



4 April 2019

To Councillor,  
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chamber, 92 Nelson Street, Nhill on Wednesday 10 April 2019, commencing at **3:00pm**.

A handwritten signature in black ink, appearing to read 'gwood', written over a horizontal line.

Greg Wood  
**Chief Executive Officer**

**AGENDA**

- |    |   |
|----|---|
| 1. | <b>Acknowledgement of the Indigenous Community and Opening Prayer</b> |
| 2. | <b>Apologies</b>  |
| 3. | <b>Confirmation of Minutes</b>  |
| 4. | <b>Declaration of Interests</b>                                       |
| 5. | <b>Public Question Time</b>   |
| 6. | <b>Deputations</b>  |
| 7. | <b>Activity Reports</b>   |

**8. Correspondence**

**9. Assembly of Councillors**

9.1 Record of Assembly

**10. Planning Permit Reports**

10.1 Application for Planning Permit PA1622-2019 – 2 X Lot Subdivision (Boundary Realignment) – Lots 1 & 2 PS621821, 221 Diapur-Yanac Rd Nhill

10.2 Application for Planning Permit PA1610-2018 – 2 X Lot Subdivision – Lot 1 TP380567, 940 Kiata North Rd Glenlee

**11. Reports Requiring a Decision**

11.1 Rural Councils Transformation Program

**12. Special Committees**

12.1 Rainbow Town Committee

12.2 Yurunga Management Committee

12.3 Nhill Town Committee

12.4 Dimboola Town Committee

12.5 Hindmarsh Youth Council

**13. Late Reports**

13.1 Late Report - Application for Planning Permit 1616-2019 – Lot 1 TP665472, Lot 1 TP665553 and CA2 Sec 9 Tsh & Psh Dimboola (101 Lloyd Street Dimboola)

**14. Other Business**

**15. Confidential Matters**

15.1 Library Services

15.2 Tender for Construction of Dimboola Library Report Contract No. 2018-2019-10

**16. Confidential Late Reports**

16.1 Confidential Late Report - Albacutya Bridge Assessment Tender Contract 2018-2019-18

16.2 Confidential Late Report – Rainbow-Nhill Road Bridge – Widening and Strengthening Tender Evaluation

**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 20 March 2019 at the Health and Fitness Centre, School Street, Dimboola 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.

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**5. PUBLIC QUESTION TIME**

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**6. DEPUTATIONS**

No deputations

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**7. ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: MARCH 2019**

**Cr ISMAY, MAYOR**

Attended:

02/03/2019 Working bee off road race Rainbow  
05/03/2019 WMT Wild West Project  
06/03/2019 Citizenship Ceremony Nhill  
06/03/2019 Funding Announcement Dimboola  
06/03/2019 Council briefing Nhill  
06/03/2019 Council meeting Nhill  
08/03/2019 Working bee Graincorp site Rainbow  
09/03/2019 Set up for off road race Rainbow  
10/03/2019 Rainbow Rises 240 Race  
11/03/2019 Dismantle catering facilities Graincorp site  
12/03/2019 Jeparit town committee  
13/03/2019 Community consult Antwerp  
13/03/2019 Community consult Rainbow  
14/03/2019 Community consult Broughton  
14/03/2019 Community consult Woorak  
15/03/2019 Terminal Lakes review with CMA and Jakobs  
18/03/2019 VORRA debrief Rainbow  
19/03/2019 Community consult Winiam  
19/03/2019 Community consult Nhill  
20/03/2019 Briefing meeting Dimboola  
20/03/2019 Council meeting Dimboola  
20/03/2019 Community consult Dimboola  
21/03/2019 Western Highway user forum  
22/03/2019 Aulbry Areegra Tourism promotion presentation  
22/03/2019 Mayors of the area discussion Horsham  
23/09/2019 Keith motor sport day Keith S.A.  
25/03/2019 Rainbow Town Committee meeting  
26/03/2019 WMT Digital project Horsham  
26/03/2019 Jeparit Community Conversations  
27/03/2019 Capital works tour of shire  
28/03/2019 WMT meeting Oassis Rainbow  
28/03/2019 Yurunga meeting  
29/03/2019 New residents welcome Dimboola

**Cr LOWE, DEPUTY MAYOR**

Attended:

06/03/2019 Citizenship Ceremony, Nhill  
06/03/2019 Funding Announcement, Senator McKenzie, Dimboola  
06/03/2019 Council Briefing, Meeting, Nhill

13/03/2019 Community Conversation Meeting, Antwerp  
13/03/2019 Community Conversation Meeting, Rainbow  
14/03/2019 Community Conversation Meeting, Broughton  
14/03/2019 Community Conversation Meeting, Woorak  
18/03/2019 AGM Rainbow Neighbourhood House Learning Centre, Rainbow  
19/03/2019 Community Conversation Meeting, Winiam  
19/03/2019 WMPM Meeting, Jeparit  
20/03/2019 Council Briefing, Meeting, Dimboola  
20/03/2019 Community Conversation Meeting, Dimboola  
26/03/2019 Community Conversation Meeting, Jeparit  
27/03/2019 Capital Works Tour  
27/03/2019 Skate Park Inspection, Nhill

**Cr GERSCH**

Attended:

06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Council Briefing, Nhill  
06/03/2019 Council meeting, Nhill  
07/03/2019 RCV planning workshop  
08/03/2019 RCV board meeting  
12/03/2019 Migration forum  
12/03/2019 WDA board meeting  
13/03/2019 Nhill Lions new clubrooms opening  
15/03/2019 Wimmera roads committee meeting  
19/03/2019 Winiam community meeting  
19/03/2019 Nhill community meeting  
27/03/2019 Council road trip and inspections (Capital Works Tour)  
28/03/2019 Visit and talk to Jeparit Primary school students  
31/03/2019 Working bee to install new seats at Davis park

**Cr COLBERT**

Attended:

06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Council Briefing, Nhill  
06/03/2019 Council Meeting, Nhill  
19/03/2019 Community consultation Winiam  
19/03/2019 Community consultation Nhill  
20/03/2019 Council Briefing, Dimboola  
20/03/2019 Council Meeting, Dimboola

**Cr NELSON**

Attended:

04/03/2019 Town Committee Meeting, Dimboola  
06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Briefing Meeting, Nhill

06/03/2019 Council Meeting, Nhill  
14/03/2019 WDA Shortlist Assessment teleconference  
14/03/2019 Allambi Restaurant Night volunteer, Dimboola  
19/03/2019 WSMLLEN Finance Meeting, Horsham  
20/03/2019 Briefing Meeting, Dimboola  
20/03/2019 Council Meeting, Dimboola  
20/03/2019 Community Conversations, Dimboola  
28/03/2019 WSMLLEN COM meeting, Horsham  
29/03/2019 New Residents BBQ, Dimboola

**Cr SCHNEIDER**

Attended:

06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Council Briefing, Nhill  
06/03/2019 Council Meeting, Nhill  
20/03/2019 Council Briefing, Dimboola  
20/03/2019 Council Meeting, Dimboola

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**SENIOR MANAGEMENT ACTIVITIES: MARCH 2019**

**GREG WOOD, Chief Executive Officer:**

Attended:

01/03/2019 Wimmera councils' working group, Horsham  
06/03/2019 Citizenship Ceremony, Nhill  
06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Councillor Briefing, Nhill  
06/03/2019 Council Meeting, Nhill  
07/03/2019 Council Audit Committee Meeting, Nhill  
10/03/2019 Rainbow Rises 240 Race  
12/03/2019 Rural and Regional Migration Forum, Horsham  
12/03/2019 Wimmera Development Association Meeting, Horsham  
13/03/2019 Community Conversations, Antwerp  
13/03/2019 Community Conversations, Rainbow  
14/03/2019 Community Conversations, Broughton  
14/03/2019 Community Conversations, Woorak  
19/03/2019 Community Conversations, Winiam  
19/03/2019 Community Conversations, Nhill  
20/03/2019 Councillor Briefing, Dimboola  
20/03/2019 Council Meeting, Dimboola  
20/03/2019 Community Conversations, Dimboola  
21/03/2019 Wimmera River Discovery Trail Meeting, Nhill  
25/03/2019 Rural Council Transformation Program Teleconference, Nhill  
25/03/2019 Rainbow Town Committee Meeting, Rainbow  
26/03/2019 Community Conversations, Jeparit  
28/03/2019 LGPro/MAV CEO Forum, Melbourne

**JANETTE FRITSCH, Acting Director Infrastructure Services:**

Attended:

01/03/2019 Local Government Waste Forum - Ararat  
04/03/2019 Safety and Efficiency Meeting – Nhill Depot  
04/03/2019 Recycling Meeting with Contractor – HRCC  
04/03/2019 Meeting Horsham with developer for 116 Lloyd Street  
04/03/2019 Mental Health Refresher Training - WWHS  
06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Council Briefing Meeting, Nhill  
06/03/2019 Council Meeting, Nhill  
07/03/2019 Building Tender meeting with WWSC  
13/03/2019 Community Conversation – Antwerp  
13/03/2019 Community Conversation – Rainbow  
14/03/2019 Community Conversation – Broughton  
14/03/2019 Community Conversation – Woorak  
19/03/2019 Meeting with Regional Risk Consultant  
19/03/2019 Community Conversation – Winiam

19/03/2019 Community Conversation – Nhill  
20/03/2019 Council Briefing Meeting, Dimboola  
20/03/2019 Council Meeting, Dimboola  
20/03/2019 Community Conversation – Dimboola  
26/03/2019 Community Conversation – Jeparit  
27/03/2019 Capital Works Tour with Crs Ismay, Lowe & Gersch & Daniel Griffiths  
28/03/2019 Hindmarsh Municipal Emergency Management Planning Committee

**MONICA REVELL, Director Corporate and Community Services:**

Attended:

01/03/2019 Wimmera councils working group, Horsham  
04/03/2019 Hindmarsh Shire Youth Council Meeting  
05/03/2019 Crown Land Governance Professional Development  
06/03/2019 Funding Announcement, Dimboola  
06/03/2019 Councillor Briefing  
06/03/2019 Council Meeting  
07/03/2019 Hindmarsh Shire Audit Committee  
12/03/2019 West Wimmera Shire Council Audit Committee Meeting  
13/03/2019 Community Conversation Meeting Antwerp  
13/03/2019 Community Conversation Meeting Rainbow  
14/03/2019 Community Conversation Meeting Broughton  
14/03/2019 Community Conversation Meeting Woorak  
15/03/2019 Wimmera Regional Library Corporation Special Meeting  
18/03/2019 West Wimmera Health Service Hindmarsh Health Promotion Meeting  
19/03/2019 Community Conversation Meeting Winiam  
19/03/2019 Community Conversation Meeting Nhill  
20/03/2019 West Wimmera Health Services/Hindmarsh Shire HACC Meeting  
20/03/2019 Councillor Briefing  
20/03/2019 Council Meeting  
20/03/2019 Community Conversation Meeting Dimboola  
25/03/2019 Rural Council Transformation Project teleconference  
26/03/2019 Community Conversation Meeting Jeparit  
28/03/2019 Hindmarsh Municipal Emergency Management Planning Committee Meeting  
29/03/2019 DHHS, Agriculture Victoria and Hindmarsh Shire Meeting  
29/03/2019 Dimboola Town Committee new residents BBQ

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**8. CORRESPONDENCE**

**8.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

No correspondence.

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**9. ASSEMBLY OF COUNCILLORS**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The attached Assembly of Councillors Records are 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.

**Options:**

1. That Council accepts the Assembly of Councillors Records as presented.

***RECOMMENDATION:***

***That Council accepts the Assembly of Councillors Records as presented.***

*Attachment: 2*

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**10. PLANNING PERMITS**

**10.1 APPLICATION FOR PLANNING PERMIT PA1622-2019 – 2 x LOT SUBDIVISION (BOUNDARY REALIGNMENT) – LOTS 1 & 2 PS621821, 221 DIAPUR-YANAC RD NHILL**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	200411
<b>Applicant:</b>	Angela Plazzer c/- Ferguson Perry Surveying Pty Ltd
<b>Owner:</b>	Joanne Hayes
<b>Subject Land:</b>	Lots 1 & 2 PS621821, 221 Diapur-Yanac Rd Nhill
<b>Proposal:</b>	2 x Lot Subdivision (Boundary Realignment)
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ); Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value (ESO6)
<b>Attachments:</b>	3 & 4

**Summary:**

This report recommends that Council issue a planning permit to allow the re-subdivision of land (boundary realignment) into 2 x lots on Lots 1 and 2 PS621821, 221 Diapur-Yanac Rd Nhill. The purpose of the re-subdivision (boundary realignment) is to align the current boundary with the existing fenceline demarcating Lots 1 and 2 on Plan of Subdivision 621821.

**Background:**

Planning permit application PA1622-2019 was lodged with Council on the 15 February 2019 for the purposes of effecting the realignment of boundaries of lots on the subject site. The proposed boundaries will follow the existing fence line on the site which has been found to vary from the current title position by amounts of up to around 15 metres. The purpose of the subdivision is to correct existing encroachments without impacting on the use of the land.

**Proposal Details:**

Proposed Lot 1 will have an area of 8.434ha and will contain the existing dwelling, sheds, dam, plantation and remnant native vegetation. Access to proposed Lot 1 will be taken from Diapur-Yanac Rd. Proposed Lot 2 will have an area of 72.50ha and will consist of farmland and scattered remnant native vegetation. Hensleys Rd to the north will provide legal access to proposed Lot 2.

The existing powerline easement identified as E-1 will continue to extend through both proposed lots. No vegetation will be removed to facilitate the proposed subdivision. The proposed lots will make use of existing road, access and electricity utilities.

The land is currently zoned farming, and is approximately 17.9 kilometres to the west of the Nhill Post Office, and it is considered that approval of the re-subdivision will continue to

facilitate better use of the land for agriculture by ensuring cadastral boundaries properly align with the existing fence line.

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 the re-subdivision of existing lots and the number of lots is not increased.

A permit is required under Clause 42.01-2 - Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value of the Hindmarsh Planning Scheme to subdivide land.

**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 land is burdened by a Section 173 Agreement, numbered Agreement AG846561Q, dated 02 November 2009, which states:

*“That Lot 1 and Lot 2 on Plan of Subdivision No. 621821 U being parts of Crown Allotment 152, Parish of Tarranginnie may not be further subdivided as to create a smaller lot for an existing dwelling”*.

The proposed boundary realignment is not contrary to this agreement, as no additional lot for any dwelling is being created.

**Cultural Heritage Management Plan (CHMP):**

The subdivision of land into 2 lots is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, and the land is not affected by the Aboriginal Cultural Heritage Overlay in this instance.

**Subject site & locality:**

The subject land is located approximately 17.9 kilometres west of Nhill, at 221 Diapur-Yanac Rd Nhill. Proposed Lot 1 is accessed by Diapur-Yanac Road, and proposed Lot 2 is accessed from Hensley's Road to the north. The subject land is primarily flat, 80.934 hectares in area, and is vacant. Land within the vicinity of the site is primarily used for agriculture (cropping and grazing), with the nearest dwelling being located approximately 875 metres to the north west.

### **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 application was not publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reason:

The proposed subdivision will realign the boundaries to correct encroachments and no additional lots will be created. Due to the minor nature of the subdivision, it is highly unlikely that any neighbouring or nearby land would be adversely affected.

It is therefore determined that the proposal will not cause material detriment to any person.

### **Referrals**

External Referrals / Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – No Objection, with advice note provided.

