



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD  
22 MAY 2019 AT THE COUNCIL CHAMBERS, 92 NELSON STREET NHILL  
COMMENCING AT 3:00PM.**

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**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 PA1623-2019 – 2 X Lot Subdivision – Lot 1 PS319084  
- 180 Old Katjil Rd Dimboola

**11. Reports Requiring a Decision**

- 11.1 Rainbow Recreation Reserve/Rainbow Caravan Park Master Plan
- 11.2 Draft Budget 2019/20
- 11.3 Council Plan 2017-2021 Annual Review & Strategic Resource Plan 2020-2023

**12. Special Committees**

- 12.1 Yurunga Management Committee
- 12.2 Wimmera Mallee Pioneer Museum Committee
- 12.3 Hindmarsh Youth Council

**13. Late Reports**

No report

**14. Other Business**

**15. Confidential Matters**

- 15.1 Riverside Holiday Park
- 15.2 Tender Award for Bituminous Surfacing Program (Including Reseals, Final Seals and Primer seals) – Contract 2018/2019-17
- 15.3 Insurance Tender

**16. Meeting Close**

**Present:**

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

**Apologies:**

Cr T Schneider

**In Attendance:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Janette Fritsch (Acting Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant), Ms Janelle Reichelt (Manager Finance and Customer Services) (Items 1 to 11.2), Mr Andre Dalton (Coordinator Planning and Development) (Items 1 to 10.1), Ms Laura Sonnberger (Design and Project Engineer) (Items 15.1 to 15.2)

**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**

Cr T Schneider

**RECOMMENDATION:**

*Cr T Schneider apology be accepted.*

**MOVED: Crs D Colbert/D Nelson**

*Cr T Schneider apology be accepted.*

**CARRIED**

**3. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Ordinary Council Meeting held on Wednesday 1 May 2019 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.*

**MOVED: Crs D Colbert/R Lowe**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 1 May 2019 at the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*Attachment: 1*

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

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

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

Cr R Lowe declared a direct conflict of interest in item 8.1.

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**5. PUBLIC QUESTION TIME**

Ms Wendy Bywaters addressed the Councillors and staff with 3 questions.

1. Tourism signage has not made it into the draft budget it appears, much time and effort was made by the Nhill Tourism Group to put this in as a budget submission. Yet the first the committee is made aware of it is from looking at the Council agenda attachments for this meeting.
2. Planning permit processing times.
3. Youth Council, are they divided by School or by ward.

Mr Wood addressed question 1 by explaining that not all budget requests can be met. This information becomes available when the draft budget is published.

Mayor, Cr R Ismay addressed question 2 by advising that he raised this question at a previous Council meeting after speaking with you about, and was advised that there are outside factors that can contribute to the length of time a planning permit takes to process.

Mayor, Cr R Ismay and Cr R Gersch addressed question 3 by advising that the Youth Councillors were decided based on schools at the time.

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

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**7. ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: APRIL 2019**

**Cr ISMAY, MAYOR**

Attended:

04/04/2019 National Tidy Towns awards Tasmania  
05/04/2019 National Tidy Towns awards Tasmania  
10/04/2019 Meeting with Robyn Ravenhorst Nhill  
10/04/2019 Briefing meeting Nhill  
10/04/2019 Council meeting Nhill  
10/04/2019 Dinner with Election candidate Rainbow  
11/04/2019 Rail Freight Alliance meeting Melbourne  
15/04/2019 Election candidate forum Nhill  
16/04/2019 WMT meeting Wycheproof  
17/04 RCV Councillors and CEO's Forum Melbourne  
18/04/2019 WHAG meeting Horsham  
18/04/2019 Sam Ballentine Funeral Hopetoun  
22/04/2019 Tree planting Broadway Jeparit  
25/04/2019 Anzac Dawn service Nhill  
25/04/2019 Anzac service Rainbow  
25/04/2019 HMAS Jeparit / Anzac Dinner Jeparit  
29/04/2019 Rainbow Town Committee  
30/04/2019 WMT / PCG Meeting Horsham  
30/04/2019 Tour Yurunga / Pella church, tourism info centre volunteers

**Cr LOWE, DEPUTY MAYOR**

Attended:

03/04/2019 Entertainment Senior Citizens, Nhill  
10/04/2019 Council Briefing and Meeting, Nhill  
15/04/2019 Political Forum, Nhill  
16/04/2019 WMPM Meeting, Jeparit  
30/04/2019 Telstra Public Meeting, Yanac

