

**MINUTES OF ORDINARY MEETING OF YARRIAMBIACK SHIRE COUNCIL HELD ON WEDNESDAY 08 AUGUST 2012 AT THE MUNICIPAL OFFICE 34 LYLE STREET WARRACKNABEAL AT 2:30 PM**

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**1 WELCOME**

**2 ACKNOWLEDGEMENT**

We acknowledge the traditional owners of the land on which we meet today and pay our respect to both past and present elders.

**3 PRAYER**

*Almighty God, without whom no Council can stand nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.*

*Amen*

**4 PRESENT**

Crs A McLean, J Kemfert, J Wise, H Ballentine, G Lovel, R Kingston, Ray Campling (Chief Executive Officer) & James Magee (Director Infrastructure & Planning).

**5 APOLOGIES**

Mayor K Zanker

**6 CONFIRMATION OF MINUTES**

Ordinary Meeting of Council – 11 July 2012

**Cr J Kemfert seconded Cr J Wise the Minutes of the Ordinary Meeting of Council held on 11 July 2012 be confirmed.**

**Carried**

## **7 DECLARATION OF CONFLICT OF INTEREST**

## **8 BUSINESS ARISING**

**8.1 Action List from last meeting**

**8.2 Ongoing and Pending Action List**

## **9 PETITIONS**

## **10 REPORTS**

### **Corporate Reports**

10.1 Mayor's Report

10.2 Councillor/Delegate Reports

10.3 Chief Executive Officer – Activity Report

10.4 Director Infrastructure & Planning Report

10.5 Community Services Report

10.6 Economic & Community Development Report

## **11 REPORTS FOR DECISION**

11.1 Budget 2012/2013

11.2 Declaring the Rate and Differential Rate 2012/2013

11.3 Sale of Land Pursuant to Section 181 of the Local Government Act 1989 –  
50 Mandeville Street, Hopetoun

11.4 Request for Exemption of Council Rates - Sisters of Mercy Property

**10.1 Mayor's Report – prepared by Cr Kylie Zanker**

16 July	Australian Local Government Women's Association (ALGWA) Councillor Session held in Warracknabeal
25 July	Council Forum
25 July	Wimmera Volunteers Board meeting and dinner with Volunterfest guest speakers.
26 – 27 July	Wimmera Volunteers – Volunterfest and launch of the Research Project
30 July	ALGWA Councillor Session held in Nhill
31 July	Lubeck Community Visit
1 August	Mallee Machinery Field Days
2 August	Mallee Machinery Field Days
3 August	Wimmera Regional Library Board meeting
4 August	Yarrilinks planting weekend
4 August	Yarrilinks dinner
6 August	Sustainability Accord meeting
7 August	Victorian Public Libraries 2030 Futuristic Planning Day
8 August	Wimmera Freight Terminal official opening

**10.2 Councillor's Reports****Cr A McLean**

- 18 July Beulah Community Engagement Visit  
1 – 2 August Attended Mallee Machinery Field Days

**Cr J Kemfert**

- 18 July Murtoa Progress Association - Postcard  
23 July Attended the Municipal Association of Victoria Councillor Candidate Information Session at the Yarriambiack Shire Council  
25 July Council Forum  
31 July Lubeck Community Engagement Visit  
1 August Speed Mallee Machinery Field Days

**J Wise**

- 16 July Australian Local Government Women's Association of Victoria Councillor Candidate Information Session in Warracknabeal  
18 July Beulah Community Engagement Visit  
23 July Attended the Municipal Association of Victoria Councillor Candidate Information Session at the Yarriambiack Shire Council  
24 July Attended Scouts AGM  
25 July Council Forum  
26 July Attended the Volunteer Conference and dinner in Horsham; and was a participant on the panel presentation for 'Volunteering in your Community'.  
30 July Attended the Australian Local Government Women's Association of Victoria Councillor Candidate Information Session in Nhill  
31 July Lubeck Community Engagement Visit  
1 – 2 August Speed Mallee Machinery Field Days

