



1 August 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 7 August 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. **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. **Correspondence**

**8. Assembly of Councillors**

- 8.1 Record of Assembly

**9. Planning Permit Reports**

- 9.1 Planning Permit PA1612-2018 – 2 X Lot Subdivision – CA2B Section 24 Tsh Nhill Psh Balrootan, Lot 2 PS548246 and Lot 1 TP126960, 95-99 Victoria Street Nhill
- 9.2 Planning Permit PA1626-2019 – Construction of Dwelling and Boundary Realignment – CA139b and CA 139C Parish Ni Ni (1388 Gerang-Glenlee Road Glenlee)

**10. Reports Requiring a Decision**

- 10.1 Dimboola & Nhill Kindergarten Facility Upgrades – Request for Co-Contribution to Support Children’s Facilities Capital Program Application
- 10.2 Light Up Rainbow – Request for Co-Contribution to Support Public Safety Infrastructure Fund Program Application

**11. Special Committees**

- 11.1 Yurunga Management Committee
- 11.2 Hindmarsh Youth Council
- 11.3 Jeparit Town Committee
- 11.4 Antwerp Hall Committee
- 11.5 Nhill Town Committee

**12. Late Reports**

No report

**13. Other Business**

**14. Confidential Matters**

**15. Meeting Close**

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<b>1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER</b>
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***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.*

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<b>2. APOLOGIES</b>
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<b>3. CONFIRMATION OF MINUTES</b>
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***RECOMMENDATION:***

***That the Minutes of the Ordinary Council Meeting held on Wednesday 24 July 2019 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.***

*Attachment: 1*

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**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. CORRESPONDENCE**

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**7.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council,

Inwards:

- Letter of thanks to Council staff

Outwards:

- Letter of congratulations to new operators and reopening of Little Desert Nature Lodge
- Letter of congratulations to Mr Le on opening new business
- Letter of congratulations to Mr Will Schilling on his sheep industry successes

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

*Attachment: 2*

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**8. ASSEMBLY OF COUNCILLORS**

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**Responsible Officer:** Chief Executive Officer

**Attachment:** 3

**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: 3*

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**9. PLANNING PERMITS**

**9.1 PLANNING PERMIT PA1612-2018 – 2 x LOT SUBDIVISION – CA2B SECTION 24  
TSH NHILL PSH BALROOTAN, LOT 2 PS548246 AND LOT 1 TP126960, 95-99  
VICTORIA STREET NHILL**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 130740  
**Applicant:** John Rethus c/- Ferguson Perry Surveying Pty Ltd  
**Owner:** John Rethus  
**Subject Land:** CA2B, Sec 24 Psh Balrootan, Lot 2 PS548246, and Lot 1 TP126960, 95-99 Victoria Street Nhill

**Proposal:** 2 x Lot Subdivision

**Zoning & Overlays:**

Parcel 1 - Crown Allotment No 2B  
Zone:  
36.01 Public Use Zone Schedule 7 – Other Public Use (PUZ7)  
Overlays:  
44.06 Bushfire Management Overlay (BMO);  
42.01 Environmental Significance Overlay Schedule 6 –  
Catchments of Wetlands of Conservation Value (ESO6)

Parcel 2 - Lot 1 TP126960  
Zones:  
34.01 Commercial 1 Zone (C1Z)  
32.08 General Residential Zone (GRZ1)  
36.03 Public Conservation and Resource Zone (PCRZ)  
36.01 Public Use Zone Schedule 7 – Other Public Use (PUZ7)  
Overlays:  
44.06 Bushfire Management Overlay (BMO);  
42.01 Environmental Significance Overlay Schedule 6 –  
Catchments of Wetlands of Conservation Value (ESO6)  
43.01 Heritage Overlay Schedule 37 (HO37) - Agricultural  
Showgrounds  
44.04 Land Subject to Inundation Overlay (LSIO)

Parcel 3 - Lot 2 PS548246  
Zones:  
34.01 Commercial 1 Zone (C1Z)  
32.08 General Residential Zone (GRZ1)  
36.03 Public Conservation and Resource Zone (PCRZ)  
36.01 Public Use Zone Schedule 7 – Other Public Use (PUZ7)  
Overlays:  
44.06 Bushfire Management Overlay (BMO)  
42.01 Environmental Significance Overlay Schedule 6 –  
Catchments of Wetlands of Conservation Value (ESO6)

43.01 Heritage Overlay Schedule 37 (HO37) - Agricultural Showgrounds

44.04 Land Subject to Inundation Overlay (LSIO)

**Attachment:**

4

**Summary:**

This report recommends that Council issue a planning permit to allow the subdivision of land into 2 x lots at 95-99 Victoria Street Nhill (adjacent to the Nhill-Harrow Rd) to provide for the excision of proposed Lot 1 to contain a shed (currently under construction – planning permit 1580-2018 approved 23 May 2018.)

