



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD
18 SEPTEMBER 2019 AT THE COUNCIL CHAMBERS, 92 NELSON STREET NHILL
COMMENCING AT 3:00PM.**

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 PA1634-2019 – Liquor License – Lot 1 LP39364, Lot 3 LP14754, And Lot 4 LP14754, 80-86 Lloyd Street, Dimboola – ‘Dimboola Store’

Cafe

11. Reports Requiring a Decision

- 11.1 Financial Statements and Performance Statement for the Year Ending 30 June 2019
- 11.2 Rainbow Desert Enduro

12. Special Committees

- 12.1 Rainbow Town Committee
- 12.2 Dimboola Town Committee

13. Late Reports

- 13.1 Late Report - Procurement Australia - 0638/2206 Retail Electricity, Natural Gas and Associated Services Contract

14. Other Business

15. Confidential Matters

- 15.1 Request for Quote - Award for Purchase of One (1) Articulated Motor Grader
- 15.2 Request for Quote - Award for Purchase of One (1) Crane Truck with Tipping Body
- 15.3 Request for Quote - Award for Purchase of One (1) 3-Axle Truck with Tipping Body

16. Meeting Close

Present:

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

Apologies:

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant), Ms Janelle Reichelt (Manager Finance and Customer Services) (Items 10.1 to 11.1), Ms Laura Sonnberger (Design and Project Engineer) (Items 14 to 16)

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

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 4 September 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Lowe/T Schneider

That the Minutes of the Ordinary Council Meeting held on Wednesday 4 September 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

Direct; or

Indirect interest

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

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

None declared.

5. PUBLIC QUESTION TIME

No public in attendance.

6. DEPUTATIONS

No deputations.

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: AUGUST 2019

Cr ISMAY, MAYOR

Attended:

03/08/2019	Working bee Off road race
04/08/2019	HPV expo Dimboola
05/08/2019	Off Road Meeting Rainbow
06/08/2019	Working bee Off road race
07/08/2019	Briefing Meeting Nhill
07/08/2019	Council Meeting Nhill
08/08/2019	Working bee Off road race
09/08/2019	Race Scrutineering Rainbow
10/08/2019	Race day Prologue (Washout!)
11/08/2019	Rainbow Desert Enduro
13/08/2019	Urban enterprise Workshop
20/08/2019	WMT meeting Donald
23/08/2019	Mayoral Gathering / tour Rainbow
26/08/2019	Rainbow town committee
30/08/2019	VR App Launch Sea lake

Cr LOWE, DEPUTY MAYOR

Attended:

07/08/2019	Council Briefing, Meeting, Nhill
13/08/2019	Dimboola Golf Tournament Presentation, Dimboola
14/08/2019	Yanac Hall AGM, Yanac

Cr GERSCH

Attended:

04/08/2019	Pedal power Dimboola (HPV Event)
07/08/2019	Council meeting
09/08/2019	Rural Councils Victoria board meeting
11/08/2019	Rainbow Enduro
13/08/2019	WDA board meeting
16/08/2019	Library meeting
23/08/2019	St Kilda film festival

Cr COLBERT

Attended:

07/08/2019	Briefing Meeting Nhill
07/08/2019	Council Meeting Nhill

Cr NELSON

Attended:

07/08/2019 Briefing Meeting, Nhill
07/08/2019 Council Meeting, Nhill
13/08/2019 Veteran Golf Competition, Dimboola
13/08/2019 Wimmera Development Association meeting, Horsham
14/08/2019 Dimboola Tour with A. Hoy & Cr Schneider

Cr SCHNEIDER

Attended:

04/08/2019 HPV Event, Dimboola
05/08/2019 Dimboola Town Committee
07/08/2019 Briefing and Council meeting, Nhill
14/08/2019 Dimboola town tour with Cr Nelson and Director Infrastructure

SENIOR MANAGEMENT ACTIVITIES: AUGUST 2019

GREG WOOD, Chief Executive Officer:

Attended:

01/08/2019	Library Trip with Living Libraries representatives
02/08/2019	Volunteered at Cinema, Nhill
04/08/2019	HPV expo Dimboola
05/08/2019	Library Meeting with Buloke, Donald
06/08/2019	Meeting with WRLC CEO, Nhill
07/08/2019	Mayor/CEO Meeting, Nhill
07/08/2019	Council Briefing Meeting, Nhill
07/08/2019	Council Meeting, Nhill
08/08/2019	LG Pro Forum, Melbourne
13/08/2019	Vision Super grow your super meeting
13/08/2019	WDA Meeting, Horsham
14/08/2019	Community Care Staff Farewell Dinner, Dimboola
16/08/2019	RDV Local Government Planning Project, Horsham
22/08/2019	Wimmera Regional CEO Meeting, Horsham
28/08/2019	Safety and Efficiency Meeting, Nhill Depot
30/08/2019	Leave

ANGELA HOY, Director Infrastructure Services:

Attended:

01/08/2019	CN10023 Site Meeting for VicRoads Maintenance Contract, Hindmarsh Shire Council Chambers
09/08/2019	Western Highway Action Committee Meeting, Ballarat Town Hall
19/08/2019	WEMRSP Steering Committee Meeting, Horsham Rural City Council Chambers
22/08/2019	Unshakeable Leaders Training, Hindmarsh Shire Council Chambers
28/08/2019	Safety and Efficiency Meeting, Nhill Depot
29/08/2019	Wimmera Regional Catchment Strategy: Review and Renewal meeting, Hindmarsh Shire Council Office
30/08/2019	GCW LG Forum Meeting, Doug Lindsay Recreation Reserve Creswick

MONICA REVELL, Director Corporate and Community Services:

Attended:

01/08/2019	Library tour regarding living library grant
05/08/2019	Meeting with Buloke Shire regarding Libraries
06/08/2019	Webinar on Hoarding hosted by LGPro
07/08/2019	Council Briefing, Nhill
07/08/2019	Council Meeting, Nhill
08/08/2019	Hindmarsh Emergency Management Team Meeting
09/08/2019	Rainbow Desert Enduro

12/08/2019	Macquarie Lawyers General Enforcement & Investigations workshop
13/08/2019	Vision Super grow your super meeting
14/08/2019	Farewell Dinner Retiring Community Care Workers
15/08/2019	Meeting with NBN Co
16/08/2019	Wimmera Regional Library Corporation Board Meeting
19/08/2019	Wimmera Emergency Management Resource Project Steering Group Meeting
22/08/2019	Unshakeable Leaders Training
22/08/2019	Wimmera Region CEO Meeting
23/08/2019	St Kilda Film Festival Screening
28/08/2019	Safety & Efficiency Meeting
30/08/2019	Site Meeting Jeparit Depot with ATI Australia

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council,

Inwards:

- Nil

Outwards:

- Letter to Dimboola Golf Club for the successful Golf Tournament last month
- Letter to Nhill Fire Brigade new captain and thanks to the team

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Gersch/D Colbert

That Council notes the attached correspondence.

CARRIED

Attachment: 2

Business Arising:

MOVED: Crs T Schneider/R Gersch

That Council write to Des and Robyn Lardner thanking them for their contribution to Dimboola over the years.

CARRIED

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

Introduction:

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs R Lowe/D Colbert

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT PA1634-2019 – LIQUOR LICENSE – Lot 1 LP39364, Lot 3 LP14754, and Lot 4 LP14754, 80-86 LLOYD STREET, DIMBOOLA – ‘DIMBOOLA STORE’ CAFE

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	25520, 25480, 25500
Applicant:	Mrs Alexandra O’Halloran
Owner:	John & Alexandra O’Halloran
Subject Land:	80-86 Lloyd St Dimboola (Lot 1 LP39364, Lot 3 LP14754, and Lot 4 LP14754)
Proposal:	Liquor License
Zoning & Overlays:	Commercial 1 Zone (C1Z); Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; Heritage Overlay Schedule 34 (HO34) – Dimboola Town Centre Heritage Precinct
Attachment:	4

Summary:

This report recommends that Council approve an application for a liquor license at the ‘Dimboola Store’ café and adjoining courtyard located at 80-86 Lloyd Street Dimboola.