**Cr H Ballentine**

17 July	Attended Wimmera Mallee Regional Tourism meeting in Nhill
24 July	Represented Yarriambiack Shire Council at Buloke Shire – judging Business Awards
25 July	Council Forum
30 July	Yarriambiack Tourism Association meeting in Woomelang
31 July	Lubeck Community Engagement Visit
1 – 2 August	Mallee Field Days at Speed, representing Yarriambiack Shire Council and the Wimmera Mallee Regional Tourism Association

**Cr R Kingston**

17 July	Livestock Saleyards Association of Victoria (LSAV) Regional meeting – Horsham Livestock Exchange. Varying levels of concern expressed over LSAV promotion of electronic tags for sheep and goats
18 July	Beulah Community Engagement Visit
20 July	LSAV Executive meeting, Kyneton – preparation for August conference and annual general meeting
24 July	State Government Grant joint announcement for Yarriambiack Shire Council Business and Economic Development Officer by members for Mildura and Swan Hill, Peter Crisp and Peter Walsh
24 July	Meeting with Marma Lake Committee of Management, re chairing a community consultation
30 July	Yarrilinks Site Leaders Planning Session
31 July	Lubeck Community Engagement Visit
1 August	Mallee Machinery Field Days
1 August	Minyip Progress Association
4 – 5 August	Yarrilinks Planting Weekend
8 August	Opening of Wimmera Intermodal Freight Hub at Dooen

**Cr G Lovel**

12 July	Attended Municipal Association of Victoria (MAV) Councillor Information Session at Horsham
18 July	Beulah Community Engagement Visit
23 July	Attended MAV Councillor Information Session at the Yarriambiack Shire Council
24 July	State Government Grant joint announcement for Yarriambiack Shire Council Business and Economic Development Officer by members for Mildura and Swan Hill, Peter Crisp and Peter Walsh
25 July	Council Forum
26 July	Wimmera Freight Hub meeting in Horsham
31 July	Lubeck Community Engagement Visit
31 July – 2 August	Mallee Machinery Field Days at Speed

**10.3 Chief Executive Officer Activity Report – Prepared by Ray Campling**

- Attended Powercor Wimmera Development Association Business Awards presentation in Hopetoun
- Participated in the Horsham Rural City Council MAV/VEC Councillor Information Session
- Met with Peter Rademaker – SHARE Program
- Attended Rural Council's Victoria meeting in Melbourne
- Met with Colin Morrison, Department of Planning & Community Development – Grants Commission
- Attended NBN Co – Fixed Wireless introductory meeting in Warracknabeal
- Met with Ron Ritchie, VEC – Council Elections
- Met with Keith Jackson – Grampians Regional Management
- Met with Gavin Mahoney – MAV Councillor Election Information Session
- Met with Alison Lyons - MAV Legal Department
- Met with Peter Walsh and Peter Crisp – various matters
- Met with Warracknabeal Victorian Farmers Federation members
- Attended Beulah Community Engagement meeting
- Met with Terry Lewis – Department of Primary Industry (DPI) Regional Manager
- Met with Jay Westfold – MAV, Councillor Nominations
- Attended Wimmera/Southern Mallee Regional Growth Plan meeting
- Attended GWM Water Quality meeting in Beulah
- Met with Dean Miller – North Western Municipality Association matters
- Met with Audrey Hoffmann – Warracknabeal Town Hall
- Met with Don Coventry – DPI Western Victoria Executive
- Attended and participated in the Yarriambiack Shire Council MAV/VEC Councillor Information Session
- Attended Wimmera/Southern Mallee Crime Prevention Reference Group meeting in Warracknabeal
- Met with Chris Porter, recently appointed Telstra Account Manager
- Attended official opening of the Dooen Freight Hub by the Hon Peter Ryan
- Attended Yarriambiack Tourism Association meeting in Woomelang
- Attended Lubeck Community Engagement meeting
- Attended Ministerial Function in Melbourne hosted by the Minister for Local Government, Jeanette Powell

## **10.4 Director Infrastructure & Planning Report – Prepared by James Magee**

### **Weir Gates**

It is proposed that additional weir gates will be installed in the current financial year at Warracknabeal and Beulah.

Quotations are currently being sought for three weir gates at Warracknabeal and two on the Luna Park Road Weir at Beulah. This will complete weir gate works at both locations.

Funding will be sought through the Local Government Infrastructure Program.

Works will be programmed for May 2013.

