



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 21 NOVEMBER 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET
NHILL 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 1589-2018 – 43 Lloyd St Dimboola – Increase in Liquor License Area – Dimboola Rowing Club

10.2 Application for Planning Permit 1594-2018 – Construction of a Shed – Lot 3 LP137667 – 1B Lloyd St Dimboola

- 10.3 Application for Planning Permit 1597-2018 – Construction of a Carport – Lot 2 PS417082 – 14A Wimmera St Dimboola

11. Reports Requiring a Decision

- 11.1 Street and Reserve Tree Strategy
11.2 Adoption of New Hindmarsh Shire Council Logo
11.3 Hindmarsh Shire Youth Council – Minutes

12. Special Committees

- 12.1 Nhill Town Committee
12.2 Rainbow Town Committee
12.3 Yurunga Homestead Committee
12.4 Jeparit Town Committee

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

- 15.1 Tender Award for Delivery of Municipal Building Surveyor and Building Permit Services - Contract 18/018
15.2 Bituminous Surfacing Program – Contract 2013/14-25s

16. Meeting Close

Present:

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

In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Shane Power (Director Infrastructure Services), Ms Shelley Gersch (Executive Assistant), Ms Janette Fritsch (Manager Strategic Assets and Planning) (items 1 – 15.1), Mr Andre Dalton (Coordinator Planning and Development) (items 1-10.3)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

No apologies

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 24 October 2018 at the Council Chambers Nhill, the minutes of the Special Council Meeting held on 7 November 2018 at the Council Chambers, Nhill and the minutes of the Annual Statutory Meeting held at the Nhill Memorial Community Centre, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Lowe/D Colbert

That the Minutes of the Ordinary Council Meeting held on Wednesday 24 October 2018 at the Council Chambers Nhill, the minutes of the Special Council Meeting held on 7 November 2018 at the Council Chambers, Nhill and the minutes of the Annual Statutory Meeting held at the Nhill Memorial Community Centre, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1, 2, 3

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

Ms Wendy Werner spoke to item 11.1 Street and Reserve Tree Strategy, endorsing the plan and requesting further resources be dedicated to planting and maintaining trees in Jeparit, and Hindmarsh Shire.

6. DEPUTATIONS

No deputations

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: OCTOBER 2018

Cr ISMAY, MAYOR

Attended:

03/10/2018 Briefing meeting Rainbow
03/10/2018 Council meeting Rainbow
08/10/2018 Jeparit town committee meeting
16/10/2018 Wimmera Mallee tourism meeting Warracknabeal
17/10/2018 Rural Councils Victoria conference Melbourne
18/10/2018 MAV conference Melbourne
18/10/2018 MAV conference dinner/awards presentation
19/10/2018 MAV Council motions assembly
24/10/2018 Seniors Week Concert – Jade Hurley, Nhill
24/10/2018 Briefing meeting Nhill
24/10/2018 Council meeting Nhill
26/10/2018 New residents barbecue Jeparit
27/10/2018 Luv A Duck fifty-year celebrations Nhill

Cr LOWE, DEPUTY MAYOR

Attended:

03/10/2018 Council Briefing, Meeting, Rainbow
09/10/2018 Recreation Reserve Consultation Plan Meeting, Rainbow
16/10/2018 Wimmera Mallee Pioneer Museum AGM, Jeparit
18/10/2018 WHCG Daycentre Visit, WMPM, Jeparit
21/10/2018 Jeparit Show, Jeparit
22/10/2018 Netherby Hall Committee of Management Meeting, Netherby
24/10/2018 Seniors Concert, Nhill
24/10/2018 Council Briefing, Meeting, Nhill
27/10/2018 50 Years Celebrations, Luv a Duck, Nhill

Cr GERSCH

Attended:

03/10/2018 Council meeting Rainbow
05/10/2018 Rural Councils Victoria (RCV) meeting with MAV board
09/10/2018 WDA board meeting
11/10/2018 Nhill Aviation group AGM
12/10/2018 WDA Business awards
17/10/2018 RCV Annual meeting
17/10/2018 RCV forum
17/10/2018 RCV board meeting
18/10/2018 MAV State council forum
18/10/2018 Meeting and presentation to Regional Cities group
24/10/2018 Jade Hurley concert

24/10/2018 Council meeting Nhill
25/10/2018 Interview with Weekly Times and Stock and Land
27/10/2018 Luv A Duck 50th birthday celebrations
29/10/2018 Phone link up Roads Minister and Local Government office

Cr COLBERT

Attended:

03/10/2018 Briefing meeting Rainbow
03/10/2018 Council meeting Rainbow
22/10/2018 Nhill Township Committee AGM
24/10/2018 Briefing meeting Nhill
24/10/2018 Council meeting Nhill
27/10/2018 Luv A Duck 50 years celebrations
29/10/2018 Municipal Fire Management Planning Committee, Nhill

Cr NELSON

Attended:

01/10/2018 Dimboola Town Committee AGM, Dimboola
03/10/2018 Briefing meeting, Rainbow
03/10/2018 Council Meeting, Rainbow
05/10/2018 Wimmera Leadership Graduation event, Horsham
06/10/2018 Rainbow Music Festival
09/10/2018 Social Enterprise Workshop, Rainbow
09/10/2018 Wimmera Development Association meeting, Horsham
10/10/2018 Social Enterprise workshop, Nhill
12/10/2018 Wimmera Business Awards
13/10/2018 Tidy Towns Awards Dinner, Beechworth
14/10/2018 Tidy Towns breakfast and guided tour, Beechworth
16/10/2018 Wimmera Southern Mallee LLEN Finance committee meeting, Horsham
19/10/2018 Patchewollock Music Festival
20/10/2018 Patchewollock Music Festival
20/10/2018 Dimboola A & P Show
24/10/2018 Briefing Meeting, Nhill
24/10/2018 Council Meeting , Nhill
25/10/2018 Wimmera Southern Mallee LLEN COM meeting, Horsham
26/10/2018 Children's Week Event, Dimboola