**Background, Subject site & locality:**

Planning permit application PA1612-2018 was lodged with Council on 07 December 2018 for the purposes of creating a 2 lot subdivision to excise land to encompass a shed (previously approved permit 1580-2018).

The subject land is located approximately 1.29 kilometres south west of the Nhill Post Office at 95-99 Victoria Street Nhill. The site is bounded to the south by Nhill-Harrow Road, to the west and north by the Nhill Agricultural Showgrounds, and to the east by the Nhill Swamp Wildlife Reserve. The subject land is primarily flat, 4.49 hectares in area, and contains existing buildings associated with the showgrounds.

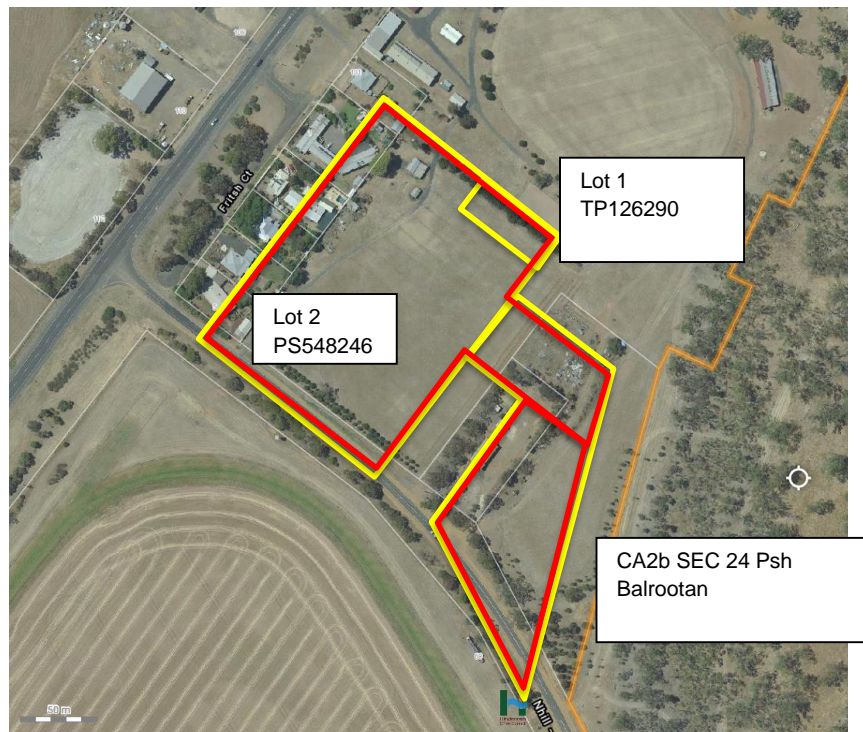
**Proposal Details:**

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

- Proposed Lot 1 – 1.012 ha in size, consisting of the shed under construction; and
- Proposed Lot 2 – 3.447 ha in size, being the residual balance lot, being part of the showgrounds.

The proposal was originally only to subdivide CA2B, however, this would have caused proposed Lot 2 to become landlocked, so amended plans were submitted which included the following Lots:

- Lot 1 TP126290; and
- Lot 2 PS548246.



Existing lots are shown in yellow, and proposed lots are shown in red. 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 the following clauses of the Hindmarsh Planning Scheme:

- 32.08 - General Residential Zone (GRZ1);
- 34.01 - Commercial 1 Zone (C1Z);
- 36.01 - Public Use Zone Schedule 7 – Other Public Use (PUZ7);
- 36.03 - Public Conservation and Resource Zone (PCRZ);
- 42.01 - Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value (ESO6);
- 43.01 - Heritage Overlay Schedule 37 (HO37) - Agricultural Showgrounds;
- 44.04 - Land Subject to Inundation Overlay (LSIO); and
- 44.06 - Bushfire Management Overlay (BMO).