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 13.02-1S - 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 42.01-2 - Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value

#### **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:

**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 current use of the existing lots, the purpose of the boundary realignment, and the ability of the land to continue to be used for agriculture. Access to the site is provided by all-weather roads, 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 (boundary realignment), given the minor nature of the proposal, and the intended result.

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 will not impact on the natural physical features and resources of the area and all existing native vegetation on the site will be retained. There will be no impacts on flora and fauna as a result of the proposal.

**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 42.01-2 - Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value**

The proposed subdivision does not conflict with the environmental objectives of the ESO6 as it will not result in any change to the catchment. The application does not propose any change in land use or development and the physical features of the site will not be altered. The proposal will not affect flora and fauna habitat as all vegetation will be retained on the site. The proposal was referred to the WCMA, who did not object to the proposal.

**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 15 February 2019. The report is being presented to Council at its meeting on the 10 April 2019 (55 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 the Council approves an application for a 2 lot subdivision (boundary realignment) at Lot 1 and 2, PS621821, 221 Diapur-Yanac Rd Nhill, subject to the following conditions:***

**Formal Plan of Subdivision**

- 1. 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.***

**Permit Expiry**

- 2. This permit will expire if:***
  - a) The plan of subdivision is not certified within three years of the date of this permit; or***
  - b) 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.***

**Notes:**

***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.***

*Attachments: 3 & 4*

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**10.2 APPLICATION FOR PLANNING PERMIT PA1610-2018 – 2 x LOT SUBDIVISION  
– LOT 1 TP380567, 940 KIATA NORTH RD GLENLEE**

**Responsible Officer:** Acting Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 75720  
**Applicant:** Angela Plazzer c/- Ferguson Perry Surveying Pty Ltd  
**Owner:** Daryl Borgelt  
**Subject Land:** Lot 1 TP380567, 940 Kiata North Rd Glenlee  
**Proposal:** 2 x Lot Subdivision  
**Zoning & Overlays:** Farming Zone (FZ)

**Attachment:** 5

**Summary:**

This report recommends that Council issue a planning permit to allow the subdivision of land into 2 x lots at 940 Kiata North Rd Glenlee, for the purposes of a house lot excision.

**Background:**

Planning permit application PA1610-2018 was lodged with Council on the 10 January 2019 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 – 16 ha in size, consisting of the existing dwelling, shedding and remnant native vegetation, and
- Proposed Lot 2 – 169 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 15.5 kilometres to the north east of the Nhill 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, as the land is not affected by the Aboriginal Cultural Heritage Overlay.

### **Subject site & locality:**

The subject land is located approximately 15.5 kilometres north east of Nhill, at 940 Kiata North Rd Glenlee. The site is bounded to the west by the Kiata North Road, to the north by Antwerp–Woorak Road, to the east by farmland and areas of native vegetation, and farming land to the south. The subject land is primarily flat, 185 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 500 metres to the south.

### **Public Notification**

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

#### ***s52 Notice of application***

- (2) *Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—*
  - (b) *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:

- a. Notices were sent to owners and occupiers of adjoining land; and
- b. 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: Not required

Internal Referrals:

- Engineering: See condition applied.
- 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

**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 an all-weather 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 dwelling and 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.

**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 10 January 2019. The report is being presented to Council at its meeting on the 10 April 2019 (90 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 TP380567, 940 Kiata North Road Glenlee, subject to the following conditions:***

**Formal Plan of Subdivision**

1. ***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.***

**Infrastructure**

- 2. The access point to proposed Lot 2 from Antwerp-Woorak Rd or Kiata North Road must be upgraded to the satisfaction of Council and at the applicant's cost.***

**Permit Expiry**

- 3. This permit will expire if:***
  - a) The plan of subdivision is not certified within three years of the date of this permit; or***
  - b) 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: 5***

## 11. REPORTS REQUIRING A DECISION

### 11.1 RURAL COUNCILS TRANSFORMATION PROGRAM

**Responsible Officer:** Chief Executive Officer

**Attachments:** 6 (Confidential) & 7 (Confidential)

#### **Introduction:**

This report seeks Councils support for the application to participate in the Rural Councils Corporate Collaboration (RCCC) project under the Rural Councils Transformation Program (RCTP).

#### **Discussion:**

Rural and Regional Councils are important contributors to the liveability and productivity of regional and rural communities throughout Victoria through their role in the provision of services, infrastructure, local governance and leadership, as well as in the facilitation of community wellbeing.

The Rural Councils Transformation Program (RCTP) is a commitment from the Victorian Government to provide seed funding of \$2m to \$5m for large scale proposals that will implement transformation of existing rural and regional council functions.

Following the submission of an Expression of Interest (EOI) the Rural Councils Corporate Collaboration (RCCC) project was funded to prepare a business case for RCTP funding.

Hindmarsh Shire Council has partnered with 8 other Councils including Horsham Rural City Council, Yarriambiack Shire Council, West Wimmera Shire Council, Buloke Shire Council, Central Goldfields Shire Council, Golden Plains Shire Council, Loddon Shire Council and Pyrenees Shire Council to prepare the business case for funding to transform Councils' finance and payroll platforms.

The business case (confidential attachment 6) seeks seed funding of \$5.63m to establish an IT platform to share corporate services across the nine councils. The IT platform would consist of a cloud-based Enterprise Resource Planner (ERP) that enables simplified business processes that are common across all nine councils. This includes the development of a common chart of accounts and mapping into each Councils corporate functions, the establishment of single ways of working across finance and payroll functions that, in the first instance, will enable the ability to share people resources.