**Cr GERSCH**

Attended:

01/04/2019 RCV presentation to Horsham Council  
09/04/2019 WDA board meeting  
10/04/2019 Council meeting  
15/04/2019 Election forum  
17/04/2019 RCV forum  
17/04/2019 RCV board meeting  
20/04/2019 Easter bunny chocolate hunt  
20/04/2019 Skate park inspection  
25/04/2019 Anzac day dawn service

25/04/2019 Anzac day march laying of Shire wreath and MC  
30/04/2019 Telstra meeting at Yanac re Black spots

**Cr COLBERT**

Attended:

10/04/2019 Briefing meeting Nhill  
10/04/2019 Council meeting Nhill

**Cr NELSON**

Attended:

01/04/2019 Dimboola Town Committee, Dimboola  
09/04/2019 Wimmera Development Association meeting, Longerenong  
10/04/2019 Briefing Meeting, Nhill  
10/04/2019 Nhill Council Meeting, Nhill  
15/04/2019 Mallee Candidates Forum, Nhill  
25/04/2019 Anzac Day service, Dimboola

**Cr SCHNEIDER**

Attended:

25/03/2019 Dimboola Memorial Secondary College Council meeting  
01/04/2019 Dimboola Town Committee  
10/04/2019 Briefing and Council meeting, Nhill  
15/04/2019 Mallee candidate forum, Nhill  
17/04/2019 Briefing and Council meeting, Nhill  
25/04/2019 ANZAC Day Dawn Service, Dimboola

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**SENIOR MANAGEMENT ACTIVITIES: APRIL 2019**

**GREG WOOD, Chief Executive Officer:**

Attended:

09/04/2019 Wimmera Development Association meeting, Longerenong  
09/04/2019 Meeting with Wimmera PCP, Nhill  
09/04/2019 WDA Meeting, Horsham  
10/04/2019 Meeting with Oasis representative, Nhill  
10/04/2019 Mayor/CEO meeting, Nhill  
10/04/2019 Council Briefing and Meeting, Nhill  
15/04/2019 EBA Negotiations  
15/04/2019 Federal Electorate Candidates Forum Night, Nhill  
17/04/2019 RCV Mayors, Councillors and CEOs Forum, Melbourne  
19-28/04/2019 Leave

**JANETTE FRITSCH, Acting Director Infrastructure Services:**

Attended:

03/04/2019 Wimmera Integrated Water Management workshop WCMA  
04/04/2019 Wimmera Southern Mallee Crime Prevention Conference  
04/04/2019 Building Services Contract meeting – HRCC  
08/04/2019 Jeparit Town Committee meeting  
10/04/2019 Council Briefing Meeting, Nhill  
10/04/2019 Council Meeting, Nhill  
15/04/2019 Regional Roads – Contract meeting  
15/04/2019 Federal Election Candidates Forum at Nhill  
29/04/2019 Hindmarsh Emergency Management Team meeting  
28/04/2019 Hindmarsh Municipal Emergency Management Planning Committee

**MONICA REVELL, Director Corporate and Community Services:**

Attended:

01/04/2019 Dimboola Town Committee  
02/04/2019 Meeting with Sue Anderson re Staff Training  
03/04/2019 Auslan Training  
10/04/2019 Council Briefing  
10/04/2019 Council Meeting  
12/04/2019 WRLC Meeting  
15/04/2019 EBA Negotiations Meeting  
15/04/2019 Mallee Candidates Election Forum Nhill  
17 – 22/04/2019 Annual Leave / Easter  
24/04/2019 Interviews with West Wimmera Shire Council

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## 8. CORRESPONDENCE

Cr R Lowe declared a direct conflict of interest in item 8.1 and left the room at 3:31pm.

