.***

***CARRIED***

Refer attachment 4.1

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**5. Hindmarsh Shire Council Annual Accounts 2017/18**

**Responsible Officer:** Director Corporate & Community Services  
**Attachment Number:** 5.1 Audited Annual Accounts for the year ended 30 June 2018  
5.2 Audited Performance Statement for the year ended 30 June 2018

**Introduction:**

The purpose of this report is to provide the Audit Committee with the Annual Accounts and Performance Statement for the year ended 30 June 2018.

**Discussion:**

Council's VAGO appointed auditors, Crowe Horwath, completed the 2017/18 audit from 20 to 23 August 2018. The audited statements will be included in Council's 2017/18 Annual Report and will be provided to the minister by 30 September 2018. In accordance with Section 134 of the Local Government Act 1989, the Annual Report will be considered at Council's October meeting.

Mr Richard Ainio (Crowe Horwath) will provide a verbal report on the 2017/18 VAGO audit.

**Options:**

Council must formally prepare and submit the Annual Report for 2016/17 by 30 September 2018 pursuant to Section 134 of the Local Government Act 1989.

**Link to Council Plan:**

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

**Financial Implications:**

This decision has no financial implications.

**Risk Management Implications:**

The preparation of the quarterly statement 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 & Officer Responsible: Monica Revell, Acting Director Corporate Services

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

**MOVED ROBERTS / NELSON:**

***That the Audit Committee recommend, pending no material change to the Statements, that Council:***

- 1. Adopt the In-Principle Financial Statements for the year ended 30 June 2018.***
- 2. Adopt the In-Principle Performance Statement for the year ended 30 June 2018.***

3. ***Authorise any two Councillors to sign the Financial Statements and Performance Statement in their final form.***

***CARRIED***

Refer attachment 5.1 & 5.2

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## 6. Risk Management Report

**Responsible Officer:** Director Corporate & Community Services  
**Attachment Number:** 6.1 Risk Register List by Business Function

### **Introduction:**

The purpose of this report is to inform the Audit Committee of the current strategic risks to Council's operations, their current rating, and residual rating after treatment is applied.

### **Discussion**

The attached Risk Register List by Business Function outlines all of the risks associated with Council's business.

Whilst risk is considered an informal basis in the organisation's day-to-day tasks and projects, the Risk Register is a formal record of all identified potential risks, hazards and treatment plans across the organisation. The Register is reviewed working in consultation with management and officers to update the current records and identify any new risks to be included.

Council's HR, Governance & Compliance Coordinator and HR & Governance Officer oversee the risks and track their review and treatment/mitigation undertaken. The Risk Register will continue to be a working document, which is regularly reviewed in consultation with department officers and management.

The future focuses of the Risk Management process will be –

- Regular review of individual risks with consideration of current controls and possible improvements to further reduce the risk;
- Assessing the risk from the identified hazard – both the significance of the risk and the likelihood that the risk will occur;
- Identifying any foreseeable hazard that has the potential to cause harm or damage to persons or property within the Shire;
- Elimination of the hazard or where this is not possible minimising either the likelihood of the risk occurring, or in the event that the risk occurs, its impact;
- Provide ongoing Risk Management awareness training for all staff.

### **Link to Council Plan:**

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

### **Financial Implications:**

Nil.

### **Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

### **Conflict of Interest:**

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



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

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

***MOVED NELSON / ROBERTS:***

***That the Audit Committee receives the Risk Management update.***

***CARRIED***

Refer attachment 6.1

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**7. 2018/19 Annual Budget**

**Responsible Officer:** Director Corporate & Community Services

**Attachment Number:** 7.1 2018/19 Adopted Annual Budget

**Introduction:**

The purpose of this report is provide the Audit Committee with a copy of the 2018/19 adopted budget.

**Discussion**

Council is required under section 127 of the Local Government Act 1989 to prepare and release a draft budget for public comment. Council must ensure that the budget contains:

- (a) financial statements in the form and containing the information required by the regulations;
- (b) a description of the services and initiatives to be funded in the budget;
- (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
- (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;
  - (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
  - (db) the prescribed measures relating to those indicators;
- (e) any other information required by the regulations.

