



28 June 2017

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chamber, Nhill on Wednesday 5 July 2017, commencing at **3.00pm**.



Greg Wood
Chief Executive Officer

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. Correspondence

7. Assembly of Councillors

7.1 Record of Assembly

8. Planning Permit Reports

- 8.1 Application for Planning Permit 1558-17
- 8.2 Application for Planning Permit 1556-17

9. Reports Requiring a Decision

- 9.1 Hindmarsh Shire Health and Wellbeing Plan

10. Special Committees

- 10.1 Rainbow Town Committee
- 10.2 Wimmera Mallee Pioneer Museum Committee
- 10.3 Nhill Town Committee

11. Late Reports

- 11.1 Melbourne Cup Day Public Holiday 2017

12. Other Business

No report

13. Confidential Matters

- 13.1 National Disability Insurance Scheme Registration

14. Meeting Close

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

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

Opening Prayer

*Dear Lord,
We humbly request your blessing upon this Council and welcome your guiding presence among us.*

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 June 2017 in the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.

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.

5. PUBLIC QUESTION TIME

6. CORRESPONDENCE

6.1 GENERAL CORRESPONDENCE

No correspondence

7. ASSEMBLY OF COUNCILLORS

No report

8. PLANNING PERMITS

8.1 APPLICATION FOR PLANNING PERMIT 1558-17

Responsible Officer: Director Infrastructure Services
File: Planning – Applications – 1558-17
Assessment: 027720
Attachment: 2

Applicant: Wayne Albrecht
Owner: Wayne Albrecht
Subject Land: Lot 2, PS519066B
(18 St Leonards Avenue, Dimboola)

Proposal: Construction of a garage
Zoning & Overlays: General Residential Zone (GRZ1) and Public Park and Recreation Zone (PPRZ)
Land Subject to Inundation Overlay (LSIO), Environmental Significance Overlay – Schedule 3 & 6 (ESO3 & ESO6)

Summary:

The subject site is located on the south side of St Leonards Avenue approximately 130m west of Burnside Avenue. The land is irregular in shape and has two distinct components. There is a residential component typical of the surrounding urban area, which is located towards St Leonards Avenue. A second larger component adjoins the Wimmera River. The 'residential' area is developed with a dwelling and several sheds.

It is proposed to erect a garage on the rear eastern corner of the residential block with dimensions of 7m x 7m and a 2.7m height. The garage will be setback 0.2m from the adjacent boundary fence. The garage will be within that part of the site that is within the General Residential Zone.

Under the General Residential Zone, a planning permit is not required to construct a garage if it is associated with a dwelling. In this instance a planning permit is however required as the position of the proposed garage is within a Land Subject to Inundation Overlay (LSIO). Any proposed building on land covered by a LSIO triggers the requirement for a planning permit. The purpose of the control is to minimise potential flood damage.

The application was referred to Wimmera Catchment Management Authority (WCMA) due to the LSIO. The authority did not object to the application but has required permit conditions, these are included as part of the recommendation.

The Hindmarsh Planning Scheme encourages investment within townships whilst seeking to minimise adverse environmental outcomes from weather events. The proposal is consistent with these planning objectives.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application can be given to the community and must be referred to stipulated authorities.

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this

application was not given as the only permit trigger relates to the Land Subject to Inundation Overlay.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not sent to any authorities due to the nature of what is proposed.

Pursuant to Section 55 of the Act, notice of this application was sent to the WCMA and the authority did not object subject to the inclusion of permit conditions.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Town Planner advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on the 23 May 2017. The report is being presented to the Council meeting of 5 July 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

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 – Anne Champness, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approves Planning Application 1558-17 allowing a Planning Permit for the construction of a garage at Lot 2 PS519066B (18 St Leonards Avenue, Dimboola). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority. These plans include Figure 1 supplied by the WCMA and referenced in Condition 5.

2. Storage restriction:

The garage shall only be used for domestic purposes associated with the dwelling on the subject site.

3. Easements:

The garage shall not be sited above any easements.

