



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD AT THE COUNCIL CHAMBER, NHILL ON WEDNESDAY 20 SEPTEMBER 2017, COMMENCING AT 3:00PM**

**AGENDA**

**1. Acknowledgement of the Indigenous Community and Opening Prayer**

**2. Apologies**

**3. Confirmation of Minutes**

**4. Declaration of Interests**

**5. Public Question Time**

**6. Deputations**

**7. Activity Reports**

**8. Correspondence**

**9. Assembly of Councillors**

9.1 Record of Assembly

**10. Planning Permit Reports**

10.1 Application for Planning Permit 1564-2016

10.2 Application for Planning Permit 1566-2017

**11. Reports Requiring a Decision**

- 11.1 Financial Statements and Performance Statement for the Year Ending 30 June 2017
- 11.2 Draft Domestic Animal Management Plan 2017-2021
- 11.3 Special S86 Committee – Yanac Public Hall and Recreation Reserve Committee

**12. Special Committees**

- 12.1 Nhill Town Committee

**13. Late Reports**

No report

**14. Other Business**

No report

**15. Confidential Matters**

No report

**16. Meeting Close**

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**Present:** Crs. D. Nelson (Mayor), R. Lowe (Deputy Mayor), D. Colbert, T. Schneider, R. Gersch, R. Ismay

**In Attendance:**

Greg Wood (Chief Executive Officer), Shane Power (Director Infrastructure Services), Monica Revell (Acting Director Corporate and Community Services), Taegan Salt (Executive Assistant), Shelley Gersch (Acting Executive Assistant), Andre Dalton (Coordinator Planning and Development) 7-10.2.

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

Cr Nelson opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

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**2. APOLOGIES**

Nil

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**3. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 6 September 2017 in the Health and Fitness Centre, Dimboola as circulated to Councillors be taken as read and confirmed.***

**MOVED: CRS R. Gersch/R. Lowe**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 6 September 2017 in the Health and Fitness Centre, Dimboola as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*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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<b>5. PUBLIC QUESTION TIME</b>
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No questions

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<b>6. DEPUTATIONS</b>
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No deputations

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## 7. ACTIVITY REPORTS

### COUNCILLOR ACTIVITIES: AUGUST 2017

#### Cr NELSON, MAYOR

Attended:

- 01/08/2017 Mayor / CEO meeting, Nhill
- 02/08/2017 Informal meeting with Mary Lallios – MAV, Nhill
- 02/08/2017 Briefing meeting, Nhill
- 02/08/2017 Council Meeting, Nhill
- 02/08/2017 WSM Regional Assembly, Horsham
- 04/08/2017 ABC interview
- 04/08/2017 Projector Bike, Desert Enduro Launch, Rainbow
- 05/08/2017 Rainbow Desert Enduro, Rainbow
- 06/08/2017 Rainbow Desert Enduro presentations, Rainbow
- 07/08/2017 Town Committee meeting, Dimboola
- 08/08/2017 Wimmera Development Association, Horsham
- 10/08/2017 MAV Rural & Regional Forum
- 15/08/2017 Wimmera Mallee Pioneer Museum AGM, Jeparit
- 16/08/2017 Nhill Office, Nhill
- 21/08/2017 Minister Lisa Chester visit
- 21/08/2017 Inspection of Basketball Stadium, Dimboola
- 22/08/2017 Wimmera Leading Change Breakfast, Horsham
- 22/08/2017 Mayor / CEO meeting
- 23/08/2017 Wimmera Mail Times stakeholders morning tea, Horsham
- 23/08/2017 Briefing meeting, Nhill
- 23/08/2017 Council Meeting, Nhill
- 24/08/2017 ABC interview
- 24/08/2017 St Patricks School - Mayoral talk, Nhill
- 24/08/2017 Wimmera Southern Mallee LLEN meeting, Horsham
- 25/08/2017 North West Municipal Association meeting, Warracknabeal
- 29/08/2017 Western Rail Steering Committee meeting, Stawell
- 29/08/2017 Vic Roads Municipal Liaison meeting, Nhill
- 30/08/2017 Q & A session – A Broad MP and E Kealy MP
- 31/08/2017 Nhill Lutheran Women's Zone Rally

#### Cr LOWE, DEPUTY MAYOR

Attended:

- 02/08/2017 Meet with MAV President,
- 02/08/2017 Council Briefing and Meeting, Nhill
- 04/08/2017 Rainbow Desert Enduro Street Show
- 05/08/2017 Rainbow Desert Enduro, Recovery, Rainbow
- 06/08/2017 Rainbow Desert Enduro, Recovery, Rainbow

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- 14/08/2017 Jeparit Town Committee Meeting, Jeparit
- 18/08/2017 "Tail End Charlie" visitation, A&P Vintage Club, Nhill
- 21/08/2017 Visit by Lisa Chester, MP Nhill
- 21/08/2017 AGM, Yanac Hall and Recreation Reserve, Yanac
- 23/08/2017 Council Briefing and Meeting, Nhill

### **Cr GERSCH**

Attended:

- 02/08/2017 Council meeting
- 02/08/2017 MAV president meeting
- 02/08/2017 RDV partner meeting
- 06/08/2017 Rainbow Enduro
- 08/08/2017 WDA board meeting
- 09/08/2017 Meeting Treasurer Minister Pallas
- 10/08/2017 MAV seminar
- 11/08/2017 RCV board meeting
- 21/08/2017 Meeting with Lisa Chester MP
- 18/08/2017 Wimmera regional roads meeting
- 23/08/2017 Council meeting

### **Cr COLBERT**

Attended:

- 02/08/2017 Council Meeting, Nhill
- 23/08/2017 Council Meeting, Dimboola

### **Cr ISMAY**

Attended:

- 02/08/2017 Council Meeting Nhill
- 04/08/2017 Off Road Scrutineering Rainbow
- 05/08/2017 Off Road championship prologue event Rainbow
- 06/08/2017 National Off Road Championship Rainbow
- 09/08/2017 Off Road debrief Rainbow
- 22/08/2017 Wimmera Mallee Sustainability Alliance Horsham
- 23/082017 Council Meeting Nhill
- 30/08/2017 Vorra Committee meeting Rainbow

### **Cr SCHNEIDER**

Attended:

- 02/08/2017 Briefing and Council meeting, Nhill
- 07/08/2017 Dimboola Town Committee meeting
- 11/08/2017 Wimmera Regional Library Corporation CEO Annual Review, Horsham

- 18/08/2017 On-site meeting with Acting Infrastructure Director, Pickering Gardens, Dimboola
  - 18/08/2017 Wimmera Regional Library Corporation Board meeting, Horsham
  - 23/08/2017 Briefing and Council meeting, Nhill
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## **SENIOR MANAGEMENT ACTIVITIES: AUGUST 2017**

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

Attended:

- 01/08/2017 Meeting with MAV President, Mary Lallios – Nhill
- 01/08/2017 Mayor/CEO Meeting
- 02/08/2017 Council Briefing, Nhill
- 02/08/2017 WSM Regional Assembly, Horsham
- 02/08/2017 Regional Assembly dinner with state government ministers
- 04/08/2017 Rainbow Enduro Scrutineering Rainbow
- 05/08/2017 Off Road championship prologue event Rainbow
- 06/08/2017 National Off Road Championship Rainbow
- 08/08/2017 WDA Meeting, Horsham
- 10/08/2017 MAV Rural and Regional Forum, Melbourne
- 11/08/2017 Essential Services Commission, Melbourne
- 15/08/2017 Cinema Volunteer, Nhill
- 17/08/2017 LGPro Forum, Melbourne
- 21/08/2017 Lisa Chester MP Visit, Nhill
- 22/08/2017 Mayor/CEO Meeting
- 22/08/2017 Cinema Volunteer, Nhill
- 23/03/2017 Briefing and Council Meeting, Nhill
- 25/08/2017 NWMA, Warracknabeal
- 29/08/2017 VicRoads Regional Director meeting, Nhill
- 29/08/2017 Cinema Volunteer, Nhill

### **SHANE POWER, Director Infrastructure Services:**

Attended:

- 21/08/2017 Discussions with Federal MP, Ms. Lisa Chester, Nhill
- 28/08/2017 Wimmera Combined MEMPC Meeting, Horsham
- 28/08/2017 Rainbow Township Committee meeting
- 29/08/2017 VicRoads regional meeting, Nhill

### **PHIL KING, Acting Director Community Services:**

Attended:

- 02/08/2017 Meeting with Cr Mary Lallios, MAV President and Gavin Mahoney
- 02/08/2017 Council Briefing and Council Meeting