The Council must ensure that the budget also contains—

- (a) the information the Council is required to declare under section 158(1);
- (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
- (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

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

At its meeting on 23 May 2018 Council resolved to formally prepare and advertise the draft Budget for 2017/18 pursuant to Section 127 of the Local Government Act 1989 (the Act) and called for written submissions pursuant to sections 129 and 223 of the Local Government Act 1989. An advertisement was placed in the Wimmera Mail Times on Friday 25 May 2018. The preparation of the budget was promoted on Councils Facebook page and website.

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. It has been developed through a rigorous process of consultation and review with officers, senior management and Council.

### **Submissions**

At the closing of public responses on Friday 25 June 2018, Council received one budget submissions in relation to the 2018/19 Annual Budget.

The submission from a Jeparit resident suggests Council consider and invest in new initiatives aimed at specifically growing our economy across the Shire. To not only see value in trimming, pruning and removal of trees, but budget for actual planting and improvements to the amenity of our streetscapes.

The submission refers to the utility costs incurred by halls and community facilities, and suggests reducing these costs through the installation of solar panels. The submission also expresses the need for Council to budget for a family cabin at Jeparit Caravan Park, and upgrade the Edward Eyre walking track.

The submission asks that Hindmarsh Shire new be delivered through a mail drop, and look at sustainability initiatives with waste management including educational initiatives to ensure the community does all it can to ensure our waste streams are clean and managed appropriately.

The Jeparit resident who made the submission was invited to join Council and speak to their submission. Unfortunately, they were unable to attend the Council meeting.

### **Amendments**

At the conclusion of the public notice period some changes were required to be made to the draft budget document:

- Include \$50,000 upgrade works to High Street, Dimboola service lane due to the community expectations that this project would be undertaken in 2018/19. The project was listed in the 2016/17 and 2017/18 budgets to be undertaken in 2018/19.
- Reallocate the \$10,000 budget for the Nhill Aerodrome Masterplan to the Jeparit Riverbank Precinct Minor Works following budget consultation and community meetings raising the riverbank precinct near the caravan park as an important area for the Jeparit community. The cost of the Nhill Aerodrome Masterplan was fully covered from funds re-allocated by Council from the 2017/18 budget.

### **Link to Council Plan:**

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

### **Financial Implications:**

Nil.

### **Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

### **Conflict of Interest:**

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

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

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

***MOVED ROBERTS/NELSON:***

***That the Audit Committee receives the 2018/19 Adopted budget.***

***CARRIED***

Refer attachment 7.1

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**8. 2019 Audit Committee Meeting Dates**

**Responsible Officer:** Director Corporate & Community Services  
**Attachment Number:**

**Introduction:**

The purpose of this report is to set the Hindmarsh Shire Council Audit Committee meeting dates for 2019.

**Discussion:**

Council's Audit Committee Charter states that the Audit Committee shall meet at least three times in each financial year.

Over the past two years meetings have been held in March, May and September. This works well with the draft budget being presented to the May meeting, and annual financial statements and performance statement being presented to the September meeting.

**Link to Council Plan:**

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

**Financial Implications:**

This decision has no financial implications.

**Risk Management Implications:**

An effective Audit committee monitors compliance and risks, ensuring efficiency and effectiveness of Hindmarsh Shire Council's internal control systems.

**Conflict of Interest:**

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

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

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

**MOVED ROBERTS/NELSON:**

*That the Audit Committee meetings are held at the Hindmarsh Shire Council chamber, 92 Nelson Street Nhill, on the following dates for 2019:*

- *Thursday 7 March 2019 at 3:00pm.*
- *Thursday 9 May 2019 at 3:00pm.*
- *Thursday 12 September 2019 at 3:00pm.*

**CARRIED**

## 9. Proposed Internal Audit Projects

**Responsible Officer:** Director Corporate & Community Services

**Attachment Number:**

### **Introduction:**

The purpose of this report is to present a number of options to the Audit Committee for internal audit projects.

