



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD
5 DECEMBER 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. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for Planning Permit 1600-2018 – Construction of a Store – Lot 1
TP249484 – 2 Faith Street Dimboola

9.2 Application for Planning Permit 1601-2018 – Construction of a Carport – CA5B

Psh Jeparit (31A Lake Road Jeparit)

10. Reports Requiring a Decision

- 10.1 Review of Section 86 Special Committees
- 10.2 Future Meeting Dates
- 10.3 National Tidy Towns Awards

11. Special Committees

- 11.1 Rainbow Town Committee
- 11.2 Yurunga Homestead Committee

12. Late Reports

No report

13. Other Business

14. Confidential Matters

- 14.1 Sale of Properties for Unpaid Rates and Charges

15. Meeting Close

Present:

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

Apologies: Cr D Colbert

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 Sarah Dickinson (Administrative Assistant Infrastructure Services)

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

MOVED: Crs R Lowe/R Gersch

Cr D Colbert apology be accepted.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 November 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/T Schneider

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 November 2018 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

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

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

Nil

5. PUBLIC QUESTION TIME

None in attendance

6. DEPUTATIONS

No deputations

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence.

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs T Schneider/R Lowe

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 2

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT 1600-2018 –CONSTRUCTION OF A STORE – LOT 1 TP249484 – 2 FAITH ST DIMBOOLA

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200511
Applicant:	Richard Cornwall – TNT Steel Buildings Pty Ltd
Owner:	Mr Karl Spurr
Subject Land:	Lot 1 TP249484, 2 Faith St Dimboola
Proposal:	Construction of a store
Zoning & Overlays:	Farming Zone (FZ); 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 3 – Site plans and elevations

Summary:

This report recommends that Council approve planning permit application 1600-2018 to construct a store at Lot 1 TP249484, 2 Faith Street, Dimboola.

Background:

On 20 September 2018, a planning permit application to construct a store at Lot 1 TP249484, 2 Faith Street, Dimboola was lodged for assessment on a vacant site currently used for farming purposes.

Proposal Details:

The proposal seeks a permit for buildings and works to construct a store for the purposes of farm machinery storage, set back approximately 70 metres from Faith Street. The store is 13.8 metres in length, 9 metres in width, and 5.638 metres in height. The store is located approximately 70 metres to the south west of the nearest dwelling. The subject land is 2.58 ha in size.

Requirement for Permit:

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

- Clause 35.07-4 Buildings and Works (in the Farming Zone), which states “a permit is required to construct or carry out any of the following: a building or works associated with a

use in Section 2 of Clause 35.07-1". As the proposal does not comply with the parameters outlined for a Section 1 Use - Rural store, which:

- Must be used in conjunction with Agriculture.
- Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.
- Must be the only Rural store on the lot;

A planning permit is required, and the proposal can be considered a store. Furthermore, the schedule to the zone triggers the requirement for a planning for a building, being less than the minimum setback from a dwelling not in the same ownership - 100 metres.

The site for the proposed store is not located within any overlays that affect the land.

Definitions

Clause 73.03 of the Planning Scheme defines land uses. The proposal can be defined as a "store", being "land used to store goods, machinery, or vehicles". The store 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 store 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 2 Faith Street Dimboola, and is currently vacant. The surrounding properties are primarily agricultural 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. The site is located approximately 1.3 kilometres north 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 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, however, it was not notified as it is considered that the proposed store will not detrimentally impact upon the area by way of additional noise caused by the proposal, or intensification of use from agriculture within the area.

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. 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 13.07 – Amenity

Clause 14.01 - Agriculture

Clause 15.01 - Built Environment

Clause 15.02 - Sustainable Development

Clause 17 - Economic Development

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

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 35.07 - Farming Zone (FZ)

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. It is considered that the proposed store accords with the requirements of the Farming Zone, and will facilitate more appropriate land management.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 20 September 2018. The report is being presented to Council for approval at its meeting on 05 December 2018 (77 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 store on Lot 1 TP249484 – 2 Faith 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.***

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 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.***

- (4) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.**

MOVED: Crs T Schneider/D Nelson

That Council approves an application for the construction of a store on Lot 1 TP249484 – 2 Faith 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.**

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 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.***
- (4) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.***

