

13 March 2019

To Councillor, "as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Health and Fitness Centre, School Street, Dimboola on Wednesday 20 March 2019 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. Deputations

# 7. Activity Reports

8. Correspondence

#### 9. Assembly of Councillors

#### 9.1 Record of Assembly

#### 10. Planning Permit Reports

- 10.1 Application for Planning Permit PA1608-2018 2 X Lot Subdivision Lot 1 TP389317, 700 Dimboola-Rainbow Rd Dimboola
- 10.2 Planning Permit Activity July 2018 to Present

#### 11. Reports Requiring a Decision

No report

#### 12. Special Committees

- 12.1 Yurunga Management Committee
- 12.2 Hindmarsh Shire Council Audit Committee

#### 13. Late Reports

- 13.1 Late Report: Planning Permit Application PA1624-2019 Construction of Shed, Lot 2 PS301157, 471 Albacutya Road Rainbow
- 13.2 Late Report: Bank Overdraft

#### 14. Other Business

No report

#### **15. Confidential Matters**

- 15.1 Former Arkona Tennis Court Site
- 15.2 Hindmarsh Shire Council Community Action Grants 2018/19 Round 2
- 15.3 Award Contract Restoration of Flood Affected Roads Package 2
- 15.4 Award Contract Restoration of Flood Affected Roads Package 3
- 15.5 Hardship Application
- 15.6 Independent External Audit Committee Member

#### 16. Confidential Late Reports

16.1 Confidential Late Report – Nhill Rainbow Road Bridge Widening Tender

#### 17. 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

### 3. CONFIRMATION OF MINUTES

#### **RECOMMENDATION:**

That the Minutes of the Ordinary Council Meeting held on Wednesday 6 March 2019 at the Council Chambers 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. **DEPUTATIONS**

No deputations

# 7. ACTIVITY REPORTS

# **COUNCILLOR ACTIVITIES: FEBRUARY 2019**

# Cr ISMAY, MAYOR

Attended:

06/02/2019	Briefing meeting Nhill
06/02/2019	Council meeting Nhill
08/02/2019	Western Highway Group meeting Ballarat
08/02/2019	Friday Fiesta New residents welcome
11/02/2019	Jeparit Town committee meeting
13/02/2019	Meeting with Vic Fisheries / GWM Rainbow
13/02/2019	Vorra Meeting
14/02/2019	MAV President Candidate forum Stawell
20/02/2019	Briefing Meeting Jeparit
20/02/2019	Council meeting Jeparit
20/02/2019	Youth council presentation Jeparit
21/02/2019	Sally Hawker Funeral Kaniva
21/02/2019	Rainbow Primary hub meeting
25/02/2019	Rainbow town committee meeting
26/02/2019	MAV workshop Warracknabeal
27/02/2019	Branding re cycling discussion Horsham

# Cr LOWE, DEPUTY MAYOR

Attended:	
06/02/2019	Council Briefing, Meeting, Nhill.
19/02/2019	WMPM Meeting, Jeparit.
20/02/2019	Council Briefing, Meeting, Jeparit.
20/02/2019	Induction Dinner, Hindmarsh Youth Council, Jeparit.

# Cr GERSCH

Attended:	
06/02/2019	Council meeting
08/02/2019	RCV board meeting Melbourne
12/02/2019	WDA board meeting
14/02/2019	MAV President forum Stawell
20/02/2019	Council meeting Jeparit
20/02/2019	Youth Council dinner and induction
21/02/2019	Attend funeral of Sally Hawker
26/02/2019	NWMA Executive meeting
26/02/2019	MAV Strategic planning forum

# Cr COLBERT

Attended: 06/02/2019

Briefing meeting, Nhill Page 5 of 37

06/02/2019	Council meeting, Nhill
20/02/2019	Briefing meeting, Jeparit
20/02/2019	Council meeting, Jeparit

# Cr NELSON

Attended:	
04/02/2019	Town Committee meeting, Dimboola
06/02/2019	Briefing meeting, Nhill
06/02/2019	Council meeting, Nhill
08/02/2019	Nhill new residents/ Friday Fiesta, Nhill
12/02/2019	Wimmera development Association meeting, Horsham
20/02/2019	Briefing meeting, Jeparit
20/02/2019	Council meeting, Jeparit
20/02/2019	Youth Council 2019 Launch, Jeparit
25/02/2019	Shortlist applicants WDA ED position, Horsham
28/02/2019	Interviews WDA ED position, Horsham