### 8.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

#### **Introduction:**

The following correspondence is tabled for noting by Council,

Inwards:

- Letter of thanks and request feedback Anzac Day 2019 Nhill RSL Sub Branch
- Letter from Cr Ron Lowe requesting leave of absence from Council
- Letter requesting support for the United Nations International Year of Indigenous Languages

Outwards:

- Letter to Minister requesting changes for Melbourne Cup public holiday within Hindmarsh Shire

#### **RECOMMENDATION:**

*That Council notes the attached correspondence.*

**MOVED: Crs D Nelson/D Colbert**

*That Council notes the attached correspondence, and writes to the award winners from the Volunteering Recognition Awards on 17 May 2019 and Council also write to the Nhill Dimboola Band for their great performances on Anzac Day 25 April 2019.*

**CARRIED**

*Attachment: 2*

#### **Business Arising**

#### **RECOMMENDATION:**

*That Council approves Cr R Lowe's request for leave 11 June 2019 to 13 July 2019 inclusive.*

**MOVED: Crs D Colbert/R Gersch**

*That Council approves Cr R Lowe's request for leave 11 June 2019 to 13 July 2019 inclusive.*

**CARRIED**

*Attachment 2*

Cr R Lowe returned to the room at 3:33pm.

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## **9. ASSEMBLY OF COUNCILLORS**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 3

### **Introduction:**

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

### **Options:**

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

### **RECOMMENDATION:**

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

***MOVED: Crs R Gersch/D Nelson***

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

**CARRIED**

*Attachment: 3*

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**10. PLANNING PERMITS**

**10.1 APPLICATION FOR PLANNING PERMIT PA1623-2019 – 2 x LOT SUBDIVISION  
– Lot 1 PS319084 - 180 OLD KATYIL RD DIMBOOLA**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	33080
<b>Applicant:</b>	Neil Albrecht c/- Ferguson Perry Surveying Pty Ltd
<b>Owner:</b>	Neil Albrecht
<b>Subject Land:</b>	Lot 1 PS319084, 180 Old Katyil Rd Dimboola
<b>Proposal:</b>	2 x Lot Subdivision
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ), No Overlays
<b>Attachment:</b>	4

**Summary:**

This report recommends that Council issue a planning permit to allow the subdivision of land into 2 x lots at 180 Old Katyil Rd Dimboola, for the purposes of a house lot excision.

**Background, Subject site & locality:**

Planning permit application PA1623-2019 was lodged with Council on the 15 February 2019 for the purposes of excising a house lot from the existing land used for agricultural purposes.

The subject land is located approximately 3.69 kilometres north east of Dimboola, at 180 Old Katyil Road Dimboola. The site is bounded to the west by the Old Katyil Road, to the north by Borgelt Road, and to the east and south by farmland – primarily cropping land. The subject land is primarily flat, 92.24 hectares in area, and contains existing buildings associated with the dwelling and use of the land for agriculture. Land within the vicinity of the site is primarily used for agriculture (cropping), with the nearest dwelling being located approximately 480 metres from the north-western property boundary.

**Proposal Details:**

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

- Proposed Lot 1 – 5.89 ha in size, consisting of the existing dwelling and shedding, and
- Proposed Lot 2 – 86.35 ha in size, being the residual balance lot, used for agriculture. A large portion of remnant native vegetation exists at the centre of the existing lot and along the eastern boundary, approximately 17.54 ha in area which is not proposed to be removed, nor will be affected by this application.

Presently, the subject land consists of a dwelling (main residence), and several large storage and machinery sheds.

The land is currently zoned farming, and is approximately 3.69 kilometres to the north east of the Dimboola Post Office, and it is considered that approval of the subdivision will facilitate better use of the land for agriculture, by permitting the balance land (proposed Lot 2) to be retained for agriculture. The excision of the house lot (proposed Lot 1) will permit for the future separate disposal of the house lot if required.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed, nor are any separate uses, buildings or works proposed as a part of this application.

**Requirement for Permit:**

A planning permit is required under Clause 35.07-3– Farming Zone The minimum subdivision area for all land in the Farming Zone is 40 hectares, as specified in the schedule to the Farming zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if the following applies:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.

**Definitions:**

Section 3 of the Planning and Environment Act 1987 defines ‘subdivision’ as *“the division of land into two or more parts which can be disposed of separately”*.

‘Subdivision’ is not defined within the Hindmarsh Planning Scheme.

**Restrictive Covenant or Section 173 Agreement:**

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

**Cultural Heritage Management Plan (CHMP):**

The subdivision of land into 2 lots is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, and the land is not affected by the Aboriginal Cultural Heritage Overlay.

**Public Notification**

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

**s52 Notice of application**

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

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- (a) Notices were sent to owners and occupiers of adjoining land; and
- (b) The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

### **Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: Appropriate condition applied.
- Environmental Health: Not required.
- Building: Not required.
- Economic Development and Tourism: Not required.