### **Yaapeet Rainbow Railway Line**

A copy of the 'Driscoll' report which assessed the impact on the local and arterial road network by reducing rail services to Yaapeet, has been sent to the responsible Minister.

Member for Mildura, Peter Crisp, has also been briefed on the report and has received a copy.

The matter remains with the Minister at present.

### **Environment – Prepared by Geoff Harvey**

- Attended Vegetation and Law training, Melbourne
- Inspected street trees, Brim
- Organised Yarrilinks meeting
- Inducted new Landcare facilitator for Yarrilinks
- Inspect roadside trees re trimming
- Attended CFA meeting Horsham, re planning for coming fire season
- Facilitated changeover to smart-meters with Powercor for Shire properties in Warracknabeal, Rupanyup and Murtoa
- Responded to various customer requests and complaints

### **Technical Support – Prepared by Nathan McLean**

- Assisted the Design Engineer with surveying
- Traffic counter activation and reporting
- Aerodrome matters to be followed up as per audit
- Assist Asset Engineer with Capital Works Program
- Custom Fleet vehicles quotes and deliveries
- Local Government Infrastructure Program Progress Reports
- Input of road segment data into Asset Asyst
- Meeting with Mike Anthony re: Warracknabeal and Beulah weir gates
- New Hopetoun Depot building quotes
- Meals on Wheels with Gavin Blinman
- Check valve installation at Bowman Street, Warracknabeal
- Airport lighting inspections at Warracknabeal & Hopetoun



**Assets – Prepared by Mick Evans**

- Still following protocol for new road names as per Geographical Names procedures for the following road “Peppercorn Parkway”
- Continue to develop the new 2012-13 Capital Works Program
- Currently reviewing Road Management Plan
- Updated Asset Registers with condition data and finished Capital Works Program data
- Commenced process for Capital Evaluations on current and future projects
- Organised playground inspections by the external consultant

**OH&S Risk Management – Prepared by Barry Sullivan**

Bob Taylor (OH&S Officer) and I attended the Mt Helen Campus of the University Of Ballarat for a week as part of the Certificate IV training in OH&S.

I have been developing the Chemwatch database program to align with the buildings and storage facilities in each depot throughout the Shire. All buildings and storage facilities have been numbered to align with the database for the recording of chemicals. Chemicals stored at each facility are now being recorded onto the database.

I have organised the Fire Warden and Chief Fire Warden Course and the Practical Use of Fire Extinguisher Course with the CFA for staff listed as Fire Wardens. Those nominated into the positions within Council will be attending practical and theory training at the CFA’s training ground at Longerenong in September. CFA to determine exact date.

A monthly Incident Management Report is now sent out and posted on relevant safety notice boards within Council offices and Council depots. The report informs staff of all Incidents and Hazards that have occurred within Council over the past month.

Depot housekeeping is continuing, with field staff working through their respective audit list and rectifying safety and housekeeping issues. Murtoa, Minyip and Rupanyup field staff have made a number of positive changes to their depot over the past month.

Applications for the five day OH&S Course are still flowing in, with ten staff applying for the course so far. Course is scheduled for mid August.

I have been involved in the upgrading of all policies relating to Safety, Risk Management and Rehabilitation for the Human Resources Department.

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## Building & Planning Activity

In July the following permits were issued:

**Building:** 9 Building Permits were issued in **July 2012**

Total Value of Building Work: **\$323,353**

**Warracknabeal** – Pergola

**Minyip** – Re-stumping

**Hopetoun** – Garage

**Hopetoun** – Carport

**Warracknabeal** – Carport

**Hopetoun** – Decking

**Minyip** – Dwelling Extensions

**Rupanyup** – Extensions & Alterations

**Woomelang** – Shade Sail

9 applications were submitted in **July 2012**

**Planning:** 4 Planning Permits were issued in **July 2012**

**App No:** TP16-12  
**Applicant:** Hotondo Homes – Jenny Lynch  
**Address of Land:** 10 Arnold Street, Warracknabeal being Lot 5 on PS142182 Vol 09514 Folio 840  
**Proposal:** The land to be developed by the construction of a dwelling and outbuildings and associated earthworks  
**Date Issued:** 09/07/2012

