

MINUTES of the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Roberts Avenue Horsham on Tuesday 12 June, 2018 at 5.30pm.

PRESENT: Cr Pam Clarke, Mayor; Cr Josh Koenig, Cr Les Power, Cr David Grimble, Cr Mark Radford, Cr John Robinson

ALSO IN

ATTENDANCE: Sunil Bhalla, Chief Executive; Graeme Harrison, Director Corporate Services; Angela Murphy, Director Planning & Economic; Kevin O'Brien, Director Community Services; John Martin, Director Technical Services; Fiona Kelly, Executive Assistant.

1. Reading of prayer and the acknowledgement of country statement

The Prayer and Acknowledge of Country Statement were read by the Chairman, Cr P Clarke.

2. Welcome to distinguished guests or persons in the public gallery

Chairman, Cr Clarke welcomed those in attendance to the Council Meeting.

The Mayor advised the gallery that the Council meeting will be recorded to maintain an audio archive.

Anthony Judd, Buloke Shire Council

Jessie Holmes, Buloke Shire Council

A. Williams

Ed Terry

Adrian Wyatt

Robert Wynne

Neville McIntyre, VFF

Jane Edwards

Alan Hutchinson

Cheryl Linke

Gareth Hiscock, HABA

Russell McKenzie

Jennifer Smith

Jeramie Williams

Mandy Kirsopp

Tom Blair

3. Apologies and request for Leave of Absence

Cr Alethea Gulvin is an apology for today's Council meeting.

Moved Cr Grimble, Seconded Cr Power that the apology from Cr Alethea Gulvin be received and leave of absence be granted.

CARRIED

4. Confirmation of minutes and signing thereof

Moved Cr Radford, seconded Cr Power that the Minutes emanating from the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 21 May, 2018 be adopted.

CARRIED

5. Disclosure of Conflict of Interest Sec 79, Local Government Act, 1989 (As Amended)

NIL

The Mayor, Cr Pam Clarke asked Councillors to ask their questions of the Directors and Officers at the start of the report and not during debate.

Suspend Standing Orders

Moved Cr Grimble, Seconded Cr Koenig that Standing Orders be suspended for Public Question Time.

CARRIED

The time being 5.34pm the Council Meeting was suspended.

6. PUBLIC QUESTION TIME

Public Question from Neville McIntyre

Question 1 Residential Deficit

Councillors this year is a totally different ball game. Council has never, repeat never ever, given the Residential Sector a rates deficit before. We as farmers want Council to confirm what the total deficit is that we farmers have to pay \$646,000 in compensation for.

Last meeting I asked Mr Harrison to confirm what the true deficit of the Residential Sector was, he did not address the question. I again ask the question expecting a proper answer "Does Council in this year's budget intend to give a \$530,000 plus deficit to the Residential Sector?" A simple yes or no answer will do, with an explanation of when were the Councillors told of this actual deficit figure.

Response from Graeme Harrison, Director Corporate Services

The total rates collected (excluding the municipal charge) are shown on Page 39 of the budget documentation. The changes in overall rate collections from the 2017/18 budget to the 2018/19 budget are as follows:

- Residential rates will decrease by \$67,673 or 0.58%.
- Commercial will increase by 103,387 or 8.84%
- Industrial will increase by 418,773 or 2.34%
- Cult & rec will decrease by \$1,077 of 6.55%
- Farm sector will increase by \$645,838 or 11.77%

On average all valuations rose by 9.13% (this includes new dwellings and market increases). Accordingly, the rate in the dollar was revised downwards by 4.62% in order to collect the required overall budgeted rates of \$20,177,762.

However, the residential sector values only rose 4.24% (therefore well below the average) so together with the reduction in the rate in the dollar the overall rate collection from this sector fell.

Basically if valuations rise higher than the average then the overall rate payment will be an increase. If Valuations rise lower than the average, then the rate payment will be a decrease.