### **Planning Assessment:**

Planning Scheme Requirements:

#### **Planning Policy Framework**

Clause 11.01 - Victoria

Clause 11.01-1S - Settlement

Clause 11.01-1R - Settlement - Wimmera Southern Mallee

Clause 13.02-1S - Bushfire planning

Clause 14.01 - Agriculture

Clause 14.01-1S - Protection of agricultural land

Clause 14.01-2S - Sustainable agricultural land use

Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee

Clause 17.01-1S - Diversified economy

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

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

Clause 21 - Municipal Strategic Statement

#### **Zoning Provisions**

Clause 35.07 - Farming Zone

**Overlay Provisions**

Clause 44.06 -Bushfire Management Overlay

**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.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for agriculture.

**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.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 the Responsible Authority must consider, as appropriate (as outlined in detail within the Planning Scheme):

**Decision Guidelines**

**General Issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Planning response:

The proposal is considered to meet the applicable decision guidelines as stated. The site is appropriate for the proposed subdivision, having regard to the size of the land, the design of the proposed excision lot, and the ability of the land to be used for agriculture separately to the dwelling. Access to the site is provided by 3 existing accesses to Old Katyil Road, and the proposal will not significantly impact on other forms of infrastructure in the area.

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

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

- Any integrated land management plan prepared for the site.

Planning response:

The proposal to subdivide is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be prepared for the site.

The proposal is not considered to limit the operation and expansion of adjoining and nearby agricultural uses and the site is considered appropriate for the subdivision, given the design of the proposed excision, surrounding the remnant native vegetation on the land.

The facility enjoys broad and strong policy support both within State sections of the Planning Policy Framework along with specific policy support within the Local Planning Policy Framework.

### **Dwelling Issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic, and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Planning Response:

The existing use of the land for a dwelling on proposed Lot 1 will continue alongside farming on the land. The amenity of the dwelling will be protected as a sufficient buffer distance is provided from the existing dwelling and farming activities on nearby and adjoining land.

The proposal will not result in any additional dwellings and the operation of existing adjoining and nearby agricultural uses will not be adversely impacted or prejudiced by the proposal.

### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian



buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Planning Response:

The proposal is considered to enhance the use of the land for agriculture by segregating the agricultural activities from the dwelling on proposed Lot 1. There will be no change to the physical features and resources of the area that would impact on soil and water quality. The existing native vegetation on the site will be retained and there will be no impacts on existing flora and fauna as a result of the proposal.

### **Design and siting issues**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Planning Response:

Not applicable. No buildings or works are proposed as a part of this application. The subdivision has been designed to allocate the dwelling and sheds to the proposed Lot 1 to ensure that both lots can be serviced by existing infrastructure.

There will be no traffic management measures required for the proposed subdivision.

### **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 15 February 2019. The report is being presented to Council at its meeting on the 22 May 2019 (83 statutory days). The statutory processing time

requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

**Conflict of Interest:**

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

Officer Responsible – Janette Fritsch, Acting 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 a 2 lot subdivision at Lot 1 PS319084, 180 Old Katyl Rd Dimboola, subject to the following conditions:***

**Formal Plan of Subdivision**

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

**Infrastructure**

***2. The access point to proposed Lot 2 from Old Katyl Road must be upgraded to the satisfaction of Council and at the applicant's cost.***

**Permit Expiry**

***3. This permit will expire if:***

***a) The plan of subdivision is not certified within three years of the date of this permit; or***

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

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

**MOVED: Crs D Colbert/R Lowe**

***That Council approves an application for a 2 lot subdivision at Lot 1 PS319084, 180 Old Katyil Rd Dimboola, subject to the following conditions:***

**Formal Plan of Subdivision**

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

**Infrastructure**

***2. The access point to proposed Lot 2 from Old Katyil Road must be upgraded to the satisfaction of Council and at the applicant's cost.***

**Permit Expiry**

***3. This permit will expire if:***

***a) The plan of subdivision is not certified within three years of the date of this permit; or***

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

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

**CARRIED**

**Attachment: 4**

## 11. REPORTS REQUIRING A DECISION

### 11.1 RAINBOW RECREATION RESERVE/RAINBOW CARAVAN PARK MASTER PLAN

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

**Attachments:** 5 & 6

#### **Introduction:**

This report seeks support from Council to endorse the release of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment.