CARRIED

Attachment: 3

9.2 APPLICATION FOR PLANNING PERMIT 1601-2018 –CONSTRUCTION OF A CARPORT – CA5B PSH JEPARIT (31A LAKE RD JEPARIT)

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	73650
Applicant:	Richard Cornwall – TNT Steel Buildings Pty Ltd
Owner:	Department of Environment, Land, Water & Planning
Subject Land:	CA5B Psh Jeparit (31a Lake Rd Jeparit)
Proposal:	Construction of a carport
Zoning & Overlays:	Farming Zone (FZ); 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 4 – Site plans and elevations Attachment 5 – WCMA Flood Map

Summary:

This report recommends that Council approves planning permit application 1601-2018 to construct a carport adjacent to the existing Golf Clubhouse at CA5B Psh Jeparit (31a Lake Road Jeparit).

Background:

On 21 September 2018, a planning permit application to construct a carport adjacent to the existing Golf Clubhouse at CA5B Psh Jeparit (31a Lake Rd Jeparit) was lodged for assessment on road reserve next to the Jeparit Golf Club.

Proposal Details:

The proposal seeks a permit for buildings and works to construct a carport adjacent to the existing clubhouse on Council road reserve (Lake Road). The carport is 5.8 metres in length, 3.3 metres in width, and 3.3 metres in height. The carport is located approximately 440 metres to the west of the nearest dwelling.

Requirement for Permit:

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

- Clause 35.07-4 Buildings and Works (in the Farming Zone), which states “a permit is required to construct or carry out any of the following: a building or works associated with a use in Section 2 of Clause 35.07-1”.

The use of the land is defined as “Golf Course”, which is a Section 2 Use within the zone,

therefore a planning permit is required.

- Clause 44.04-2 Land Subject to Inundation Overlay (LSIO) requires a permit for Buildings and Works. The proposed carport is located on the periphery of the LSIO.

The proposed carport is located within the Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; however the requirement for a planning permit is not triggered under the provisions of the ESO6.

Definitions

Clause 73.03 of the Planning Scheme defines land uses. The proposal can be defined as a “Golf Course”, included within the definition of “Outdoor Recreation Facility”, being “land used for outdoor leisure, recreation, or sport”.

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 to 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 31a Lake Road, Jeparit (Council Road Reserve) and is currently occupied by the golf course clubhouse. The golf course is adjacent to the clubhouse and road reserve to the immediate west. The surrounding properties are primarily agricultural in nature, with the Wimmera River adjoining the subject land to the south and west. The site is located approximately 1.55 kilometres west of the Jeparit 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

- (2) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
- (b) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, however, it was not notified as it is considered that the proposed carport will not detrimentally impact upon the area due to the small scale and nature of the proposal.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – responded with no objection, and 1 x condition requiring that “The carport must be sited outside of flooded land, Refer to Figure 1”. A note stating that “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”. (Refer Attachment 2).

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.
- 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 13.07 – Amenity

Clause 15.01- Built Environment

Clause 15.02 - Sustainable Development

Clause 17 - Economic Development

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

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

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 35.07 - Farming Zone (FZ)

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. It is considered that the proposed carport accords with the requirements of the Farming Zone and Overlays, as well as improving the utility of the golf course clubhouse.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 21 September 2018. The report is being presented to Council for approval at its meeting on 05 December 2018 (76 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 CA5B Psh Jeparit (31a Lake Rd Jeparit), 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

- (6) ***The carport must be sited outside of flooded land, 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 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.

- (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 R Lowe/T Schneider

That Council approves an application for the construction of a carport on CA5B Psh Jeparit (31a Lake Rd Jeparit), 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

- (6) The carport must be sited outside of flooded land, 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 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.**
- (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.**

Attachments: 4 & 5

10. REPORTS REQUIRING A DECISION

10.1 REVIEW OF SECTION 86 SPECIAL COMMITTEES

Responsible Officer: Director Corporate & Community Services

Attachment Number: 6

Introduction:

The *Local Government Act 1989 (Act)* requires Council, within 12 months of a general election, to review all delegations to special committees (section 86) and review all exemptions provided to special committee members, who are not councillors, from the requirement to submit a primary return or ordinary return (section 81(2B)). As a matter of best practice, officers made the decision to review all section 86 committees on an annual basis.