The farm sector rose by 17.21% of on average around \$100,000 for each assessment. Accordingly, the overall rates collected from the Farm sector increased by 11.77% or \$645,838.

Council discussed these valuation movements and the rate impact at its meeting on 10 April.

Follow up question from Mr McIntyre

When those 9,000 rate notices come out from 2017 rate base you will collect \$540,000 less. Will you please give us farmers recognition that this is actually going to happen. Those 9000 rate notices will pay \$540,000 less because you reduced the rate in the dollar. Can you confirm if that is what will occur?

Response from Graeme Harrison, Director Corporate Services

That is not how it works Neville. Farms will increase by \$645,000, so in fact the maths you are working on isn't correct in terms of valuating the impact of the valuation rises on the spread of the rates between the sectors, you have to take it as a whole. It is purely based on the valuations and the average change in the valuations per sector.

Question 2 Farm Sheds

I question as to why permits for Farm Sheds has now resurfaced. This was resolved at amalgamation 23 years ago. The reasons why farm sheds were exempt then are still relevant today.

There has never been a structural issue. If farmers are spending this amount of money they build these sheds properly. Farm sheds are not in anyone's face, they do not have to be a certain distance away from their neighbouring properties fence. They do not have size issues to fit the town block. They do not need fire hydrants and hoses etc and a firewall to protect their neighbouring warehouse like they have to in town.

Council does not have to supply an all-weather road to these farm sheds nor kerbs and guttering, drainage, storm water solutions, power and sewerage blah blah etc. These are just some of the issues I remember our VFF Group put to the planning staff at amalgamation – Why does Council think they need to change this?

Response from Angela Murphy, Director Planning & Economic

Council, at its 19 March 2018 Ordinary meeting resolved to rescind the 2003 Exemption for Farm Buildings from requirement to obtain a Building Permit Policy due to it being out of date and in conflict with current legislation.

The new classifications under the Building Code of Australia (BCA) specifically for Farm Sheds and Farm Buildings came into operation in 2016. In accordance with A1.1, BCA 2016 – Volume 1, the definition of a Farm Building or Farm shed is clearly defined as a Class 7 or 8 building and must comply with the requirements of Part H3 (Farm Buildings & Farm Sheds), BCA 2016 – Volume 1.

Under the Building Code of Australia, the proposed use and size of the building may trigger some minor fire services like static water tanks and fire extinguishers. H3 is a specific section of the Building Code of Australia for Farm Buildings and Farm Sheds which sets out minimum construction requirements for building compliance. It is the

building surveyor's responsibility to determine the Class of the building and permit conditions.

Setback from roads and or dwellings and distance from waterways may also trigger planning permit under the Horsham Planning Scheme.

An exemption from obtaining a building permit for a farm shed or farm building is not "as of right", and the owner must make application for an exemption which will be assessed by the building surveyor on a case by case basis. Regulation 13 (formerly 112) provides that buildings must be classified as set out in the Building Code of Australia and that if there is any doubt as to the classification, the relevant building surveyor must classify the building as belonging to the class it most closely resembles. The onus is on the applicant or owner to make enquiries on the building permit requirements for farm sheds and farm buildings.

Public question from Jeramie Williams

Question 1

The current standard of Cornell Park is poor in regards to OHS, lighting, fence lining, current change rooms, storage facilities, as well as the shape not meeting all users in the most effective manner. Given in other localities you can find rectangle fields incorporating athletic tracks and/or cricket as well as other sports why cannot this park be changed into a rectangle to suit more sports (soccer/hockey/rugby) and allow more users to actively use the facility?

Response from John Martin, Director Technical Services

It is agreed that further work is required at Dudley Cornell Park.

Council is currently seeking community input into a development plan for Dudley Cornell Park, and this feedback from Mr Williams will be incorporated into that planning.

Initial consultation with community and sporting representatives from the Soccer, Cricket and Athletics Clubs has identified a range of issues including the shape and orientation of the oval, and other possible improvements, as identified by Mr Williams.