#### **Discussion:**

At its meeting on 23 May 2018 Council endorsed the appointment of Simon Leisure for the development and establishment of a concise and user friendly Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan. It is intended that the Master Plan will provide guidance on capital expenditure and development for at least ten years.

During the establishment of the Master Plan, Simon Leisure has undertaken numerous consultation processes including one on one discussions with various stakeholders, including, but not limited to;

- Jeparit Rainbow Football Netball Club
- Rainbow A&P Society
- Rainbow Tennis Club
- Rainbow Recreation Reserve Committee of Management
- Rainbow Town Committee
- Rainbow Scouts, and
- Hindmarsh Shire Council

In addition, there have been a number of community consultations including on-site inspections of both the Recreation Reserve and Caravan Park.

Simon Leisure has provided significant assistance towards the redevelopment of change room facilities for both male and females at the Rainbow Recreation Reserve / Caravan Park which were identified as priorities by the Rainbow community in the Rainbow Community Plan 2016 – 2019 and in the Hindmarsh Shire Sport and Recreation Strategy adopted in 2016.

Council has been unsuccessful with its applications for funding of female change rooms at Rainbow through the last two rounds of the Female Friendly Facilities Fund and it is anticipated that with the completion of the Master Plan the next application will be assessed more favourably.

It is proposed that the draft Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan and associated Study Report will be released for community comment from Friday 24 May 2019 until Friday 21 June 2019.

After the community comment closing date, any comments will be assessed, and following any required changes, the Master Plan and Report will be presented to either the 26 June or 3 July Council Meeting for adoption.

**Link to Council Plan:**

Strategic Objective 1.1: An actively engaged community.

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

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

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

Strategic Objective 3.1: A strong rural economy and thriving towns.

**Financial Implications**

Funding for the establishment of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan has been previously allocated and costs will be within the available budget.

**Risk Management Implications**

There are no risk management implications.

**Conflict of Interest:**

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

Author: Phil King, Manager Economic and Community Development

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

Officer Responsible: Monica Revell, Director Corporate and Community Services

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

**Communications Strategy:**

Stakeholders and the Rainbow community will be notified of Council's decision as soon as practical after the Council meeting via Social Media, Council's website, media release and direct notification.

**Options:**

1. Council can endorse the release of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment from Friday 24 May 2019 until Friday 21 June 2019.
2. Council can decide to defer the release of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment.

**RECOMMENDATION:**

***That Council endorses the release of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment from Friday 24 May 2019 until Friday 21 June 2019.***

***MOVED: Crs R Lowe/D Nelson***

***That Council endorses the release of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment from Friday 24 May 2019 until Friday 21 June 2019.***

***CARRIED***

***Attachments: 5 & 6***

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## 11.2 DRAFT BUDGET 2019/20

**Responsible Officer:** Director Corporate Services  
**Attachment:** 7

### **Introduction:**

This report presents the draft 2019/20 Annual Budget in accordance with the Local Government Act 1989 and associated Regulations.

### **Discussion:**

Council is required under section 127(1) of the *Local Government Act 1989* to prepare a budget for each financial year. Under section 127(2) Council must ensure that the budget contains:

- (a) financial statements in the form and containing the information required by the regulations;
- (b) a description of the services and initiatives to be funded in the budget;
- (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
- (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;
  - (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
  - (db) the prescribed measures relating to those indicators;
- (e) any other information required by the regulations.

Under section 127(3) the Council must ensure that the budget also contains -

- (a) the information the Council is required to declare under section 158(1);
- (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
- (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

The 2019/20 budget document reflects the requirements of the Local Government Performance Reporting Framework and revised Local Government Planning and Reporting Regulations (LGPRF). The 2019/20 Budget has been developed in consideration of the Institute of Chartered Accountants' Victorian City Council Model Budget 2019/20. It replicated the format of the four Key Result Areas used in the 2017-2021 Council Plan, namely:

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

The 2019/20 Budget provides for a broad range of services, programs and infrastructure projects and is a reflection of the strategic direction that Council has adopted through the Council Plan.

The budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, and new initiatives to improve amenity and make Hindmarsh a better place to live in a challenging financial environment.