Background:

On the 16 July 2019, an application for a planning permit for a liquor license at the Dimboola Café was lodged for assessment. The area proposed for liquor consumption, known as the ‘red line area’, encompasses the food consumption area inside the café, as well as the outdoor courtyard area.

Proposal Details:

The proposed liquor license to the café and adjoining courtyard is proposed to operate during the following times:

- Monday – Saturday: 9am to 11pm;
- Sunday – 10am to 11pm;
- Good Friday / Anzac Day: 12pm (noon) to 11pm.

It is important to note that the applicant will need to have these hours approved by the Victorian Commission for Gambling and Liquor Regulation, should Council approve the above opening hours, and liquor license.

The premises at 80-86 Lloyd Street currently operates as a restaurant/café, consisting of 2 adjoining shops at 84-86 Lloyd Street Dimboola and an adjoining vacant lot at 80-82 Lloyd

Street Dimboola. Access to the vacant lot is gained by exiting double French doors on the southern side boundary of 84 Lloyd Street Dimboola. The vacant lot at 80-82 Lloyd Street Dimboola is utilised as an outdoor dining courtyard. The applicant proposes to erect a slatted fence along the front boundary of 80-82 Lloyd Street Dimboola to demarcate the boundary of the proposed licensed area on the vacant lot.

The restaurant/cafe which previously operated solely from 84-86 Lloyd Street Dimboola held a BYO liquor licence which was granted by the Victorian Commission for Gambling and Liquor Regulation on the 3rd December 2015. This BYO permit has subsequently lapsed.

A planning permit is sought to allow the service of alcohol in conjunction with the service of meals, and on the basis that there is seating for 75% of the permitted licensed number of patrons.

The internal proposed licensed area is approximately 110 square metres and the proposed outside courtyard licensed area is approximately 150 square metres. The outside courtyard area has existing trees and the foliage canopy provides adequate shade to outside dining patrons. It is proposed to seat approximately 55 patrons in the internal proposed licensed area, and approximately 20 patrons in the outside courtyard area by staging staggered tables. A unisex toilet is available for usage by patrons by exiting the rear of No. 84 Lloyd St as set out on the attached Plan. There are also existing public amenities within 50 metres of the proposed licensed premises at the rear of the existing Dimboola Library/ Council offices.

Refer to Attachment 1.

Requirement for Permit:

A planning permit is required for a liquor license under Clause 52.27 – Licensed Premises of the Hindmarsh Planning Scheme.

Definitions:

Not Applicable.

Restrictive Covenant or Section 173 Agreement:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the use is excluded from these provisions, and the proposal is not within land affected by the Aboriginal Cultural Heritage Overlay.

Subject site & locality:

The subject site is on 80-86 Lloyd Street Dimboola, over 3 x titles, within the CBD of Dimboola. Surrounding land is currently used for shops and offices, with Dimboola Mensland to the immediate north, and the Wimmera Bakery adjoining to the immediate south.

The closest dwelling (and residentially zoned land) to the subject site is approximately 95 metres to the north east.

Notification:

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.*

Notice was given under Section 52 of the Act to adjoining landowners, as it was considered that material detriment could be caused. One objection was received regarding the location of the proposed toilet block over the rear access laneway, however, the objector has been informed that no buildings and works are proposed as a part of this application, and that the toilet block mentioned in this application exists as a part of the overall building footprint on the land. Subsequently, the objection was withdrawn. A copy of the application was forwarded to the Dimboola Police, who did not comment.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 52 Notices: To adjoining landowners only.

Section 55 Referrals: None.

Internal Referrals:

- Engineering: No issues.
- Environmental Health: No requirements or further comment.
- Building: Not required
- Economic Development and Tourism: Supportive of proposal – “*a welcome business development for Dimboola*”.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 17.01-1S - Diversified economy

Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

Zoning Provisions:

Clause 34.01 – Commercial 1 Zone (C1Z)

Planning Scheme Overlay Provisions:

Clause 42.01 – Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value;

Clause 43.01 – Heritage Overlay Schedule 34 (HO34) – Dimboola Town Centre Heritage Precinct

Particular Provisions:

Clause 52.27 – Licensed Premises

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.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding the continued economic development of the Dimboola CBD.