In regards to OH&S, any concerns regarding safety and maintenance should be reported via Council's "Lodge a Service Request" option on Council's website so any issues can be addressed as quickly as possible.

Question 2

Whilst some see the racecourse as a “good” option for “minority” sports, it has no facilities that suit any true sport uses, and no spectator advantage. If parks like Dudley Cornell are under-utilised then why is the racecourse seen as a good option for “smaller” sports, even though the room for club development as well as infrastructure isn’t there?

Response from John Martin, Director Technical Services

The green space in the centre of the Racecourse reserve is currently underutilised.

It is agreed that there are limitations with it at present, e.g. regarding access to the playing fields across the race tracks, and restrictions regarding infrastructure being located in the central area.

For these reasons, Council has no immediate plans to encourage sporting groups to relocate to this facility.

In the next 12 months, an updated Sport and Recreation strategy will be developed. A key outcome of that strategy will be to review the use and availability of the various playing fields across Horsham, including the Racecourse Reserve and Dudley Cornell Park.

The community will be invited and encouraged to have input to the strategy.

Moved Cr Power, Seconded Cr Radford that Standing Orders resume.

CARRIED

The time being 5.50pm the Council meeting resumed.

7. OTHER BUSINESS

7.1 RESUMPTION OF DEBATE ON THE MOTIONS FROM PREVIOUS MEETING

NIL

7.2 RECEPTION AND READING OF PETITIONS, MEMORIALS, JOINT LETTERS AND DEPUTATIONS

NIL

7.3 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

7.4 COUNCILLORS QUESTIONS WITH NOTICE

NIL

7.5 ORDERS OF THE DAY

NIL

8. OTHER REPORTS

8.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council briefing meeting held on Monday 28 May, 2018 at 5.00pm in the Reception Room.

Council budget meeting to hear submissions held in the Council Chambers on Wednesday 6 June, 2018 at 5.30pm.

Refer to **Appendix “8.1A”**.

Recommendation

That Council note the Assembly of Councillors’ – Record of Meetings.

Moved Cr Grimble, Seconded Cr Radford that Item No 8.1 be received.

CARRIED

Moved Cr Radford, Seconded Cr Power that the recommendation be adopted.

CARRIED

Moved Cr Grimble, Seconded Cr Koenig that Cr Grimble’s proposed Notice of Motion be discussed prior to the Special Council Meeting on 25 June, 2018 to endorse the draft budget.

CARRIED

8.2 SEALING OF DOCUMENTS

NIL

8.3 INWARD CORRESPONDENCE

NIL

8.4 COUNCIL COMMITTEE MINUTES

8.4.1 Wimmera Intermodal Freight Terminal Committee of Management meeting held on 27 February, 2018 at 1.30pm in the Council Chambers

Moved Cr Radford, Seconded Cr Grimble that Item No 8.4.1 be received.

CARRIED

8.4.2 Horsham Racecourse Reserve Advisory Committee meeting held on Tuesday 1 May, 2018 at 7.30pm at the Central Park Tennis Club Pavilion

Moved Cr Power, Seconded Cr Radford that Item No. 8.4.2 & 8.4.5 be received.

RECEIVED

8.4.3 Wimmera Southern Mallee Regional Transport Group meeting held on Friday 4 May, 2018 in the Reception Room, Municipal Offices, Horsham

Moved Cr Grimble, Seconded Cr Robinson that Item No. 8.4.3 be received.

RECEIVED

8.4.4 Horsham Aerodrome Advisory Committee meeting held on Tuesday, 8 May, 2018 at 5.30pm at the Horsham Aero Club

RECEIVED

8.4.5 Horsham Tidy Towns Committee meeting held on Tuesday 15 May, 2018 at 12.30pm in the Middle Meeting Room, Municipal Offices, Horsham

Refer to Item No. 8.4.2 above.