**App No:** TP29-12  
**Applicant:** Wayne Preston  
**Address of Land:** 10 Mitchell Street, Hopetoun (Hopetoun Hospital)  
**Proposal:** The land to be developed by the erection of decking and associated earthworks  
**Date Issued:** 23/07/2012

**App No:** TP10-12  
**Applicant:** Nicol Projects – Bill Nicol  
**Address of Land:** Hiltons Road, Hopetoun being Volume 11342 Folio 066, Volume 11342 Folio 067, Volume 11342 Folio 068  
**Proposal:** The land to be subdivided and the removal of a carriage-way easement  
**Date Issued:** 23/07/2012

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**App No:** TP22-12  
**Applicant:** McGann Architects Pty Ltd – James McGann  
**Address of Land:** 47 Scott Street, Warracknabeal being Lot 1 on TP341884Q  
**Proposal:** The land to be developed by the alterations to the existing building and the construction of a gate  
**Date Issued:** 23/07/2012

**8** applications were submitted in **July 2012**

## **10.5 Community Services – Prepared by Gavin Blinman**

### **Kindergartens**

We have had good news on our Expression of Interest for funding of the Hopetoun kindergarten redevelopment.

Department of Education and Early Childhood Development (DEECD) have advised us we can now make a detailed application by 14 September 2012 and have appointed a company to assist us with the application.

I have emailed the company and asked them to set up a meeting and will advise all stakeholders of the details.

The building permits have been issued for Rupanyup and the builders 'Delahunty's' will start shortly.

Surveys for the mid year have gone out to all families. Included in this year's survey were three questions from our regional reference group. The questions ask families about their knowledge of the early year's reforms and quality improvement plan involvement.

The Murtoa Kindergarten will be inspected this month by DEECD for the National Quality Improvement Framework; we are one of the first in the region to be inspected. After the inspection, which takes a full day, the DEECD staff will meet with all early year's staff to brief them on compliance and improvement plans.

### **Aged and Disability**

Olinda Poulton, Coordinator is still on extended sick leave.

The 'Seniors' forum, to plan for the 'Seniors Week' concert, was held in Warracknabeal with most clubs in attendance.

Julie Mills from Rural Northwest Health gave a presentation on stress and ways to reduce it.

### **Environmental Health / Local Laws**

Food inspections have continued over July, only one business from our Shire required a follow up inspection and a warning. All issues identified were improved on and satisfactory in the follow up inspection. A failed food sample is being looked at and the Environmental Health Officer is working with the business to determine what procedures they need to change.

An inspection on a new business was conducted in Warracknabeal recently. Onsite wastewater inspections have found illegal plumbing works and this will be investigated in coming months.

The Rupanyup Railway Station owner has been issued another notice through his Social Worker and given a three week extension to comply. Arrangements have been made to remove rubbish if the owner fails to comply.

New cat traps have been ordered to keep up with the increase in demand and reduce the issue of stray cats across a number of towns. We have issues with cats in Lubeck, Hopetoun, Minyip, Murtoa, Warracknabeal and Beulah at the moment.

Dogs attacking chook pens in Murtoa are being dealt with, one dog was caught recently.

Pit-bull and pit-bull cross dogs recently surrendered have been euthanized.

Two dogs have been re-housed recently.

**Youth**

The new Youth Worker in the south has set up at Murtoa and has been making contact with agencies and young people in the area.

Celebrating Youth grants are being advertised currently across the Shire, applications close on 7 September 2012.

Yarriambiack Has Talent – young people are doing a ‘Safe’ work methods statement as part of their learning on how to stage an event.

We are supporting the ‘Dunny Door’ campaign by putting stickers on the back of toilet doors across the Shire to support the national counselling service for domestic / family violence.

A festival of the ‘Arts Week’ is being supported as part of the ‘Engage’ program at the Warracknabeal Secondary College. Students will participate in clowning, hip hop, photography and other events such as drawing, writing and painting.

**Emergency Relief**

Lisa Cook (Flood Recovery Officer) is busy working on the Community Action Relief Teams (CART) and getting the equipment they need to be our first responders in an emergency. Meetings with each team will be held shortly.

Lisa is now spending more time per week in each Shire, usually a week at a time, to ensure finalization of all projects by September.

**Volunteer Transport**

Six clients were transported 2,282 kilometres this month.