Cr SCHNEIDER

Attended:

01/10/2018 Dimboola Town Committee meeting
03/10/2018 Council Briefing and Meeting, Rainbow
12/10/2018 Wimmera Regional Library Corporation Board meeting, Horsham
13/10/2018 Keep Victoria Beautiful Tidy Town Awards, Beechworth
15/10/2018 Dimboola Memorial Secondary College School Council meeting
20/10/2018 Dimboola Show

24/10/2018 Council Briefing and Meeting, Nhill

SENIOR MANAGEMENT ACTIVITIES: OCTOBER 2018

GREG WOOD, Chief Executive Officer:

Attended:

01/10/2018 Networking event with Victorian premier and roads minister, Melbourne
03/10/2018 Mayor/CEO meeting, Rainbow
03/10/2018 Council briefing and meeting, Rainbow
04/10/2018 Teleconference re: Regional Councils Transformation Program (RCTP)
05/10/2018 Community Hub onsite visit and discussion, Dimboola
09/10/2018 WDA meeting, Horsham
11/10/2018 Wimmera regional CEO meeting, Horsham
17/10/2018 Rural Councils Victoria AGM, Melbourne
17/10/2018 RCV annual meeting, Melbourne
18/10/2018 MAV annual conference, Melbourne
18/10/2018 MAV annual dinner and service awards, Melbourne
19/10/2018 RCTP workshop with KPMG, Melbourne
24/10/2018 Seniors concert – Jade Hurley, Nhill
24/10/2018 Mayor/CEO meeting, Nhill
24/10/2018 Council briefing and meeting, Nhill
25/10/2018 LGPro CEO forum, Castlemaine
26/10/2018 Albacutya Bridge meeting – DEDJTR, Melbourne
31/10/2018 Halloween movie volunteer, Nhill

SHANE POWER, Director Infrastructure Services:

Attended:

03/10/2018 Council Briefing and Meeting, Rainbow
09/10/2018 Understanding Social Enterprise, Rainbow
10/10/2018 Understanding Social Enterprise, Nhill
12/10/2018 MAV, Melbourne
15/10/2018 Infrastructure Working Group Session, Dimboola
22/10/2018 West Wimmera Shire Council Meeting, Edenhope
24/10/2018 Council Briefing and Meeting, Nhill
25/10/2018 Waste and Resources Procurement Working Group Meeting, Stawell
26/10/2018 MAV, Melbourne
29/10/2018 Municipal Fire Management Planning Committee, Nhill

MONICA REVELL, Director Corporate and Community Services:

Attended:

01/10/2018 WRLC Sub Committee Meeting
03/10/2018 Council Briefing, Rainbow
03/10/2018 Council Meeting, Rainbow
04/10/2018 Meeting Nhill Learning Centre “The Patch”
05/10/2018 Community Hub onsite visit and discussion

09/10/2018	Social Enterprise Workshop
12/10/2018	WRLC Board Meeting
15/10/2018	Relief Centre Exercise
16/10/2018	Meeting with West Wimmera Health Service
17/10/2018	Webinar Smarter Community Engagement
24/10/2018	Seniors Concert
24/10/2018	Council Briefing, Nhill
24/10/2018	Council Meeting, Nhill
25/10/2018	EPA executive team meeting
25/10/2018	InfoXpert meeting
31/10/2018	Crisisworks, EM-Cop Workshop

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 4

Introduction:

The following correspondence is tabled for noting by Council:

- Marlene Kairouz
 - *Local Government Bill 2018*
- Luv A Duck
 - *Congratulations on 50 years of Luv A Duck*
- Nhill Supa IGA
 - *Congratulations on 10 years at current building*
- Sharp Boutique
 - *Congratulations on opening shopfront in Nhill*
- Nhill Dine Inn
 - *Congratulations on opening café in Nhill*
- GWM Water
 - *Request to review pricing strategy for recreational water*
- Dimboola Ski Club
 - *Congratulations on a successful barefoot skiing event*

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Gersch/R Lowe

That Council notes the attached correspondence.

CARRIED

Attachment: 4

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 5 & 6

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 T Schneider/D Nelson

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 5 & 6

10. PLANNING PERMITS

**10.1 APPLICATION FOR PLANNING PERMIT 1589-2018 – 43 LLOYD ST
DIMBOOLA – INCREASE IN LIQUOR LICENSE AREA – DIMBOOLA ROWING
CLUB**

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	24580
Applicant:	Mick Salter c/- Dimboola Rowing Club
Owner:	Department of Environment, Land Water and Planning
Subject Land:	CA 17 Sec 9 Tsh Dimboola Psh Dimboola
Proposal:	Increase in Liquor License Area
Zoning & Overlays:	Public Park & Recreation Zone (PPRZ); Environmental Significance Overlay Schedule 3 (ESO3) Wimmera River Protection Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value; Land Subject to Inundation Overlay (LSIO); Floodway Overlay (FO)
Attachments:	Attachment 7 – Site plan Attachment 8 – Applicant submission

Summary:

This report recommends that Council approve planning permit 1589-2018 for an increase in area, patron numbers, and operating hours for an existing liquor license at the Dimboola Rowing Club to incorporate an external area of the reserve overlooking the Wimmera River. No prevention of access through the area to the general public will be permitted.

