



12 April 2017

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chamber, Nhill on Wednesday 19 April 2017, commencing at **3.00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

- 10.1 Application for Planning Permit 1549-17
- 10.2 Extension of Planning Permit 1475-15

11. Reports Requiring a Decision

- 11.1 Council Plan 2013-2017 (Revised and Adopted 15 June 2016) Progress Report

12. Special Committees

- 12.1 Nhill Town Committee
- 12.2 Wimmera Mallee Pioneer Museum
- 12.3 Dimboola Town Committee

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

No report

16. Meeting Close

**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND
OPENING PRAYER**

Acknowledgement of the Indigenous Community

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

Opening Prayer

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

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

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

***That the Minutes of the Ordinary Council Meeting held on Wednesday 5 April 2017 in
the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.
Attachment: 1***

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

- Direct; or
- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;
 - d) because of receipt of an applicable gift;
 - e) as a consequence of becoming an interested party; or
 - f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

No deputations

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: MARCH 2017

Cr NELSON, MAYOR

Attended:

- 01/03/2017 Cr & SMT photo session, Nhill
- 01/03/2017 Briefing meeting, Nhill
- 01/03/2017 Council meeting, Nhill
- 03/03/2017 Citizenship Ceremony, Nhill
- 03/03/2017 Meeting with Emma Kealy MP, Nhill
- 03/03/2017 Meeting with resident, Nhill
- 06/03/2017 Town Committee meeting, Dimboola
- 14/03/2017 Wimmera Development Meeting, Nhill
- 15/03/2017 Briefing meeting, Dimboola
- 15/03/2017 Council meeting, Dimboola
- 16/03/2017 Yurunga fence opening , Rainbow
- 16/03/2017 Meeting with Steve Tinker- Telstra, Horsham
- 16/03/2017 Canberra delegations meeting, Horsham
- 20/03/2017 Kiata Wind Farm Board dinner, Little Desert Lodge
- 21/03/2017 Community Consultation, Broughton
- 21/03/2017 Kiata Wind Farm commencement event, Kiata
- 21/03/2017 Harmony Day -School Program , Nhill
- 21/03/2017 Harmony Day event, Nhill
- 23/03/2017 Refugee Settlement Discussion, Nhill
- 23/03/2017 Audit committee meeting, Nhill
- 24/03/2017 Recreation Reserve Pavilion opening, Rainbow
- 26 - 29/03/2017 Wimmera Councils Deputations. Canberra
- 30/03/2017 Year of opportunity- Local Government Forum, Ararat
- 31/03/2017 Meeting with stakeholders- River Heights, Dimboola
- 31/03/2017 New Residents Welcome event, Dimboola

Cr LOWE, DEPUTY MAYOR

Attended:

- 01/03/2017 Councillor photos
- 01/03/2017 Council Briefing, Nhill
- 01/03/2017 Council Meeting, Nhill
- 08/03/2017 Youth Councillor Interviews, Rainbow
- 13/03/2017 Jeparit Town Committee Meeting
- 15/03/2017 Council Briefing, Nhill
- 15/03/2017 Council Meeting, Nhill
- 16/03/2017 Opening of the picket fence, Yurunga
- 20/03/2017 Community conversations, Antwerp
- 20/03/2017 Community conversations, Rainbow
- 21/03/2017 Community conversations, Broughton
- 21/03/2017 Community conversations, Woorak
- 21/03/2017 Harmony Day, Nhill
- 20/03/2017 Community conversations, Winiam
- 20/03/2017 Community conversations, Jeparit

- 24/03/2017 Rainbow Pavilion opening, Rainbow
- 31/03/2017 New residents BBQ, Dimboola

Cr GERSCH

Attended:

- 01/03/2017 Cr & SMT photo session, Nhill
- 01/03/2017 Briefing meeting, Nhill
- 01/03/2017 Council meeting, Nhill
- 15/03/2017 Briefing meeting, Dimboola
- 15/03/2017 Council meeting, Dimboola

Cr COLBERT

Attended:

- 01/03/2017 Cr & SMT photo session, Nhill
- 01/03/2017 Briefing meeting, Nhill
- 01/03/2017 Council meeting, Nhill
- 15/03/2017 Briefing meeting, Dimboola
- 15/03/2017 Council meeting, Dimboola
- 20/03/2017 Community conversations, Antwerp
- 20/03/2017 Community conversations, Rainbow
- 21/03/2017 Community conversations, Broughton
- 20/03/2017 Community conversations, Winiam

Cr ISMAY

Attended:

- 01/03/2017 Cr & SMT photo session, Nhill
- 01/03/2017 Briefing meeting, Nhill
- 01/03/2017 Council meeting, Nhill
- 15/03/2017 Briefing meeting, Dimboola
- 15/03/2017 Council meeting, Dimboola

Cr SCHNEIDER

Attended:

- 01/03/2017 Briefing and Council meeting, Nhill
 - 09/03/2017 Meeting with Anne Falkingham to discuss White Ribbon program in Dimboola and Hindmarsh
 - 15/03/2017 Briefing and Council meeting, Dimboola
 - 23/03/2017 Audit Committee meeting, Nhill
 - 31/03/2017 New Residents Welcome event, Dimboola
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SENIOR MANAGEMENT ACTIVITIES: MARCH 2017

GREG WOOD, Chief Executive Officer:

Attended:

- 01/03/2017 SMT photos
- 01/03/2017 Corella management for Rainbow
- 01/03/2017 Council Briefing, Nhill
- 01/03/2017 Council Meeting, Nhill
- 03/03/2017 Citizenship Ceremony Nhill
- 07/03/2017 Cinema Volunteer
- 08/03/2017 Enterprise Agreement Negotiations
- 08/03/2017 Act@Work meeting, Nhill
- 14/03/2017 Mayor/CEO meeting, Nhill
- 14/03/2017 WDA Meeting, Nhill
- 15/03/2017 Council Briefing, Nhill
- 15/03/2017 Council Meeting, Nhill
- 16/03/2017 Meeting with Telstra CEO
- 16/03/2017 Wimmera CEOs and Mayors
- 16/03/2017 LGBTI Roadshow Horsham
- 20/03/2017 Community conversations, Antwerp
- 20/03/2017 Community conversations, Rainbow
- 21/03/2017 Community conversations, Broughton
- 21/03/2017 Community conversations, Woorak
- 21/03/2017 Harmony Day, Nhill
- 22/03/2017 Community conversations, Winiam
- 22/03/2017 Community conversations, Jeparit
- 23/03/2017 Meeting with Lucindale Naracoorte Mayor and General Manager, Nhill
- 23/03/2017 Hindmarsh Shire Council Audit Committee
- 24/03/2017 Rainbow Pavilion opening, Rainbow
- 27-30/03/2017 Canberra Deputations

ADRIAN GASPERONI, Director Infrastructure Services:

Attended:

- 01/03/2017 SMT photos
- 01/03/2017 Council Briefing, Nhill
- 01/03/2017 Council Meeting, Nhill
- 02/03/2017 Meeting with Inroads, Nhill
- 07/03/2017 Telstra Smart Messenger Workshop
- 15/03/2017 Council Briefing, Nhill
- 15/03/2017 Council Meeting, Nhill
- 20/03/2017 Community conversations, Antwerp
- 20/03/2017 Community conversations, Rainbow
- 21/03/2017 Community conversations, Broughton
- 21/03/2017 Community conversations, Woorak
- 21/03/2017 Harmony Day, Nhill
- 22/03/2017 Community conversations, Winiam
- 22/03/2017 Community conversations, Jeparit
- 22/03/2017 NW LG Emergency Management Collaboration Meeting
- 23/03/2017 Municipal Fire Management Planning Committee

- 23/03/2017 CMA Meeting, Dimboola
- 24/03/2017 Rainbow Pavilion opening, Rainbow
- 25/03/2017 Nhill Early Years Centre volunteering, Nhill
- 30/03/2017 EMRSP Steering Group and EMV Project Workshop Council Collaborations

ANNE CHAMPNESS, Director Corporate and Community Services:

Attended:

- 01/03/2017 SMT photos
 - 01/03/2017 Council Briefing, Nhill
 - 01/03/2017 Council Meeting, Nhill
 - 03/03/2017 Nhill Early Years Centre Meeting, Nhill
 - 06/03/2017 Dimboola Town Committee
 - 07/03/2017 Department of Health and Human Services Youth Environmental Scan, Horsham
 - 09/03/2017 Nhill Settlement Advisory Committee Meeting
 - 15/03/2017 Council Briefing, Nhill
 - 15/03/2017 Council Meeting, Nhill
 - 17/03/2017 Nhill Early Years Centre Meeting, Nhill
 - 20/03/2017 Community conversations, Antwerp
 - 20/03/2017 Community conversations, Rainbow
 - 21/03/2017 Community conversations, Broughton
 - 21/03/2017 Community conversations, Woorak
 - 22/03/2017 Community conversations, Winiam
 - 22/03/2017 Community conversations, Jeparit
 - 23/03/2017 Meeting Wimmera Uniting Care, Horsham
 - 23/03/2017 Audit Committee Meeting, Nhill
 - 24/03/2017 Rainbow Pavilion opening, Rainbow
 - 25/03/2017 Nhill Early Years Centre volunteering, Nhill
 - 29/03/2017 CoRE Workshop, Ararat
 - 30/03/2017 Dimboola Office
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8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

- 09/04/2017 - Nhill Agricultural and Pastoral Society Inc.
Social media

RECOMMENDATION:

That Council note the correspondence as tabled and refer to the Chief Executive Officer.

Attachment: 2

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

Introduction:

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

Options:

1. That Council accept the Assembly of Councillors Record as presented.

RECOMMENDATION:

That Council accept the Assembly of Councillors Record as presented.

Attachment: 3

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT 1549-17

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications – 1549-17
Assessment:	200290
Attachment:	4
Applicant:	Swanbuild Pty Ltd
Owner:	Simon Farmers
Subject Land:	CA1, PS503200P (Farmers Road, Nhill)
Proposal:	Construction of a dwelling
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay (Schedule 6)
Attachments:	Plan

Summary:

The subject site is located approximately 10.5 kilometres west of Nhill of the west side of Farmers Road approximately 540m north of the Diapur Nhill Road. The site is rectangular in shape with an area of 6.686 hectares. It is largely cleared. Adjoining land is used for broad acre farming.

The proposal is to erect a dwelling on the rear portion of the site setback approximately 260m from the frontage. A new internal gravel driveway will provide access to the dwelling. An earlier plan submitted with the application relied upon access through an adjoining allotment. This configuration would have required the adjacent allotment to be included into this application. Upon consideration, the permit applicant decided to rely upon the internal access way arrangements as shown on the present configuration.

Under the Farming Zone, a planning permit is not required to construct a dwelling if the land has an area of 40 hectares or more. In this instance the proposed lot is well under this threshold. The Farming Zone seeks to protect the productive use of farming land.

The application was referred to WCMA due to the Environmental Significance Overlay (Schedule 6). The authority did not object to the application subject to the inclusion of permit conditions, these are included in the recommendation.

In this instance the proposed dwelling is considered to have no adverse impact on agricultural activities.

The Hindmarsh Planning Scheme encourages the protection of agricultural areas whilst seeking to provide a diversity of housing opportunities. The proposal is consistent with these planning objectives.

Notification & Referral of Application:

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

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any

person it considers the grant of the permit may cause material detriment. Notice of this application was not required as the Town Planner is satisfied that no undue adverse amenity implications would occur.

Authorities:

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

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

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on the 28 February 2017. The report is being presented to the Council meeting of 19 April 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approve Planning Application 1549-17 allowing a Planning Permit for the construction of a dwelling at CA 1, PS503200P (Farmers Road, Nhill). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

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

2. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.

4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Council Infrastructure Requirements

5. Prior to the completion of the development and occupation of the dwelling the following requirements shall be satisfied:

- a) A minimum 5000L water tank should be installed to act as a storm water detention system;**
- b) A driveway entrance entering from Farmers Road must be constructed to the satisfaction of Council;**
- c) Upgrading of Farmers Road from existing all weather pavement to the entrance for the new dwelling must be constructed at the cost of the applicant and must be to the satisfaction of Council.**

6. The development and use must satisfy the following requirements:

- a) Storm water from the development should be kept detained onsite and dispersed by infiltration;**
- b) Storm water from the development should not cross the property boundaries.**