**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 the Aboriginal Heritage Regulations 2007, and the land is not affected by the Aboriginal Cultural Heritage Overlay.

### **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; 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: WCMA – responded with a note;

CFA – responded requiring compliance with any mandatory conditions outlined within the planning scheme.

Section 52 Notices:

Internal Referrals:

- Engineering: No comment, as access will be gained from Nhill-Harrow Rd.
- 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 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 32.08 - General Residential Zone (GRZ1)

Clause 34.01 - Commercial 1 Zone (C1Z)

Clause 36.01 - Public Use Zone Schedule 7 – Other Public Use (PUZ7)

Clause 36.03 - Public Conservation and Resource Zone (PCRZ)

#### **Overlay Provisions**

Clause 44.06 Bushfire Management Overlay (BMO)

Clause 42.01 Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value (ESO6)

Clause 43.01 Heritage Overlay Schedule 37 (HO37) - Agricultural Showgrounds

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.

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 separate to the showgrounds.

**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.

**Decision Guidelines:**

In both the Public Conservation and Resource Zone, and the Public Use Zone, the following decision guidelines apply:

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, 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 comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**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 lots, and the ability of the land to be used separately to the dwelling.

The proposal 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.

**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 December 2018, and amended with the inclusion of additional lots on the 24 May 2019, thus resetting the clock to zero. The report is being presented to Council at its meeting on the 07 August 2019 (73 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 – Angela Hoy, 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 approve an application for a 2 lot subdivision at CA 2B, Sec 24, Psh Balrootan, Lot 2 PS548246, and Lot 1 TP126960, 95-99 Victoria Street 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.***

**Note:**

***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 future.***

***Attachment: 4***

**9.2 PLANNING PERMIT PA1626-2019 – CONSTRUCTION OF DWELLING AND BOUNDARY REALIGNMENT – CA139B AND CA 139C PARISH NI NI (1388 GERANG-GLENLEE ROAD GLENLEE)**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 76220  
**Applicant:** Mr John Reichenbach  
**Owner:** Mr J & Mrs L Reichenbach  
**Subject Land:** CA139B and CA139C Parish Ni Ni (1388 Gerang-Glenlee Rd Glenlee)  
**Proposal:** Construction of dwelling and boundary realignment  
**Zoning & Overlays:** Farming Zone (FZ)  
Bushfire Management Overlay (BMO)  
**Attachments:** 5, 6 & 7

**Summary:**

This report recommends that Council approve planning permit PA1626-2019 to develop land (including buildings and works) for the construction of a third dwelling on two parcels of land, provided that a re-alignment of the boundary on Crown Allotment 139C allows for the third dwelling to be on its own land parcel, separate to the existing dwellings on existing Crown Allotment 139B.

**Background and Proposal Details:**

A planning application was lodged on the 03 April 2019 for the construction of a third dwelling on Farming Zoned land in Glenlee. The primary purpose of the proposed third dwelling on the land is to provide for a semi-retirement residence for the current property managers, whilst permitting the continued use of the existing two dwellings on the land (being the original homestead established in the late 1800's), and the second dwelling (approved December 2015), constructed in 2016. The two dwellings currently situated on the land will be occupied by family members as a part of the succession planning considered necessary to ensure the continued viable operation of the farm.

It is considered unconventional to permit three dwellings on one parcel of farming zoned land. An acceptable solution to allow for 3 x dwellings to exist on the farm holding is to realign the boundary of Crown Allotment 139C, to incorporate the proposed third dwelling. It is important to note that the application has not requested this as a part of this permit. Rather than simply recommending Council refuse the application, the officer has found what is considered to be a solution to an unusual request, consisting of the application of a recommended condition to realign the boundary of CA139C to create a parcel of approximately 80 ha in area, to permit this to happen. The realignment proposed will further create an allotment which could potentially be further subdivided to the minimum lot size in the Farming Zone of 2 x 40 ha parcels in future.