The only applicable decision guidelines to this application are within Clause 52.27 – Licensed Premises. An assessment of this application against the relevant decision guidelines has determined that:

1. The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area will be minimal;
2. The impact of the hours of operation on the amenity of the surrounding area will be minimal;
3. The impact of the number of patrons on the amenity of the surrounding area will be minimal;
4. The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area will not be detrimental to the locality in general.

It is considered that approval of this application will create further entertainment options within the Dimboola CBD, and benefit the economy of the area in general.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the 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:

16/07/2019 – Application received
08/08/2019 – Notice requirement made to applicant
14/08/2019 – Last notice given
30/08/2019 – Statutory Declaration received
18/09/2019 – Presented to Council

Total: 59 Statutory Days

This report is being presented to Council at its meeting on the 18 September 2019. 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: Angela Hoy, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Author: Andre Dalton, Coordinator Planning and Development
In providing this advice as the Author, I have no interests to disclose.

RECOMMENDATION:

That Council approves planning application PA1634-2019 for a liquor license at Lot 1 LP39364, Lot 3 LP14754, and Lot 4 LP14754, 80-86 Lloyd Street Dimboola, subject to the following conditions:

Endorsed Plans

(1) The licensed area (also known as the “Red Line Area”) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Licensed Premises

(2) The sale of liquor must only occur within the “Red Line Area” as shown on the endorsed plans.

(3) The liquor may only be sold from the premises between the following hours:

Monday – Saturday: 9am to 11pm;

Sunday – 10am to 11pm;

Good Friday / Anzac Day: 12pm (noon) to 11pm.

(4) At all times during the operation of the use of the land for the sale of packaged liquor, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as ‘the Manager’).

The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible

○ Authority and of the Victoria Police and/or of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such an officer.

(5) The sale of liquor must be managed so that the amenity of the area is not detrimentally affected through the:

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

Time Limit

(6) This permit will expire if the use is not started within two 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 of the expiry date, where the use allowed by the permit has not yet started; and**
- b) within 12 months of the permit expiry date, where the use has lawfully started before the permit expires.**

~END OF CONDITIONS~

MOVED: Crs D Nelson/T Schneider

That Council approves planning application PA1634-2019 for a liquor license at Lot 1 LP39364, Lot 3 LP14754, and Lot 4 LP14754, 80-86 Lloyd Street Dimboola, subject to the following conditions:

Endorsed Plans

- (3) *The licensed area (also known as the “Red Line Area”) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Licensed Premises

- (4) *The sale of liquor must only occur within the “Red Line Area” as shown on the endorsed plans.***

- (3) *The liquor may only be sold from the premises between the following hours:***

Monday – Saturday: 9am to 11pm;

Sunday – 10am to 11pm;

Good Friday / Anzac Day: 12pm (noon) to 11pm.

- (5) *At all times during the operation of the use of the land for the sale of packaged liquor, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as ‘the Manager’).***

The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible

- o Authority and of the Victoria Police and/or of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such an officer.***

- (5) *The sale of liquor must be managed so that the amenity of the area is not detrimentally affected through the:***

- a) Transport of materials, goods or commodities to or from the land***
- b) Appearance of any building, works or materials;***

- c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and*
- d) *Presence of vermin.*

Time Limit

- (6) *This permit will expire if the use is not started within two 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:

- c) *within six months of the expiry date, where the use allowed by the permit has not yet started; and*
- d) *within 12 months of the permit expiry date, where the use has lawfully started before the permit expires.*

~END OF CONDITIONS~

CARRIED

Attachment: 4

11. REPORTS REQUIRING A DECISION

**11.1 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR
ENDING 30 JUNE 2019**

Responsible Officer: Director Corporate and Community Services

Attachments: 5 & 6

Introduction:

The purpose of this report is to provide Council with the audited Financial Statements and Performance Statement for the year ended 30 June 2019 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 Thursday 12 September 2019 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 2019.
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2019;
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 2018/19 Financial Statements show a comprehensive surplus for the year of \$1,193,274.