7. A road opening permit is required for any works in the road reserve.

8. Permit Lapse/Extension:

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

Attachment: 4

10.2 EXTENSION OF PLANNING PERMIT 1475-15

Responsible Officer:	Director Infrastructure Services
File:	Planning – Permits – 1475-15
Assessment:	143380
Attachment:	5
Applicant:	Mark Shearwood
Owner:	Mark Shearwood
Subject Land:	Lot 10, PS 000624 (34 Leahy Street, Nhill)
Proposal:	Extension of Planning Permit allowing a second dwelling
Zoning & Overlays:	General Residential Zone (GRZ) Environmental Significance Overlay (Schedule 6)
Attachments:	Plans and objection

Summary:

The permit holder has sought an extension of the above permit; the request is within the statutory time period for making such requests. The request indicates that the project has not commenced due to issues with construction costs. The application was approved at Council's meeting of the 18th March 2015.

The subject site is located on the northeast corner of Leahy Street and Langford Street, Nhill. The site is presently developed with a single storey dwelling with frontage to Leahy Street. Along the side boundary to Langford Street is a single garage and a small shed. A larger garage was located adjacent to the rear (southern) boundary at the time of issue of the planning permit in March last year, but has since been removed. The garage had approximate dimensions of 6.5m x 17m. It is setback 3.5m from the Langford Street frontage. The garage was setback approximately 600mm from the southern boundary, and was of a corrugated steel construction. The front section to Langford Street was occupied by a carport, which has also since been removed.

The planning permit allows the removal of the garage and in this area of the site the construction of a single storey dwelling. The dwelling will be setback from the northern boundary and will have a contemporary design style.

The proposal also includes a variety of siting changes that will better integrate the new dwelling with its surroundings. This includes removing the concrete hard stand within the frontage of the new dwelling. The proposed car parking is also appropriately positioned.

No objections were lodged when Council earlier considered the application.

In determining whether to extend a planning permit it is desirable to consider whether there has been any change in the 'material circumstances' of a proposal. For example whether the site or locality conditions or relevant planning controls have changed. In this instance there has been no 'material change' in circumstances and it would therefore be appropriate to grant a two-year extension.

The Hindmarsh Planning Scheme encourages a diverse supply of housing and a good standard of residential accommodation. The proposal is consistent with these planning objectives.

Notification & Referral of Application:

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

Community:

Notice for permit extension requests is not typically given.

Authorities:

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

Pursuant to Section 55 of the Act, notice of this application was not required.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

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 – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approve a two-year extension of Planning Permit 1475/15 to erect a second dwelling at Lot 10, PS 000624 (34 Leahy Street, Nhill).

Attachment: 5

11. REPORTS REQUIRING A DECISION

11.1 COUNCIL PLAN 2013-2017 (REVISED AND ADOPTED 15 JUNE 2016) PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Discussion to be held during the meeting regarding the status of the 2016/17 strategic actions in the revised Council Plan 2013-17.

RECOMMENDATION:

That Council note the report.

Attachment: 6

12. SPECIAL COMMITTEES

12.1 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 7

Introduction:

The Nhill Town Committee held its Meeting on 20 March 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council note the minutes of the Nhill Town Committee Meeting on 20 March 2017.
Attachment: 7

12.2 WIMMERA MALLEE PIONEER MUSEUM

Responsible Officer: Director Corporate and Community Services
Attachment: 8

Introduction:

The Wimmera Mallee Pioneer Museum Committee held its Meeting on 21 March 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council note the minutes of the Wimmera Mallee Pioneer Museum Committee Meeting on 21 March 2017.
Attachment: 8

12.3 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 9

Introduction:

The Dimboola Town Committee held its Meeting on 6 April 2017. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council note the minutes of the Dimboola Town Committee held its Meeting on 6 April 2017.
Attachment: 9

13. LATE REPORTS

No report

14. OTHER BUSINESS

15. CONFIDENTIAL REPORTS

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

- a) Personnel matters;
 - b) The personal hardship of any resident or ratepayer;
 - c) Industrial matters;
 - d) Contractual matters;
 - e) Proposed developments;
 - f) Legal advice;
 - g) Matters affecting the security of Council property;
 - h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
 - (i) a resolution to close the meeting to members of the public.
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16. MEETING CLOSE