# Cr SCHNEIDER

Attended:	
06/02/2019	Briefing meeting, Nhill
06/02/2019	Council meeting, Nhill
20/02/2019	Briefing meeting, Jeparit
20/02/2019	Council meeting, Jeparit
20/02/2019	Youth Council 2019 Launch, Jeparit

# SENIOR MANAGEMENT ACTIVITIES: FEBRUARY 2019

#### **GREG WOOD, Chief Executive Officer:**

Attended:

01/02/2019	February Fiesta, Nhill
04/02/0219	Victorian Drought Support Mental Health and Wellbeing Support
	Program Meeting, Horsham
04/02/0219	RSD Risk Auditors, Nhill
06/02/2019	Mayor/CEO Meeting, Nhill
06/02/2019	Briefing Meeting, Nhill
06/02/2019	Council Meeting, Nhill
07/02/2019	Community Care Meeting with WWHS, Nhill
07/02/2019	Rural Council Transformation Program, Nhill
08/02/2019	February Fiesta and New Residents Welcome to Nhill, Nhill
10/02/2019	Cinema Volunteer, Nhill
11/02/2019	Home and Community Care Meeting (DHHS), Nhill
12/02/2019	Councilwise Presentation, Warracknabeal
12/02/2019	Wimmera Development Association Meeting, Horsham
13/02/2019	Wimmera Regional CEO Meeting, Horsham
13/02/2019	WRLC/Hindmarsh Library Services Meeting, Horsham
15/02/2019	February Fiesta, Nhill
18/02/2019	WRLC CEO/Hindmarsh Library Services Meeting, Horsham
20/02/2019	Mayor/CEO Meeting, Jeparit
20/02/2019	Briefing Meeting, Jeparit
20/02/2019	Council Meeting, Jeparit
20/02/2019	Youth Council Launch 2019, Jeparit
21/02/2019	Sally Hawker's Funeral, Kaniva
22/02/2019	Rural Councils Transformation Program Workshop, Melbourne
25/02/2019	CHSP and HACC PYP Meeting Nhill
25/02/2019	Rainbow Town Committee Meeting, Rainbow
26/02/2019	Library Options Jeparit and Rainbow, Nhill
26/02/2019	MAV Strategic Planning Meetings 2019, Warracknabeal
27/02/2019	Initial Meeting Gender Equity Officer, Nhill

### JANETTE FRITSCH, Acting Director Infrastructure Services:

Attended:

- 05/02/2019 RSD Auditor
- 06/02/2019 Council Briefing Meeting, Nhill
- 06/02/2019 Council Meeting, Nhill
- 07/02/2019 Regional Roads Victoria Meeting
- 11/02/2019 Jeparit Town Committee Meeting
- 13/02/2019 Shared Services Building Tender HRCC
- 20/02/2019 Council Briefing Meeting, Jeparit
- 20/02/2019 Council Meeting, Jeparit

, Director Corporate and Community Services:
Sebastopol Library
Victorian Drought Support Mental Health & Wellbeing Steering Group
Meeting
Dimboola Town Committee
Briefing Meeting
Council Meeting
Community Care Meeting with WWHS
Teleconference VAGO External Auditors
Teleconference Rural Council Transformation Project
Seasonal Conditions Meeting
Gender Equality Program Introduction Meeting
Teleconference HACC PYP 17/18 Funding
Councilwise Presentation
WRLC Board Meeting
Briefing Meeting
Council Meeting
Youth Council Launch
Finpro Professional Development Day
CSHP & HACC PYP Meeting
RCV Consultation on Rural Investment Attraction Program
Civica Account Management Meeting

# MONICA REVELL Director Corporate and Community Services:

# 8. CORRESPONDENCE

#### 8.1 GENERAL CORRESPONDENCE

Responsible Officer:Chief Executive OfficerAttachment:2

#### Introduction:

The following correspondence is tabled for noting by Council, Inwards:

Request for Funding Support for Lions District Convention Lions Club of Nhill

# **RECOMMENDATION:**

# That Council notes the attached correspondence and that the request for funding has been referred to the budget process.