### **Rates and Charges**

The rates and charges calculated for 2019/20 are based on revaluation figures as at 1 January 2019. The Rating Strategy includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

This is the fourth year of rate capping, with the State Government cap set at 2.5% for 2019/20. For 2019/20 the proposed rate increase is 2.5% in line with the Essential Services Commission (ESC) calculation method, which applies the increase to the average rates payable per assessment.

The kerbside waste/ recycling collection charge has remained unchanged. The best way to keep these costs to a minimum is for the community to recycle and compost as much waste as possible. The general waste charge introduced in 2018/19 will remain at \$9, payable using the same criteria as the municipal charge.

### **Key Initiatives**

The proposed key initiatives for the 2019/20 financial year are outlined below. Further details are included in the relevant sections of the budget document.

### **Community Infrastructure**

- A sum of \$100,000 has been allocated towards the facilities at Davis Park Nhill, this can be added to in future years and allows Council the opportunity to take advantage of any funding opportunities that arise throughout the year.
- \$45,000 in recurrent and \$55,000 in capital as seed funding for grant opportunities arising during the year.
- \$5,000 contribution to the installation of heating and cooling in the Rainbow Civic Centre Hall. This is a project fundraised by the community groups using the facility.
- \$5,000 assistance grant allocation to assist public halls throughout the Shire that are not owned by Council.

### **Tourism Development**

- \$10,000 to support the Rainbow Desert Enduro in August 2019.
- \$10,000 to support the Nhill Aviation Heritage Centre Nhill Airshow in November 2019.
- \$5,000 to support the Dimboola Ski Club Barefoot Championships event on the Wimmera River at Dimboola in March 2020.



- \$3,000 to support the Human Powered Vehicle event to be held at the Dimboola Recreation Reserve in July 2019.
- Redevelopment of Hindmarsh Tourism Brochures \$10,000.

### **Economic Development:**

- Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$20,000 has been included in the 2019/20 budget for this project.

### **Empowered Communities**

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fourth year, this funding has enabled some fantastic projects in our towns since its inception.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.
- \$30,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.

### **Infrastructure**

- \$400,000 towards the upgrade of the Dimboola Library to a multi-function community hub. Along with a further \$195,000 for the upgrade of facilities to house library services in both Jeparit and Rainbow.
- Local Roads: Block 40 Road, Broughton \$144,954; Antwerp-Woorak Road \$485,818; Netherby-Baker Road \$155,052, Rainbow-Nhill Road \$2,251,796 and Winiam East Road \$233,504 will be reconstructed in 2019/20.
- Unsealed road resheet projects: Bothe Road, Pigick-Pella Road, Geodetic Road, Greig/McKenzie Road and Boundary road (in collaboration with West Wimmera Shire), totalling more than \$413,000.
- Sealed Pavement Shoulder Resheet: In 2019/20 Council will be undertaking 2 sealed pavement shoulder resheets on Block 40 Road, and Kurnbrunin Road at just over \$168,000.
- Council will be undertaking 13 reseal and final seal projects in 2019/20, totalling more than \$620,000. These projects include Victoria, and Wimmera Streets, and Horsham Road in Dimboola, George, and Farmers Street in Nhill, Lorquon East Road, Rainbow-Nhill Road, Antwerp-Warracknabeal Road, Coker Dam Road, and Pullet East Road.
- Kerb and Channel will be constructed in Charles Street Jeparit, costing approximately \$235,000.
- Wimmera River Discovery Trail incorporating visitor nodes at both Dimboola and Jeparit will be constructed at a total cost of \$1,200,000. Funding for this project has

been allocated by the Federal (\$600,000) and State (\$400,000) Governments, and Council (\$200,000)

The budget is prepared for approval by Council for public exhibition and receiving of any submissions under section 223 of the Local Government Act 1989. Council will be advised of any submissions received at the 26 June 2019 Council meeting.

The Budget is required to be made available for public inspection at Customer Service Centres and residents have 28 days to lodge submissions on the budget.

**Options:**

Council must formally prepare and advertise its 2019/20 budget pursuant to section 127 of the Local Government Act 1989.

**Link to Council Plan:**

The 2019/20 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2017-2021.

**Financial Implications:**

The 2018/19 Budget is consistent with the parameters set out in Council's ten-year financial plan.

**Risk Management Implications:**

The preparation of the Budget is a statutory requirement.

**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:**

Under the Local Government Act 1989 section 129 - Council must give notice of the preparation of the 2019/20 Budget, make a copy available at Council office and on Councils website and allow submissions under section 223. It is proposed that the draft budget will be made available to the community for comment from Friday 24 May to Wednesday 19 June 2019. Submissions will be considered at the 26 June 2019 Council meeting.