### **Discussion:**

Council has undertaken various internal audit projects over the last six years including Risk Management; Invoicing, Revenue and Receipting; Fraud Awareness and Training; Accounts Payable and Purchases; Electronic Funds Transfer; Records Management; IT Environment Controls; Grants Management; Payroll; Tendering; Long Term Budgeting; Management Reporting to Council; Rates & Property Database Management; Budget Preparation Process; and GST & FBT.

Council's provision of Internal Audit Services went out for tender in December 2017. The tender documentation included a list of proposed internal audit projects.

The following project were proposed by RSD Audit in the signed contract for 2018/19:

- Risk Register Review & Development
- Information Technology – General Controls Review

Council's finance team have considered the above projects and recommend the Audit Committee consider these topics for the 2018/19 Internal Audit program.

### **Link to Council Plan:**

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

### **Financial Implications:**

Council has an annual budget for internal audit services of \$20,000 for 2018/19. The project costs for the above proposed audits are \$14,175.

### **Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

### **Conflict of Interest:**

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

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

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

### **MOVED NELSON/ROBERTS:**

***That the Audit Committee recommends the following two projects for internal audit during 2018/19:***

- *Risk Register Review & Development*
- *Information Technology – General Controls Review (pending Risk review)*

**CARRIED**

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**10. Late Reports**

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**11. General Business**

**12. Next Meeting**

The next meeting will be held on Thursday 7 March 2019, commencing at 3pm.

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There being no further business to discuss, the Chairperson declared the meeting closed at 3:19pm.

**Attachment 1 – Defect photos of culvert on Propodollah-Netherby Road**

Photo 1 –

Showing non-compliant guardrail height



Photo 2 –

Showing broken posts





Photo 3 –

Showing damaged guardrail posts and beam



Yurunga Committee of Management Meeting  
16 August 2018 – 7.30pm, Dawn Saul's Home

Present: J Solly ( Chairperson ) K Fisher, D Saul, G Nuske ( Secretary ) J Edelsten.  
J Woodward ( Hindmarsh Shire Council )

Apologies: L Gould, H Fisher C/D

Jeff Woodward Report: Jeff gave a detailed report on the following points.

- Pick My Project voting was no open. Jeff encouraged all present to log onto the website and vote for local projects. These being in Rainbow the Camp Kitchen at the Oasis and the painting of the Albacutya Silo.
- Tourism Signs had been purchased by the Shire. There would be one going up in each town . That these signs featured Yurunga. Jeff sort suggestions where this could go in the town. He would also seek suggestions from the Town Committee.
- Graham asked where things were at with the Vestibule Floor, and the fixing of the tripping hazard. Jeff suggested that the floor boards would be an option if they were in good enough condition. It was suggested that Trevor Dumesny be asked to have a look at them when he comes to replace the redgum at the back door.
- Jeff said that he had received many positive comments from the recent Shire tour of Yurunga by Council workers.

Additional Items for Discussion:

- 1: Pigick catering for Agronomy group - Kaylene
- 2: Razor Strap Broken - Jenny
- 3: Helens Letter - Jenny
- 4: Fruit Generally - Dawn
- 5: Plum Summary - Graham
- 6: Norman Cust Family Visit

Declaration by a Councillor, Officer or Committee Member of any direct or indirect interest in any item on the agenda: NONE

Previous Minutes: Minutes of the previous Committee Meeting were received on the motion of D Saul, 2<sup>nd</sup> J Edelsten C/D

Business Arising:

- July 26 & 27: Thanks Dawn for opening/closing the house for Ricky McKenzie. Ricky also painted on August 14
- July 31: Phone call to Jenny from Urban Enterprise who are doing a Destination & Management Plan for the Wimmera & Southern Mallee Area