Attachment: 2

### 9. ASSEMBLY OF COUNCILLORS

Responsible Officer:	Chief Executive Officer
Attachment:	3

#### Introduction:

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

#### **RECOMMENDATION:**

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

Attachment: 3

10. PLANNING PERMITS

# 10.1 APPLICATION FOR PLANNING PERMIT PA1608-2018 – 2 x LOT SUBDIVISION – LOT 1 TP389317, 700 DIMBOOLA-RAINBOW RD DIMBOOLA

Responsible Officer:	Acting Director Infrastructure Services
File:	Planning – Applications
Assessment:	35990
Applicant:	Don Perry c/- Ferguson Perry Surveying Pty Ltd
Owner:	G & J Wundersitz
Subject Land:	Lot 1 TP389317, 700 Dimboola-Rainbow Rd Dimboola
Proposal:	2 x Lot Subdivision
Zoning & Overlays:	Farming Zone (FZ)
	Bushfire Management Overlay (BMO)
Attachment:	4

#### Summary:

This report recommends that Council issue a planning permit to allow the subdivision of land into 2 x lots at 700 Dimboola-Rainbow Rd Dimboola, for the purposes of a house lot excision.

### Background:

Planning permit application PA1608-2018 was lodged with Council on 03 December 2018 for the purposes of excising a house lot from the existing land, used for agricultural purposes.

### Proposal Details:

The proposal is to create 2 parcels of land as follows:

- Proposed Lot 1 13.6 ha in size, consisting of the existing dwelling, shedding and remnant native vegetation, and
- Proposed Lot 2 114 ha in size, being the residual balance lot, used for agriculture.

Presently, the subject land consists of a dwelling (main residence), and several large storage and machinery sheds.

The land is currently zoned farming, and is approximately 7.9 kilometres to the north of the Dimboola Post Office, and it is considered that approval of the subdivision will facilitate better use of the land for agriculture, by permitting the balance land (proposed Lot 2) to be retained for agriculture. The excision of the house lot (proposed Lot 1) will permit for the future separate disposal of the house lot if required, as well as facilitating further protection and retention of the native vegetation on the lot.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed, nor are any separate uses, buildings or works proposed as a part of this application.

# Requirement for Permit:

A planning permit is required under Clause 35.07-3–Farming Zone of the Hindmarsh Planning Scheme to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone (40 hectares). If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if the following applies:

• The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.

# Definitions:

Section 3 of the Planning and Environment Act 1987 defines 'subdivision' as "the division of land into two or more parts which can be disposed of separately".

'Subdivision' is not defined within the Hindmarsh Planning Scheme.

# **Restrictive Covenant or Section 173 Agreement:**

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

### Cultural Heritage Management Plan (CHMP):

The subdivision of land into 2 lots is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, and the land is only partly affected by the Aboriginal Cultural Heritage Overlay.

### Subject site & locality:

The subject land is located approximately 7.9 kilometres north of Dimboola, at 700 Dimboola-Rainbow Rd Dimboola, bounded to the west by the Dimboola-Rainbow Road and the Arkona Channel, to the north by Arkona-Katyil Road, to the east by unmade road reserve and farming land, and Five Chain Road to the south. The subject land is primarily flat, 127.6 hectares in area, and contains existing buildings associated with the dwelling and use of the land for agriculture. Land within the vicinity of the site is primarily used for agriculture (cropping), with the nearest dwelling being located approximately 900 metres to the south east.

### Public Notification:

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

# s52 Notice of application

(1) Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—

(a) to the owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land;
- One A3 sign was placed on the land on 01 February 2019; and
- The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

### **Referrals:**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Advertising occurred as noted above

Internal Referrals:

- Engineering: Conditions provided.
- Environmental Health: Not required.
- Building: Not required.
- Economic Development and Tourism: Not required.

### Planning Assessment:

### Planning Scheme Requirements:

### Planning Policy Framework:

Clause 11.01 - Victoria Clause 11.01-1S - Settlement Clause 11.01-1R - Settlement - Wimmera Southern Mallee Clause 13.02-1S - Bushfire planning Clause 14.01 - Agriculture Clause 14.01-1S - Protection of agricultural land Clause 14.01-2S - Sustainable agricultural land use Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee Clause17.01-1S - Diversified economy

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

Local Planning Policy Framework: Clause.21- Municipal Strategic Statement

**Zoning Provisions:** Clause 35.07 - Farming Zone

**Overlay Provisions:** 

Clause 44.06 - Bushfire Management Overlay

Particular Provisions:

None Applicable

#### **General Provisions:**

Clause 65 - Decision Guidelines, states that:-

"Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause".