Discussion:

An annual review of section 86 special committees provides an opportunity for Council to consider what decisions may be made in its name and who may make them, and to assess the ongoing need for current special committees. An annual review is also an opportunity for Council to ensure the Instruments of Delegation to special committees remains current and reflects best-practice drafting style.

The review considered whether all committees continued to serve a necessary purpose, the appropriateness of the powers, functions and duties delegated, and the drafting style of the current Instruments of Delegation.

Ongoing need for current Special Committees

In considering whether all committees continued to perform a necessary purpose, the review evaluated the level of activity of each committee and the value of the activities they undertake on behalf of Council.

Council's fifteen special committees deemed to still perform a necessary purpose are as follows —

- Nhill Town Committee
- Dimboola Town Committee
- Jeparit Town Committee
- Rainbow Town Committee
- Wimmera Mallee Pioneer Museum Committee
- Yurunga Homestead Committee
- Antwerp Hall Committee
- Diapur Hall Committee
- Gerang Hall Committee
- Jeparit Memorial Hall Committee
- Lorquon Memorial Hall Committee

- Yanac Hall and Recreation Reserve Committee
- Rainbow Civic Centre Committee
- Rainbow Recreation Reserve Committee
- Nhill Sun Moth Reserve Committee of Management

Instruments of Delegation

Section 86(3) of the Act provides that delegations to a special committee are to be via an Instrument of Delegation. An Instrument of Delegation is a written instrument that formally delegates powers, duties and functions to a special committee and may include limitations and conditions on the exercise of the delegated powers, duties and functions.

It is recommended Council maintains the current Instrument of Delegation for the fifteen special committees as passed by resolution of Council on 25 October 2017. The Instruments of Delegation are Attachment 6.

Exemptions from providing returns of interest

Section 81(2B) of the Act requires Council to review all exemptions provided to a special committee member, who is not a Councillor, from the requirement to submit a primary return or ordinary return. All members of special committees must submit returns of interest unless exempted by Council. Council can exempt members who are not councillors from the requirement. As part of the review of the special committees under Instrument of Delegation, it is recommended Council continue to provide an exemption to all members of special committees, who are not councillors, from the requirement to submit returns of interest.

Options:

- Council can choose to maintain the current section 86 special committees under Instrument of Delegation
- Council can choose to revoke some of the current section 86 special committees
- Council can provide or not provide an exemption to members of each special committee, who are not councillors, from the requirement to submit a primary return or ordinary return

Link to Council Plan:

4.6 An organisation that takes its risk management responsibilities seriously

Financial Implications:

No financial implications arise.

Risk Management Implications:

No risk management implications arise.

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 & Community Services

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

Author—Helen Thomson, HR Governance and Compliance Coordinator

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

Communications Strategy:

N/A.

RECOMMENDATION:

- 1) ***In exercise of the powers conferred by sections 86 of the Local Government Act 1989, Council resolves***
 - a. ***that the current Instrument of Delegation adopted by resolution of Council on 25 October 2017 be maintained for the following committees:***
 1. ***Nhill Town Committee***
 2. ***Dimboola Town Committee***
 3. ***Jeparit Town Committee***
 4. ***Rainbow Town Committee***
 5. ***Wimmera Mallee Pioneer Museum Committee***
 6. ***Yurunga Homestead Committee***
 7. ***Antwerp Hall Committee***
 8. ***Diapur Hall Committee***
 9. ***Gerang Hall Committee***
 10. ***Jeparit Memorial Hall Committee***
 11. ***Lorquon Memorial Hall Committee***
 12. ***Yanac Hall and Recreation Reserve Committee***
 13. ***Rainbow Civic Centre Committee***
 14. ***Rainbow Recreation Reserve Committee***
 15. ***Nhill Sun Moth Reserve Committee of Management***
 - b. ***that the committees must report to Council annually.***
- 2) ***Pursuant to section 81(2A) of the Act, exempts the members of the above Committees who are not Councillors, from being required to submit a primary return or ordinary return.***