- 02/08/2017 Wimmera Southern Mallee Regional Assembly
- 07/08/2017 Monthly meeting with Regional Development Victoria
- 07/08/2017 Dimboola Town Committee meeting
- 08/08/2017 Meeting regarding the Act@Work Action Plan
- 10/08/2017 Meeting with Helen Ross – Nhill Town Committee
- 10/08/2017 Meeting with stakeholders regarding the Karen Community Plan
- 10/08/2017 Meeting with Nhill Learning Centre
- 18/08/2017 Meeting with Regional Community Services Directors in Horsham
- 18/08/2017 Teleconference with Dept. Industry, Innovation and Science re BBR Fund
- 21/08/2017 Meeting with Ms. Lisa Chester MP
- 23/08/2017 KABV - Tidy Towns Judging – Dimboola
- 23/08/2017 Council Briefing and Council Meeting
- 29/08/2017 Meeting with Dimboola Sports Stadium User Groups

**MONICA REVELL, Acting Director Corporate Services:**

Attended:

- 02/08/2017 Briefing and Council Meeting
  - 04/08/2017 Dimboola Office Staff Visit
  - 11/08/2017 Essential Services Commission Meeting
  - 18/08/2017 WRLC Board Meeting
  - 21/08/2017 Lisa Chester MP Visit
  - 23/08/2017 Briefing and Council Meeting
  - 28/08/2017 Wimmera Combined MEMPC Meeting
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***MOVED: CRS R. Gersch/D. Colbert***

***That Council writes to Ewan Evan, previous Regional Director of VicRoads and thanks him for the work he has done over the past 7 years for the Wimmera Southern Mallee region and wish him well in future endeavors.***

***CARRIED***

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***MOVED: CRS T. Schneider/R. Gersch***

***That Council writes to Catherine Morley, CEO of Wimmera Health Care Group congratulating her on the appointment and that we look forward working closely together.***

***CARRIED***

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## 8. CORRESPONDENCE

### 8.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council:

- 07/09/2017 Dimboola Football Netball Club

*Congratulating on a successful MND event*

- 07/09/2017 Nhill Sporting Club

*Congratulating on a successful MND event*

**RECOMMENDATION:**

*That Council notes the attached correspondence.*

**MOVED: CRS R. Lowe/D. Colbert**

*That Council notes the attached correspondence.*

**CARRIED**

*Attachment: 2*

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## 9. ASSEMBLY OF COUNCILLORS

**Responsible Officer:** Chief Executive Officer

**Attachment:** 3

**Introduction:**

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

**RECOMMENDATION:**

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

**MOVED: CRS R. Ismay/D. Colbert**

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

**CARRIED**

*Attachment: 3*

## 10. PLANNING PERMITS

### 10.1 APPLICATION FOR PLANNING PERMIT 1564-2016

**Responsible Officer:** Director Infrastructure Services

**File:** Planning – Applications

**Assessment:** 200372

**Applicant:** Mark Carter – Price Merrett Consulting Pty Ltd

**Owner:** GrainCorp Pty Ltd

**Subject Land:** Lot 1 PS545680k, 1 Wheatlands Road Rainbow

**Proposal:** Use and development of the land (including buildings and works) for Rural Industry – Weighbridge, staff lunchroom, ablutions block and associated effluent disposal system

**Zoning & Overlays:** Farming Zone (FZ), No Overlays

**Attachments:** 4

#### **Summary:**

This application is for Use and Development of Land (including Buildings and Works), for the construction of a weighbridge, staff lunchroom, ablutions block and associated effluent disposal system. Under the provisions of the Hindmarsh Planning Scheme, the proposal accords with the definition of a “Rural Industry,” being:-

*“Land used to:*

- a) handle, treat, process, or pack agricultural produce;*
- b) service or repair plant, or equipment, used in agriculture; or*
- c) manufacture mud bricks”.*

The buildings and works proposed are ancillary to the use of the land for the purposes of an existing grain handling facility.

#### **Proposal Details:**

The proposal in detail involves:

- the installation of one additional new weighbridge to potentially allow for one triple 55m deck if required – located in the approximate centre of the lot as shown on submitted plans;
- the existing staff amenities building to be made permanent with parking added; and
- Installation of associated effluent disposal system.