**Subject site & locality:**

The subject land is located at Crown Allotment 139B and Crown Allotment 139C Parish Ni Ni, at 1388 Gerang-Glenlee Road, Glenlee, approximately 20.2 kilometres to the north east of the Nhill Post Office. The land is primarily used for agriculture (grain, hay, and sheep), with large envelopes of remnant native vegetation at the centre of the allotment. The combined land of both crown allotments is approximately 185.5 hectares in area, it is primarily flat, and

is surrounded in entirety by land in similar agricultural use, other than land to the west, being the Glenlee State forest and Glenlee Flora and Fauna reserve.

The proposal of the addition of a third dwelling over the holding does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

**Requirement for Permit:**

A planning permit is required under Clause 35.07 – Farming Zone (FZ) of the Hindmarsh Planning Scheme for ‘dwelling’, which is a Section 2 use in the zone if the Section 1 use conditions are not met (only one dwelling on the lot).

A planning permit is further required under Clause 44.06-2 of the Hindmarsh Planning Scheme (Bushfire Management Overlay) to construct a building or construct or carry out works associated with accommodation (including a dependent person’s unit).

**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 required to be publicly notified under the provisions of the Planning and Environment Act 1987, with a notice placed on the land, and adjoining landowners notified by registered mail. Notice was given to the applicant to conduct public notification on the 18 April 2019, with the required statutory declaration returned by the applicant on 25 May 2019. No objections have been received at the time of writing this report, and it is considered that public notification has been carried out in accordance with the requirements of Section 52 of the Planning and Environment Act 1987.

**Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Country Fire Authority (CFA) – conditionally consented to the grant of a permit, requiring the endorsement of the submitted Bushfire Management Plan.

Section 52 Notices: Department of Environment, Land, Water and Planning – no objection.

Internal Referrals:

- Engineering: Not required.

- Environmental Health: A condition requiring appropriate effluent disposal from the proposed third dwelling in accordance with environmental health regulations will be applied.
- Building: A building permit will be required.

### **Planning Assessment:**

#### Hindmarsh Shire Planning Scheme Requirements:

#### **State Planning Policy Framework**

Clause 11.01-1R - Settlement - Wimmera Southern Mallee

Clause 13.02 - Bushfire

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

#### **Local Planning Policy Framework**

Clause 21 – Municipal Strategic Statement

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.

#### **Zoning Provisions**

Clause 35.07 - Farming Zone

#### **Overlay Provisions**

Clause 44.06 - Bushfire Management Overlay

#### **Particular Provisions**

None applicable.

#### **General Provisions**

Clause 65.01 Hindmarsh Planning Scheme

It is considered that the application complies with the relevant decision guidelines as outlined, provided the re-alignment of the boundary on crown allotment 139c allows for the third dwelling to be on its own land parcel.

#### **Decision Guidelines**

#### **General Issues**

The proposal is considered to accord with the applicable decision guidelines as outlined within the Planning Scheme, having particular regard to and support from agricultural policies within the framework. The size and suitability of the land (provided the boundary realignment occurs relating to the position of the existing and proposed dwellings), and given the proposal's intent to allow for farm succession planning, will result in a desirable outcome in accordance with the intent of the Farming Zone.

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

The proposal is considered to meet the guidelines with regard to agricultural considerations. The proposal will have minimal impact upon the continued agricultural viability of the land, and will continue to cause the land to be viably farmed by allowing for intergenerational farm succession planning. The size of the subject land ensures the land can capably handle effluent from the proposal, and access to rural infrastructure will not be impacted upon by the proposal.

### **Dwelling issues**

It is considered that in this instance the approval of a third dwelling (subject to proposed the boundary realignment) will not only permit the continued use of the land for agricultural production, but will ensure long term continuation of agriculture on the land, facilitating succession planning by providing appropriate housing for future generations. No subdivision is proposed as a part of this application. However, officers recommend that a re-alignment of the boundary on Crown Allotment 139C allow the third dwelling to be on its own land parcel, separate to the existing dwellings on existing Crown Allotment 139B.

The approval of a third dwelling on the land will not only enhance and ensure continued use of the land for agriculture in the longer term, but will not cause the proposed dwelling to be adversely affected by agriculture on surrounding land.

### **Environmental issues**

The proposed dwelling:

- will not negatively impact on the natural physical features and resources of the area;
- will not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed; and
- will not negatively impact upon biodiversity of the area.

