



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 20 MARCH 2019 AT THE HEALTH AND FITNESS CENTRE, SCHOOL
STREET DIMBOOLA COMMENCING AT 3:00PM.**

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Planning Permit 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

Present:

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

Apologies:

Cr R Gersch

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Janette Fritsch (Acting Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr R Ismay opened the meeting at 3:02pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

Cr R Gersch

MOVED: Crs R Lowe/D Nelson

Cr R Gersch apology be accepted.

CARRIED

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.

MOVED: Crs D Colbert/T Schneider

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.

Cr D Colbert declared a conflict of interest in item 15.3 and 15.4.

5. PUBLIC QUESTION TIME

As provided for in section 189 (3) and section 223 of the *Local Government Act 1989* Russell Hunter spoke to his submission on confidential item 15.1, relating to the sale of the former Arkona Tennis Court site.

6. DEPUTATIONS

No deputations

Cr D Nelson proposed that Council resume standing orders for a short break.

MOVED: Crs D Nelson/T Schneider

That Council adjourns for a short break.

CARRIED

Council suspended standing orders at 3:16pm.

Council resumed standing orders at 3:29pm.

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

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 |
| 04/02/2019 | Victorian Drought Support Mental Health and Wellbeing Support Program Meeting, Horsham |
| 04/02/2019 | 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 |

MONICA REVELL, Director Corporate and Community Services:

Attended:

| | |
|------------|--|
| 01/02/2019 | Sebastopol Library |
| 04/02/2019 | Victorian Drought Support Mental Health & Wellbeing Steering Group Meeting |
| 04/02/2019 | Dimboola Town Committee |
| 06/02/2019 | Briefing Meeting |
| 06/02/2019 | Council Meeting |
| 07/02/2019 | Community Care Meeting with WWHS |
| 07/02/2019 | Teleconference VAGO External Auditors |
| 07/02/2019 | Teleconference Rural Council Transformation Project |
| 08/02/2019 | Seasonal Conditions Meeting |
| 08/02/2019 | Gender Equality Program Introduction Meeting |
| 11/02/2019 | Teleconference HACC PYP 17/18 Funding |
| 12/02/2019 | Councilwise Presentation |
| 15/02/2019 | WRLC Board Meeting |
| 20/02/2019 | Briefing Meeting |
| 20/02/2019 | Council Meeting |
| 20/02/2019 | Youth Council Launch |
| 22/02/2019 | Finpro Professional Development Day |
| 25/02/2019 | CSHP & HACC PYP Meeting |
| 25/02/2019 | RCV Consultation on Rural Investment Attraction Program |
| 27/02/2019 | Civica Account Management Meeting |

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 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.

MOVED: Crs R Lowe/D Nelson

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

CARRIED

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.

MOVED: Crs D Colbert/T Schneider

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

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-Katylil 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

Clause 17.01-1S - Diversified economy

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

Local Planning Policy Framework:

Clause.21- Municipal Strategic Statement

Zoning Provisions:

Clause 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 approves 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. Permit Expiry

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.

MOVED: Crs D Colbert/T Schneider

That Council approves 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. Permit Expiry

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.

CARRIED

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 | Type | Address | Brief Description | Date Lodged | Status | Statutory Days as at 20 March 2019 |
|------------------------|-----------|---|--|-------------|---|------------------------------------|
| 1113-2007 | Amendment | 635 Gerang South Rd, Gerang Gerung | Amd to Permit to delete Condition 8 | 1/02/2017 | 06/09/18 - Reminder sent to applicant 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 |

| | | | | | | |
|-------------|-----------|---|---|------------|---|-------|
| 1598-2018 | VicSmart | 13 Wimmera St, Dimboola | Construction of Veranda (B&W in C1Z) | 23/08/2018 | Approved under delegation 04/10/2018 | - 27 |
| 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 | Amendment | 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 | Amendment | 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 Rd) Colberts 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 |

| | | | | | | |
|-------------|-----------|--|---|--|--|-------|
| 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 | Amendment | 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.

MOVED: Crs D Colbert/R Lowe

That Council receives and notes this report.

CARRIED

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.

MOVED: Crs R Lowe/D Colbert

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

CARRIED

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.

MOVED: Crs D Nelson/R Lowe

That Council notes the minutes of the Hindmarsh Shire Council Audit Committee meeting held on 7 March 2019.

CARRIED

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

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

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

Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

Zoning Provisions:

Clause 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.***

Amenity

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.***

Notes

- 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.***

MOVED: Crs R Lowe/T Schneider

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.***

Amenity

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.**

Notes

- 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.**

CARRIED

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.

MOVED: Crs T Schneider/D Nelson

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.

CARRIED

| |
|---------------------------|
| 14. OTHER BUSINESS |
|---------------------------|

MOVED: Crs R Lowe/D Colbert

That the CEO be requested to organise a meeting of Federal Election Candidates for the Mallee Electorate 10 April 2019 at the Nhill Memorial Community Centre.

CARRIED

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***

MOVED: Crs R Lowe/T Schneider

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

CARRIED

Council moved into confidential session at 4:14pm.

Council resumed in open session at 4:40pm.

17. MEETING CLOSE

There being no further business Cr R Ismay declared the meeting closed at 4:41pm.