Total revenue for the financial year was \$25.01 million, an increase of \$6.82 million from the

previous financial year. The increase is largely due to additional grants being received during the financial year.

Total expenditure for the financial year was \$23.82 million an increase of \$6.51 million from the previous financial year.

During the financial year Council spent \$6.16 million on capital works, including \$3.18 million on renewal projects, \$1.81 million on new assets and \$1.17 million on upgrade projects.

At 30 June 2019 Council held \$11.87 million cash at bank. This is due largely to receiving early payment of half of our 2019/20 allocation from the Victorian Grants Commission. There were also a number of large projects not being completed during the 2018/19 financial year, including the Albacutya Bridge, Dimboola Library incorporating the civic hub, and a number of items of plant ordered not arriving by 30 June 2019.

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 2019.

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 2018/19 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 2019; 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 Colbert

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 2019; 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

Attachments: 5 & 6

11.2 RAINBOW DESERT ENDURO

Responsible Officer: Director Corporate and Community Services

Introduction:

This report is intended to provide Council with a summary of the third edition of the Rainbow Desert Enduro, once again 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 9 to 11 August 2019 which for the third year in a row provided a mix of weather conditions.

Hosting the final round of the BF Goodrich CAMS Australian Off Road Championship, the Rainbow Desert Enduro attracted entries from all across Australia. Expectations for a great weekend were high, with entries at record levels with 55 car crews all set to take on the challenge that this event presents each year. Headlining entries were 9 times Australian Champions father / son combination Shannon and Ian Rentsch and another father / son combo Mark and Matthew Burrows, all in Pro Buggies. Also in attendance was ever popular winner of the inaugural Rainbow Desert Enduro Greg Gartner, always a factor in his Extreme 2WD Ford Trophy Truck.

Unfortunately the weather again presented as a major factor with rain earlier in race week followed by heavy rain during the Friday afternoon and evening event in Federal St Rainbow. The competitor entry confirmation, race vehicle scrutineering and competitor meet and greet provided race fans with the opportunity to take a close look at the race machines up close, though the regular downpours dampened spirits somewhat.

Despite the rain organisers, competitors and race fans were all hopeful that clear skies would prevail on Saturday and that the rain received would not impact the racing action too much. Unfortunately this proved to be overly optimistic, with race officials advising competitors at the Drivers Briefing that Saturday's Prologue (qualifying) event and Section 1 of the race were cancelled. Officials also suggested that the event would be shortened to a single day event on the Sunday, with competitors seeded for starting positions as a result of the cancellation of qualifying. As more adverse weather was expected throughout the Saturday afternoon and evening, officials advised that a decision on whether the event would run would be made on Sunday morning.

Although the cancellation was a disappointment for all involved, it led to one of the highlights of the weekend. With no action at the track organisers suggested that competitors return to the Recreation Reserve where the Pavilion would be open for people to relax and socialise (and watch the weather). The local clubs catering the Enduro also relocated themselves to the Reserve providing a wide range of food and refreshments for competitors and race fans who found themselves with some unexpected free time.

Although more rain fell on Saturday afternoon / evening race officials confirmed on Sunday morning that the race would proceed. Several competitors chose to sit out the event, concerned that the conditions were still too treacherous to race.

Those that chose to race set off on what turned out to be a reasonable day for racing. Although bitterly cold there was minimal rain and after the first lap the track conditions improved. There were some particularly difficult sections of track with competitors needing to endure deep mud and water crossings. With most cars being open bodied this resulted in both driver and co-driver being soaked in mud from head to toe for the duration of the event!

After 5 laps Greg Gartner was classified first – thankful to complete the race after a high speed spin on Kruger Road. With his main competitor for the title Shannon Rentsch choosing not to compete, a third place finish for Mark Burrows was enough to secure the 2019 championship, his eighth Australian title.