Rural and regional councils are small in scale, location and operative environment, and experience difficulties in recruiting and retaining suitable staff in areas such as finance, IT, risk management, environmental and building planning and engineering. The RCCC program seeks to alleviate this by enabling remote working and creating higher capability roles that are supported by additional resourcing across the region.

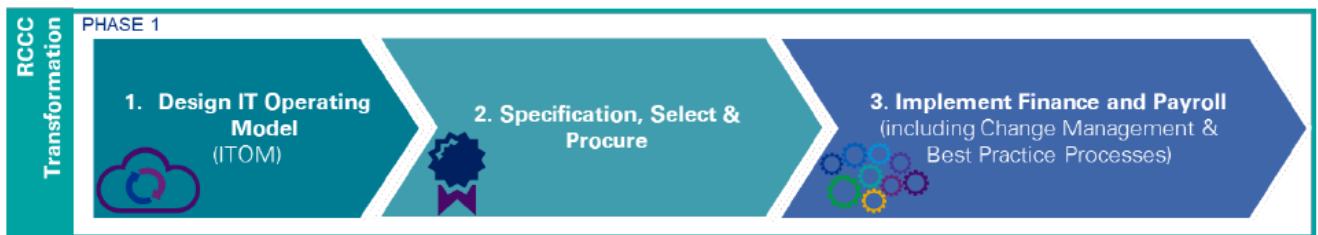
Current systems in place at Hindmarsh Shire do not enable efficient and effective business processes and council service delivery. Council’s small budget does not enable the implementation of more efficient and effective systems.

The RCCC program provides recommended solutions for shared corporate services across the nine Councils to enable:

- the full integration of the agreed corporate functions across RCCC councils;
- a harmonisation of business processes;
- a duplicated chart of accounts across the councils;
- comparable reporting within the councils;
- simplified resourcing with the ability to backfill across the councils;
- ease of reporting and gathering of data from across different corporate functions of the council; and
- deliver financial savings and productivity benefits for each council enabling reinvestment in council services and infrastructure.

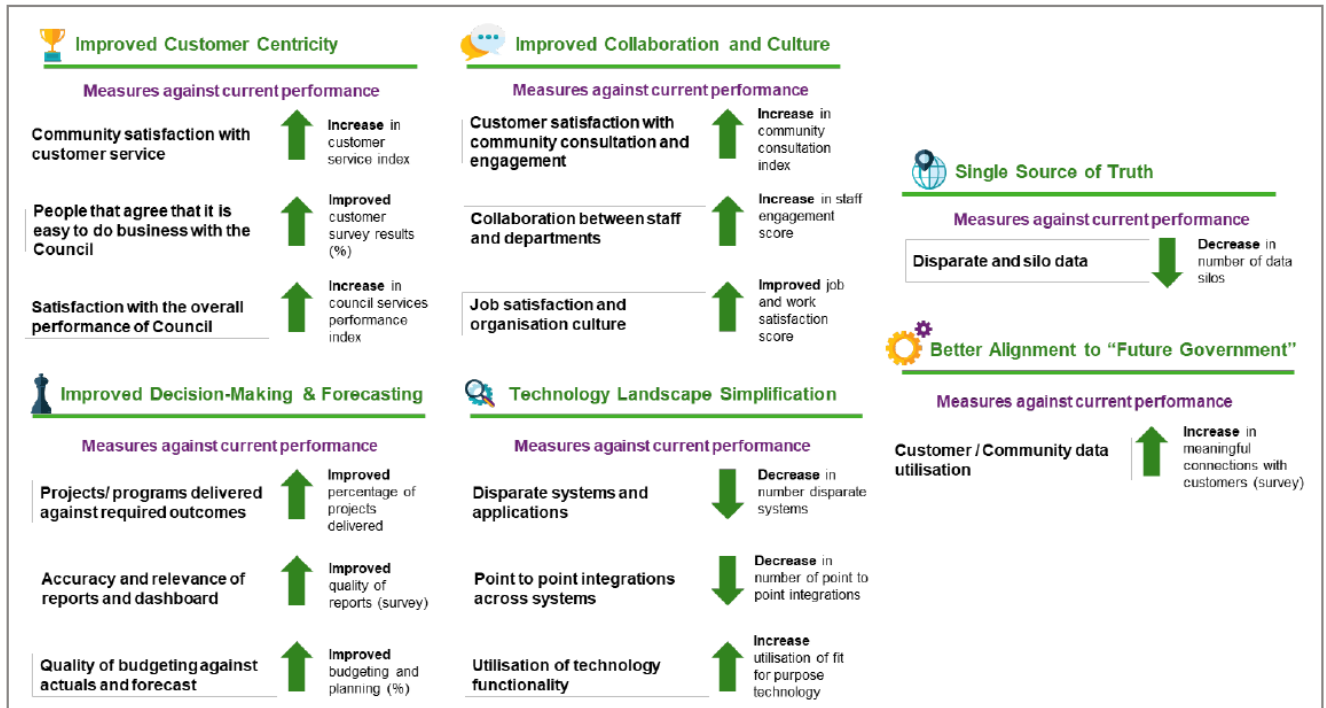
The program will be delivered across two phases:

**Phase 1: Foundation** – Designing the future state IT operating model and the initial transition of the finance and payroll corporate services functions:



**Phase 2: Completion** – Continued transition of corporate services and further refinement of the operating and shared service model.