- Water tank: we can contact Council for assistance with holding it down when it is empty
- Aug 2: Thanks to our gardeners for their huge effort with the orchard, watering system & planting: Catherine & Elaine Fuller, Dawn, Kaylene & Jan
- Aug 3: Trevor Dumesny quoted for the back door tread (\$660.00) Trevor will quote on repairing the termite damage. Thanks Helen for looking after Trevor
- Council has asked for specific wording on our Agenda & Minutes relating to Conflict of Interest declarations
- Aug 8: Shire group visit to Yurunga – Graham & Jenny
- Thanks to Graham & Jan for coordination & doing paperwork for our Enduro soup stall. Thanks all for your contributions
- Graham & Bronwyn's plum sauce & jam is selling well in the craft shop
- Krahe's Pest Control have returned to fill the bait stations & they will continue to monitor them
- Simon is thinking of redrawing plans for the Coach House to hopefully qualify for Heritage Victoria funding. The work so far would be classified as maintenance/saving the building. (HV does not fund projects which have started)
- No word yet on a quote to repair the N-W corner of the Coach House

Correspondence: Correspondence In

(Emails)

- July 23: Monica Revell (Hindmarsh Shire Council) to Jenny re Conflict of Interest declaration requirements
- July 24: Simon to Jenny & Graham re quote for moulding
- July 24: Simon to Graham re moulding length, extra funding & painting
- July 30: x2 Simon to Jenny & Graham re Shire staff visit on Aug 8
- Aug 3: Trevor Dumesny to Jenny re quote for back door tread
- Aug 6: Garry Salt to Jenny re termite repair, bait stations & back step
- Aug 14: Helen Fisher to the Committee re concerns

Correspondence Out

(Emails)

- July 24: Jenny to Monica Revell re Conflict of Interest requirements
- July 24: x2 Graham to Simon re moulding measurements, installation & painting
- July 25: Jenny to Simon re moulding length, funding, installation & painting
- July 29: Jenny to Council & Jeff Woodward re copy of June Minutes
- July 30: Graham to Simon re Shire staff visit
- Aug 6: x2 Jenny to Garry Salt re termite damage, Krahe's, quote for back door step, moulding

Correspondence was received on the motion of K Fisher, 2<sup>nd</sup> J Edelsten C/D

Financial: K Fisher, Treasurer presented the following report.

- Income:	\$112.75	
	▪ Donations from Royal Hotel	\$62.25
	▪ Door Takings	\$50.50
- Cheque Account as at 31.July 2018		\$6,531.09

The Treasurer also reported that 10 Mugs had been sold                   \$150.00  
That sauce/fruit/jam had bought in:   \$235.50

K Fisher moved that her report be accepted.   2<sup>nd</sup> D Saul   C/D

General Business:

1:       Enduro Soup Selling:     Kaylene reported that we had made a profit of \$256.00 as everything for the evening had been donated. Dawn suggested that a Thank-you Card be sent to Heather Davidson for her work with the lighting for the evening. That it was greatly appreciated. The Secretary was to do this.

2:       Plums / Helens Letter:   Graham gave a breakdown of the plums that he and Bronwyn had worked with.

- 10kgs of cut up plums had been frozen in Dawn Sauls freezer.
  - o 3Kgs had been turned into 13 bottles and jars of Sauce.
  - o 6Kgs were turned into 24 jars of jam.
    - 6 jars were at Yurunga for sale, a couple had been pre-sold, and the balance had been placed at the Craft Shop.
- Graham said that there was 1KG of plums left in their freezer. He suggested that these be kept and turned into jam ready for sale at the Garden Day in October. He suggested that a smaller jar ( shown at the meeting ) be used. While no motion was put forward, the meet agreed that this be done.
- Following on from the last Committee Meeting where it was noted that ingredients and dates needed to be placed on labels when being sold, Graham presented to the meeting a label that Bronwyn had sourced which allowed space on the back for this information. This was approved by the meeting.
- Helens Letter was read to the meeting as she had requested. Graham moved the following motion: *"That the Yurunga Committee of Management notes Helens concerns raised in her email to the Secretary dated 14 August 2018"* 2<sup>nd</sup> D Saul                   C/D

3:       Fruit Generally:   After discussion the meeting suggested that Dawn and Graham were to keep an eye on the fruit in the Orchard and to pick it accordingly.