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy.
- Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for agriculture.

#### Discussion:

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

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

### **Decision Guidelines**

### General Issues

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

Planning response:

The proposal is considered to meet the applicable decision guidelines as stated. The site is appropriate for the proposed subdivision, having regard to the size of the land, the design of the proposed excision lot, and the ability of the land to be used for agriculture separately to the dwelling. Access to the site is provided by both an all-

weather and an earth road and the proposal will not significantly impact on other forms of infrastructure in the area.

### Agricultural issues and the impacts from non-agricultural uses

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

### Planning response:

The proposal to subdivide is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be prepared for the site.

The proposal is not considered to limit the operation and expansion of adjoining and nearby agricultural uses and the site is considered appropriate for the subdivision, given the design of the proposed excision, surrounding the remnant native vegetation on the land.

The facility enjoys broad and strong policy support both within State sections of the Planning Policy Framework along with specific policy support within the Local Planning Policy Framework.

### Environmental issues

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

Planning Response:

The proposal is considered to enhance the use of the land for agriculture, by segregating the agricultural activities from the remnant vegetation on proposed Lot 1. Further to this, the proposal will:

- Not negatively impact on the natural physical features and resources of the area.
- Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- Not negatively impact upon biodiversity of the area, and will aid the retention of vegetation and faunal habitat.

# Design and siting issues

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

Planning Response:

Not applicable. No buildings or works are proposed as a part of this application.

### Clause 44.06 – Bushfire Management Overlay

Under Clause 44.06 – Bushfire Management Overlay (BMO), a permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

This is not applicable, as the BMO overlay minimally impacts the land, and the line of proposed subdivision is not affected by the BMO. Discussions held with the CFA on the 04 March confirm that they did not wish to see this application.

### Strategic, Statutory and Procedural Requirements:

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

# Report to Council:

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

#### Processing Times:

The application was received on 3 December 2018. The report is being presented to Council at its meeting on the 20 March 2019 (108 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

#### Conflict of Interest:

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

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning and Development In providing this advice as the Author, I have no disclosable interests in this report.

#### **RECOMMENDATION:**

That Council approve an application for a 2 lot subdivision at Lot 1 TP389317, 700 Dimboola Rainbow Road, subject to the following conditions:

### 1. Formal Plan of Subdivision

The formal plan of subdivision lodged with Council for certification must be in accordance with the endorsed plan and must not be modified except to comply with the statutory requirements or with the written consent of the Responsible Authority.

### 2. Infrastructure

The access point to proposed lot 2 from Arkona-Katyil Road or Jensz Road must be upgraded to the satisfaction of Council and at the applicant's cost.

### 3. <u>Permit Expiry</u>

This permit will expire if:

a) The plan of subdivision is not certified within three years of the date of this permit; or

b) The registration of the subdivision is not completed within five years of the date of the certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within six months afterwards. Attachment: 4

# 10.2 PLANNING PERMIT ACTIVITY – JULY 2018 TO PRESENT

# **Responsible Officer:** Acting Director Infrastructure Services

#### Summary:

This report intends to provide Council with an overview of planning permit activity from July 2018 to present, including number of permits granted under delegation, and VicSmart permits.

# Planning Permit Activity – 01 July 2018 to 20 March 2019

Planning Permit Number	Туре	Address	Brief Description	Date Lodged	Status	Statutory Days as at 20 March 2019
1113-2007	Amendme nt	635 Gerang South Rd, Gerang Gerung	Amd to Permit to delete Condition 8	1/02/2017	06/09/18 - Reminder sent to applicant re amended entry plans	767
1584-2018	Permit	100 Miller Lane, Nhill	Animal Keeping – 15 x Dogs	01/05/2018	Approved 06/02/2019	169
1589-2018	Permit	43 Lloyd St, Dimboola (Dimboola Recreation Reserve)	Dimboola Rowing Club – Liquor License	29/05/2018	Approved – 21/09/2018	165
1578-2018	Permit	491 Uthmeyers Road Nhill – 'Nhillbilly Farm'	Camping and Caravan Park, Function Centre, Restaurant and Liquor License	1/06/2018	27/02/2019 - Awaiting Further Information	158
1583-2018	Permit	2 Hindmarsh Ct, Nhill	Dual Occupancy	07/06/2018	Approved – 24/10/2018	85
1593-2018	Permit	31 Ellerman St, Dimboola	Service Station	19/07/2018	VCAT objection struck out – 11/01/2019, Permit Issued 25/01/2019 Condition 1 plans submitted for assessment	96
1594-2018	Permit	1B Lloyd St, Dimboola	Construction of Shed	23/07/2018	Approved – 21/09/2018. Secondary consent issued 14/02/2019	118
1597-2018	Permit	14A Wimmera St, Dimboola	Construction of Carport	31/07/2018	Approved – 21/09/2018	114
1596-2018	Permit	59 Lloyd St Dimboola	Alterations to dwelling	31/07/2018	Approved – 24/09/2018	51
1599-2018	Permit	29 Ellerman St, Dimboola	2 Lot Subdivision	16/08/2018	Approved – 24/10/2018	72