8.4.6 Horsham Sports and Recreation Advisory Committee meeting held on Thursday 17 May, 2018 at 4.30pm in the Council Chamber, Municipal Offices, Horsham.

RECEIVED

Refer to **Appendix "8.4A"** for copy of minutes.

9. COUNCILLORS' REPORTS

Cr Robinson

- 5 June – Attended a meeting about the Mockinya Dam and hope to be closer to resolving this matter.
- 6 June – Farm shed discussions with the CEO, Angela Murphy and the Municipal Building Surveyor.
- 8 June – Further meeting about the farm shed issue clarifying Council's position to park tractors in sheds.
- Over the past three weeks there has been a lot of time invested in the rates.
- Congratulations to surgeon Mr Ian Campbell for receiving an Order of Australia Medal for his service to medicine. Congratulations to the other award recipients.
- Cr Robinson talked about the statement read out by the Mayor at the last Council meeting.

Cr Power

- 28 May – National Reconciliation Week morning tea titled "Don't keep history a mystery". This is a very valid statement. We all respect our fellow Koori members.
- 30 May – Funding announcement at Longerenong College by the Hon Jaala Pulford, Minister for Agriculture, Minister for Regional Development for the College and the Birchip Cropping Group.
- 1 June - Grampians indigenous action group meeting in Halls Gap.
- 4 June – Talked on 3HHH and then later that day attended deaf awareness training at the Kalkee Road Children's Hub.
- 6 June – Met the Tidy Towns judge who looked at all the Horsham projects.
- 12 June - Municipal Fire Management Planning Committee meeting and then later in the afternoon a citizenship ceremony.

Cr Grimble

- 30 May – Wimmera Southern Mallee Regional Assembly in Stawell. Representatives from Horsham Council sat at a table and discussed education. The evening was attended by a number of State Ministers including Pulford and Jennings.
- 8 June – Rural Press Club Genebank Networking Night presentation by 40 people including Cr Radford. The panel included Tim Fischer, a strong advocate for rail. Sally Norton also spoke.
- Congratulations to the Queen's Birthday honours including Mr Ian Campbell and John Kemfert. Congratulations to Terry Garwood on receiving a Public Service Medal. It is important that we acknowledge those in our community. Cr Grimble also acknowledged Mr Keith Fagg on received an OAM. He was the first citizen elected Mayor of Geelong and a successful business man with Fagg

Mitre 10. He is recognised for his philanthropy and service to Geelong over many years.

Cr Radford

- Congratulations to the award winners as already mentioned.
- Rural Press Club event. Highlighted that Horsham has something unique on a world scale. We should acknowledge the crop research that happens here and the Genebank. It was a good event.
- Wimmera River Improvement Committee tree planting along the river, also weed removal and taking tree guards down. Council appreciate the work that this committee do.
- Art is Festival, 10 days of festival. Cr Radford acknowledged the work of the organisers. He attended the inaugural dance affair at the Town Hall which was a great family event. We should encourage arts in our community.
- Apex Club pump track. Cr Radford acknowledged the work of the Apex Club who put this together. The Council team received an award for the pedestrian bridge.
- There are concerns about Wesley Performing Arts Centre. This is a building with a lot of history and the community ownership. It would be good for the community to receive reports of the Wesley PAC.

Cr Koenig

- Cr Koenig thanked Council for allowing him to take leave for the past three weeks.
- The Kannamaro Committee are looking at less is more. They are focusing on Friday and Saturday evening being for family. There will also be a theme.
- Youth Strategy. Cr Koenig attended a workshop with children from St Brigid's College and McKenzie Creek Campus. It was good to sit around the table with the children to see what they think. They discussed bullying and mental health issues which was quite confronting and concerning. They love the river, open spaces, skate parks and want more activities along the river including kayaks and boats.
- The Horsham Park Run will be held towards the end of August. For more information, go to www.parkrun.com.au.
- More volunteers are needed for the Kannamaroo Festival. They have got a really strong volunteer group but they need more.
- Mr Williams questions were good tonight, and it is worth taking his questions on board as well.