Background:

On 29 May 2018, a planning permit for the increase in liquor license area was lodged. The requirement for a planning permit is discussed within the body of the report.

Proposal Details:

The proposal is to increase in area, patron numbers, and operating hours for an existing liquor license at the Dimboola Rowing Club to incorporate an external area of the reserve overlooking the Wimmera River. No prevention of access through the area to the general public will be permitted. The purpose of the proposed increase in the liquor license area is to permit an outdoor area adjoining the Dimboola Rowing Club for smokers to consume alcohol and smoke in a lawful environment.

The Dimboola Rowing Club is aware that under the Tobacco Act 1987, all exit doors and windows must have a 4 metre exclusion zone into the 'redline' area, thus the request for a deeper 'redline' area. A maximum patron capacity of 250 people is sought.

An increase in trading hours is also sought as follows:

- Good Friday and Anzac Day: Current: 5pm to 1 am the following morning;
Proposed: No change;
- Sunday: Current: 5pm to 12 midnight Sunday only;
Proposed: Sunday to Thursday – 12 noon to 12 midnight;
- Friday and Saturday: Current: 5pm to 1am the following morning;
Proposed: 12 noon to 1am the following morning.

Neither buildings or works, nor changes in use are proposed.

Subject site & locality:

The subject site is known as 43 Lloyd Street Dimboola, otherwise known as the Dimboola Recreation Reserve and is currently used for sporting purposes. The Dimboola Football Club occupies the reserve, as well as the netball club, lawn bowls club, petanque, and other associated sporting activities. The Wimmera River bounds the south and west of the subject land.

The surrounding properties are primarily residential in nature.

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

Public Notification

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

s52 Notice of application

(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 was required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal may cause material detriment to any person for the following reasons:

- Impact on the amenity of the area by the potential increase of noise and anti-social behavior within the locality.

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;
- 1 x A3 sign was placed on the land on 20 August 2018; and
- A notice was placed in The Dimboola Banner newspaper on the 22 August 2018.

No objections to the proposal have been received by Council.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: Not required, as the local road network will not be significantly impacted upon.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed.

Planning Assessment:

Permit Requirement:

A planning permit is required under Clause 52.27 – Licensed Premises, which states:

“A permit is required to use land to sell or consume liquor if any of the following apply:

- *The hours of trading allowed under a licence are to be extended.*
- *The number of patrons allowed under a licence is to be increased.*
- *The area that liquor is allowed to be consumed or supplied under a licence is to be increased”.*

No permit is required under the provisions of the Public Parks and Recreation Zone (PPRZ).

No permit is required under the provisions of the Environmental Significance Overlay Schedule 3 (ESO 3) – Wimmera River Protection.

No permit is required under the provisions of the Environmental Significance Overlay

Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value.

No permit is required under the provisions of the Land Subject to Inundation Overlay (LSIO);

No permit is required under the provisions of the Floodway Overlay (FO).

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.03 – Planning for Places

Clause 17 – Economic Development

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.04 – Tourism

Clause 17.04-1R - Tourism - Wimmera Southern Mallee

Clause 19.02-3S - Cultural Facilities

Clause 19.02-4R - Social and cultural infrastructure – Wimmera Southern Mallee

Local Planning Policy Framework:

Clause 21 – Municipal Strategic Statement

Zoning Provisions:

Clause 36.02 - Public Park and Recreation Zone

Overlay Provisions:

Environmental Significance Overlay Schedule 3 (ESO3) – Wimmera River Protection

Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value;

Land Subject to Inundation Overlay (LSIO);

Floodway Overlay (FO)

Particular Provisions:

Clause 52.27 – Licensed Premises

General Provisions:

Clause 65 – Decision Guidelines, states that:-

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

It is considered that the application complies with the relevant decision guidelines as outlined.

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

Clause 52.27 – Licensed Premises, states that:

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area”.

Planning Response:

The applicant has satisfactorily addressed the decision guidelines within Clause 52.27 by stating that the club has held a liquor license since 1985, with no concerns or investigations relating to the amenity of the area in this time, thus demonstrating compliance. It is not considered that the increase in the hours of operation, the increase in the number of patrons, or the cumulative impact of the proposal along with existing licensed premises will detrimentally affect the amenity of the area, as satisfactorily addressed within the applicant's submission (Attachment 2).

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 29 May 2018. The report is being presented to Council for approval at its meeting on 21 November 2018 (167 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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves an application for an increase in liquor license provisions (area, patron numbers and hours of operation), on CA 17 Sec 9 Tsh Dimboola (43 Lloyd St Dimboola) subject to the following conditions:

Endorsed Plans

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

Amenity

2. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - (a) ***transport of materials, goods or commodities to or from the land;***
 - (b) ***appearance of any building, works or materials;***
 - (c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
 - (d) ***presence of vermin; 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. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***
5. ***No restriction of public access through the subject outdoor area is to occur.***

Hours of operation

6. ***The use may operate only between the hours of:***
 - ***Good Friday and Anzac Day: 5:00pm to 1:00am the following morning;***
 - ***Sundays to Thursdays: 12 noon to 12 midnight;***
 - ***Fridays and Saturdays: 12 noon to 1:00am the following morning.***

Licensed Premises

7. ***The sale of liquor must only occur within the "Red Line Area" as shown on the endorsed plans.***
8. ***At all times during the operation of the use of the land for the sale and consumption of packaged liquor, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager').***