4:       Agronomy Group Catering at Pigick Fire Shed:   Kaylene said she had spoken to Brett who said that there would be between 50-60 people for a light BBQ lunch at the Pigick Fire Shed on 29<sup>th</sup> August. After discussion the following was agreed upon.

- 120 Sausages, 120 minute steaks, 10 loaves of bread, sauce was to be purchased.
- Kaylene and Jan would do the Coleslaw for the day.
- Graham was purchase 2 slabs of water.
- Kaylene would get Soft drink
- Cost would be \$15 per head.

K Fisher moved all this be done subject to confirmation that the day would go ahead.

2<sup>nd</sup> J Edelsten   C/D

5: Broken Razor Strap. Jenny brought to the meeting the Razor Strap out of the front bedroom showing that it was in need of repair. Jenny would take this to Latanzio's in Horsham when she was able to get advice on fixing and also what could be applied to soften the leather.

6: Norman Cust Family Visit. Jenny said that a daughter & granddaughter of Norman Cust would be visiting on 26 August. Anyone who was available was invited to visit when they were there.

7: Painting of new skirting mouldings. Council had asked if the Committee was able to paint these. After discussion it was felt that the Committee was unable to at this time and that Council employ a suitable painter to do so.

8: Draft Loan Forms: Jenny brought a Draft of a form that could be used when people loan items to Yurunga. Graham moved: *"That we use Jenny's Draft Loan Form as presented to the meeting subject to Shire approval"*. 2<sup>nd</sup> D Saul C/D

9: Fly Wire Window Screens: Various options were looked at for the painting of these. Jenny reported that Council had suggested that these be done by a professional painter. Storage of these was talked about until such time as they could be painted. It was suggested that they could lay flat under some of the beds. Kaylene said she was on duty this coming Sunday. Dawn and Graham would help in doing this.

10: AGM: The AGM was to be held on 20 September 2018 at the Mecca Meeting Room

- Kaylene was to book and pay for the Meeting Room
- Graham would contact Taegan Salt about placing adds in the Rainbow Argus and also inviting the CEO and Councillors.
- Graham would also invite Gary Salt, Simon Landrigan and Jeff Woodward to this meeting.
- Graham was to ask Taegan Salt if there was anyone available to do the Financial Audit if the Commonwealth Bank couldn't
- Jenny asked that all volunteer hours be sent to her so she could include these in her report.
- Jenny also gave a brief outline of the voting process that would take place at this meeting.

11: Garden Walk: After discussion the meeting felt that the need of a bus was not warranted. It was suggested that times be advertised when gardens would be open as this would allow these people to visit other gardens, and also meant that home owners weren't there all day waiting for people. It was suggested that Jan Fisher, Jan Edelsten and Elaine Fullers garden be open between 10.00am – 12.00noon. That Penny Fishers, Julie Fullers and Cheryl and Chloe Welches gardens be open from 12.00noon to 2.00pm. That a light BBQ luncheon be advertised and held at the Yaapeet Tennis Courts from 12.00noon to 1.30pm. The cost of this would be \$5. Cost for the day would be: \$10 per head for a map. \$10 per head for afternoon tea and entry to Yurunga.

12: Graham reported that he had a request for a tour on Sunday 4<sup>th</sup> November at 10.30am. This was for about 20 people who would like a morning tea. So that Graham could advise this group, a price per head was set at \$10.00. Details of food was to be worked out later.

Meeting closed 10.20pm



11<sup>th</sup> September 2018

To All Concerned:

This is a formal letter to advise that the Town Committee Meeting which was scheduled to be held on 20<sup>th</sup> August 2018 was abandoned due to the lack of attendance of member numbers which prevented the formation of a quorum.

There were items on the agenda for this meeting which would not wait until our next scheduled meeting, so an email poll was taken. The matters are listed below.