In a covering submission accompanying the application, the applicant has stated:

*“The Rainbow grain facility is operated by Graincorp Operations Pty Ltd. The facility consists of approximately 12 ha on the corner of the Hopetoun Rainbow Road and Wheatlands Road. The site provides grain bunker storage and rail access to Dimboola. The development involves the construction of a new weighbridge and upgrades to the existing sample shed. The Rainbow Graincorp facility services local grain growers and provides them with access to export and domestic grain markets. The site employs 5-8 staff during the harvest season and 1-2 staff throughout the year. The grain handling facility plays an important role in the local economy.*

*Rainbow is a small rural township with a population of about 525 people and is located approximately 400km from both Melbourne and Adelaide. The Graincorp site is located on Wheatlands Road at a location known as Bow Hill on Lot 1 PS545680J about 1.5km north of the township of Rainbow.*

*The Bow Hill site is currently used for grain storage and dispatch. The site has an existing weighbridge, sample stand and a staff amenities block. There is an existing dam on the site and scattered trees. The property is serviced by one access point on Wheatlands Road.*

*The site has been reconstructed to provide appropriate drainage for a bunker site.*

*The Rainbow Graincorp site is accessed by a single truck entry point from Wheatlands Road. A Traffic Management Plan and Road Safety Audit were conducted in 2014 to assess the existing conditions of the intersection of the Hopetoun-Rainbow Road and Wheatlands Rd and the access into the Graincorp site. Some road works were undertaken to fulfil safety obligations at the cross road.*

*An existing staff amenities building is located on the southern boundary of the Graincorp site. An existing weighbridge and sample stand are about 100m north of the staff amenities.*

*This planning permit application is seeking approval for:*

- the installation of a new weighbridge facility to accommodate ‘A Triple’ trucks ,*
- upgrading the existing sample stand with new building, and*
- install an appropriate effluent disposal system for the staff amenities building.*

*These improvements to the Graincorp site at Rainbow will have the following benefits:*

- improve the turnaround times at the grain receivable depot;*
- better sampling facilities.*

*This proposal will cater for A Triple truck access. Whilst not currently approved on the road network, there are applications by local growers for the use of the longer vehicles.*

*Access to the site will be via the existing [entry to Wheatlands Road].*

*This proposal will have no effect on the existing noise levels.*

*This proposal will have no effect on the existing dust levels.*

*A septic tank and filtration beds have been proposed for the treatment and disposal of effluent on site. This will be in accordance with the EHO and LCA requirements”.*

**Planning Assessment:**

Permit Requirement:

*Use:*

A planning permit is required pursuant to Clause 35.07-1 of the Farming Zone to use the land for a Rural Industry. A ‘Rural Industry’ is a Section 2 Use.

*Development:*

A planning permit is required pursuant to Clause 35.07-4 for building or works associated with a use in Section 2 of Clause 35.07-1 under the provisions of the Hindmarsh Planning Scheme.

Planning Scheme Requirements:

**State Planning Policy Framework**

- Clause 11 – Settlement
- Clause 11.07 – Regional Victoria
- Clause 11.15 – Wimmera Southern Mallee
- Clause 13 – Environmental Risks
- Clause 17 – Economic Development
- Clause 18 - Transport
- Clause 19 - Infrastructure

**Local Planning Policy Framework**

- Clause 21 – Municipal Strategic Statement

**Zoning Provisions**

- Clause 35.07 – Farming Zone

**Overlay Provisions**

Nil

**Particular Provisions**

Nil

**General Provisions**

- Clause 65 – Decision Guidelines

**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 as *Rural Industry*, being a weighbridge, staff lunchroom, ablutions block and associated effluent disposal system 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 65, the responsible authority must consider, as appropriate (as outlined in detail within the planning scheme):

General Issue:

- 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.

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.

The proposal also considers Environmental and Design & Siting Issues, and an assessment against these issues has revealed the proposal will not detrimentally impact upon these matters.

General Provisions – Decision Guidelines

Clause 65.01 of the Hindmarsh Planning Scheme requires that 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 Planning & Environment Act, 1987.

- 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 relevant matters set out in s60 of the Act are:

- (1) Before deciding on an application, the responsible authority must consider—
  - (a) the relevant planning scheme; and
  - (b) the objectives of planning in Victoria; and
  - (c) all objections and other submissions which it has received and which have not been withdrawn; and
  - (d) any decision and comments of a referral authority which it has received; and
  - (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
  - (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

It is considered that this proposal will produce acceptable outcomes, having regard to the decision guidelines as listed above.