For all of the remaining competitors just finishing was like winning. Tired, muddy and extremely cold, they were all looking forward to a hot shower before the presentations were held that evening at the Rainbow Recreation Reserve Community Pavilion.

Areas of concern

The weather. For the third year in a row the Enduro was severely impacted by what appears to be an emerging trend of a consistently wet August. Concerns about track conditions saw the first day of the event cancelled due to accessibility in certain areas should an emergency response be required. The final day of running was also almost cancelled with event organisers and race officials concerned that conditions were still too difficult for competitors and volunteer recovery and medical crews. Thankfully the event did run and conditions improved in many areas as the cars cut through the slippery mud surface on top to find better traction on dryer ground below. In the closing laps the vehicles were throwing up dust!

To combat the difficult conditions that present in August each year, event organisers are now working with the Confederation of Australian Motor Sports (CAMS) to secure a date in early September 2020. It is hoped that a later (Spring) date will provide better conditions in which to stage a race – for both competitors and spectators.

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.

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.

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 year, in addition to the hundreds of volunteer hours and free use of plant and equipment provided by hardworking locals, private funds were raised to resheet the area of the GrainCorp site utilised for the competitor vehicle pit area.

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.

Feedback from business owners in Rainbow suggested that more was spent this year than during each of the first two events.

Planning for 2020

Meetings have already been held and plans are underway for further improvements to the event for 2020. The general feeling amongst organisers and volunteers is that a new Spring date is essential in order for the event to secure its future on the Australian Off Road Racing

Calendar. Hopefully this will be confirmed shortly, with the calendar likely to be announced within the next month or so.

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 in the 2019/2020 budget 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 have no disclosable interests in this report.

Communications Strategy:

NA

RECOMMENDATION:

That Council notes the Rainbow Desert Enduro 2019 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 2019 report and writes to the organising committee congratulating them on a successful event.

CARRIED

12. SPECIAL COMMITTEES

12.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 7

Introduction:

The Rainbow Town Committee held its meeting on 26 August 2019. The purpose of this report is to note the minutes from the 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 26 August 2019.

MOVED: Crs R Lowe/R Gersch

That Council notes the minutes of the Rainbow Town Committee meeting held on 26 August 2019.

CARRIED

Attachment: 7

Business Arising:

MOVED: R Lowe/R Gersch

That Council approve Rainbow Town Committee expenditure of \$2,077.50 (GST inclusive) payable to the Victorian Off Road Racing Association (VORRA) for 50% contribution of gate takings from the 2019 Rainbow Desert Enduro.

CARRIED

12.2 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 8

Introduction:

The Dimboola Town Committee held its meeting on 2 September 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 2

September 2019.

MOVED: Crs T Schneider/D Nelson

That Council notes the minutes of the Dimboola Town Committee meeting held on 2 September 2019.

CARRIED

Attachment: 8

13. LATE REPORTS

13.1. LATE REPORT - PROCUREMENT AUSTRALIA - 0638/2206 RETAIL ELECTRICITY, NATURAL GAS AND ASSOCIATED SERVICES CONTRACT

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks Council approval to grant delegated authority to the Chief Executive Officer to participate in the Procurement Australia tendering process and to enter into a contract/s with the recommended energy provider/s.

Discussion:

Procurement Australia facilitate public tender processes on behalf of private and public sectors including local government, with an aim to achieve discounted goods and services through aggregated contractual arrangements.

Currently the majority of our electricity supply is provided by Origin Energy through the Procurement Australia contract, which expires on 30 June, 2020. Procurement Australia has invited Council to participate in the new electricity contract. Procurement Australia (PA) requires a letter of authorisation from Council, for it to:

- Act as a tendering agent and invite tenders on Council's behalf for electricity for large and small sites, including solar feed in tariff requirements for a period of two years.
- Obtain all required Site, Consumption and associated data (interval/meter data, retail agreements) pertaining to Council's current energy retailer(s) for tendering purposes only.
- Complete the evaluation of tenders in accordance with the criteria and weightings and prepare an evaluation report for Council.
- Award the tender on merit to a retailer or retailers within the defined tender acceptance time period, consistent with how the energy sector works.
- Instruct the successful retailer/s to issue energy supply agreements to Council for execution.
- Provide ongoing contract support during the contract duration.