A proposed boundary realignment creating a lot of approximately 80 hectares has the potential to facilitate the creation of two lots which will not only maximise the use of land for agriculture, but cause the protection of the remaining areas of native vegetation.

### **Clause 44.06 - Bushfire Management Overlay:**

The applicants have submitted a Bushfire Management Statement and plan to address the requirements of this clause, with these submitted to the CFA. The plans submitted with the original application did not clearly show the dwelling and its location in proximity to the BMO, however, subsequent assessment by Council's Planning Officer revealed that the dwelling was within the BMO, thus the requirements of the overlay were triggered.

### **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.

### **Options:**

As mentioned previously within this report, it is unconventional to permit a third dwelling on a Farming Zoned allotment, as there is a perception that this may lead to a proliferation of dwellings in the area. To address this concern, although in the opinion of the Coordinator Planning and Development not necessary (see Option 1), the following option is offered as a



solution ('Option 2'). A condition can be applied to any planning permit issued requiring the boundary of CA 139C be realigned to include the proposed dwelling, thus separating it from the existing dwellings on CA139B, further creating an allotment approximately 80 hectares in size encompassing a separate dwelling.

**Option 1:** Council resolves the application be approved subject to conditions, inclusive of a condition as follows:

- *Plans prepared by a licensed land surveyor are to be submitted for certification for the realignment of the boundary between CA 139B and CA139C to include the proposed dwelling, to show CA139C to be not less than 80 hectares in area. These plans are to be submitted prior to the issue of an occupancy certificate for the proposed dwelling and must be to the satisfaction of the Responsible Authority.*

Council has the option ('Option 2') to refuse the application subject to reasons including possible proliferation of dwellings in the area, but it is the view of the Coordinator Planning and Development that the proposal will not cause a proliferation of dwellings in the area (one dwelling per 40 hectares dwelling density within the Farming Zone), and that such matters as precedent do not fall into the ambit of discretion the Coordinator Planning and Development must exercise when assessing an application against the decision guidelines within the Farming Zone.

**Option 2:** Council resolves to issue a Notice of Refusal specifying reasons.

The risk involved with exercising Option 2 is primarily related to the applicant's rights to appeal at VCAT within 60 days of the issuing of a notice of refusal, and that Council's decision will not be defensible on valid planning grounds. This also may result in costs being awarded against Council.

**Processing Times:**

The application was considered lodged on 03 April 2019. The report is being presented to Council for approval on the 07 August 2019 (108 days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance, as referral of the application to the CFA was missed due to difficulty locating the proposed dwelling in relation to the Bushfire Management Overlay.

**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 – Angela Hoy, Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

**RECOMMENDATION:**

***That Council approve an application for the construction of a third dwelling and boundary realignment on CA139B and CA139C Parish Ni Ni (1388 Gerang-Glenlee Rd Glenlee) 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.***

### **General**

3. ***The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***

### **Environmental Health**

4. ***The wastewater from the dwelling must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.***

### **Country Fire Authority**

#### ***Bushfire Management Plan endorsed***

5. ***The Bushfire Management – Bushfire Management Plan (version 1.0; dated 16/07/2019); prepared by Duncan Hope for SENICA Group must be endorsed to form part of the permit and must not be altered unless otherwise agreed to in writing by the CFA and Responsible Authority.***

### **Boundary realignment**

6. ***Plans prepared by a licensed land surveyor are to be submitted for certification for the realignment of the boundary between CA 139B and CA139C to include the proposed dwelling, to show CA139C to be not less than 80 hectares in area. These plans are to be submitted prior to the lodgement of the required building permit, with certification of the plans to occur prior to the issue of an occupancy certificate for the proposed dwelling and must be to the satisfaction of the Responsible Authority.***

### **Permit Lapse/ Extension**

- 7. The development approved by this permit will expire if one of the following circumstances applies:**
- a) Construction is not commenced within two years of the date of this permit.**
  - b) Construction 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.**

**Attachments: 5, 6 & 7**

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**10. REPORTS REQUIRING A DECISION**

**10.1 DIMBOOLA & NHILL KINDERGARTEN FACILITY UPGRADES – REQUEST FOR CO-CONTRIBUTION TO SUPPORT CHILDREN’S FACILITIES CAPITAL PROGRAM APPLICATION**

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

**Introduction:**

This report seeks endorsement and financial assistance from Council in support of funding applications to the Children’s Facilities Capital Grants Program for upgrades at the Dimboola and Nhill Kindergartens / Early Years Centres.