Similar projects have been undertaken, mainly in metropolitan councils that engage the same technology solutions as proposed in the RCCC program. Estimated effectiveness benefits are described below:



An addendum (confidential attachment 7) to the business case has been prepared which provides a potential alternative funding submission to the main RCTP submission from RCCC. Submission of this addendum is in acknowledgment that four original members of the RCCC were participants in multiple RCTP submissions. The group wished to ensure that support for the six core councils, which are solely participating in the RCCC transformation, was strong, and therefore provides a summarised alternative business case that demonstrates the case for funding these six western Victoria rural councils to achieve their transformation goal of a shared corporate service function across the region.

Under the RCTP funding Council resolutions are required which commit Council to the implementation of the RCTP business case, should the application be successful.

**Options:**

1. Council can choose to resolve to commit Council to the implementation of the Rural Councils Corporate Collaboration (RCCC) project, should the application be successful.
2. Council can choose not to commit Council to the implementation of the Rural Councils Corporate Collaboration (RCCC) project, and withdraw from the business case.

**Link to Council Plan:**

- Strategic Objective 4.1: Long-term financial sustainability
- Strategic Objective 4.3: An engaged, skilled Council and workforce capable of meeting community needs.
- Strategic Objective 4.4: Efficient and effective information communications technology.

**Financial Implications:**

The RCCC project seeks funding of \$5.63m to cover the transformation. Council may be requested to contribute a small amount of funding (divided between the nine councils) should only \$5m be funded.

**Risk Management Implications:**

Nil.

**Conflict of Interest:**

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

Author: Monica Revell, Director Corporate & Community Services

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

Officer Responsible: Greg Wood, Chief Executive Officer

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

**Communications Strategy:**

A copy of the Council resolution will be lodged with Local Government Victoria by 30 April 2019.

*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 confidential attachments 6 & 7 to this report.***

**RECOMMENDATION:**

***That Council resumes in open session.***



**RECOMMENDATION:**

***That Council***

1. ***Notes that Hindmarsh Shire Council is a participant in a grouping of councils that have made an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:***
  - a. ***Rural Councils Corporate Collaboration project, in conjunction with Horsham Rural City Council (lead Council), Yarriambiack Shire Council, West Wimmera Shire Council, Buloke Shire Council, Central Goldfield Shire Council, Golden Plains Shire Council, Loddon Shire Council and Pyrenees Shire Council.***
2. ***Notes that an RCTP application to be eligible for consideration, the following criteria must be met:***
  - a. ***Submission of a joint business case by 31 March 2019***
  - b. ***Each Council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30 April 2019.***
3. ***Approves the submission of the business case by Horsham Rural City Council (lead Council) on behalf of Hindmarsh Shire Council.***
4. ***Approves the submission of the Addendum (Six-Council Scenario) to the business case.***
5. ***Approves the implementation of the project within the submitted business case by Hindmarsh Shire Council, subject to the application being approved for RCTP funding.***

*Attachments: 6 (confidential) & 7 (confidential)*

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**12. SPECIAL COMMITTEES**

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**12.1 RAINBOW TOWN COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 8

**Introduction:**

The Rainbow Town Committee held its general meeting on 25 February 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Rainbow Town Committee general meeting held on 25 February 2019.***

*Attachment: 8*

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**12.2 YURUNGA MANAGEMENT COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 9

**Introduction:**

The Yurunga Management Committee held its general meeting on 28 February 2019. The purpose of this report is to note the minutes from the 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 general meeting held on 28 February 2019.***

*Attachment: 9*

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### 12.3 NHILL TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services

**Attachments:** 10, 11 & 12

**Introduction:**

The Nhill Town Committee held general meeting on 18 March 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

The Nhill Town Committee has written to Council to advise of approval required for new members to join the committee, and the resignation of an existing member.

**RECOMMENDATION:**

***That Council notes the minutes of the Nhill Town Committee general meeting held on 18 March 2019.***

***That Council notes the letters received from the Nhill Town Committee, approves the new members as listed below and notes the resignation of an existing member:***

***New members:***

***Mrs Leith Dean***

***Ms Catherine Bates***

***Mrs Bev Walker***

***Ms Joanne Hayes***

***Mr Ross Barker***

***Attachments: 10, 11 & 12***

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### 12.4 DIMBOOLA TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services

**Attachments:** 13, 14 & 15

**Introduction:**

The Dimboola Town Committee held general meetings on 4 March 2019 and 1 April 2019. The purpose of this report is to note the minutes from the meetings. A copy of the minutes is included as an attachment for the information of Council.

The Dimboola Town Committee has written to Council to request approval to spend approximately \$2,500 on an aluminium table and seating, and approximately \$2,500 on Christmas decorations. Under the delegation set by Council, Dimboola Town Committee cannot enter into purchases over \$2,000 without Council approval.