Wimmera Catchment Management Authority requirements:

4. The finished floor level of the proposed shed is to be constructed at or above the flood level of 103.4 metres (AHD).

5. Any fencing on flooded land (refer to figure 1) must be of an open style, for example post and wire fencing. The fencing should not impede the flow of floodwater on this allotment.

6. No earthen landfill is to be placed on the land other than that required to build up the land in order to achieve Condition 4 above.

7. Permit Lapse/Extension:

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

Attachment: 2

CONFIDENTIAL

8.2 APPLICATION FOR PLANNING PERMIT 1556-17

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications – 1556-17
Attachment:	3
Applicant:	Victorian Off Road Racing Association Inc
Owner:	Various Crown Land and roads
Subject Land:	Various Crown Allotments (west of Rainbow township (refer to attachments))
Proposal:	Rainbow Desert Enduro (Place of Assembly).
Zoning & Overlays:	Farming Zone (FZ), Public Park and Recreation Zone (PPRZ), Public Resource and Conservation Zone (PCRZ), various Overlays.

Summary:

This application seeks planning approval to stage the 'Rainbow Desert Enduro'. The event will be held over approximately one week in August 2017. The event is proposed by the Victorian Off Road Racing Association Inc. The race will occur over local roads and land to the west of the Rainbow Township. A staging area is located north of the Rainbow airstrip. The staging site and course is relatively remote with no nearby sensitive uses.

The proposal is a low impact event that requires no permanent structures to be erected. In preparation for the event there has been widespread consultation with the local Rainbow community, Council, Parks Vic and DELWP. The race will occur over existing roads, and through paddocks and there are considerable efforts involved in providing marshalls to ensure no conflict with regular users of the roadways. No native vegetation removal is proposed.

It is proposed to hire temporary toilet facilities and structures. Given the one off nature of the proposal it is appropriate to place an expiry date on the planning permit. The proposed expiry date allows a minimum of four weeks to clean the staging site and race route. It is anticipated that any tidying will occur before the expiry of the permit.

The application has been referred to DELWP. The Department had no objection to the application and required no conditions.

The Hindmarsh Planning Scheme encourages community involvement in sporting events and economic development. The proposal is entirely consistent with these planning objectives.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and referred to stipulated authorities.

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this application was not given as existing roadways are to be used and there has already been considerable public consultation.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not referred to any authorities as the proposal is not subject to any relevant controls.

Pursuant to Section 55 of the Act, notice of this application was sent to DELWP. The authority has not objected to the proposal.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Town Planner advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on 2 May 2017. The report is being presented to the Council meeting of 5 July 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

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 – Anne Champness, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approves Planning Application 1556-17 allowing a Planning Permit to hold the 'Rainbow Race Enduro' (Place of Assembly) during August 2017 in various locations west of the Rainbow Township. The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority.

2. Certificate of Currency for Public Liability Insurance:

The use hereby permitted shall not commence until a current certificate of currency for Public Liability Insurance has been obtained.

3. Maintenance:

Maintenance of all works, surrounds and parking areas within the site shall be carried out in such a manner to render the site neat, tidy and clean at all times.

All Council road and road related infrastructure must be reinstated to a condition of equal or greater condition than before the event.

4. Parking and Traffic Management:

No vehicle associated with the event shall be parked in a road reserve abutting the subject land, unless in a designated area approved by the Director Infrastructure Services.

A Traffic Management Plan must be submitted to Council four (4) weeks prior to the running of the event. Once approved, notification must be given to the community not less than 14 days from the event.

5. Amenity:

The amenity of the area shall not be detrimentally affected by the use or development through the:

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

6. Waste Disposal:

All wastes including sewage, sullage and refuse, shall be disposed of in the proper manner, to the satisfaction of the Responsible Authority (Environmental Health Officer).

7. Water Supply:

The use hereby permitted shall not commence until an adequate supply of potable water has been provided, to the satisfaction of the Responsible Authority (Environmental Health Officer).

8. Food Handling:

Any food intended to be sold must be the subject of a 'Single Food Event' Application, and shall be to the satisfaction of the Responsible Authority (Environmental Health Officer).