HINDMARSH SHIRE COUNCIL COUNCIL MEETING

AGENDA

20 MARCH 2019

1598-2018	VicSmart		Construction of Veranda	23/08/2018	Approved under delegation –	27
		Dimboola	(B&W in C1Z)		04/10/2018	
1600-2018	Permit	2 Faith St, Dimboola	Store	20/09/2018	Approved – 06/12/2018	61
1601-2018	Permit	Lake Rd, Jeparit	Construction of Carport	21/09/2018	Approved – 06/12/2018	76
PA1615- 2019	Permit	56-58 Victoria St Nhill	Service Station	21/09/2018	Advertising	35
39-1999	Amendme nt	142 Drapers Rd Nhill	Amendment - Use & Development of Land - Duck Farm - Increase in number of Ducks - Buildings & Works for additional shedding	26/10/2018	VCAT - Appeal lodged by objectors - 14/01/2019	32
1603-2018	VicSmart	33 Leahy St, Nhill	Shade Sail	29/10/2018	Approved under delegation - 07/11/2018	7
1602-2018	Permit	291 Yanac Netherby Rd, Yanac	Construct replacement dwelling	31/10/2018	Approved – 19/12/2018	50
869-2003	Amendme nt	640 Warraquil Rd Netherby	Amendment - Gypsum Mine	31/10/2018	RFI due   05/05/2019 -   reminder email   sent 10/01/2019	0
1604-2018	Permit	1 Kruger Rd, Rainbow	Construction of Dwelling	22/11/2018	Approved – 19/12/2018	27
VS1605- 2018	VicSmart	1631 River Rd, Antwerp	Extension to Dwelling	29/11/2018	Approved under delegation – 20/12/2018	3
PA1608- 2018	Permit	700 Dimboola- Rainbow Rd Dimboola	2 lot subdivision	03/12/2018	To Council – 20/03/2018	108
PA1606- 2018	Permit	Pullut West Rd, Rainbow	BOM Weather Radar	07/12/2018	Approved – 08/02/2019	62
PA1609- 2018	Permit	CA68 Psh Dahwedarre (D Colberts Rd) Broughton	2 lot subdivision	12/12/2018	Processing	99
PA1607- 2018	Permit	381 Miram East Rd Nhill	Animal Keeping – 20 x dogs	31/12/2018	RFI Issued 22/01/2019	0
PA1612- 2018	Permit	95-99 Victoria St Nhill	2 lot subdivision	07/01/2019	Processing	73
PA1610- 2018	Permit	940 Kiata North Rd Glenlee	2 lot subdivision	10/01/2019	Advertising	70
PA1616- 2019	Permit	101 Lloyd St Dimboola	Construction of extensions to Library	14/01/2019	REQUESTED TO BE PUT ON HOLD BY APPLICANT - 27/02/2018 - AMENDED PLANS TO BE SUBMITTED	66