**RECOMMENDATION:**

***That Council notes the minutes of the Dimboola Town Committee general meetings held on 4 March 2019 and 1 April 2019, and approves expenditure of up to \$2,750 for an aluminium table and seating, and up to \$2,750 for Christmas decorations.***

*Attachments: 13, 14 & 15*

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## 12.5 HINDMARSH YOUTH COUNCIL

**Responsible Officer:** Director Corporate and Community Services

**Attachments:** 16 & 17

### **Introduction:**

The Hindmarsh Youth Council held its general meetings on 4 March 2019 and 18 March 2019. The purpose of this report is to note the minutes from the meetings. A copy of the minutes is included as an attachment for the information of Council.

### **RECOMMENDATION:**

***That Council notes the minutes of the Hindmarsh Youth Council general meetings held on 4 March 2019 and 18 March 2019.***

*Attachments: 16 & 17*

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**13. LATE REPORTS**

**13.1 LATE REPORT - APPLICATION FOR PLANNING PERMIT 1616-2019 – LOT 1 TP665472, LOT 1 TP665553 and CA2 SEC 9 TSH & PSH DIMBOOLA (101 LLOYD STREET DIMBOOLA)**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	25100
<b>Applicant:</b>	Mr. Phil King c/- Hindmarsh Shire Council
<b>Owner:</b>	Hindmarsh Shire Council
<b>Subject Land:</b>	Lot 1 TP665472, Lot 1 TP665553 and CA2 Sec 9 Tsh & Psh Dimboola (101 Lloyd Street Dimboola)
<b>Proposal:</b>	Place of assembly – Construction of library, customer service centre, and associated community facilities (meeting rooms, amenities block, exhibition space, kitchen, and decking (rear verandah) for passive recreation, events and activities).
<b>Zoning &amp; Overlays:</b>	Commercial 1 Zone (C1Z), Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value, Heritage Overlay Schedule 5 - Dimboola Old Shire Hall Heritage Overlay Schedule 34 - Dimboola Town Centre Heritage Precinct
<b>Attachment:</b>	21

**Summary:**

This report recommends that Council approve planning permit 1616-2019 for a 'place of assembly' – construction of a library, customer service centre, and associated community facilities (meeting rooms, exhibition space, kitchen for catering, and decking (rear verandah) for passive recreation, events and activities).

**Background and proposal details:**

On the 14 January 2019, Phil King (Council's Manager of Community and Economic Development) on behalf of Hindmarsh Shire Council lodged a planning application for a place of assembly – construction of a library, customer service centre, and associated community facilities (meeting rooms, amenities block, exhibition space, kitchen for catering, and decking (rear verandah) for passive recreation, events and activities).

The site currently contains the Dimboola Library and customer service centre, located within the Old Shire Hall, a toilet / amenities block, and a car parking / bus parking / turnaround apron to the rear of the property. The car park and bus turnaround area will be transformed into a landscaped community space, serving as the Dimboola Visitor Node for the Wimmera River Discovery Trail.

The Dimboola Old Shire Hall (currently used for the existing library and customer service centre) will not be demolished; however the existing amenities block is proposed to be demolished.

**Requirement for Permit:**

A planning permit is required under Clause 34.01 - 4 of the Hindmarsh Planning Scheme - Commercial 1 Zone to construct a building or construct or carry out works.

A planning permit is required under Clause 43.01-1 of the Heritage Overlay to Construct a building or construct or carry out works, however the works proposed do not detract from the heritage significance of the Old Shire Hall, or Dimboola Town Centre Heritage Precinct. An assessment of the proposal shows that the proposed works will add to the visual amenity of the area in general, and significantly contrast in architectural style and design to the surrounding heritage buildings, thus not only highlighting contemporary architectural design at the present time, but respecting the heritage style of the area by not being designed in a 'false heritage' style. It is considered that the style and colour of materials proposed will significantly add to the streetscape within a prominent location of the Dimboola CBD.

A planning permit is not required for this proposal under the Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value to construct a building, or a building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989.

The proposal does not qualify for an exemption under Clause 62.02-1 of the Hindmarsh Planning Scheme - Buildings and works not requiring a permit, as the buildings or works proposed have an estimated cost of more than \$1,000,000, despite being carried out by or on behalf of a municipality.

**Subject site & locality:**

The subject site is located at Lot 1 TP665472, Lot 1 TP665553 and Crown Allotment 2 Section 9 Township and Parish Dimboola (101 Lloyd Street Dimboola), and is currently occupied by the existing Dimboola Library, customer service centre, and amenities block. The subject site is adjacent to the SES building and takeaway premises - fish and chip shop, located within the Dimboola CBD, 110 metres north of the post office. The Wimmera River Heritage Area is located to the immediate west of the subject site, and the proposal will actively transform the rear car parking and bus parking area into a central recreation space for the town, actively interfacing with the proposed Wimmera River Discovery Trail. The surrounding locality is primarily commercial in nature.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

**Public Notification**

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

***s52 Notice of application***

- (3) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
  - (c) *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.*
  - (d) *to a municipal council, if the application applies to or may materially affect land within its municipal district; and*
  - (c) *to any person to whom the planning scheme requires it to give notice; and*

- (ca) 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 land benefited by a registered restrictive covenant, if anything authorised by the permit would result in a breach of the covenant; and
- (cb) 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 land benefited by a registered restrictive covenant, if the application is to remove or vary the covenant; and
- (d) to any other persons, if the responsible authority considers that the grant of the permit may cause material detriment to them.