**RECOMMENDATION:**

***That Council:***

1. ***approves the draft 2019/20 Budget for the purposes of public consultation in accordance with the Local Government Act 1989,***

2. *gives public notice of the preparation of the draft Budget pursuant to sections 129 and 223 of the Local Government Act 1989, inviting written submissions from the public,*
3. *moves the council meeting scheduled for 19 June 2019 to 26 June 2019,*
4. *considers public submissions and the formal adoption of the draft budget at the Council meeting on 26 June 2019, and authorises the Chief Executive Officer to undertake minor changes to the proposed budget 2019/20 if required.*

**MOVED: Crs R Gersch/D Colbert**

**That Council:**

1. *approves the draft 2019/20 Budget for the purposes of public consultation in accordance with the Local Government Act 1989,*
2. *gives public notice of the preparation of the draft Budget pursuant to sections 129 and 223 of the Local Government Act 1989, inviting written submissions from the public,*
3. *moves the council meeting scheduled for 19 June 2019 to 26 June 2019,*
4. *considers public submissions and the formal adoption of the draft budget at the Council meeting on 26 June 2019, and authorises the Chief Executive Officer to undertake minor changes to the proposed budget 2019/20 if required.*

**CARRIED**

*Attachment: 7*

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### **11.3 COUNCIL PLAN 2017-2021 ANNUAL REVIEW & STRATEGIC RESOURCE PLAN 2020-2023**

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

**Attachment:** 8

#### **Introduction:**

This report presents the draft revised Council Plan 2017-2021, recommending that Council make minor editorial changes and update the Strategic Resource Plan.

#### **Discussion**

Section 125 of the *Local Government Act 1989* (Act) provides that a Council must prepare and approve a Council Plan within six months after a general election or by the next 30 June, whichever is the later. Council adopted its 2017-2021 Council Plan at its meeting held on 23 August 2017.

Section 125 of the Act also provides that at least once each financial year Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Plan.

The Council Plan is the key document that drives the direction of the Council and is a requirement of the Act. It must include, s125 (2)

- a. the strategic objectives of Council;
- b. strategies for achieving the objectives for at least the next four years;
- c. strategic indicators for monitoring the achievements of the objectives;
- d. a Strategic Resource Plan; and
- e. any other matters prescribed by the regulations.

It is recommended that Council make only minor editorial changes to the Council Plan.

The Strategic Resource Plan details the resources required to achieve the strategic objectives. It must include in respect of at least the next four financial years -

- a. financial statements describing the required financial resources in the form and containing the information required by regulations;
- b. statements describing the required non-financial resources, including human resources, in the form and containing the information required by regulations;

A Council must review the Strategic Resource Plan during the preparation of the Council Plan; and adopt the Strategic Resource Plan no later than 30 June each year. A copy of the current Strategic Resources Plan must be available for inspection by the public at the Council office and any district offices and any other place required by the regulations. In addition, a Council must ensure that the current Strategic Resource Plan is published on the Council's internet website.

Since the adoption of the Council Plan in August 2017, 25 of the 78 objectives have been completed. Of the 53 objectives remaining 29 will be ongoing. There has been delays due to funding or staff absences of 10 objectives, 14 to be completed in the remaining term of the plan.

In this review, only minor editorial adjustments have been made to the Council Plan:

- Where initiatives have been completed this has been reflected in the 'Year to be achieved' column.
- Strategic Objective 2.1.7 includes Fire Access Road upgrade advocacy.

The Strategic Resources Plan (SRP) has been updated to show the 2020 to 2023 figures.

The Act provides that should Council propose to make an adjustment to those aspects (as outlined in s125 (2)(a)(b) and (c) then public notice of the proposal must be given and submissions invited in accordance with s223.

**Options:**

Council can:

1. Endorse and release the draft revised Council Plan 2017-2021 for public consultation.

2. Further amend the draft revised Council Plan 2017-2021 and endorse the amended draft plan for public consultation.

**Link to Council Plan:**

Compliance with the requirements to prepare and review the Council Plan is an important aspect of Good Governance and Leadership.

**Financial Implications:**

A Strategic Resource Plan is prepared as part of the Council Plan preparation process. It outlines the financial and other resources required to complement the objectives, and strategies for achieving them, within the Council Plan.