Council delegation of authority to Greg Wood, Chief Executive Officer is required to authorise Procurement Australia to act of its behalf for the provision of electricity for large and small sites, and solar feed in tariff requirements for the two-year period, commencing 1 July 2020. Public Lighting and Natural Gas have been excluded from Council's commitment to this procurement process.

Options

1. Council can delegate authority to the Chief Executive Officer to enable participation in the Procurement Australia tender process and subsequent contract agreement; or
2. Council can undertake an independent procurement process for the provision of electricity.

Link to Council Plan:

Strategic Objective 2.4. A community living more sustainably.
Strategic Objective 4.1. Long-term financial sustainability.

Financial Implications:

During the 2018-2019 financial year, Council expended approximately \$157,000 on electricity supply, excluding public lighting.

It is envisaged that the ensuing Procurement Australia contract will deliver significant savings in contrast to Council undertaking an independent tendering process. This view is formed due to the committed volume provided by aggregated councils to the potential energy retailer/s. It should be noted however that energy prices may increase beyond those currently being paid by Council. It has not been identified what increases are likely to occur during the contract period.

Risk Management Implications:

There is a risk that Council would attract higher energy costs should it not participate in the Procurement Australia facilitated tender process. It should be noted that Procurement Australia hold an Approved Ministerial Arrangement which provides exemption from Local Government Act s186 requirements.

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 – Angela Hoy –Director Infrastructure Services

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

Author – Wayne Schulze – Manager-Operations

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

Communications Strategy:

Procurement Australia will be responsible for the tender process. Once the successful tender/s has been notified they will send an agreement for execution by the Chief Executive Officer.

Next Steps:

The Chief Executive Officer enter into agreement with Procurement Australia to participate in the 0638/2206 Retail electricity, Natural Gas and Associated Services tender process and execute on Council's behalf the ensuing contract agreement with the successful retailer/s.

RECOMMENDATION:

That Council:

- 1. Delegates authority to the Chief Executive Officer to enter into an agreement with Procurement Australia for Contract No. 0638/2206 Retail electricity, Natural Gas and Associated Services tender process; and**
- 2. Delegates authority to the Chief Executive Officer to execute on Council's behalf the Procurement Australia ensuing contract agreement with the successful retailer/s from the 0638/2206 Retail electricity, Natural gas and Associated services.**

MOVED: Crs T Schneider/D Nelson

That Council:

- 1. Delegates authority to the Chief Executive Officer to enter into an agreement with Procurement Australia for Contract No. 0638/2206 Retail electricity, Natural Gas and Associated Services tender process; and**
- 2. Delegates authority to the Chief Executive Officer to execute on Council's behalf the Procurement Australia ensuing contract agreement with the successful retailer/s from the 0638/2206 Retail electricity, Natural gas and Associated services.**

CARRIED

14. OTHER BUSINESS

15. CONFIDENTIAL REPORTS

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

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

RECOMMENDATION:

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

- 15.1 Request for Quote - Award for Purchase of One (1) Articulated Motor Grader**
- 15.2 Request for Quote - Award for Purchase of One (1) Crane Truck with Tipping Body**
- 15.3 Request for Quote - Award for Purchase of One (1) 3-Axle Truck with Tipping Body**

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 Request for Quote - Award for Purchase of One (1) Articulated Motor Grader**
- 15.2 Request for Quote - Award for Purchase of One (1) Crane Truck with Tipping Body**
- 15.3 Request for Quote - Award for Purchase of One (1) 3-Axle Truck with Tipping Body**

CARRIED

Council moved into confidential session at 4:10pm.

Council resumed in open session at 4:27pm.

16. MEETING CLOSE

There being no further business Cr R Ismay declared the meeting closed at 4:27pm.