**Notification & Referral of Application:**

Pursuant to Sections 52 (1)(a), (b) and (d) of the Planning and Environment Act 1987, notice of the application must be given to the community and affected authorities, unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

In this instance, it is not considered that the grant of a permit for this proposal would cause material detriment to any person and therefore notice of application was deemed to not be required for the following reasons:

- The nearest dwelling not on the subject land is approximately 1 kilometre to the southeast;
- The use and development on the land is considered appropriate for the zoning of the area;

- The proposal will not generate excessive traffic; and
- The proposal is a use reasonably anticipated to occur in the area.

Pursuant to Section 55 of the Planning and Environment Act 1987 (the Act), the application must be referred to stipulated authorities. Clause 66 of the Planning Scheme however, removes this requirement if the local authority (Council) is satisfied that the threshold distance referred to for this use in the table on Clause 52.10 is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. For a Rural industry handling, processing or packing agricultural produce, the distance is 300 metres.

On this occasion Council's Planning Department has formed the view that authority referral is not required for the following reasons:

- Not a mandatory requirement under Clause 66 – Referral and Notice Provisions for the reasons stated above.

**Authorities:**

Referral not required on this occasion.

**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 Planning & Development Coordinator 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 17 July 2017. The report is being presented to the Council meeting of 20 September 2017, giving a processing time of 65 days. The statutory processing time requirements of the Planning and Environment Act 1987 have not 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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Planning and Development Coordinator

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

**RECOMMENDATION:**

***That Council approves an application to use and develop land (including buildings and works) for the construction of a weighbridge, staff lunchroom, ablutions block and associated effluent disposal system at Lot 1 PS545680k, 1 Wheatlands Road Rainbow subject to the following conditions:***

**Endorsed Plans:**

***(1) The development as shown on the endorsed plans must not be altered 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; or***
- (e) In any other way.***

***(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) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.***

***(5) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effects on surrounding land.***

**General:**

***(6) 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 (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly.***

**Car Parking/Access:**

***(7) Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***

***(a) Constructed;***

***(b) Properly formed to such levels that they can be used in accordance with the plans;***

***(c) Surfaced with an all-weather-seal coat;***

***(d) Drained;***

***(e) Line marked to indicate each car space and all access lanes;***

***(f) Clearly marked to show the direction of traffic along access lanes and driveways;  
and***

***(g) Maintained to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.***

***(8) Appropriate traffic signage must be installed within the car park to support traffic movement to the satisfaction of the Responsible Authority.***

***(a) Carparking must be provided internally within the site for maintenance vehicles.***

**Engineering:**

***(9) Access to the site and ancillary road works must be constructed in accordance with the requirements of the Responsible Authority.***

***(10)The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.***

**Time Limit (Development):**

***(11)The development approved by this permit will expire if one of the following circumstances applies:***

***(a) The development and use is/are 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: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.***

***(3) Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444).***

***(4) A copy of this permit and the endorsed plans must be provided to all builders and contractors who are to work on the site so that they are aware of the conditions to which this approval is subject.***

***MOVED: CRS D. Colbert/T. Schneider***

***That Council approves an application to use and develop land (including buildings and works) for the construction of a weighbridge, staff lunchroom, ablutions block and associated effluent disposal system at Lot 1 PS545680k, 1 Wheatlands Road Rainbow subject to the following conditions:***

**Endorsed Plans:**

***(1) The development as shown on the endorsed plans must not be altered 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; or***
- (e) In any other way.***

***(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) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.***

***(5) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effects on surrounding land.***

**General:**

***(6) 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 (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly.***

**Car Parking/Access:**

***(7) Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***

- (a) Constructed;***
- (b) Properly formed to such levels that they can be used in accordance with the plans;***
- (c) Surfaced with an all-weather-seal coat;***
- (d) Drained;***
- (e) Line marked to indicate each car space and all access lanes;***
- (f) Clearly marked to show the direction of traffic along access lanes and driveways;***  
***and***
- (g) Maintained to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.***

***(8) Appropriate traffic signage must be installed within the car park to support traffic movement to the satisfaction of the Responsible Authority.***

***(a) Carparking must be provided internally within the site for maintenance vehicles.***

**Engineering:**

***(9) Access to the site and ancillary road works must be constructed in accordance with the requirements of the Responsible Authority.***

***(10) The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.***

**Time Limit (Development):**

***(11) The development approved by this permit will expire if one of the following circumstances applies:***

***(a) The development and use is/are 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: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.***