**Risk Management Implications:**

The preparation of the Council Plan is a statutory requirement.

**Conflict of Interest:**

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

Author and Officer Responsible – Monica Revell, Director Corporate and Community Services

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

**Communications Strategy:**

Council must give notice of the proposed adjustment of the Council Plan under section 125 LGA, make a copy available at each Council office and on Council's website and allow submissions under section 223 LGA. It is proposed that the draft plan will be made available to the community for comment from Friday 24 May to Wednesday 19 June 2019. Submissions will be considered at the 26 June 2019 Council meeting.

**RECOMMENDATION:**

***That having reviewed and adjusted the Council Plan 2017-2021 in accordance with the requirements of s125 of the Local Government Act 1989, Council:***

- 1 endorses and releases the draft revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2020-2023, for public consultation in accordance with section 223 of the Local Government Act 1989,***
- 2 considers public submissions and the formal adoption of the draft revised Hindmarsh Shire Council Plan 2017 – 2021 at the Council meeting on 26 June 2019, and***
- 3 authorises the Chief Executive Officer to undertake minor editorial changes to the revised draft Hindmarsh Shire Council Plan 2017 – 2021 if required.***

**MOVED: Crs D Nelson/R Lowe**

***That having reviewed and adjusted the Council Plan 2017-2021 in accordance with the requirements of s125 of the Local Government Act 1989, Council:***

- 1 endorses and releases the draft revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2020-2023, for public consultation in accordance with section 223 of the Local Government Act 1989,***
- 2 considers public submissions and the formal adoption of the draft revised Hindmarsh Shire Council Plan 2017 – 2021 at the Council meeting on 26 June 2019, and***
- 3 authorises the Chief Executive Officer to undertake minor editorial changes to the revised draft Hindmarsh Shire Council Plan 2017 – 2021 if required.***

**CARRIED**

*Attachment: 8*

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## 12. SPECIAL COMMITTEES

### 12.1 YURUNGA MANAGEMENT COMMITTEE

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

**Attachment:** 9

**Introduction:**

The Yurunga Management Committee held its meeting on 28 March 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Yurunga Management Committee meeting held on 28 March 2019.***

***MOVED: Crs R Lowe/D Colbert***

***That Council notes the minutes of the Yurunga Management Committee meeting held on 28 March 2019.***

**CARRIED**

*Attachment: 9*

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### 12.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE

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

**Attachments:** 10 & 11

**Introduction:**

The Wimmera Mallee Pioneer Committee held its meetings on 20 November 2018 and 19 February 2019. The purpose of this report is to note the minutes from the meetings. A copy of the minutes is included as attachments for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Wimmera Mallee Pioneer Museum Committee meetings held on 20 November 2018 and 19 February 2019.***

***MOVED: Crs R Lowe/D Colbert***

***That Council notes the minutes of the Wimmera Mallee Pioneer Museum Committee meetings held on 20 November 2018 and 19 February 2019.***

**CARRIED**

*Attachments: 10 & 11*

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**12.3 HINDMARSH YOUTH COUNCIL**

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

**Attachment:** 12

**Introduction:**

The Hindmarsh Youth Council held its meeting on 1 April 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Hindmarsh Youth Council meeting held on 1 April 2019.***

**MOVED: Crs R Gersch/D Nelson**

***That Council notes the minutes of the Hindmarsh Youth Council meeting held on 1 April 2019.***

**CARRIED**

*Attachment: 12*

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**13. LATE REPORTS**

No report.

**14. OTHER BUSINESS**

No other business.

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**15. CONFIDENTIAL REPORTS**

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

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

**RECOMMENDATION:**

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

**15.1 *Riverside Holiday Park***

**15.2 *Tender Award for Bituminous Surfacing Program (Including Reseals, Final Seals and Primer Seals)***

**15.3 *Insurance Tender***

**MOVED: Crs R Gersch/R Lowe**

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

**15.1 *Riverside Holiday Park***

**15.2 *Tender Award for Bituminous Surfacing Program (Including Reseals, Final Seals and Primer Seals)***

**15.3 *Insurance Tender***

**CARRIED**

Council moved into confidential session at 3:57pm.

Council resumed in open session at 4:17pm.

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**16. MEETING CLOSE**

There being no further business Cr R Ismay declared the meeting closed at 4:17pm.

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