**Maternal and Child Health**

Southern centre’s busy with nine babies born this month in Warracknabeal and southern towns.

Immunisations are being conducted and nurses have been encouraging families with phone reminders.

Nurses have ‘Safe Sleep’ training this month.

Nursery equipment grants have provided three new cot mattresses this month.

Key Ages and Stages checks are being conducted for all groups this month.

**SHARE Program (Sustainable Healthy Adaptable Resilient Engaged) – Prepared by Marianne Ferguson****Community Engagement Consultant**

The first stage of the project is underway with SED Consulting circulating surveys to the Progress Associations across the Shire. There are two surveys that are separated into group governance and community action plan questions.

**Murtoa and Warracknabeal Caravan Parks**

Fire safety equipment has now been installed in the Murtoa Caravan Park and installation will begin in the Warracknabeal Caravan Park in early August.

**Wimmera Mallee Tourism Association**

At the time of this report, the Wimmera Mallee Tourism Association will hold a site at the Mallee Field Days in Speed. The Association is continuing to develop rules for the proposed photo competition.

**Yarriambiack Tourism Association**

The Yarriambiack Tourism Association meeting was held in Woomelang on Monday, 30 July. The Beulah Town Brochure is now complete and currently being printed. The Association is also working on an Op Shop Tour that will cover the Shire.

**Woomelang Op Shop**

A new Op Shop in the old Woomelang Post Office will be officially opened on Friday, 10 August 2012. The newly reformed Historical Society will also be located in the building.

**10.6 Community Development Projects Report – Prepared by Dennis Smith****Community Projects****Putting Locals First Program**

We are waiting on the outcome of the Rupanyup Memorial Hall air conditioning application.

**Country Football and Netball Program 2011/2012**

Re-sheeting works for the Hopetoun Netball Courts Upgrade are anticipated to commence August/September with Synpave to be applied in October.

**Community Facility Funding Program 2013/2014**

Advertisements have been placed in the local press for this round of funding applications with a closing date for Community Expressions of Interest to Council of 17 August 2012. The closing date for full applications from Council to Sport and Recreation Victoria is 26 September 2012. This round is for works to commence in July 2013.

**Beulah Recreation Reserve Lighting Upgrade**

Footings for the new light towers have been poured and manufacture of the new towers is underway.

**Murtoa Angling Club Clubhouse**

Internal works have now commenced with an expected completion of all works to be in October.

**Hopetoun Golf Club Synthetic Tees**

Installation of the new synthetic tees is underway.

**Rupanyup Tennis Courts**

Re-sheeting works for these courts are anticipated to commence August/September with Synpave to be applied in October.

**Grants Acquitted**

Murtoa Football Change Rooms/Multipurpose Facility.

Poulton Park Community Facility.

## **11 REPORTS FOR DECISION**

### **11.1 Budget 2012/2013 – Prepared by Anita McFarlane**

The 2012/2013 Budget is tabled.

At the Special Meeting of Council held on Wednesday 27 June 2012 Council resolved to advertise (Section 127 Local Government Act 1989) that the 2012/2013 Budget had been prepared.

The 2012/2013 Budget has been advertised accordingly. No submissions were received.

#### **Recommendation**

That the 2012/2013 Budget as tabled be adopted.

**Moved Cr J Kemfert seconded Cr J Wise that Yarriambiack Shire Council adopts the 2012/2013 Budget as presented.**

**Carried**



## 11.2 Declaring the Rate and Differential Rate 2012/2013 – Prepared by Chantelle Pitt

### Amount Intended To Be Raised

- (A) That an amount of \$9,061,339 be declared as the amount which Council intends to raise by General Rates, Service Charges and Municipal Charge, which the amount is circulated as follows:

General Rate	\$7,956,000
Service Charge	\$ 844,189 (excluding GST)
Municipal Charge	\$ 261,150