***(3) Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444).***

***(4) A copy of this permit and the endorsed plans must be provided to all builders and contractors who are to work on the site so that they are aware of the conditions to which this approval is subject.***

**CARRIED**

Attachment: 4

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## 10.2 APPLICATION FOR PLANNING PERMIT 1566-2017

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications – 1566-2017
<b>Assessment:</b>	113200
<b>Applicant:</b>	Price Merrett Consulting Pty Ltd
<b>Owner:</b>	Bryvon Super Pty Ltd
<b>Subject Land:</b>	Lot 7, PS440012 (1551 Propodollah Netherby Road, Netherby)
<b>Proposal:</b>	Two lot subdivision
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) ESO6 Overlay
<b>Attachments:</b>	5

### Summary:

The subject site is located on the corner of the Netherby Lorquon Road and Propodollah Netherby Road, Netherby. The site is regular in shape with an area of 127.6 hectares. A planning permit is required for this subdivision as it is to create a lot for an existing dwelling and the remainder being left for agricultural pursuits, namely cropping. The proposed house lot is intended to be sold, with the applicant stating that the balance vacant farmland is to continue to be farmed in its current form.

The proposal seeks planning permission to create a two lot subdivision by the excision of an area containing the existing dwelling, sheds, native vegetation and immediate surrounds.

The proposed Lot 1 will have an area of 6.912 hectares and will contain the residence and shedding. Lot 2 will contain the balance of the property with an area of 120.6 hectares.

Clause 35.07-3 provides for subdivision of land in the Farming Zone. The standard minimum lot size for subdivision within the Farming Zone is 40 hectares however there is discretion to allow a smaller lot if this lot is created for an existing dwelling.

The subdivision will allow both lots to continue to be associated with agricultural production. The subdivision will not adversely impact upon agricultural activities on nearby properties. The subdivision will not adversely impact upon environmental values of the subject site or surrounding properties.

The proposal is considered to be consistent with the Farming Zone provisions and planning policy, which supports agricultural activity.

### 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 given to adjoining owners and no objection was received.

**Authorities:**

Pursuant to Section 52 of the Act, notice of this application was sent to the Wimmera CMA who made no comment.

Pursuant to Section 55 of the Act, notice of this application was not required to be sent to any authorities due to the nature of the proposal.

**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 9 August 2017. The report is being presented to the Council meeting of 20 September 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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Planning & Development Coordinator

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

***RECOMMENDATION:***

***That Council approves Planning Application 1566-17 allowing a Planning Permit for a two (2) lot subdivision at Lot 7, PS440012 (1551 Propodollah Netherby Road, Netherby). The Planning Permit shall be issued with the following conditions:***

***1. Formal Plans of Subdivision:***

***The formal plan of subdivision lodged with Council for certification must be in***

*accordance with the Endorsed Plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.*

**2. Council Infrastructure Requirements:**

*a) No new access points can be created on either lot unless permission is sought and granted from Hindmarsh Shire Council.*

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

*The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within three months afterwards.*

**MOVED: CRS R. Gersch/T. Schneider**

*That Council approves Planning Application 1566-17 allowing a Planning Permit for a two (2) lot subdivision at Lot 7, PS440012 (1551 Propodollah Netherby Road, Netherby). The Planning Permit shall be issued with the following conditions:*

**1. Formal Plans of Subdivision:**

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

**2. Council Infrastructure Requirements:**

*a) No new access points can be created on either lot unless permission is sought and granted from Hindmarsh Shire Council.*

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

*The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within three months afterwards.*

**CARRIED**

Attachment: 5

<b>11. REPORTS REQUIRING A DECISION</b>
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**11.1 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDING 30 JUNE 2017**

**Responsible Officer:** Acting Director Corporate Services  
**Attachment:** 6 & 7

**Introduction:**

The purpose of this report is to provide Council with the Financial Statements and Performance Statement for the year ended 30 June 2017 and for Council to adopt the statements pending no material change to the reports presented.

**Discussion:**

The Local Government Act 1989 (LGA) requires a resolution of Council to adopt the In-Principle Financial Statements and the In-Principle Performance Statement. The Act also requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, Section 131 (4) and (5) and 132 (2) and (5) of the Act.