Cr Clarke

- It is lovely to see people being awarded OAM's.
- Thank you to the Councillors who filled in for the Mayor.
- 22 May - National Volunteer Week morning tea. The volunteers are the glue that hold a community together. We always must acknowledge the work they do.

- Wotjobaluk Country bumper sticker photo shoot with DHHS secretary Paul Smith.
- 23 May - Closing the Gap, what's next for Victoria.
- Meeting with Geoff Lord, Fed Uni, Head of Campus.
- Budget drop in session at Council.
- Live Facebook question and answer session. We received about 30 questions and about 2000 hits on the site.
- 28 May - National Reconciliation Week morning tea, "Don't keep history a mystery".
- National Reconciliation Week CASAGollum family services afternoon tea.
- Presentation to young strategy survey winners. They all received gift cards that can be used in Horsham.
- 30 May - MAV future of local government national summit.
- 30 May - First mayoral advisory panel meeting.
- 1 June – Mayoral Round Table session about good governance. We were joined by David Wolf, inspector for Local Government.
- 4 June – Aboriginal Advisory Committee meeting.
- 6 June - Met the Tidy Towns judge.
- 8 June - Uniting Wimmera Youth Homelessness Presentation.
- Opened the Rotary Club of Horsham East 2018 Art Fair.
- Tourism Advisory Committee Meeting today.
- Cr Clarke acknowledged the huge amount of work that is required for the Art is Festival. The flower arrangements in the Town Hall is worth a look.

Moved Cr Power, Seconded Cr Robinson that the Councillors' Reports be adopted.

CARRIED

10. OFFICERS REPORTS

10.1 REVIEW OF PROCUREMENT POLICY

G Harrison

File Ref: F13/A01/000003

Purpose

To adopt a revised Procurement Policy (**Appendix "10.1A"**) in accordance with Section 186A (7) of the Local Government Act 1989.

Background

Under Section 186A (7) of the Local Government Act 1989 Council must review its current procurement policy at least once in each financial year. Council's current Procurement Policy was last reviewed in June 2017 where some minor changes were made and the procurement thresholds remained at the same levels as follows:

Threshold	New at June 2016 (Inclusive of GST)
One quote required	\$1,000 to \$10,000
Two written quotes required	\$10,001 to \$40,000
Three written quotes required	\$40,001 to \$80,000
Tender Required	Above \$80,000

Issues

During this year's review a number of relatively minor changes have been made, largely around language and some terminology. The only substantial change has been to amend the current threshold limits to make them exclusive of GST. This change effectively increases each amount by 10% but more importantly aligns the policy with the financial delegations and common practises.

Threshold	Revised June 2018 (Exclusive of GST)
One quote required	\$1,000 to \$10,000
Two written quotes required	\$10,001 to \$40,000
Three written quotes required	\$40,001 to \$80,000
Tender Required	Above \$80,000

Other changes made within the document can be seen in **Appendix "10.1B"** that shows the tracked changes. All of these changes have been made to reflect Council's current practises and to further tighten up on the language within the document so that matters are clearer and less ambiguous to the reader.

There is currently a bill before parliament to update the Local Government Act and should that bill be passed into law, then there will be a requirement to review the Procurement Policy in a more significant way. It is anticipated that this more extensive review will be required during 2018/2019.

Consultation/Communication

The revision of the Procurement Policy has taken place in consultation with Departmental Managers, Executive Management Group, Contracts Co-ordinator and the Finance Manager.

Financial

Best practice in procurement is at the centre of good financial management, and as such amendments to the policy contribute to our continuous improvement in this area of financial management.