#### HINDMARSH SHIRE COUNCIL COUNCIL MEETING

AGENDA

#### 20 MARCH 2019

PA1614- 2018	Permit	957 Western Hwy Nhill	Replacement Dwelling	04/02/2019	To Council – 06/03/2019	31
VS1618- 2019	VicSmart	Nhill Courthouse	External Alterations	05/02/2019	Approved under delegation - 13/02/2019	7
VS1619- 2019	VicSmart	10 Riverside Drive, Dimboola	Buildings and works in Farming Zone	08/02/2019	Approved under delegation - 21/02/2019	10
PA1617- 2019	Permit	Various properties	Place of Assembly	14/02/2019	Processing	25
PA1622- 2019	Permit	221 Diapur-Yanac Rd Nhill	2 lot subdivision	15/02/2019	Processing	26
PA1623- 2019	Permit	180 Old Katyil Rd Dimboola	2 lot subdivision	15/02/2019	Processing	26
PA1611- 2018	Permit	2 Tullyvea St, Jeparit	Construction of shed	NOT YET PAID – INVOICE SENT 02/01/2019	On Hold	0
PA1621- 2019	Permit	4 Elizabeth St Nhill	Construction of 3 x dwellings	NOT YET PAID - INVOICE SENT 27/02/2019	On Hold	0
PA1620- 2019	Permit	CA9 SEC B & CA11 SEC B Rainbow Rises Rd, Rainbow	Rainbow Rises 240	31/01/2019	Approved 13/02/2019	14
1514-2015	Amendme nt	Dimboola Hotel – 116-120 Lloyd St Dimboola	Subdivision for Cert – differs to approved plan	17/09/2017	Approved 20/02/2019 - Permit to Issue	524
1624-2019	Permit	471 Albacutya Rd Rainbow	Shed in LSIO	06/03/2019	Referred to WCMA	8

# Active: 18 Approved by Council: 15 VicSmart Approved: 5 Approved under delegation (separate to VicSmart): 0

TOTAL: 38

# Options

N/A

# Link to Council Plan:

Strategic Objective 1.1 - An actively engaged community.

Strategic Objective 2.1 - Well-maintained physical assets and infrastructure to meet community and organisational needs.

Strategic Objective 3.1 - A strong rural economy and thriving towns.

Strategic Objective 4.2 - Quality customer services.

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

# **Financial Implications:**

Fees associated with planning permit applications and amendments are set by the State in accordance with the Planning and Environment (Fees) Regulations 2016. These fees are currently being applied to all applications received by Council.

# Risk Management Implications:

Risk is managed appropriately by adhering to the planning process as prescribed by the Planning and Environment Act 1987 and Regulations 2015.

### 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 – Janette Fritsch – Acting Director Infrastructure In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning & Development In providing this advice as the Author, I have no disclosable interests in this report.

# Communications Strategy:

Nil

# Next Steps:

Next Planning Permit Activity Report to be provided 24 July 2019.

### **RECOMMENDATION:**

### That Council receives and notes this report.

# 11. REPORTS REQUIRING A DECISION

No report.

#### 12. **SPECIAL COMMITTEES**

#### 12.1 YURUNGA MANAGEMENT COMMITTEE

Responsible Officer:	Director Corporate and Community Services
Attachment:	5

#### Introduction:

The Yurunga Management Committee held its meeting on 15 November 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

#### **RECOMMENDATION:**

That Council notes the minutes of the Yurunga Management Committee meeting held on 15 November 2018.

Attachment: 5

# 12.2 HINDMARSH SHIRE COUNCIL AUDIT COMMITTEE

Responsible Officer:	Director Corporate and Community Services
Attachment:	6

#### Introduction:

The Hindmarsh Shire Council Audit Committee held its meeting on 7 March 2019. 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 Hindmarsh Shire Council Audit Committee meeting held on 7 March 2019. Attachment: 6

13. LATE REPORTS

# 13.1 LATE REPORT: PLANNING PERMIT APPLICATION PA1624-2019 – CONSTRUCTION OF SHED, LOT 2 PS301157, 471 ALBACUTYA ROAD RAINBOW

Responsible Officer:	Acting Director Infrastructure Services
File:	Planning – Applications
Assessment:	10140
Applicant:	Tennille Gould
Owner:	A & T Gould Holdings Pty Ltd
Subject Land:	Lot 2 PS301157, 471 Albacutya Rd Rainbow
Proposal:	Construction of shed
Zoning & Overlays:	Farming Zone (FZ)
	Environmental Significance Overlay Schedule 6 –
	Catchments of Wetlands of Conservation Value
	Land Subject to Inundation Overlay (LSIO)
	Bushfire Management Overlay (BMO)
Attachment:	14

#### Summary:

This report recommends that Council issue a planning permit to allow the construction of a machinery storage shed on land within a LSIO at 471 Albacutya Rd, Rainbow.

### Background:

Planning permit application PA1624-2019 was lodged with Council on 07 March 2019 for the purposes of constructing a machinery storage shed, on land used for agricultural purposes.