The Financial and Performance Statements are prepared in accordance with the requirements of the LGA and the applicable accounting standards. Copies of the Statements were provided to Crowe Horwath (external auditor acting for the Victorian Auditor-General's Office). The audit of the statements has now been completed and a few adjustments were made at the request of Council's auditors.

The draft reports were presented to Council's Audit Committee meeting on 7 September 2017. The Audit Committee resolved to recommend, pending no material change to the Statements, that Council:

1. Adopts the In-Principle Financial Statements for the year ended 30 June 2017.
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2017;
3. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.

At the time of preparing this report, the closing letter from the Victorian Auditor-General's Office (VAGO) had not yet been received. Any VAGO correspondence received will be provided as a late addition to this report.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial and Performance Statements.

**Options**

Council must comply with its obligations under the Local Government Act 1989 by passing the resolutions required by S131 and S132. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or



appoint all Councillors to certify with any two Councillors to sign. Once all certifications are received the Annual Report must be forwarded to the Minister by 30 September 2017.

**Link to Council Plan**

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

**Financial Implications:**

There are no financial implications in this process. The statements outline financial performance for the previous year but costs for their production are part of normal operating expenditure.

**Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

**Communications Strategy:**

Following signing of the final form of the Statements, the Statements will be included in Council's Annual Report for 2016/17 as well as being available on Council's website.

**Conflict of Interest:**

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

Author and Officer Responsible: Monica Revell, Acting Director Corporate Services  
In providing this advice as the Author and Officer Responsible, I have no interests to disclose.

**RECOMMENDATION**

***That, pending no material changes to the Statements, Council:***

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2017; and***
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

**MOVED: CRS R. Gersch/R. Lowe**

***That, pending no material changes to the Statements, Council:***

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2017; and***
- 2. Authorises any two Councillors to sign the Financial Statements and***

***Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

**CARRIED**

*Attachment: 6 & 7*

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## 11.2 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021

**Responsible Officer:** Acting Director Corporate Services

**Attachment:** 8

### **Introduction:**

This report seeks Council's endorsement of the Draft Domestic Animal Management Plan 2017-2021 to be released to the public for public responses prior to adoption by Council.

### **Discussion:**

Under Section 68A of the *Domestic Animals Act* (1994), every Council in Victoria must prepare a Domestic Animal Management Plan every four years in consultation with the Secretary of the Department of Environmental and Primary Industries. The Plan is required to be adopted by 3 November 2017.

The purpose of the Domestic Animal Management Plan (the Plan) is to provide Hindmarsh Shire Council with a strategic framework that delivers policy direction and action plans for animal management over the next four years.

The preparation of the Plan follows the requirements under the *Domestic (Feral and Nuisance) Animals Act 1994* (DAA) that Councils have a four year plan in place for the management of dogs and cats within their area.

The Plan integrates the developing expertise in domestic animal management with Council's own investigations to produce a program of action to be undertaken over the next four years (2017 – 2021). Relevant issues include those prescribed under relevant legislation and local laws as well as the generally understood notion of responsible pet ownership.

The overarching objectives of this Plan will be to:

1. Increase the enjoyment people receive from their pets;
2. Reduce the incidence of problems within the community related to pets being a nuisance or causing injury to people or other animals; and
3. Contribute to improving the health and wellbeing of pets.

These objectives will be achieved by:

1. Providing the community, with a clear understanding of Council's expectations of pet owners;
2. Reinforcing to the community Council's commitment to improving standards associated with pet ownership; and
3. Clearly describing to the community the role and actions Council will take to improve the level of responsible pet ownership throughout Hindmarsh Shire Council.

Outcomes that will contribute to achieving the objectives contained within the plan will include:

1. Increasing the skills and resources available to Council officers;
2. Increasing dog and cat registration levels;
3. Decreasing the incidence of dogs at large and nuisance behaviour;
4. Actively managing dangerous, restricted breed and menacing dogs;
5. Decreasing the incidence of dog attacks;
6. Decreasing euthanasia rates and impacts associated with overpopulation of cats; and
7. Ensuring the operation of Domestic Animal Businesses dealing with domestic animals are in accordance with the applicable laws and Codes of Practice.

### **Options**

Council can endorse the Draft Domestic Animal Management Plan as suitable to release for public submissions or it request staff to further refine the Draft Domestic Animal Management Plan.

### **Link to Council Plan**

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

### **Financial Implications:**

If adopted, there may be budget impacts, but these additional costs are expected to be offset by increased revenue from registrations.