Links To the Council Plans, Strategies, Policies

Key Direction 4.5 – Achieve high standards of organisational performance
Guiding Principle – Provide accountable financial management and reporting

Risk Consideration

A robust procurement process with high levels of internal control, sound and tested procedures will significantly assist in mitigating risk in this area of Council business. Thresholds set at incorrect levels can lead to poor decisions on procurement but can also lead to inefficiencies in the procurement process, these two competing aspects must be balanced off when looking at the relevant threshold levels.

Recommendation

That Council adopt the revised procurement policy (**Appendix “10.1A”**).

Moved Cr Radford, Seconded Cr Grimble that the recommendation be adopted.

CARRIED

10.2 PENSIONER RATES REBATE 2018/2019

K Bell

File Ref: F27/A02/000001

Purpose

To allow pensioner concession applications that were lodged in previous years to be applicable in 2018/2019.

Background

Pensioners and Department of Veterans' Affairs gold cards (TPI) – Totally and Permanently Incapacitated and War Widows who have been granted rate rebates in previous years are not required to re-apply each year if they remain eligible, providing the Council formally resolves to waive the rates and charges in the current year. The Local Government Act 1989 requires such a resolution in the terms of the recommendation below.

Consultation/Communication

An advertisement is to be placed in the Wimmera Mail-Times in relation to the resolution proposed which will also draw attention to the rebate increase from **\$223.80** to **\$229.40**. This represents an increase of 2.5%.

In addition, the fire services property levy pension rebate will remain at **\$50.00** for holders of pensioner concession cards on their principal place of residence. Only one concession will apply per property.

Links To Council Plans, Strategies, Policies

Guiding Principle – Provide accountable finance management and reporting.

Recommendation

That Council in accordance with the provision of the Local Government Act 1989 Section 171(4) in relation to general rates and service charges levied under the provisions for the above Act, with the consent of the Minister, the Council in respect of recipients eligible for waivers under the State Concessions Act 2004, treat those persons who were granted waivers in 2017/2018 as having made a continuing application for a waiver in respect of the same rateable land or part on which a waiver was granted in 2017/2018 unless the person advises the Council that a waiver is no longer sought.

Moved Cr Grimble, Seconded Cr Koenig that the recommendation be adopted.

CARRIED

10.3 FARM BUILDINGS/FARM SHEDS

Angela Murphy

File Ref: F04/A04/000001

Purpose

To endorse the criteria and note the guideline and application form for exemption for farm buildings from requirement to obtain a building permit under Regulation 280 (formerly 1804) of the Victorian Building Regulations 2018.

Background

Council, at its meeting held on 19 March 2018, resolved to rescind the 2003 Exemption for Farm Buildings from requirement to obtain a Building Permit Policy due to it being out of date and in conflict with current legislation. In other words, Council's 2003 policy (now revoked) exempted farm buildings on farm land from the requirement to obtain a building permit.

Reference is made to the Notice of Motion No 165 presented by Cr Robinson at the 3 April 2018 Ordinary meeting of Council relating to the Victorian Building Regulations 2018 Regulations 280 (formerly 1804) Exemption for Class 10 buildings on farm land. The Notice of Motion No 165 was laid on the table and subsequently withdrawn at the Council meeting on 21 May 2018. It should be noted that the Victorian Building Regulations 2018 came into effect on 2 June 2018.

Issues

The new classifications under the Building Code of Australia specifically for Farm Sheds and Farm Buildings came into operation in 2016. In accordance with A1.1, BCA 2016 – Volume 1, the definition of a Farm Building or Farm Shed is clearly defined as a Class 7 or 8 building and must comply with the requirements of Part H3, BCA 2016 – Volume 1.

These classifications are attached as **Appendix "10.3A"**.

Following the Council meeting held on 3 April 2018, Weir Consulting was engaged to provide legal advice on the application of regulation 280 (formerly 1804) of the Building Regulations 2018, the definition of a Class 10 shed under regulation 280 (formerly 1804) and the pros and cons of establishing a farm shed exemption policy. Regulation 280 (formerly 1804) states that a Council may exempt a Class 10 building that is to be constructed on farm land and used for farming purposes from all or any of the requirements of these Regulations.