1. Letter of support requested by Jeff Woodward for a grant application to secure funding for a Memorial Gate to be constructed at the Aerodrome.
2. Authorisation to book a Children's entertainer for the Carols in the Park. Anticipated cost is under \$500.00
3. Authorisation to book Dean Schultz as sound Engineer for the Carols and also for the New Years Eve event. Quoted cost for the Carols is \$500.00, quoted cost for New Years Eve event is \$1,000 which is for a 2 piece band, lighting and sound.
4. To consider the request from Megan Hall for the loan of the Dance Floor at an event to be held at the Memorial Hall.
5. Request for a Letter of Support in favour of re-siting the proposed Fishing Pontoon, from next to the boat ramp to an area opposite the point where the Boardwalk meets the Lake Walking Track.

These items were put to the members in an email poll on 23<sup>rd</sup> August 2018. All questions were answered in the affirmative by all who responded, representing a majority of the members, allowing the secretary to go ahead with the fulfillment of these items.

Next meeting is scheduled for 17<sup>th</sup> September 2018 at 7.30 p.m.

<b>12. LATE REPORTS</b>
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**12.1 AMENDMENT TO THE 2018/2019 CAPITAL WORKS PROGRAM**

**Responsible Officer:** Director Infrastructure Services

**Attachment:** 7

**Introduction:**

Hindmarsh Shire Council (Council) continues to actively pursue grant opportunities to assist in upgrading its road infrastructure to appropriate standards.

Council has been successful in a number of recent funding applications including for \$150,000 through the Federal Government's Heavy Vehicle and Productivity Program.

Officers are also currently preparing applications to the recently announced State Government's Fixing Country Roads Program.

This report seeks Council approval to amend the 2018/2019 capital works program to include the Antwerp-Woorak Road upgrade project and to defer the Netherby-Baker Road construction project to the 2019/2020 budget process, to meet financial contribution requirements and time constraints in accordance with the Heavy Vehicle and Productivity Program funding agreement.

This report also seeks Council approval to amend the 2018/2019 capital works program to include sections of the Rainbow-Nhill Road for upgrade and to defer two Block 40 Road projects to the 2019/2020 budget process, to meet financial contribution requirements and time constraints in accordance with round one of the Fixing Country Roads Program funding agreement.

**Discussion:**

Council has identified a number of roads of strategic importance and economic benefit to the Hindmarsh farming (and related businesses) community and road users. Two such roads include the Antwerp-Woorak Road and the Rainbow-Nhill Road.

**Antwerp-Woorak Road**

Running parallel with the Western Highway and extending west to east from the Nhill-Jeparit Road to the Dimboola-Rainbow Road, Antwerp-Woorak Road is a key alternative route connecting the communities of Antwerp, Gerang Gerung, Woorak and Dimboola.



The current condition and characteristics of Antwerp-Woorak Road are of an inadequate standard to effectively accommodate the movements of heavy trucks associated with local agricultural business. The Antwerp-Woorak Road is approximately 24 kilometres long with approximately 9.3 kilometres sealed and approximately 14.4 kilometres being unsealed. The existing seal widths are too narrow resulting in damage to seal and shoulders and also creating potential safety concerns for passing heavy vehicles. The pavement of the unsealed sections also requires strengthening and sealing.

Upgrading Antwerp-Woorak Road to an appropriate standard in entirety is a significant cost. Council has therefore sought external funding through multiple grant programs to assist in meeting the costs, including the successful application to round six of the Commonwealth Heavy Vehicle Safety and Productivity Program.

The proposed project will deliver:

- Improved superelevation and alignment;
- Improved pavement width and strength;
- Increased manoeuvrability space for heavy vehicles;
- Increased productivity and reduced transport costs by enabling the road to better cater for B-double and potentially future High Productivity Transport Vehicles;
- A reduction in the ongoing maintenance disruptions;
- Freight efficiencies and enhanced travel times; and
- Road safety benefits for all road users.

The Department of Infrastructure notified Council on 20 September 2018 of its offer of funding up to a maximum \$150,000. The offer of funding is subject to a number of conditions including evidence of matched funding from Council and requiring commencement of construction prior to 1 July 2019.