### **Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

### **Communications Strategy:**

The draft Animal Management Plan will be advertised in the local papers for public submissions for a period of 28 days from 22 September 2017 to 20 October 2017.

### **Conflict of Interest:**

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

Author and Officer Responsible: Monica Revell, Acting Director Corporate Services

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

## **RECOMMENDATION**

### ***That Council***

1. ***endorses the Draft Domestic Animal Management Plan as suitable for release for public submissions;***
2. ***invites submissions in accordance with section 223 of the Local Government Act on the Draft Domestic Animal Management Plan; and***

- 3. considers a further report, including the submissions received, at the Council meeting to be held on 25 October 2017.*

**MOVED: CRS D. Colbert/T. Schneider**

**That Council**

- 1. endorses the Draft Domestic Animal Management Plan as suitable for release for public submissions;*
- 2. invites submissions in accordance with section 223 of the Local Government Act on the Draft Domestic Animal Management Plan; and*
- 3. considers a further report, including the submissions received, at the Council meeting to be held on 25 October 2017.*

**CARRIED**

*Attachment: 8*

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### **11.3 SECTION 86 COMMITTEES – YANAC PUBLIC HALL AND RECREATION RESERVE COMMITTEE**

**Responsible Officer:** Acting Director Corporate Services

**Attachment Number:** 9

#### **Introduction:**

The purpose of this report is to update Council on the membership of the Yanac Public Hall and Recreation Reserve Committee.

#### **Discussion:**

Councils may establish special committees with authority to exercise certain Council powers, Section 86 of the Local Government Act 1989 (the Act). Special committees must operate in accordance with the Act and the Hindmarsh Meeting Procedures and Common Seal Local Law (the Local Law). Members of special committees must comply with the limits imposed by Council's instrument of delegation, disclose conflicts of interests and not misuse their positions.

Council issued updated instruments of delegation at its November 2015 meeting which were based on the previous delegations and the advice and templates provided by Maddocks.

#### **Yanac Public Hall and Recreation Reserve Committee**

At the committee's AGM on 21 August 2017, the following people were nominated to the committee:

- Jay Fischer
- Jim Fischer
- Bruce Beattie
- Craig Smith
- Terry Miller
- Michelle Dickinson
- Shaun Alexander
- Erin Alexander

#### **Options:**

Council can appoint all, some or none of the nominated Special Committee members and chairpersons listed above.

#### **Link to Council Plan:**

1.1 An actively engaged community

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

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

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

**Financial Implications:**

No financial implications arise.

**Risk Management Implications:**

No risk management implications arise.

**Communications Strategy:**

The committees will be informed about the formal delegation and appointment of members.

**Conflict of Interest:**

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

Author and Officer Responsible: Monica Revell, Acting Director Corporate Services

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

**RECOMMENDATION:**

***That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), appoints as members of the Yanac Public Hall and Recreation Reserve Committee:***

***Jay Fischer***

***Jim Fischer***

***Bruce Beattie***

***Craig Smith***

***Terry Miller***

***Michelle Dickinson***

***Shaun Alexander***

***Erin Alexander***

**MOVED: CRS R. Lowe/D. Colbert**

***That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), appoints as members of the Yanac Public Hall and Recreation Reserve Committee:***

***John Dart (President)***

***Susanne Beattie (Vice President)***

***Jenny Smith (Secretary/Treasurer)***

***Jay Fischer***

***Jim Fischer***

***Bruce Beattie***

***Craig Smith***

***Terry Miller***

***Michelle Dickinson***

***Shaun Alexander***

***Erin Alexander***

***CARRIED***

***Attachment: 9***

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**12. SPECIAL COMMITTEES**

**12.1 NHILL TOWN COMMITTEE**

**Responsible Officer:** Acting Director Corporate Services

**Attachment:** 10

**Introduction:**

The Nhill Town Committee held its Meeting on 21 August 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 notes the minutes of the Nhill Town Committee Meeting on 21 August 2017.***

**MOVED: CRS R. Gersch/R. Lowe**

***That Council notes the minutes of the Nhill Town Committee Meeting on 21 August 2017.***

**CARRIED**

**Attachment: 10**

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**13. LATE REPORTS**

No reports

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**14. OTHER BUSINESS**

No other business

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**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.

No reports

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**16. MEETING CLOSE**

There being no further business, Cr Nelson declared the meeting closed at 3:50pm

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