Council officers have since deferral of this report at the Council meeting held on 21 May 2018, undertaken further research to clarify the circumstances and criteria for making an application for a farm shed exemption, including reinforcing that the relevant Building Surveyor is responsible for determining the classification of the farm shed or building.

Attached as **Appendix "10.3B"**, is a guideline and application form for exemption which has been developed based on the legal advice and is included on Council's website as background information to support applications for farm shed exemptions from obtaining a building permit. The guideline sets out the criteria for exemption from obtaining a building permit, and highlights that the exemption is not an "as of right" exemption, and is assessed by the building surveyor on a case by case basis. Regulation 13 (formerly 112) provides that buildings must be classified as set out in the Building Code of Australia and that if there is any doubt as to the classification, the relevant building surveyor must classify the building as belonging to the class it most closely resembles. The onus is on the applicant or owner to make enquiries on the building permit requirements for farm sheds and farm buildings.

Consultation

Consultation has occurred with the Municipal Association of Victoria, Victorian Municipal Building Surveyors Group, shed manufacturer, Council's and legal adviser. Our research indicates that Northern Grampians Shire has a policy whereby the building surveyor has received 8 applications for exemptions and approved 5 in the last financial year. Southern Grampians Shire has a guideline whereby the building surveyor has approved approximately 80% of exemptions (10 exemptions approved for 2018 calendar year) for farm sheds, after consultation and education with prospective applicants and more broadly the shed manufacturers.

Links to Council Plans, Strategies, Policies

Goal 2 Sustaining the Economy

2.1 Cultivate opportunities for the municipality to prosper and pursue possibilities for new developments.

Recommendation

That Council -

1. Under the Victorian Building Regulations 2018 – Regulation 280 (formerly 1804) 'Exemption for Class 10 buildings on farm land, may exempt the following, subject to an application process on a case by case basis, and subject to the relevant building surveyor classifying the building as belonging to the class it most closely resembles in accordance with Regulation 13 (formerly 112).

A Class 10 building that is to be constructed on land primarily used for farming that is:

- (a) A single Class 10 building that is to be constructed on land used for farming that is used in connection with farming; and
- (b) occupied neither frequently nor for extended periods by people; and
- (c) in which the total numbers of persons accommodated at any time does not exceed 2; and

- (d) with a total floor area of 500 square metres or less; and
- (e) the land must be 'farm land' that is being used for a commercial purpose (making a profit)

Note: farm land as defined in the Valuation of Land Act 1960.

2. Note its revocation of the "Exemption for farm buildings from requirement to obtain a building permit policy" at its Ordinary Meeting of 19 March 2018 on the basis that it is no longer consistent with the current exemption power under regulation 1804.
3. Note that:
 - a. to the extent that the resolution made on 19 March 2018 may have affected the delegation of power by Council to the CEO to issue an exemption under regulation 1804 that delegation is remade; and
 - b. that in making the fresh resolution, Council confirms that the CEO and any person to whom the power to grant the exemption is delegated by the CEO now or in the future, may exercise that power on application by the owner of farm land seeking the exemption.
4. Note the guideline and application form for exemption for farm buildings from requirement to obtain a building permit published on Council's website and made generally available.

Moved Cr Robinson, Seconded Cr Grimble that Council -

1. **Under the Victorian Building Regulations 2018 – Regulation 280 (formerly 1804) 'Exemption for Class 10 buildings on farm land, may exempt the following, subject to an application process on a case by case basis, and subject to the relevant building surveyor classifying the building as belonging to the class it most closely resembles in accordance with Regulation 13 (formerly 112).**
 - (a) **Any single storey Class 10 building that is to be constructed on land primarily used for farming that is:**
 - (i) **Used in connection with farming; or**
 - (ii) **Used primarily to store one or more farm vehicles; or**
 - (iii) **A combination of (i) or (ii); and**
 - (b) **Occupied neither frequently nor for extended periods by people; and**
 - (c) **In which the total number of persons accommodated at any time does not exceed 2; and**
 - (d) **With a total floor area of 500 square metres or less**
 - (e) (i) **Farming –as defined in the Building Code of Australia.**
(ii) **Farm Vehicle –as defined in the Building Code of Australia.**

(iii) Farm Land – as defined in the Valuation of Land Act 1960.