The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

9. ***A maximum of two hundred and fifty (250) patrons are to be on-site at any time. Any increase in this number requires the written consent of the Responsible Authority.***

Permit Lapse/Extension

10. ***This permit will expire if the use is not started within two 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 of the expiry date, where the use allowed by the permit has not yet started; and***
- b) ***within 12 months of the permit expiry date, where the use has lawfully started before the permit expires.***

MOVED: Crs T Schneider/R Lowe

That Council approves an application for an increase in liquor license provisions (area, patron numbers and hours of operation), on CA 17 Sec 9 Tsh Dimboola (43 Lloyd St Dimboola) subject to the following conditions:

Endorsed Plans

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

Amenity

2. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
- (a) ***transport of materials, goods or commodities to or from the land;***
- (b) ***appearance of any building, works or materials;***
- (c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
- (d) ***presence of vermin; 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. *All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.*
5. *No restriction of public access through the subject outdoor area is to occur.*

Hours of operation

6. *The use may operate only between the hours of:*
- *Good Friday and Anzac Day: 5:00pm to 1:00am the following morning;*
 - *Sundays to Thursdays: 12 noon to 12 midnight;*
 - *Fridays and Saturdays: 12 noon to 1:00am the following morning.*

Licensed Premises

7. *The sale of liquor must only occur within the “Red Line Area” as shown on the endorsed plans.*
8. *At all times during the operation of the use of the land for the sale and consumption of packaged liquor, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as ‘the Manager’).*

The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

9. *A maximum of two hundred and fifty (250) patrons are to be on-site at any time. Any increase in this number requires the written consent of the Responsible Authority.*

Permit Lapse/Extension

10. *This permit will expire if the use is not started within two 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 of the expiry date, where the use allowed by the permit has not yet started; and*
- b) within 12 months of the permit expiry date, where the use has lawfully started before the permit expires.*

CARRIED

Attachments: 7 & 8

10.2 APPLICATION FOR PLANNING PERMIT 1594-2018 –CONSTRUCTION OF A SHED – LOT 3 LP137667 – 1B LLOYD ST DIMBOOLA

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	24400
Applicant:	Richard Cornwall – TNT Steel Buildings Pty Ltd
Owner:	Mr Samuel Taylor
Subject Land:	Lot 3 LP137667, 1B Lloyd St Dimboola
Proposal:	Construction of a shed
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1); Environmental Significance Overlay Schedule 3 (ESO3) – Wimmera River Protection Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value Floodway Overlay (FO); Land Subject to Inundation Overlay (LSIO)
Attachments:	Attachment 9 – Site plans and elevations

Summary:

This report recommends that Council approve planning permit application 1594-2018 to construct a shed at Lot 3 LP137667, 1B Lloyd Street, Dimboola.

Background:

On 23 July 2018, a planning permit application to construct a shed at Lot 3 LP137667, 1B Lloyd Street, Dimboola was lodged for assessment on a site currently occupied by a single dwelling and shed.

Proposal Details:

The proposal seeks a permit for buildings and works to construct a shed for the purposes of domestic storage, set back a minimum of 9 metres from Lloyd Street. The shed is 14.40 metres in length, 9 metres in width, and 4.45 metres in height, consisting of 3 roller doors. Initially, the applicant submitted plans showing the proposed shed as being set back from Lloyd Street at a distance of 4.5 metres, however discussions with Council's Municipal Building Surveyor resulted in concerns that, whilst a planning permit could be issued (subject to approval from Council and the Wimmera Catchment Management Authority), a Building Permit would most likely not be granted due to setback distance.

The applicant was initially advised to withdraw this planning application, however, resubmitted plans to meet setback requirements, which has been agreed to by Council's Municipal Building Surveyor.

Requirement for Permit:

A planning permit is triggered for this application pursuant to the following clauses of the

Hindmarsh Planning Scheme:

- Clause 44.04-2 Land Subject to Inundation Overlay (LSIO) - Buildings and works states:

A permit is required to construct a building or to construct or carry out works.

A permit is not required under the provisions of the zone, or any other Overlays affecting the subject site on the land. The proposed shed is not located within the Floodway Overlay.

Definitions

Clause 73.03 of the Planning Scheme defines land uses. The proposal is ancillary to a dwelling, being “a building used as a self-contained residence which must include:

- a) a kitchen sink;
- b) food preparation facilities;
- c) a bath or shower; and
- d) a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling”. The shed is not proposed to be used as a separate residence.

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 construction of a shed on this site is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, as the Aboriginal Cultural Heritage Overlay does not affect this land.

Subject site & locality:

The subject site is known as 1B Lloyd Street Dimboola, and is currently occupied by a dwelling. The surrounding properties are primarily residential in nature, with the majority of dwellings within this area being single storey, brick veneer or weatherboard, and contemporary in design. The Wimmera River adjoins the site to the immediate south and west. The site is located approximately 1.3 kilometres south east of the Dimboola Post Office.