In early 2019 the Victorian Government announced that they were funding the introduction of a subsidised 3YO Kindergarten program (up to 15 hours per week) which will be gradually rolled out across Victoria over the next 10 years (2020-29). Horsham and District Kindergarten Association (HDKA) currently offers either a 3 or 5 hour 3YO Kindergarten program which is funded by parents and subsidised by Council.

Shortly after the Victorian Government’s announcement, Hindmarsh Shire Council was advised that it was one of six Local Government Areas that had been selected to introduce subsidised up to 15 hours of 3YO Kindergarten in 2020.

The introduction of subsidised 3YO Kindergarten is expected to increase demand for positions at Council’s Dimboola and Nhill Early Years Centres. HDKA do not expect any change in service provision at Rainbow and Jeparit as a result of the expanded 3YO Kindergarten program.

**Discussion:**

Increased demand for positions at Dimboola and Nhill will raise the possibility of families being wait-listed for a position as both centres have the potential to reach their capacities.

Council officers have worked with HDKA to identify changes to the layout of the Dimboola and Nhill Early Years Centres in order to increase their licenced capacity.

These investigations have coincided with the introduction of the Children’s Facilities Capital Grants Program which provides funding for upgrades that improve service delivery, increase capacity or both.

Schematic design plans are currently being prepared ahead of the 9 August deadline for applications. Builders have also been contacted regarding the preparation of quotes. At the time of preparing this report quotes have not been provided by the builders as the schematic design plans are not yet available to assist with quotation.

An early estimate for the Dimboola upgrade, which includes the repurposing of several rooms to include a new children's bathroom, sleep room and upgraded open space area is approximately \$40,000 ex GST.

The proposed change at Nhill involves bringing the outside area in, by enclosing the alfresco courtyard area (under the existing roof line of the centre) with the installation of new glass doors, windows, flooring etc. The estimated cost for this project is \$50,000 ex GST. Builders will be advised to include reasonable contingency within their quotes to allow for any additional costs once plans are finalised.

The Children's Facilities Capital Grants Program funding ratio allows for funding of up to 75% of a project's cost. Therefore Council would be required to provide approximate co-contributions of \$10,000 ex GST and \$12,500 ex GST respectively.

As one of the first six Local Government Areas rolling out the subsidised 3YO Kindergarten program, Hindmarsh Shire Council is well placed to take advantage of this latest round of Children's Facilities Capital Grants Program funding.

The Department of Education has been and will continue to work closely with both HDKA and Council to ensure the transition to subsidised 3YO Kindergarten is as smooth as possible. The Victorian School Building Authority has been in direct contact and advised Council to discuss any issues in relation to our application for facility upgrade funding. The funding conditions also state that Local Government Areas selected to roll out the new 3YO Kindergarten program in the first two years will be prioritised for funding assessment.

Although Council's application won't be 'shovel ready' at the time of submission, it is anticipated that the impending launch of subsidised 3YO Kindergarten within Hindmarsh Shire will significantly strengthen Council's funding application.

**Link to Council Plan:**

Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of our community.

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

**Financial Implications**

It is proposed that Council's contribution come from General Ledger 30104, Council Contribution for Grant Funded Projects in the 2019/2020 Annual Budget which has allocated \$45,000 for recurrent expenditure and \$55,000 for capital expenditure.

**Risk Management Implications**

There are no 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.

Author: Simon Landrigan, Community Development Coordinator

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

Should Council support the recommendation of this report and if each funding application is subsequently successful, Council will work in conjunction with Horsham & District Kindergarten Association to advise stakeholders including West Wimmera Health Service and Dimboola and Nhill Playgroups of the proposed changes, prior to a public announcement via media release, Council website and social media.

**Options:**

1. Council endorses and allocates funds from *Council Contribution for Grant Funded Projects* (General Ledger 30104) in support of the application for funding of facility upgrades at Dimboola and Nhill Early Years Centres.
2. Council declines to support and not allocate funds from Council Contribution for Grant Funded Projects (General Ledger 30104) to be used in support of application for funding of facility upgrades at Dimboola and Nhill.