9. Signs Requiring Further Approval:

Unless no permit is required under the Planning Scheme, signs must not be constructed or displayed without a further permit.

10. Emergency Services Given Notice:

Emergency Services (Country Fire Authority, Police & Ambulance) are to be given 14 days written notice of the proposed event and a further 48 hours' notice before the commencement of any activity onsite, by the organiser.

11. Clean up:

The permit holder will ensure the site is in a neat and tidy manner with all rubbish removed prior to the lapse of the permit.

12. Lapse Of Permit:

This Permit shall lapse on the 30 September 2017.

Attachment: 3

9. REPORTS REQUIRING A DECISION

9.1 HINDMARSH SHIRE HEALTH AND WELLBEING PLAN

Responsible Officer: Acting Director Community Services
Attachment Number: 4

Introduction:

This report seeks Council endorsement of the Draft 2017-2021 Municipal Public Health and Wellbeing Plan (MPHWP) referred to in the 2017–2021 Hindmarsh Shire Council Plan as the Health and Wellbeing Plan.

Under the *Public Health and Wellbeing Act 2008, Sections, 26 and 27*, Local Government must plan for the health and wellbeing of its community.

This can be done by either a standalone Municipal Public Health and Wellbeing Plan (MPHWP) or through the inclusion of public health matters in the Council Plan.

As Council has chosen to consider and document the requirements of the MPHWP into the 2017-2021 Council Plan, Council therefore has to seek exemption from the Department of Health and Human Services (DHHS) from producing a stand-alone MPHWP.

As part of this exemption process, Council needs to provide a copy of the endorsed draft Health and Wellbeing Plan to DHHS by 17 July 2017.

As Council will need to wait on advice from the Essential Services Commission before endorsing the Council Plan and Health and Wellbeing Plan to go out for public comment, it is likely that Council will have to call a special Council meeting in late July or early August.

The 2017-2021 Council Plan needs to be adopted by Council by 31 August 2017.

Background

In preparation and development of the Health and Wellbeing Plan, Council has engaged with the community and other stakeholders including Wimmera Primary Care Partnership, West Wimmera Health Service, Wimmera Health Care Group among others to establish key priority areas.

From this engagement process four priority areas have emerged;

- Healthy Eating and Living
- Physical Activity
- Social Connection; and
- Family Violence (as a result of the Royal Commission into Family Violence, this priority area is now mandatory to be included within MPHWP's).

These priorities have been grouped into four broad key result areas (KRAs) within the 2017-2021 Council Plan.

These KRAs reflect Council's priorities and provide a framework for implementing, reporting and monitoring our strategies:

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

Link to Council Plan:

- 1.1 An actively engaged community
- 1.2 A range of effective and accessible services to support the health and wellbeing of our community
- 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreation facilities
- 2.1 Well-maintained physical assets and infrastructure to meet community and organizational needs
- 3.2 A thriving tourism industry
- 3.3 Modern and affordable information and communication technology throughout the municipality
- 3.4 Transport solutions that support the needs of our communities and businesses

Financial Implications:

Projects identified in the 2017-2021 Municipal Public Health and Wellbeing Plan will be funded through grant applications or through the Council Budget.

Risk Management Implications:

Appropriate Risk Assessments will be prepared in accordance with Council's procedures and policies prior to the implementation of any initiatives.

Communications Strategy:

The draft 2017–2021 Hindmarsh Shire Council Plan incorporating the 2017-2021 Municipal Public Health and Wellbeing Plan will be made available to key stakeholders and the wider community for comment following the Special Council meeting indicated to be held in late July / early August 2017.

The draft 2017–2021 Hindmarsh Shire Council Plan incorporating the 2017-2021 Municipal Public Health and Wellbeing Plan and public consultation period will be promoted with a media release, on Council's website and Facebook page. Hardcopies will be made available at each Customer Service Centre, and to other key stakeholders.