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

Public Notification

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

s52 Notice of application

(1) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*

*(a) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) because it is not deemed cause material detriment to neighbours, to council or to any other person.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: WCMA – No objection, responded with conditions.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed. Initial concerns regarding the setback have been addressed.
- Tourism & Economic Development: Not required.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 - Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 11.01- Victoria

Clause 11.03-6S Regional and local places

Clause 13 - Environmental Risks and Amenity

Clause 13.07 – Amenity

Clause 15.01-2S - Building design

Clause 15.01 Built Environment

Clause 15.01-5S Neighbourhood character

Clause 15.02 - Sustainable Development

Clause 17 - Economic Development

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

Clause 19 - Infrastructure

Clause 19.03-4S - Stormwater

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 32.08 - General Residential Zone Schedule 1 (GRZ1)

Overlay Provisions

Clause 42.01 - Environmental Significance Overlay Schedule 3 (ESO3) – Wimmera River Protection;

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

Clause 44.03 - Floodway Overlay (FO); and

Clause 44.04 - Land Subject to Inundation Overlay (LSIO).

Particular Provisions:

None Applicable.

General Provisions

Clause 65 – Decision Guidelines, states that:-

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

It is considered that the application complies with the relevant decision guidelines as outlined.

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.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 23 July 2018. The report is being presented to Council for approval at its meeting on 21 November 2018 (118 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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves an application for the construction of a shed on Lot 3 LP137667 – 1B Lloyd St Dimboola subject to the following conditions:

General

- (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.***

Wimmera Catchment Management Authority

- (5) Finished floor levels of the shed must be constructed no lower than 103.22 metres Australian Height Datum (AHD).***

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to the Wimmera Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Wimmera Catchment Management Authority's Requirements.

- (6) The shed must be sited on land outside of the flooded area, refer to Figure 1.***

Time Limit

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

- (a) *The development is not started within two years of the date of this permit.*
- (b) *The development is not completed within four years of the date of this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) *Within six months afterwards for commencement, or*
- (b) *Within twelve months afterwards for completion.*

Notes:

- (1) *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.*
- (2) *A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.*
- (3) *Approval must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.*
- (4) *The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.*
- (5) *The 1%AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.*

MOVED: Crs T Schneider/D Nelson

That Council approves an application for the construction of a shed on Lot 3 LP137667 – 1B Lloyd St Dimboola subject to the following conditions:

General

- (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.**

Wimmera Catchment Management Authority

- (5) Finished floor levels of the shed must be constructed no lower than 103.22 metres Australian Height Datum (AHD).**

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to the Wimmera Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Wimmera Catchment Management Authority's Requirements.

- (6) The shed must be sited on land outside of the flooded area, refer to Figure 1.**

Time Limit

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or**
- (b) Within twelve months afterwards for completion.**

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.**

- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.**
- (3) Approval must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.**
- (4) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.**
- (5) The 1%AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.**

CARRIED

Attachment: 9

10.3 APPLICATION FOR PLANNING PERMIT 1597-2018 –CONSTRUCTION OF A CARPORT – LOT 2 PS417082 – 14A WIMMERA ST DIMBOOLA

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200110
Applicant:	Mr Robert McLeay
Owner:	Mr Robert McLeay
Subject Land:	Lot 2 PS417082, 14A Wimmera St Dimboola
Proposal:	Construction of a carport
Zoning & Overlays:	Public Parks and Recreation Zone (PPRZ); Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value Land Subject to Inundation Overlay (LSIO)
Attachments:	Attachment 10 – Site plans and elevations

Summary:

This report recommends that Council approve planning permit application 1597-2018 to construct a carport at Lot 2 PS417082, 14A Wimmera Street, Dimboola.

Background:

On 31 July 2018, a planning permit application to construct a carport at Lot 2 PS417082, 14A Wimmera Street, Dimboola was lodged for assessment on a site currently occupied by a single dwelling.

Proposal Details:

The proposal seeks a permit for buildings and works to construct a carport, set back a minimum of 2.5 metres from Wimmera Street. The carport is 5.01 metres in length, 3 metres in width, and 2.4 metres in height, catering for one car parking space. Initially, the applicant submitted plans showing the proposed carport as being set back from Wimmera Street at a distance of 1.8 metres, however discussions with Council's Municipal Building Surveyor resulted in concerns that, whilst a planning permit could be issued (subject to approval from Council), a Building Permit would most likely not be granted due to setback distance.

The applicant was initially advised to withdraw this planning application or resubmit amended plans, and resubmitted plans to meet setback requirements, which have been agreed to by Council's Municipal Building Surveyor.

Requirement for Permit:

A planning permit is triggered for this application pursuant to the following clauses of the Hindmarsh Planning Scheme:

- Clause 36.02 -2 Public Park and Recreation Zone (PPRZ) states that a permit is required to construct a building or to construct or carry out works.

A permit is not required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value, and the proposed carport is not located within the Land Subject to Inundation Overlay (LSIO).

Definitions:

Clause 73.03 of the Planning Scheme defines land uses. The proposal is ancillary to a dwelling, being:

“a building used as a self-contained residence which must include:

- a) a kitchen sink;
- b) food preparation facilities;
- c) a bath or shower; and
- d) a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling”.

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 construction of a carport on this site is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, as the Aboriginal Cultural Heritage Overlay does not affect this land.

Subject site & locality:

The subject site is known as 14A Wimmera Street Dimboola, and is currently occupied by a dwelling. The surrounding properties are primarily residential in nature, with the majority of dwellings within this area being single storey, brick veneer or weatherboard, and contemporary in design. The site is located approximately 60 metres south west of the Dimboola Post Office.

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

Public Notification

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

s52 Notice of application

(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 required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- Given the proximity to dwellings on neighbouring properties, the design and siting of the proposal will not adversely impact upon the landscape and general amenity of the area;
- The proposal is in keeping with the existing use of the subject land; and
- The proposal is not considered to negatively impact on the heritage significance of the Dimboola CBD locality in general.