### **Proposal Details:**

The proposed shed, 54 metres in length, and 24 metres in width, is located approximately 150 metres south of Albacutya Road, on land subject to inundation. Presently, the subject land consists of a dwelling (main residence), and several large storage and machinery sheds. The land is currently zoned farming, and is approximately 10.7 kilometres to the north north-west of the Rainbow Post Office, and it is considered that approval of the shed will facilitate better use of the land for agriculture, by permitting the more appropriate storage of farming machinery and equipment.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed, nor are any separate uses, buildings or works proposed as a part of this application.

### Requirement for Permit:

A planning permit is required under Clause 44.04 – Land Subject to Inundation (LSIO) of the Hindmarsh Planning Scheme, which states "A permit is required to construct a Page **26** of **37** 

building or to construct or carry out works". This does not apply if a schedule to this overlay specifically states that a permit is not required.

The schedule to the overlay states that a permit is not required to construct or carry out the following buildings or works:

"Any buildings and works if appropriately detailed information is submitted to the satisfaction of the Responsible Authority showing the natural level of the land on which the buildings and works are proposed is at least 300mm above the Average Recurrence Interval flood level".

As there are no designated flood levels for this allotment, a planning permit is required, with further referral to the Wimmera Catchment Authority (WCMA) necessary.

No planning permit is required under the Farming Zone, as the proposal is ancillary to the use of the land for agriculture (Section 1 use in the Farming Zone).

The proposal is not located within the Bushfire Management Overlay (BMO), or the Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value

### Definitions:

The use of the land for a machinery shed is ancillary to the use of the land for 'Agriculture', being:

"Land used to:

- a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;
- b) keep, breed, board, or train animals, including livestock, and birds; or
- c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters".

The use of land for agriculture in the Farming Zone is a Section 1 use.

### **Restrictive Covenant or Section 173 Agreement:**

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

### Cultural Heritage Management Plan (CHMP):

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

### Subject site & locality:

The subject land is located approximately 10.7 kilometres to the north north-west of the Rainbow Post Office, bounded to the north by Albacutya Road and Lake Albacutya, and to the east, south, and west by farming land primarily used for cropping. The subject land is primarily flat, 227.8 hectares in area, and contains existing buildings associated

with the dwelling and use of the land for agriculture. Land within the vicinity of the site is primarily used for agriculture (cropping), with the nearest dwelling being located approximately 200 metres to the east.

# Public Notification:

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

# s52 Notice of application

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

The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, under Clause 44.04-6 of the Planning Scheme (LSIO).

### **Referrals:**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – Clause 44.04-7 (LSIO).

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: Not required.
- Economic Development and Tourism: Not required.

### Planning Assessment:

Planning Scheme Requirements:

### **Planning Policy Framework:**

Clause 11.01 - Victoria Clause 11.01-1S - Settlement Clause 11.01-1R - Settlement - Wimmera Southern Mallee Page **28** of **37**  Clause 13.03-1S - Floodplain management Clause 13.02-1S - Bushfire planning Clause 14.01 - Agriculture Clause 14.01-1S - Protection of agricultural land Clause 14.01-2S - Sustainable agricultural land use Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee Clause17.01-1S - Diversified economy Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

### Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

#### Zoning Provisions:

Clause 35.07 - Farming Zone

#### **Overlay Provisions:**

Clause 44.04 - Land Subject to Inundation Overlay (LSIO)

### Particular Provisions:

None Applicable

#### **General Provisions:**

Clause 65 - Decision Guidelines, states that:

"Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause".

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy.
- Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for agriculture.

# Discussion:

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

As no planning permit is required under the Farming Zone, the proposal does not require assessment against the decision guidelines of the Farming Zone; however, the proposal is assessed against the decision guidelines of the LSIO (Clause 44.04).

### Clause 44.04-8 Decision guidelines:

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

The Municipal Planning Strategy and the Planning Policy Framework .

The Municipal Planning Strategy and the Planning Policy Framework .have been appropriately considered and addressed as a part of this application.

Any local floodplain development plan.

Not Applicable. No local floodplain development plan exists for this area.

Any comments from the relevant floodplain management authority.

The application was referred to the WCMA under Section 55 of the Planning and Environment Act 1987, with no objection offered to the proposal as submitted, with advice stating "The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future".

The existing use and development of the land.

The proposal accords with the use of the land for agriculture, and will not have a substantial impact on flooding within the area.

Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

Given the extent of the LSIO on the property, it is impractical to locate the proposal outside of the LSIO.

The susceptibility of the development to flooding and flood damage.