**RECOMMENDATION:**

***That Council endorses and allocates \$22,500 (excl GST) from Council Contribution for Grant Funded Projects (General Ledger 30104) in support of the application for funding of facility upgrades at Dimboola and Nhill Early Years Centres.***

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## **10.2 LIGHT UP RAINBOW – REQUEST FOR CO-CONTRIBUTION TO SUPPORT PUBLIC SAFETY INFRASTRUCTURE FUND PROGRAM APPLICATION**

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

### **Introduction:**

This report seeks endorsement from Council in support of a funding application through the Victorian Government's Community Crime Prevention Program, Public Safety Infrastructure Fund 2019/2020 to increase public lighting throughout Rainbow.

### **Discussion:**

The Public Safety Infrastructure Fund 2019/2020 grants are available to support Victorian Councils to undertake the development and improvement of public safety and security infrastructure.

Infrastructure grants between \$20,000 and \$250,000 will support projects using good urban design and equipment, including Closed Circuit Television (CCTV) and lighting for example, to help improve community safety, security and confidence in public places.

Funding is available only for the costs of procuring and installing infrastructure. Co-contributions requirements apply.

Council was unsuccessful with a grant application through the Federal Government's Safer Communities Fund – Round 3 Infrastructure Grants Program in 2018/2019 for the installation of street lighting in Rainbow.

This project, entitled 'Light Up Rainbow' proposes a broader and more extensive program to install lighting in numerous public places throughout Rainbow.

Numerous areas throughout Rainbow have been identified as being poorly lit at night. Rainbow does not have a high crime rate in comparison to other similarly sized or larger rural, regional and metropolitan centres.

However, incidents of crime such as theft, attacks against the person, trespassing, vandalism and other forms of anti-social behaviour do exist and it would be remiss of Council not to take action to reduce any of these issues through the improvement of public lighting.

Rainbow has an ageing population and improved public lighting will increase the level of confidence in residents to venture out at night. It will provide a higher degree of personal security and reduce the opportunities for anti-social behaviour.

The 'Light Up Rainbow' project will achieve significant safety, security and crime mitigation outcomes in three specific poorly lit areas of Rainbow, including;

**Federal Street, King Street (North) and Railway Street (North);** these streets are the main pedestrian thoroughfares between the Federal Street business district and the Rainbow Oasis Community Hub, Rainbow Skate Park and Rainbow P12 College.

**Federal Street, King Street (South), Swinbourne Avenue, Lake Street and Railway Street (South);** these streets are the main pedestrian thoroughfares between the Federal Street business district and the Rainbow Recreation Reserve, Rainbow Hospital, Rainbow Caravan Park, Rainbow Police and Rainbow CFA.

**Rainbow Recreation Reserve and Rainbow Caravan Park;** in addition to the numerous sporting, recreation, amenities and facilities located within these areas, the Rainbow Ambulance Station, Rainbow Scout Hall and additional car parking spaces for the Rainbow Hospital are located within the Recreation Reserve.

The Light Up Rainbow project will see the installation of 19 new street lights onto existing electricity company power poles along King Street (North and South), Railway Street (North and South), Swinbourne Avenue and Lake Street.

A further 19 solar powered lights will be installed under shop verandas along Federal Street and 20 solar powered lights installed throughout the Rainbow Recreation Reserve and Caravan Park.

The street lights will be installed by appropriately qualified electricity company staff while the solar panels and lights along the Federal Street verandas will be installed by qualified and experienced electricians.

It is proposed that the solar powered lights in the Rainbow Recreation Reserve will be installed by volunteer in-kind support.

The areas selected for improved lighting have been identified by Rainbow residents, community groups and organisations and Rainbow Police.

In all cases improved lighting will increase the level of safety for all people who use the identified thoroughfares which will in turn encourage more people to walk or use the areas at night.

Improved lighting will directly increase natural surveillance opportunities whilst reducing personal safety concerns and discourage anti-social behaviour leading to reduced premeditated or opportunistic crime and related issues such as trespassing, vandalism etc.

In all instances, the locations of new lighting will be strategically positioned to provide the best possible luminance to increase visibility and levels of safety and security.