In its submission to the funding program, officers estimated a total construction cost of \$302,807. This requires a contribution from Council to the value of \$152,807. To meet the funding requirement, it is proposed to defer the Netherby-Baker Road reconstruction project budgeted at \$155,000 to the 2019/2020 budget process.

The Netherby-Baker Road reconstruction project is to rip and overlay two sections of full width pavement and sealing. The two sections total to approximately 500 metres in length and are located at the curved sections north of the Yanac-Netherby Road and Stephens Road intersection. The project also includes a small straight section west of Netherby South Road.

The proposed works on the Netherby-Baker Road are important and required, however officers are of the view that these works can be deferred a year without significant impact.

### Rainbow-Nhill Road

Adjacent to Lake Hindmarsh, Rainbow-Nhill Road extends approximately 35 kilometres north from Lorquon Road to the township of Rainbow. Connecting the towns of Nhill, Lorquon, Yanac, Netherby and Rainbow, Rainbow-Nhill Road is key route for primary producers and gypsum transporters.

Due to safety concerns, Rainbow-Nhill Road has been restricted to trucks under 4.5 tonnes since 2002. Extensive works have since been undertaken, improving the condition and safety of Rainbow-Nhill Road. Council at its meeting 18 April 2018 resolved to remove all restrictions on the road and to give priority to works to upgrade Outlet Creek (bridge) and Sandhill Corner.

While significant investment has occurred along sections of Rainbow-Nhill Road, the condition and characteristics of Rainbow-Nhill Road remain (in sections) of an inadequate standard to effectively accommodate the movements of heavy trucks associated with local agricultural (and other) businesses.

On 25 September 2018, the State Government announced the \$100M Fixing Country Roads Program (FCRP). Administered by the recently formed Regional Roads Victoria division, the FCRP is capped at \$1.5M for individual council's in round one of the program. Round one of the program permits councils to apply for funds up to \$500k without the requirement of a co-contribution. Funding sought beyond \$500k is required to be matched by Council on a 1:1 basis.

Applications to round one of the FCRP are to be submitted no later than 5.00pm 15 October 2018 and (if successful) projects are required to be completed in the 2018/2019 financial year. Officers propose to submit three applications to round one of the FCRP:

1. Widening of the Rainbow-Nhill Road bridge crossing Outlet Creek at an estimated cost of \$450k;
2. Upgrade a 500 metre section of Rainbow-Nhill Road located approximately 12 kilometres from the Rainbow township (also known as Sandhill Corner) at an estimated cost of \$130k; and
3. Upgrade approximately 2.4 kilometre section of the Rainbow-Nhill Road extending north from Lorquon Road at an estimated cost of \$400k.

The combined estimated costs of the three projects on Rainbow-Nhill Road that officers are seeking funding for under the FCRP is \$980k. If successful, Council will need to contribute a total of \$240k. To meet the funding requirement, it is proposed to defer the Block 40 Road reconstruction project budgeted at \$144k to

the 2019/2020 budget process and defer the Block 40 Road shoulder re-sheet project budgeted at \$104k to 2019/2020 budget process.

The Block 40 Road is located in the west of the Shire and services the communities of Yanac and Telopea Downs. The Block 40 Road reconstruction project includes the reconstruction and sealing of pavement approximately 1.5 kilometres in length. The Block 40 Road shoulder re-sheet project involves the placement and shaping of crushed limestone to a depth of 100mm over approximately 3.9 kilometres of shoulders. The proposed works on the Block 40 Road are important and required, however officers are of the view that these works can be deferred a year without significant impact.

**Options:**

Council can (with relation to the Heavy Vehicle Safety and Productivity Program):

1. Defer the Netherby-Baker Road reconstruction project budgeted at \$155,000 in the 2018/2019 budget to the 2019/2020 budget process, and approve the allocation of \$152,807 in the 2018/2019 budget to meet funding requirements of the Heavy Vehicle Safety and Productivity Program to upgrade a section of the Antwerp-Woorak Road;
2. Select alternate projects within the 2018/2019 budget to meet funding requirements of the Heavy Vehicle Safety and Productivity Program to upgrade a section of the Antwerp-Woorak Road; or
3. Elect to not accept the offer of funding under the Heavy Vehicle Safety and Productivity Program to upgrade a section of the Antwerp-Woorak Road.