### General Rates

- (B) (1) A general rate be declared for the period commencing on the 1 July 2012 and concluding on the 30 June 2013.
- (2) It be further declared that subject to paragraph 5 of this part, the general rate be raised by the application of a uniform rate.
- (3) A percentage of .6444% be specified as the percentage of the uniform rate (which percentage may be alternatively expressed as .006444 cents in the \$)
- (4) It be confirmed that the general rate for all rateable land within the municipal district be determined by multiplying the Capital Improved Value of each rateable property by that percentage (so that the amount payable be .006444 cents in the \$ of the Capital Improved Value)
- (5) (a) It be recorded that Council considers that a differential rate will contribute to maintaining the existing rate burden between farm land and other land.
- (b) A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:

In accordance with:

- (i) The definition of Farm Land in Section 2 of the Valuation of Land Act 1960.
- (c) The differential rate be determined by multiplying the Capital Improved Value of the rateable land categorised in paragraph 5 (b) by the percentage indicated in the following table:

Category	%	cents in \$ of CIV
Farm Land	.5477	.005477

- (d) It be further recorded that the objectives of the differential rate are those objectives specified below:
- (i) To allocate a lower rate in the dollar for Farm Land on the basis of maintaining the existing rate burden between farm and other land.
- (6) In accordance with Section 4 (1) of the Cultural & Recreational Lands Act 1963, Council does not levy a rate on Cultural and Recreational Land within the Municipality.

### Municipal Charge

- (C) (1) A Municipal Charge of \$50.00 per rateable assessment be declared for the period commencing 1 July 2012 and concluding on 30 June 2013.
- (2) A person may apply to a Council for an exemption from the payment of a municipal charge on rateable land in accordance with Section 159 (3) of the Local Government Act 1989.

### Service Charge

- (D) (1) An annual service charge be declared for the period commencing on 1 July 2012 and concluding on the 30 June 2013.
- (2) The following annual service charges be declared for the collection and disposal of refuse in the Yarriambiack Shire:

Residential 240ltr service fee	\$291.09
Residential 120ltr service fee	\$149.56
Residential 80ltr service fee	\$107.74
Commercial 240ltr service fee	\$320.20 (inclusive of GST)
Commercial 120ltr service fee	\$164.48 (inclusive of GST)
Rural 120ltr service fee	\$164.48 (inclusive of GST)
Rural 80ltr service fee	\$118.51 (inclusive of GST)
Rural 240ltr service fee	\$320.20 (inclusive of GST)
Residential Kerbside Recycling	\$96.63
Commercial Kerbside Recycling	\$106.29 (inclusive of GST)
Rural Recycling	\$106.29 (inclusive of GST)

### Rebates and Concessions

- (E) Subject to any further resolution of Council, the following rebates and concessions have been granted for the period commencing 1<sup>st</sup> July 2012 and concluding 30 June 2013:
- (i) Rate reduction for new housing developments, in accordance with the Yarriambiack Shire Council Rate Relief – New Houses Policy.
- (ii) Council employee payroll deductions, for the purpose of paying rates on properties within the Yarriambiack Shire Council, in accordance with the Yarriambiack Shire Council Enterprise Bargaining Agreement No. 6. Interest will be waived for employees using payroll deductions for payment of rates.

**Incentives**

- (F) No incentives are declared for the payment of general rates (and annual service charge described earlier in this resolution) before dates fixed or specified for their payment under Section 167 of the Local Government Act 1989.

**Interest**

- (G) (1) The rate of 10.5% per centum per annum be specified as the rate of interest set by Council for the purposes of Section 172 (2) of the Local Government Act 1989.
- (2) The rate so set be effective until a new rate is set in accordance with Section 172 (c) of the Local Government Act 1989.

**Consequential**

The Revenue Officer be authorised to levy and recover General Rates, Service Charges and Municipal Charge in accordance with the Local Government Act 1989.

**Pensioner Rate**

- (H) "That, in accordance with the provisions of the Local Government Act 1989, in relation to General Rates, Service Charges and Municipal Charge, levied under provisions of the above act, with the consent of the minister, the Council, in relation to recipients eligible for waivers in 2012/2013 as having made continuing application for waiver in respect of the same rateable land or part on which a waiver was granted in 2011/2012, unless the person advises the Council that a waiver is no longer sought."

**Recommendation**

Yarriambiack Shire Council strike the rates and charges for 2012/2013 as presented.