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

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed. Initial concerns regarding the setback have been addressed.
- Tourism & Economic Development: Not required.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11 - Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 11.01- Victoria

Clause 11.03-6S Regional and local places

Clause 13 - Environmental Risks and Amenity

Clause 13.07 – Amenity

Clause 15.01-2S - Building design

Clause 15.01 Built Environment

Clause 15.01-5S Neighbourhood character

Clause 15.02 - Sustainable Development

Clause 17 - Economic Development

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

Clause 19 - Infrastructure

Clause 19.03-4S - Stormwater

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 36.02 – Public Parks and Recreation Zone (PPRZ)

Overlay Provisions

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

Clause 44.04 - Land Subject to Inundation Overlay (LSIO).

Particular Provisions:

None Applicable.

General Provisions:

Clause 65 – Decision Guidelines, states that:-

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

It is considered that the application complies with the relevant decision guidelines as outlined.

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.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 31 July 2018. The report is being presented to Council for approval at its meeting on 21 November 2018 (114 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 – Shane Power, Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves an application for the construction of a carport on Lot 2 PS417082 – 14A Wimmera Street Dimboola subject to the following conditions:

General

- (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.***

Time Limit

- (5) The development approved by this permit will expire if one of the following circumstances applies:***
- (a) The development is not started within two years of the date of this permit.***
 - (b) The development is not completed within four years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or***
- (b) Within twelve months afterwards for completion.***

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.***

- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.**
- (3) Approval must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.**

MOVED: Crs T Schneider/D Colbert

That Council approves an application for the construction of a carport on Lot 2 PS417082 – 14A Wimmera Street Dimboola subject to the following conditions:

General

- (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.**

Time Limit

- (5) The development approved by this permit will expire if one of the following circumstances applies:**
 - (a) The development is not started within two years of the date of this permit.**
 - (b) The development is not completed within four years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is

made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or***
- (b) Within twelve months afterwards for completion.***

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.***
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.***
- (3) Approval must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.***

CARRIED

Attachment: 10

11. REPORTS REQUIRING A DECISION

11.1 STREET AND RESERVE TREE STRATEGY

Responsible Officer: Director Infrastructure Services

Attachments: 11 & 12

Introduction:

To date, Council has not had a forward plan in place to manage, renew and enhance our urban tree population. Earlier this year, a procurement process was undertaken to obtain quotations for the preparation of a Hindmarsh Shire Council Street and Reserve Tree Strategy. This report seeks Council endorsement of the draft strategy, technical guidelines, street tree planting assessment tool and tree species list.

Discussion:

The preparation of a Tree Planting Program to improve tree coverage and shade cover in high traffic urban areas has been identified as a priority in the Council Plan. To meet this Council Plan Action, officers (with assistance from suitably qualified consultants) have drafted a Street and Reserve Tree Strategy which is supported by Technical Guidelines, guidelines on assessing planting priorities and a preferred tree species list.

The Street and Reserve Tree Strategy aims to:

- Provide a snapshot of current tree profile in townships;
- Enhance township amenity and character;
- Increase tree canopy for the provision of shade;
- Enhance the health and wellbeing of the community;
- Improve air quality;
- Utilisation and filtration of storm water;
- Identify climate appropriate species selection;
- Provide guidance to developers for appropriate tree selections;
- Consider planning implications; and
- Include establishment and management guidelines.

Requests for quotations to develop a Street and Reserve Tree Strategy were sought in February, 2018. Following the evaluation of quotations, Urban Forest Consulting was engaged to undertake this project. Urban Forest Consulting, has positioned itself as one of the leading consulting urban foresters in Australia since developing the City of Melbourne's Urban Forest Strategy in 2009. Urban Forest Consulting collaborated with Tree Logic as a sub-consultant for the project. Tree Logic has thirty-two years experience in the horticulture and arboriculture industries, and has undertaken extensive work in regional and rural Councils across Victoria and New South Wales in the development of tree planting plans and tree management related documentation.

The consultants visited each town, assessing the quality of trees, the dominant species,

vacant sites and opportunities. The whole street assessments also considered inappropriate or declining trees and street character suitable for planting to create a hierarchy of streets most in need of a tree planting plan.

The table below list the extent of streets and trees assessed across each township.

	Nhill	Jeparit	Rainbow	Dimboola	Total
No of Streets assessed	54	20	20	38	132
Approx. no of street trees	2338	424	751	1579	5092
No of vacant sites	806	270	252	755	2083

The assessment identified that the townships of Hindmarsh have the opportunity to accommodate approximately 7,175 street trees. The assessment also revealed that vacant sites constitute 29% of the total potential sites for tree plantings.

The most common tree species observed during the assessment were Bottlebrush (*Callistemon* spp.). Bottlebrush were found to be dominant species in 83 of the 132 streets and/or sections.

The assessment also extended to streetscape values (aesthetics and percentage of vacant sites):

- 34 street and/or sections were considered to have fair value.
- 69 street and/or sections were considered to have fair to poor values.
- 29 street and/or section were considered to have poor value (i.e. excessive vacant sites and/or inappropriate species).

Consultation was conducted via:

- Community Conversations (Nhill, Dimboola, Rainbow and Jeparit);
- Outdoor staff workshop;
- Management workshop; and
- Council Briefing 18 July 2018.

The public consultation sessions held during May 2018, were well attended with a total of 32 community members participating. The sessions provided the opportunity to identify a theme or character type for each town and appropriate sites for tree planting. There was also the opportunity to identify issues or challenges that Council should be made aware of in consideration of urban tree planting.