As the proposal is for a machinery shed only, it is considered that the impact of flooding will be negligible.

The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:

 The frequency, duration, extent, depth and velocity of flooding of the site and accessway.

As the proposal is for a machinery shed only, it is considered that the impact of flooding will be negligible. The frequency of flooding in the locality is known to be irregular to rare.

– The flood warning time available.

The proposed use of the shed does not add to the potential flood risk to life, health and safety, given the existing use of the land. Little is known about the behaviour of flooding in the area, due to the irregular nature of floods within the locality.

 The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

The proposed use of the shed does not add to the potential flood risk to life, health and safety, given the existing use of the land, and the pre-existing accessway.

The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

The proposed construction of a storage shed will not significantly impact upon floodwater flows or drainage, given the existing use of the land, and siting of the proposal within the general locality.

The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

The proposal will not cause additional detrimental impact to river health values, given the existing development on the land and land uses within the locality.

Any other matters specified in a schedule to this overlay.

Not Applicable.

#### Strategic, Statutory and Procedural Requirements:

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

#### **Report to Council:**

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

#### Processing Times:

The application was received on 07 March 2019. The report is being presented to Council at its meeting on the 20 March 2019 (14 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

#### Conflict of Interest:

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

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning and Development In providing this advice as the Author, I have no disclosable interests in this report.

#### **RECOMMENDATION:**

That Council approves planning application PA1624-2019 for the construction of a storage shed on Lot 2 PS301157, 471 Albacutya Road, Rainbow, subject to the following conditions:

#### Endorsed Plans

1. The endorsed plans must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

#### <u>Amenity</u>

- 2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin.
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

#### Permit Expiry

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

- (a) The development is not started within two years of the date of this permit.
- (b) The development is not completed within four years of the date of this permit.

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

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

<u>Notes</u>

- 1 This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained should this be required.
- 2. A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.
- 3. The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future. Attachment: 14

# 13.2 LATE REPORT: BANK OVERDRAFT

# **Responsible Officer:** Chief Executive Officer

#### Introduction:

This report proposes Council apply for an overdraft facility on Council's Municipal bank account.

#### Discussion:

The September 2016 floods has resulted in over \$10m worth of damage to Council's assets.

Flood recovery works on package 2 and 3 may result in a short term cash flow issue, with a delay in payment from the Department of Treasury and Finance following claims being lodged.

Council officers investigated options to assist with funding the short term cash flow issue, and based on information provided from the National Australia Bank recommend to Council an overdraft facility for \$2m be taken out on Council's Municipal Account.

Council can obtain an overdraft on its Municipal Account for a one off set up fee of \$500. Only the amount overdrawn at any time is subject to interest payments, which is currently 8%. There are no ongoing monthly fees for this facility.

### **Options:**

- 1. Council can choose to apply for an overdraft facility on Council's Municipal bank Account.
- 2. Council can choose not to apply for an overdraft facility on Council's Municipal bank account and put at risk the completion of flood recovery package 2 and 3 works in the required timelines.

### Link to Council Plan:

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

#### Financial Implications:

Setting up an overdraft facility will incur a set up fee of \$500. Interest is only payable when the account is overdrawn.

### Risk Management Implications:

# **Conflict of Interest:**

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

Officer Responsible: Greg Wood, Chief Executive Officer In providing this advice as the Officer Responsible, I have no interests to disclose.

Author: Monica Revell, Director Corporate & Community Services In providing this advice as the Author, I have no interests to disclose.

Communications Strategy:

Nil

# **RECOMMENDATION:**

That Council delegates to the Chief Executive Officer the authority to establish an overdraft on Council's Municipal Bank Account to the value of \$2M.

# 14. OTHER BUSINESS

No other business.

# **15. CONFIDENTIAL REPORTS**

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

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;

h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;

i) A resolution to close the meeting to members of the public.

#### **RECOMMENDATION:**

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

- 15.1 Former Arkona Tennis Court Site
- 15.2 Hindmarsh Shire Council Community Action Grants 2018/19 Round 2
- 15.3 Award Contract Restoration of Flood Affected Roads Package 2
- 15.4 Award Contract Restoration of Flood Affected Roads Package 3
- 15.5 Hardship Application
- 15.6 Independent External Audit Committee Member

And

### 16.1 Confidential Late Report – Nhill Rainbow Road Bridge Widening Tender

# 17. MEETING CLOSE