2. Note its revocation of the “Exemption for farm buildings from requirement to obtain a building permit policy” at its Ordinary Meeting of 19 March 2018 on the basis that it is no longer consistent with the current exemption power under regulation 1804.
3. Note that:
 - a. to the extent that the resolution made on 19 March 2018 may have affected the delegation of power by Council to the CEO to issue an exemption under regulation 1804 that delegation is remade; and
 - b. that in making the fresh resolution, Council confirms that the CEO and any person to whom the power to grant the exemption is delegated by the CEO now or in the future, may exercise that power on application by the owner of farm land seeking the exemption.
4. Note the guideline and application form for exemption for farm buildings from requirement to obtain a building permit published on Council’s website and made generally available.

CARRIED

10.4 ELECTRICITY SUPPLY CONTRACT

Andy Van & John Martin

File Ref: F13/A02

Recommendation

That Council refer this item to the confidential briefing part of the meeting to consider the report from the Director Technical Services in accordance with Section 89(2) (d) contractual matters of the Local Government Act, 1989.

Moved Cr Radford, Seconded Cr Koenig that this item be considered in Closed Council (Committee).

CARRIED

**10.5 KERB & CHANNEL SPECIAL CHARGE SCHEME, JENKINSON AVENUE,
HORSHAM – STAGE 3**

Lyndon White

File Ref: 88/01/00940

Purpose

To finalise the Special Charge Scheme for the third stage of kerb and channel construction in Jenkinson Avenue from Colin Street to Murray Street.

Background

Council, at its meeting of 8 December 2016, approved a Kerb and Channel Special Charge Scheme for Jenkinson Avenue, Horsham. The third stage of Jenkinson Avenue has nine affected properties, eight of the landholders signed agreements with Council and the ninth objected. It was decided to proceed by removing the ninth property from the scheme.

The construction works have recently been completed.

Financial

Council as part of its 2016/2017 Urban Road Construction budget allocated \$161,000 to the construction of Jenkinson Avenue and this included a \$14,000 contribution to the kerb and channel.

Actual costs for the project have been calculated and a final apportionment prepared, as provided in the Confidential Briefing Paper.

A summary of the costs is as follows -

	Estimated Cost	Actual Cost
Total cost of works	\$29,414.15	\$26,407.67
Cost per metre	\$77.29	\$69.39
Council contribution	\$14,707.08	\$14,402.17
Owners contribution	\$14,707.08	\$12,005.50

Recommendation

That Council -

1. Adopt the final cost apportionment.
2. Levy the owners affected by the Special Charge Scheme for Jenkinson Avenue, Horsham kerb and channel stage 3 construction for final costs.

Moved Cr Radford, Seconded Cr Koenig that the recommendation be adopted.

CARRIED

11. URGENT BUSINESS

NIL

Moved Cr Robinson, Seconded Cr Koenig that the Council Meeting close to consider item number 10.4 of the Director Technical Services Report deemed to be of a confidential nature in accordance with Section 89(2) of the Local Government Act, 1989.

CARRIED

The time being 7.17pm the Council meeting closed.

Moved Cr Power, Seconded Cr Koenig that the Council meeting open.

CARRIED

The Council Chamber doors were opened at 7.25pm.

Moved Cr Koenig, Seconded Cr Grimble that the recommendations in the closed Council meeting be adopted.

CARRIED

The meeting closed at 7.26pm.

The Mayor, Cr P Clarke
Chairperson