Overwhelmingly, residents saw the opportunity for much greater shade across each town using tree canopy. Biodiversity was identified as a key factor in species selection for street and reserve trees as was the ability to create a unique character for each town through the planting of specific trees in specific locations.

The draft strategy, technical guidelines and tree selection list were made available for public comment for a period of 28 days, with a total of six submissions having been

received (attached).

Options:

Council can choose to:

1. Adopt the Street and Reserve Tree Strategy and Technical Management Guidelines;
or
2. Not adopt the Street and Reserve Tree Strategy and Technical Management Guidelines and continue with current planting practices.

Link to Council Plan:

- 2.1.1 Re-develop and maintain attractive streetscapes, open spaces and public places.
- 2.1.2 Implement Planting Program to improve tree coverage and shade cover in high traffic urban areas

Financial Implications:

Councils 2018/2019 budget includes \$30,000 for urban tree planting. The allocation of \$30,000 equates to a maximum of 60 street trees to be planted each year. This includes purchase of the tree stock, planting and three years watering and formative pruning. Officers will submit to future budget processes for Council's consideration in attempting to meet the recommended annual planting of 150 trees across the four townships.

Risk Management Implications:

The planting of trees assists in cooling local temperatures and aides in reversing the effects of climate change.

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 interests to disclose.

Author: Janette Fritsch, Manager Strategic Assets and Planning

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

Communications Strategy:

Adoption of the Tree Strategy and Technical Management Guidelines will be advertised to the community by way of a media release, Facebook and an email will be forwarded to each of the community members that attended the community workshops.

RECOMMENDATION:

That Council adopts the Street and Reserve Tree Strategy and the Technical Management Guidelines including Appendix A: Planting Priority Assessment Process and Appendix B: Tree Species List.

MOVED: Crs T Schneider/R Gersch

That Council adopts the Street and Reserve Tree Strategy and the Technical Management Guidelines including Appendix A: Planting Priority Assessment Process and Appendix B: Tree Species List.

CARRIED

Attachments: 11 & 12

11.2 ADOPTION OF NEW HINDMARSH SHIRE COUNCIL LOGO

Responsible Officer: Director Corporate and Community Services
Attachment Number: 13

Introduction:

The purpose of this report is to present to Council the proposed new logo design and seek adoption for staged implementation.

Discussion:

The current Hindmarsh Shire Council logo was adopted sometime after the establishment of Hindmarsh Shire through amalgamation in 1995. When placed alongside neighbouring council logos the current logo is appearing outdated and not a 'strong' brand.

The proposed new logo has been conceptualised by Hindmarsh Shire staff and senior management, and been designed by a graphic artist. It retains the current themes and colours but has been updated to present a stronger, bolder logo. It retains enough elements of the current logo to build on the current established branding without having to rebuild completely new brand recognition.

The logo is similar enough to the existing logo to allow staged implementation, as opposed to a complete roll-out at one time.

Proposed new Logo



Current Logo



The various formats and layouts in which the proposed new logo will be used are presented in the attachment.

Link to Council Plan:

2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs

Financial Implications:

If adopted the new logo will be implemented in a staged approach, replacing the current logo as and where new items incorporating the logo are designed/ordered. This will minimise any financial implications above and beyond normal ongoing replacement/maintenance costs.

Risk Management Implications:

N/A to this council report.

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 – Monica Revell, Director Corporate and Community Services,
In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Jeff Woodward, Tourism Officer

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

Communications Strategy:

To be established.

RECOMMENDATION:

That Council adopts the proposed new logo for staged implementation.

MOVED: Crs R Lowe/R Gersch

That Council adopts the proposed new logo for staged implementation.

CARRIED

Attachment: 13

11.3 HINDMARSH SHIRE YOUTH COUNCIL

Responsible Officer: Director Corporate and Community Services
Attachment: 14

Introduction:

The Hindmarsh Shire Youth Council holds monthly meetings. The purpose of this report is to note the minutes from their meetings for the period April 2018 until October 2018. A copy of the minutes of the meetings from this period are included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Hindmarsh Shire Youth Council meetings held between April 2018 until October 2018.

MOVED: Crs D Nelson/R Gersch

That Council notes the minutes of the Hindmarsh Shire Youth Council meetings held between April 2018 until October 2018.

CARRIED

Attachment: 14

12. SPECIAL COMMITTEES

12.1 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 15, 16 & 17

Introduction:

The Nhill Town Committee held a general meeting on 17 September 2018 and 22 October 2018, and its annual general meeting on 22 October 2018. The purpose of this report is to note the minutes from this meeting and appoint members to the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. Notes the minutes of the Nhill Town Committee meeting held on 17 September 2018.***
- 2. Notes the minutes of the Nhill Town Committee annual general meeting held on 22 October 2018;***
- 3. Notes the minutes of the Nhill Town Committee meeting held on 22 October 2018***
- 4. 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 Nhill Town Committee:***
 - Brian McGennisken (Chairperson)***
 - Helen Ross (Secretary)***
 - David Borain (Treasurer)***
 - Helen Woodhouse-Herrick***
 - Pauline McCracken***

MOVED: Crs R Gersch/D Colbert

That Council:

- 1. Notes the minutes of the Nhill Town Committee meeting held on 17 September 2018.***
- 2. Notes the minutes of the Nhill Town Committee annual general meeting held on 22 October 2018;***
- 3. Notes the minutes of the Nhill Town Committee meeting held on 22 October 2018***
- 4. 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 Nhill Town Committee:***
 - Brian McGennisken (Chairperson)***
 - Helen Ross (Secretary)***
 - David Borain (Treasurer)***