In regional areas the Public Safety Infrastructure Fund 2019 / 2020 offers a funding ratio of \$9:\$1 with grants of between \$20,000 and \$250,000.



A maximum of 50% of the co-contribution can be of in-kind support.

**Link to Council Plan:**

Strategic Objective 1.1: An actively engaged community.

Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of our community.

Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.

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

**Financial Implications**

It is proposed that Councils contribution come from General Ledger 30104, Council Contribution for Grant Funded Projects in the 2019/2020 Annual Budget which has allocated \$45,000 for recurrent expenditure and \$55,000 for capital expenditure.

At the time of preparing this Council Report, the final costs for the installation of solar lights in Federal Street were not available. However, it is anticipated that the total of purchasing and the installation of lighting as indicated will be approximately \$125,000 including a contingency of 10%.

Based on the funding ratio of \$9:\$1 - Councils contribution will be \$12,500.

This figure does not include the in-kind support that will be provided by a number of Rainbow stakeholders.

**Risk Management Implications**

Appropriate Risk Management Plans will be established if the grant application is successful and prior to any resulting works commencing.

**Conflict of Interest:**

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

Author: Phil King, Economic and Community Development Manager

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

Should Council support the recommendation of this report and if the funding application is subsequently successful, Council will publicise the project via appropriate mediums and will work with the numerous stakeholders involved.

**Options:**

1. Council endorses and allocates \$12,500 of funds from *Council Contribution for Grant Funded Projects* (General Ledger 30104) in support of the application for funding the Light Up Rainbow project.
2. Council declines to support and not allocate funds from Council Contribution for Grant Funded Projects (General Ledger 30104) for the Light Up Rainbow project.

**RECOMMENDATION:**

***That Council endorses and allocates \$12,500 of funds from Council Contribution for Grant Funded Projects (General Ledger 30104) in support of the application for funding the Light Up Rainbow project.***

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**11. SPECIAL COMMITTEES**

**11.1 YURUNGA MANAGEMENT COMMITTEE**

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

**Attachment:** 8

**Introduction:**

The Yurunga Management Committee held its meeting on 23 May 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 meeting held on 23 May 2019.***

*Attachment: 8*

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**11.2 HINDMARSH YOUTH COUNCIL**

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

**Attachment:** 9

**Introduction:**

The Hindmarsh Youth Council held its meeting on 24 June 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 Hindmarsh Youth Council meeting held on 24 June 2019.***

*Attachment: 9*

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### **11.3 JEPARIT TOWN COMMITTEE**

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

**Attachment:** 10

**Introduction:**

The Jeparit Town Committee held its meeting on 8 July 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 Jeparit Town Committee meeting held on 8 July 2019.***

*Attachment: 10*

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### **11.4 ANTWERP HALL COMMITTEE**

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

**Attachments:** 11 & 12

**Introduction:**

The Antwerp Hall Committee held its annual general meeting and general meeting on 14 July 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:***

- 1. That Council notes the minutes of the Antwerp Hall Committee general meeting held on 14 July 2019.***
- 2. That Council notes the minutes of the Antwerp Hall Committee annual general meeting held on 14 July 2019.***
- 3. That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Antwerp Hall Management Committee:***
  - Neville Hornby***
  - Jo Hornby***
  - Heather Jorgensen***
  - Tim Jorgensen***

- **Ivan Polack**
- **Shane Bond**
- **Peta Foster**
- **Nathan Albrecht**
- **Rebecca Albrecht**
- **Alex Jupp**
- **Jamie-Lee Jupp**
- **Dianne Bond**
- **Ann Jensz**
- **Col Jensz**
- **Dennis Albrecht**
- **Val Albrecht**
- **Chris Avery**
- **Abbey Greig**
- **Daniel Greig**
- **Lucinda Eldridge**
- **Hayden Eldridge**

*Attachments: 11 & 12*

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## 11.5 NHILL TOWN COMMITTEE

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

**Attachment:** 13

### **Introduction:**

The Nhill Town Committee held its meeting on 16 July 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 Nhill Town Committee meeting held on 16 July 2019.***

*Attachment: 13*

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## 12. LATE REPORTS

No report.

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## 13. OTHER BUSINESS

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**14. 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.

No confidential matters.

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**15. MEETING CLOSE**

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