Council can (with relation to the Fixing Country Roads Program):

1. Defer the Block 40 Road reconstruction project budgeted at \$144,000 in the 2018/2019 budget to the 2019/2020 budget process, defer the Block 40 Road shoulder re-sheet project budgeted at \$104,000 to the 2019/2020 budget process and approve the allocation of \$204,000 in the 2018/2019 budget to meet funding requirements of the Fixing Country Roads Program to upgrade proposed sections of the Rainbow-Nhill Road;
2. Select alternate projects within the 2018/2019 budget to meet funding requirements of the Fixing Country Roads Program to upgrade proposed sections of Rainbow-Nhill Road; or
3. Elect not to submit for funding above \$500,000 under the Fixing Country Roads Program to upgrade proposed sections of Rainbow-Nhill Road.

**Link to Council Plan:**

- 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements.
- 2.1 Well maintained physical assets and infrastructure to meet community and

organisational needs.

- 3.4 Transport solutions that support the needs of our communities and businesses.
- 4.1 Long term financial sustainability.

**Financial Implications:**

At its 27 June 2018 meeting, Hindmarsh Shire Council adopted its 2018/2019 budget. The budget includes a capital works program to the approximate value of \$5.8M, inclusive of capital works for road related infrastructure totaling approximately \$3.95M.

The largest component of the capital budget is allocated to road renewal and road reconstruction valued at approximately \$3.1M, inclusive of \$155,000 for the reconstruction of a section of the Netherby-Baker Road, \$144,000 for the reconstruction of a section of Block 40 Road and \$104,000 for shoulder renewal on Block 40 Road.

This report recommends deferring the Netherby-Baker Road project to accommodate the required financial contribution of \$152,807 under the Heavy Vehicle Safety Program to avoid a negative impact to the 2018/2019 budget.

This report also recommends deferring the reconstruction of Block 40 Road and Block 40 Road shoulder renewal projects to accommodate the required financial contribution of \$240,000 for Council's proposed submission to the Fixing Country Roads Program.

**Risk Management Implications:**

There is a significant risk that Council will not receive funding under round six of the Commonwealth Heavy Vehicle Safety and Productivity Program should Council not meet the financial contribution requirements and construction commencement date.

There is a risk to safety of road users and increased maintenance and rehabilitation costs, should heavy vehicle use continue on the Antwerp-Woorak and Rainbow-Nhill Roads without appropriate upgrades.

**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 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:**

The community will be informed of pending works through Council's Facebook page and website.

**Next Steps:**

Pending Council decision, the Chief Executive Officer will accept the Offer of Funding under the Heavy Vehicle Safety Program and notify the Department of Infrastructure of such.

Officers will prepare for construction works to occur on Antwerp-Woorak Road whilst awaiting formal notification of funding from the Commonwealth, which can take up to several weeks.

Officers will prepare an application to the Fixing Country Roads Program in accordance with Council direction.

**RECOMMENDATION:*****That Council*****1.**

- (a) Defer the Netherby-Baker Road reconstruction project budgeted at \$155,000 in the 2018/2019 adopted budget to the 2019/2020 budget process; and***
- (b) Approve the allocation of \$152,807 in the 2018/2019 budget to meet funding requirements of the Heavy Vehicle Safety and Productivity Program to upgrade a section of the Antwerp-Woorak Road.***

**2.**

- (a) Defer the Block 40 Road reconstruction project budgeted at \$144,000 in the 2018/2019 adopted budget to the 2019/2020 budget process;***
- (b) Defer the Block 40 Road shoulder renewal project budgeted at \$104,000 in the 2018/2019 adopted budget to the 2019/2020 budget process; and***
- (c) Approve the allocation of \$240,000 in the 2018/2019 budget to meet the funding requirements in its application to the Fixing Country Roads Program.***