**Moved Cr J Wise seconded Cr G Lovel that the Yarriambiack Shire Council strike the rates and charges for 2012/2013 as presented.**

**Carried**

**11.3 Sale of Land Pursuant to Section 181 of the Local Government Act 1989  
– 50 Mandeville Street, Hopetoun – Prepared by Chantelle Pitt**

Council have received correspondence from Hopetoun residents expressing an interest in acquiring the property known as 50 Mandeville Street, Hopetoun (Volume: 03578 Folio: 500).

This property is an unoccupied residence and the rates and charges have been in arrears since before Shire amalgamations.

As provided by Section 181 of the Local Government Act 1989, Council may sell properties to recover unpaid rates or charges that are more than three years overdue.

**Recommendation**

That Council resolve to initiate the Local Government Act 1989 Section 181 process for the property known as 50 Mandeville Street, Hopetoun (Volume: 03578 Folio: 500) to recover unpaid rates or charges.

**Moved Cr A McLean seconded Cr J Wise that Council approve the above recommendation.**

**Carried**

#### **11.4 Request for Exemption of Council Rates - Sisters of Mercy Property Association - Prepared by Chantelle Pitt**

Council have received a letter from the Sisters of Mercy Property Association requesting an annual rate exemption under Section 154(2)(c) and (2)(d) of the Local Government Act 1989 for their residence at 6 Dodgshun Street, Hopetoun.

The Sisters of Mercy are a not-for-profit organisation who provide essential services to the community including education, health and aged care, pastoral and social services, as well as advocating for the poor, marginalized and oppressed members of society.

The annual rates on this property for 2012/2013 will be \$407.00 (which excludes garbage and recycling charges).

To establish if this property is non-rateable, the relevant sections of Section 154 of the Local Government Act 1989 are provided below:

#### **154. What land is rateable?**

- (2) *The following land is not rateable land-*
- (c) *any part of land, if that part is used exclusively for charitable purposes;*
  - (d) *land which is vested in or held in trust for any religious body and used exclusively-*
    - (i) *as a residence of a practising Minister of religion; or*
    - (ii) *for the education and training of persons to be Ministers of religion;*
    - or
    - (iii) *for both the purposes in sub-paragraphs (i) and (ii);*
- (4) *For the purposes of sub-sections (2)(c) and (2)(d), any part of the land is not used exclusively for charitable purposes if it is in any of the following categories-*
- (a) *it is separately occupied and used for a purpose which is not exclusively charitable;*
  - (b) *a house or flat on the land-*
    - (i) *is used as a residence; and*
    - (ii) *is exclusively occupied by persons including a person who must live there to carry out certain duties of employment;*
  - (c) *it is used for the retail sale of goods;*
  - (d) *it is used to carry on a business for profit (unless that use is necessary for or incidental to a charitable purpose).*

As this property is being utilised as a residence, Section 154(4)(b) excludes this property from being non-rateable.

#### **Recommendation**

That Council does not grant the Sisters of Mercy Property Association an annual rate exemption for their property at 6 Dodgshun Street, Hopetoun pursuant to their request under Section 154(2)(c) and (2)(d) of the Local Government Act 1989.

**Moved Cr A McLean seconded Cr J Kemfert that Council adopt the above recommendation.**

**Carried**

**Cr H Ballentine and Cr G Lovel objected to the above recommendation.**

**12 GENERAL BUSINESS (including strategic direction and specific issues)**

Cr A McLean thanked everyone involved in the success of the Mallee Machinery Field Days at Speed.

**13 CLOSED SESSION**

**Moved Cr J Wise seconded Cr G Lovel that Council move into Closed Session.**

**Carried**

**Chief Executive Officer, Ray Campling left Council Chambers at 3:30pm in relation to Closed Session – Reappointment of Chief Executive Officer.**

**Moved Cr J Wise seconded Cr Lovel that Council move back into Open Session.**

**Carried**

**Moved Cr H Ballentine seconded Cr J Wise that Council adopt the Resolution from the Closed Session of Council.**

**Carried**

**Chief Executive Officer, Ray Campling returned to Council Chambers at 3:30pm.**

**14 MINUTES FROM MEETINGS**

**15 ATTACHMENTS / REPORTS**

**16 NEXT MEETING**

The next meeting of Council will be held on Wednesday 12 September 2012 at 9:30am at Warracknabeal.

**17 CLOSE** 3:40pm

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MAYOR