The application is required to be publicly notified under the provisions of the Planning and Environment Act 1987, and was notified in the following ways:

- A sign was placed in a prominent position on the land,
- An advertisement was placed in the Dimboola Banner on the 20 March 2019, and
- Letters to adjoining neighbours.

No objections have been received.

### **Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: Building permit required due to building works proposed.

### **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 15.01- Built Environment

Clause 15.01-1S - Urban design

Clause 15.01-2S - Building design

Clause 15.01-4S- Healthy neighbourhoods

Clause 15.01-5S - Neighbourhood character

Clause 15.03 - Heritage

Clause 15.03-1S - Heritage conservation

Clause 17 - Economic Development

Clause 17.01-2S - Innovation and Research

Clause 17.02 - Commercial

Clause 17.02-1S - Business



Clause 19.02 - Community Infrastructure  
Clause 19.02-06S - Open space  
Clause 19.02-2S - Education facilities  
Clause 19.02-3S - Cultural Facilities  
Clause 19.02-4S - Social and cultural infrastructure  
Clause 19.02-4R - Social and cultural infrastructure – Wimmera Southern Mallee

### **Local Planning Policy Framework**

Clause 21 – Municipal Strategic Statement

### **Zoning Provisions**

Clause 34.01 - Commercial 1 Zone

### **Overlay Provisions**

Clause 42.01 - Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value  
Clause 43.01 – Heritage Overlay Schedules 5 – Dimboola Old Shire Hall and Schedule 34 – Dimboola Town Centre Heritage Precinct

### **Particular Provisions**

None applicable.

### Planning Comment:

The proposed place of assembly aligns with the planning policy framework, having particular regard to policies surrounding community infrastructure and education within the Dimboola area, will considerably add to the livability of Dimboola as a whole, having regard to the proposed uses of the facility.

### **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.

**Discussion:**

The application has been assessed against the State 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 34.01-8 – Commercial 1 Zone decision guidelines**

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

**General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Comment:

The proposal enjoys broad policy support under the provisions of the Municipal Planning Strategy, and does not interface with residential areas.

**Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Comment:

The uses, buildings and works proposed are considered to be compatible with existing adjoining land uses, with services available to the site. The proposal will not significantly increase traffic within the locality, and will vastly improve the amenity of the area.

**Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.

- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Comment:

The proposal will not impede the movement of pedestrians and cyclists, with the proposed landscaping node at the rear of the proposal acting as not only a public gathering space, but an entry point to the proposed Wimmera River Discovery Trail. Car parking within the locality is considered to be adequate, and the proposal will not detrimentally impact on the movement of public transport services, particularly buses. There is proposed to be all abilities car parking on-site.

The proposed buildings and works will not cause overlooking or overshadowing to residential areas, and will continue to provide adequate solar access to the site and adjoining land.

**Clause 43.01-8 – Heritage Overlay 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 significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

Comment:

The proposal accords with, and enjoys strong policy support under the Municipal Planning Strategy and the Planning Policy Framework. The proposed buildings and works associated with the place of assembly will not only protect the Old Shire Hall, but enhance upon this building and the heritage fabric of the area in general by being of a contemporary architectural style, which reflects current heritage design practice. The bulk, form, and appearance of the buildings and works proposed will highlight the subject land as a prominent cultural and educational facility within the central business district of Dimboola, and is not designed in a way reflective of 'false heritage'. The materials and colours proposed for construction of the place of assembly is sympathetic to the area in general, and will not visually detract from the existing heritage buildings on the site or adjoining within the locality.

The existing toilet / amenities block on the site is proposed to be demolished, and exhibits no heritage value, being constructed of a brick veneer style reflective of late 1970's / early 1980's architecture.

No subdivision is proposed as a part of this application.

**Strategic, Statutory and Procedural Requirements:**

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

**Report to Council:**

The 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 considered lodged on 14 January 2019. The report is being presented to Council for approval on the 10 April 2019 (66 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 place of assembly - construction of library, customer service centre, and associated community facilities (meeting rooms, amenities block, exhibition space, kitchen, and decking (rear verandah) on Lot 1 TP665472, Lot 1 TP665553 and CA2 Sec 9 Tsh & Psh Dimboola (101 Lloyd Street Dimboola), subject to the following conditions:***

**Endorsed Plans**

**1. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the 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;**
- (e) others as appropriate.**

**3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.**

**4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.**

**Construction Phase**

**5. During the construction phase of the development, the following conditions shall be met:**

- (a) Only clean rainwater shall be discharged to the stormwater drainage system;**
- (b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;**
- (c) Vehicle borne materials shall not accumulate on the roads abutting the site;**
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;**
- (e) All litter must be disposed of responsibly.**

**Permit Lapse/ Extension**

**6. 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 is not a Building Permit. Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.***
  - 2. Approval must be obtained from Council's Engineering Department (Phone: 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.***
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<b>14. OTHER BUSINESS</b>
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**15. CONFIDENTIAL REPORTS**

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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 Library Services***

***15.2 Tender for Construction of Dimboola Library Report Contract No. 2018-2019-10***

***16.1 Confidential Late Report - Albacutya Bridge Assessment Tender Contract 2018-2019-18***

***And***

***16.2 Confidential Late Report – Rainbow-Nhill Road Bridge – Widening and Strengthening Tender Evaluation***

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**17. MEETING CLOSE**

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