Conflict of Interest:

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible and author – Phil King, Acting Director Community Services

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

RECOMMENDATION:

That Council endorses and releases the draft 2017–2021 Hindmarsh Shire Council Plan incorporating the 2017-2021 Municipal Public Health and Wellbeing Plan for submission to the Department of Health and Human Services as part of the application for exemption from the preparation of a standalone 2017-2021 Municipal Public Health and Wellbeing Plan.

Attachment: 4

10. SPECIAL COMMITTEES

10.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 5

Introduction:

The Rainbow Town Committee held its Meeting on 22 May 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Town Committee Meeting on 22 May 2017.

Attachment: 5

10.2 WIMMERA MALLEE PIONEER MUSEUM

Responsible Officer: Director Corporate and Community Services
Attachment: 6

Introduction:

The Wimmera Mallee Pioneer Museum Committee held its Meeting on 16 May 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Committee Meeting on 16 May.

Attachment: 6

10.3 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 7

Introduction:

The Nhill Town Committee held its Meeting on 19 June 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee Meeting on 19 June 2017.

Attachment: 7

11. LATE REPORTS

11.1 MELBOURNE CUP DAY PUBLIC HOLIDAYS 2017

Responsible Officer: Acting Director Corporate Services

Introduction:

Council resolved at its meeting held on 17 May 2017 to substitute the Melbourne Cup Public Holiday held on 7 November 2017 for two localities within the Shire. The motion set the Nhill Show Day Public Holiday for 12 October 2017 and the Rainbow Show Day Public Holiday for 10 October 2017 with the remainder of the shire remaining on 7 November, Melbourne Cup Day.

The original report contained an error with the dates of the Hindmarsh Shire show days; this report outlines the procedure and updated options for the declaration of substitute public holidays for Melbourne Cup Day in 2017.

Discussion:

In 2011, the Victorian Government amended the *Public Holidays Act 1993* to give regional Councils the ability to request alternative local public holiday arrangements in lieu of Melbourne Cup Day.

The Public Holidays Act 1993 section 8A (1) states:

Council may request substitute holiday for Melbourne Cup Day

- (1) *A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*
 - (a) *that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and*
 - (b) *that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.*
- (2) *A request under subsection (1) must—*
 - (a) *be made at least 90 days before the Melbourne Cup Day to which the request relate; and*
 - (b) *specify the day or 2 half-days of the substituted public holiday; and*
 - (c) *specify the reasons for making the request.*
- (3) *In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.*
- (4) *A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.*

Since 2012, Hindmarsh Shire Council has successfully applied to the Minister for Small Business for substitute public holidays to Melbourne Cup Day for the Rainbow and Nhill agricultural shows, as these are held each year on weekdays. The Dimboola and Jeparit districts continued to take Melbourne Cup Day as a public holiday, as their respective agricultural shows fall on a weekend.

Councils nominating substitute holiday arrangements need to make their request at least 90 days prior to Melbourne Cup Day 2017, that is, no later than Wednesday 9 August 2017.

The dates for the 2017 agricultural shows are:

Rainbow	Tuesday 17 October 2017;
Nhill	Thursday 19 October 2017;
Dimboola	Saturday 21 October 2017; and
Jeparit	Sunday 22 October 2017.

The Nhill Show public holiday incorporates the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert.

The Rainbow Show public holiday incorporates the localities of Rainbow, Albacutya and Kenmare.

Options:

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

Communication Strategy:

Advertisements will be placed in each of the local papers following approval of the Gazettal by the Minister for Small Business.

Conflict of Interest:

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

Author and Officer Responsible: Monica Revell, Acting Director Corporate Services.

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

RECOMMENDATION:

That Council writes to the Minister for Small Business expressing a preference for the following:

1. ***A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 17 October 2017) for the localities of Rainbow, Albacutya and Kenmare within the Shire;***
2. ***A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 19 October 2017) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and***
3. ***Melbourne Cup Day for the remainder of the Shire.***

12. OTHER BUSINESS

13. 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 (a) personnel matters;

13.1 National Disability Insurance Scheme Registration

14. MEETING CLOSE

CONFIDENTIAL