- ***Helen Woodhouse-Herrick***
- ***Pauline McCracken***

CARRIED

Attachment: 15, 16 & 17

12.2 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 18 & 19

Introduction:

The Rainbow Town Committee held its annual general meeting and its general meeting on 24 September 2018. The purpose of this report is to note the minutes from these meetings and appoint members of the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. Notes the minutes of the Rainbow Town Committee annual general meeting held on 24 September 2018***
- 2. Notes the minutes of the Rainbow Town Committee general meeting held on 24 September 2018***
- 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 Rainbow Town Committee:***
 - Ross Heinrich (Chairperson)***
 - Bill Hutson (Secretary)***
 - Adrian Bennett (Treasurer)***
 - Leonie Clarke (Assistant Secretary)***
 - Peta Bennett***
 - Greg Roberts***
 - Michael Sullivan***
 - Julie Mclean***
 - Leanne Cox***
 - Ian Foggo***

MOVED: Crs R Lowe/D Colbert

That Council:

- 1. Notes the minutes of the Rainbow Town Committee annual general meeting held on 24 September 2018***
- 2. Notes the minutes of the Rainbow Town Committee general meeting held on 24 September 2018***
- 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 Rainbow Town Committee:***
 - Ross Heinrich (Chairperson)***
 - Bill Hutson (Secretary)***

- ***Adrian Bennett (Treasurer)***
- ***Leonie Clarke (Assistant Secretary)***
- ***Peta Bennett***
- ***Greg Roberts***
- ***Michael Sullivan***
- ***Julie Mclean***
- ***Leanne Cox***
- ***Ian Foggo***

CARRIED

Attachment: 18 & 19

12.3 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 20, 21 & 22

Introduction:

The Yurunga Homestead Committee held its annual general meeting and a general meeting on 20 September 2018 and its general meeting on 18 October 2018. The purpose of this report is to note the minutes from this meeting and appoint members of the committee. A copy of these minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. Notes the minutes of the Yurunga Homestead Committee annual general meeting held on 20 September 2018;***
- 2. Notes the minutes of the Yurunga Homestead Committee general meeting held on 20 September 2018;***
- 3. Notes the minutes of the Yurunga Homestead Committee general meeting held on 18 October 2018;***
- 4. 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 Yurunga Homestead Committee:***
 - J Solly (Chairperson)***
 - K Fischer (Treasurer)***
 - Graeme Nuske***
 - D Saul***
 - H Fisher***
 - L Ravenhorst (nominated at 18 October 2018 meeting)***
 - P Solly (nominated at 18 October 2018 meeting)***

MOVED: Crs D Colbert/R Lowe

That Council:

- 1. Notes the minutes of the Yurunga Homestead Committee annual general meeting held on 20 September 2018;***
- 2. Notes the minutes of the Yurunga Homestead Committee general meeting held on 20 September 2018;***
- 3. Notes the minutes of the Yurunga Homestead Committee general meeting held on 18 October 2018;***
- 4. 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 Yurunga Homestead Committee:***

- ***J Solly (Chairperson)***
- ***K Fischer (Treasurer)***
- ***D Saul***
- ***H Fisher***
- ***L Ravenhorst (nominated at 18 October 2018 meeting)***
- ***P Solly (nominated at 18 October 2018 meeting)***

CARRIED

Attachment: 20, 21 & 22

12.4 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 23

Introduction:

The Jeparit Town Committee held its annual general meeting on 8 October 2018. The purpose of this report is to note the minutes from this meeting and appoint members of the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

1. ***Notes the minutes of the Jeparit Town Committee annual general meeting held on 8 October 2018.***
2. ***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 Jeparit Town Committee:***
 - ***Jason Hutson (President)***
 - ***Brett Ireland (Vice President)***
 - ***Rohan Viljoen (Secretary)***
 - ***Teresa Smith (Treasurer)***
 - ***Cheryl Quinn (Assistant Treasurer)***
 - ***Wendy Werner***
 - ***Graham Blair***
 - ***Mel Wagner***
 - ***Trish Perkins***

MOVED: Crs D Colbert/R Lowe

That Council:

1. ***Notes the minutes of the Jeparit Town Committee annual general meeting held on 8 October 2018.***
2. ***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 Jeparit Town Committee:***
 - ***Jason Hutson (President)***
 - ***Brett Ireland (Vice President)***
 - ***Rohan Viljoen (Secretary)***
 - ***Teresa Smith (Treasurer)***
 - ***Cheryl Quinn (Assistant Treasurer)***
 - ***Wendy Werner***
 - ***Graham Blair***

- ***Mel Wagner***
- ***Trish Perkins***

CARRIED

Attachment: 23

13. LATE REPORTS

No late reports

14. OTHER BUSINESS

No 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.

RECOMMENDATION:

That the meeting be closed in accordance with Section 89 of the Local Government act 1989, to consider:

- 15.1 Tender award for delivery of Municipal Building Surveyor and Building Permit Services - Contract 18/018***
- 15.2 Bituminous Surfacing Program – Contract 2013/14-25s***

MOVED: Crs R Lowe/D Colbert

That the meeting be closed in accordance with Section 89 of the Local Government act 1989, to consider:

- 15.1 Tender award for delivery of Municipal Building Surveyor and Building Permit Services - Contract 18/018***
- 15.2 Bituminous Surfacing Program – Contract 2013/14-25s***

CARRIED

Council moved into confidential session at 3:47pm.

Council resumed in open session at 4:13pm.

16. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 4:18pm.