MOVED: Crs R Gersch/T Schneider

- 1) ***In exercise of the powers conferred by sections 86 of the Local Government Act 1989, Council resolves***
 - a. ***that the current Instrument of Delegation adopted by resolution of Council on 25 October 2017 be maintained for the following committees:***

1. ***Nhill Town Committee***
2. ***Dimboola Town Committee***
3. ***Jeparit Town Committee***
4. ***Rainbow Town Committee***
5. ***Wimmera Mallee Pioneer Museum Committee***
6. ***Yurunga Homestead Committee***
7. ***Antwerp Hall Committee***
8. ***Diapur Hall Committee***
9. ***Gerang Hall Committee***
10. ***Jeparit Memorial Hall Committee***
11. ***Lorquon Memorial Hall Committee***
12. ***Yanac Hall and Recreation Reserve Committee***
13. ***Rainbow Civic Centre Committee***
14. ***Rainbow Recreation Reserve Committee***
15. ***Nhill Sun Moth Reserve Committee of Management***

b. ***that the committees must report to Council annually.***

- 2) ***Pursuant to section 81(2A) of the Act, exempts the members of the above Committees who are not Councillors, from being required to submit a primary return or ordinary return.***

CARRIED

Attachment: 6

10.2 FUTURE MEETING DATES

Responsible Officer: Chief Executive Officer

Introduction:

This report seeks approval from Council for the 2019 meeting dates and their advertisement in the local media.

Discussion:

Each year Council advertises the meeting dates for the upcoming 12 months in the local newspapers. The advertised dates are for the Council meetings and the Annual Statutory Meeting.

It is proposed that Council continues to hold two ordinary Council meetings each month, commencing at 3:00pm, with the exception of some months only having one meeting, to facilitate participation in other forums.

It is proposed that one Council meeting be held each in Dimboola, Jeparit and Rainbow. This would allow school groups and local organisations the opportunity to provide deputations to Council. Locations are suggested in the recommendation below, based on school holiday timing and seasonal comfort in each of the facilities.

It is proposed that in keeping with practice of other councils around the state, Council does not meet in January.

It is the officers' recommendation to hold Briefing meetings prior to the ordinary Council meetings, commencing at 1:00pm.

The proposed dates below have also taken into consideration external organisations conferences and forums such as Municipal Association of Victoria conferences, Rural Council Victoria conferences, and LGPro conferences, to avoid clashes where possible.

Options:

Council may choose to adopt the recommended timing and location for Ordinary Council Meetings and Council Briefings or select alternative dates, times or locations to hold its meetings.

Communications Strategy:

The advertisement for the meeting dates will appear in the Dimboola Banner, Dimboola Courier, Nhill Free Press, and the Rainbow Jeparit Argus. The meeting dates will also be listed on Council's website.

RECOMMENDATION:

That Council sets the following times, dates and locations for Council Meetings in 2019:

WEDNESDAY	TIME	LOCATION
6 February 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 February 2019	3:00pm	Memorial Hall, Roy St, Jeparit
6 March 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 March 2019	3:00pm	DMSC Health and Fitness Centre, Dimboola
10 April 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
1 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
22 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
5 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
19 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
10 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
24 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
7 August 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
21 August 2019	3:00pm	Supper Room, MECCA, Federal St, Rainbow
4 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
18 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
2 October 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
23 October 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
6 November 2019	6:00pm	Nhill Memorial Community Centre, Nelson Street, Nhill
20 November 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
18 December 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill

MOVED: Crs R Gersch/R Lowe

That Council sets the following times, dates and locations for Council Meetings in 2019:

WEDNESDAY	TIME	LOCATION
6 February 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 February 2019	3:00pm	Memorial Hall, Roy St, Jeparit
6 March 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 March 2019	3:00pm	DMSC Health and Fitness Centre, Dimboola
10 April 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
1 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
22 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
5 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
19 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill

WEDNESDAY	TIME	LOCATION
10 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
24 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
7 August 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
21 August 2019	3:00pm	Supper Room, MECCA, Federal St, Rainbow
4 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
18 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
2 October 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
23 October 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
6 November 2019	6:00pm	Nhill Memorial Community Centre, Nelson Street, Nhill
20 November 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
18 December 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill

AMENDMENT: Crs T Schneider/D Nelson

That Council sets the following times, dates and locations for Council Meetings in 2019:

WEDNESDAY	TIME	LOCATION
6 February 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 February 2019	3:00pm	Memorial Hall, Roy St, Jeparit
6 March 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
20 March 2019	3:00pm	DMSC Health and Fitness Centre, Dimboola
10 April 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
1 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
22 May 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
5 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
19 June 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
10 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
24 July 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
7 August 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
21 August 2019	3:00pm	Supper Room, MECCA, Federal St, Rainbow
4 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
18 September 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
2 October 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill
23 October 2019	3:00pm	Dimboola Community Centre, Wimmera St, Dimboola
6 November 2019	6:00pm	Nhill Memorial Community Centre, Nelson Street, Nhill
20 November 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill

WEDNESDAY	TIME	LOCATION
18 December 2019	3:00pm	Council Chambers, 92 Nelson St, Nhill

(Amendment has varied location of 23 October 2019 meeting)

AMENDED MOTION CARRIED

ORIGINAL MOTION AS AMMENDED CARRIED

10.3 NATIONAL TIDY TOWNS AWARDS

Responsible Officer: Director Corporate & Community Services

Introduction:

This report seeks approval to send a representative of Council to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities awards scheduled to be held in Smithton, Tasmania on Thursday 4 April and Friday 5 April 2019.

Discussion:

Dimboola was officially recognised as Victoria's tidiest town at the Keep Victoria Beautiful awards held on 13 October 2018 in Beechworth.

Dimboola now represents Victoria as a finalist at the 2019 Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event. The event commences Thursday 4 April 2019 with a welcome function held in the evening, followed by tours during the day and the awards dinner on Friday 5 April 2019.

Smithton is located 2½ hours drive from Launceston airport. Estimated costs to attend the National Awards are as follows:

- Return flights, two days car hire and fuel - approximately \$500.
- Two nights' accommodation - approximately \$400.
- National Tidy Towns registration - approximately \$250.

The representative will join Keep Victoria Beautiful staff and represent Dimboola bringing back ideas to share with Dimboola Town Committee on future activities for the Tidy Towns awards.

Options:

1. Council can choose to send a representative of Council to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019.
2. Council can choose not to send a representative to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019.

Link to Council Plan:

3.1 A strong rural economy and thriving towns

Financial Implications:

Approximate costs to send a representative to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event is \$1,150.

Risk Management Implications:

No risk management implications

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any

interests, including the type of interest.

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

Communications Strategy:

Keep Victoria Beautiful will be notified of the Council nominated representative.

RECOMMENDATION:

That Council nominates XX as the representative for the 2019 Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019 to be held in Smithton Tasmania.

MOVED: Crs T Schneider/R Lowe

That Council defers discussion of this item to the following meeting on 19 December 2018.

CARRIED

11. SPECIAL COMMITTEES

11.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 7

Introduction:

The Rainbow Town Committee held its general meeting on 22 October 2018. 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 Rainbow Town Committee general meeting held on 22 October 2018.

MOVED: Crs R Lowe/R Gersch

That Council notes the minutes of the Rainbow Town Committee general meeting held on 22 October 2018.

CARRIED

Attachment: 7

11.2 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 8

Introduction:

The Yurunga Homestead Committee held its general meeting on 18 October 2018. The purpose of this report is to note the minutes from this meeting and endorse the appointment of a secretary. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- *notes the minutes of the Rainbow Town Committee general meeting held on 18 October 2018.*
 - *endorses the appointment of Peter Solly to secretary*
-

MOVED: Crs T Schneider/R Lowe

That Council:

- ***notes the minutes of the Yurunga Homestead Committee general meeting held on 18 October 2018.***
- ***endorses the appointment of Peter Solly to secretary***

CARRIED

Attachment: 8

12. LATE REPORTS

No report

13. OTHER BUSINESS

No other business

14. CONFIDENTIAL REPORTS

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

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

RECOMMENDATION:

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

14.1 Sale of Properties for Unpaid Rates and Charges

MOVED: Crs R Gersch/D Nelson

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

14.1 Sale of Properties for Unpaid Rates and Charges

CARRIED

Council moved into closed session at 3:19pm.

Council resumed in open session at 3:33pm.

15. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 3:34pm.
