



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL  
HELD 24 OCTOBER 2018 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 1599-2018 – 29 Ellerman Street Dimboola - 2 lot subdivision

10.2 Application for Planning Permit 1583-2018 – 2 Hindmarsh Court, Nhill - construction of two (2) dwellings and two (2) lot subdivision

10.3 Application for Planning Permit 1593-2018 – 31 Ellerman Street Dimboola -

use and development of land (including buildings and works) for the construction of a service station

**11. Reports Requiring a Decision**

- 11.1 Consideration of Annual Report 2017/18
- 11.2 Financial Report for the period ending 30 September 2018
- 11.3 Council Plan 2017-2021 Progress Report
- 11.4 Nhill Town Committee - Allocation of Funds
- 11.5 Request for co-funding for installation of a new boat launching pontoon on the Wimmera River at Dimboola Rowing Club

**12. Special Committees**

- 12.1 Nhill Town Committee

**13. Late Reports**

- 13.1 Albacutya Bridge options

**14. Other Business**

No report

**15. Confidential Matters**

No report

**16. Meeting Close**

**Present:**

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

**In Attendance:**

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

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

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

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**2. APOLOGIES**

No apologies

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**3. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Ordinary Council Meeting held on Wednesday 03 October 2018 at the Supper Room, MECCA, Rainbow as circulated to Councillors be taken as read and confirmed.*

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

*That the Minutes of the Ordinary Council Meeting held on Wednesday 03 October 2018 at the Supper Room, MECCA, Rainbow as circulated to Councillors be taken as read and confirmed.*

**CARRIED**

Attachment: 1

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

- Direct; or

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

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

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<b>5. PUBLIC QUESTION TIME</b>
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Arun Kumar Polavaru outlined objections as per letter received from Rajasekhara Tiyyagura and Balaji Saganti to planning permit application 1593 – 2018.

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

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**7. ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: SEPTEMBER 2018**

**Cr ISMAY, MAYOR**

Attended:

17/08/2018 Western Highway Action Group meeting, Melton  
24/08/2018 Rail Freight Alliance meeting, Melbourne  
31/08/2018 Western Rail meeting, Horsham  
05/09/2018 Briefing meeting, Dimboola  
05/09/2018 Council meeting, Dimboola  
10/09/2018 Jeparit Town Committee meeting, Jeparit  
11/09/2018 Ross Lake Hydrology report, Rainbow  
12/09/2018 Mildura bus tours Probus presentation, Oakleigh  
17/09/2018 Rail Freight Alliance meeting, Melbourne  
19/09/2018 Briefing meeting, Nhill  
19/09/2018 Council meeting, Nhill  
19/09/2018 Oasis meeting, Rainbow  
20/09/2018 Yurunga AGM, Rainbow  
24/09/2018 Rainbow Town Committee AGM

**Cr LOWE, DEPUTY MAYOR**

Attended:

05/09/2018 Council Briefing, Meeting, Dimboola  
08/09/2018 13 + Under Netball Semi Final, Dimboola  
12/09/2018 Order of Australia, Student Citizenships Awards, Nhill  
15/09/2018 13 + Under Netball Final, Murtoa  
19/09/2018 Council Briefing, Meeting, Nhill  
22/09/2018 Centenary Celebration, Edward "Bud" Dart, Cenotaph, Nhill  
24/09/2018 AGM, Rainbow Town Committee, Rainbow  
25/09/2018 AGM, Nhill Neighbourhood House Learning Centre, Nhill

**Cr GERSCH**

Attended:

02/09/2018 Football final at Nhill  
05/09/2018 Council meeting at Dimboola  
07/09/2018 Wimmera Regional Roads meeting  
09/09/2018 Football final at Dimboola  
11/09/2018 WDA board meeting  
14/09/2018 RCV board meeting  
18/09/2018 Nhill race club committee of management AGM  
19/09/2018 Council meeting at Nhill  
21/09/2018 NWMA meeting  
25/09/2018 Nhill Neighbourhood House AGM

**Cr COLBERT**

Attended:

05/09/2018 Briefing meeting, Dimboola  
05/09/2018 Council meeting, Dimboola  
19/09/2018 Briefing meeting, Nhill  
19/09/2018 Council meeting, Nhill

**Cr NELSON**

Attended:

03/09/2018 Town Committee meeting, Dimboola  
04/09/2018 Wimmera River Stakeholders meeting, Dimboola  
05/09/2018 Briefing meeting, Dimboola  
05/09/2018 Council meeting, Dimboola  
11/09/2018 Wimmera Development Association meeting, Horsham  
12/09/2018 Order of Australia Student Citizenship Awards, Nhill  
13/09/2018 HSC Audit Committee meeting, Nhill  
19/09/2018 Briefing meeting, Nhill  
19/09/2018 Council meeting, Nhill

**Cr SCHNEIDER**

Leave of absence for September 2018

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**SENIOR MANAGEMENT ACTIVITIES: SEPTEMBER 2018**

**GREG WOOD, Chief Executive Officer:**

Attended:

05/09/2018 Council briefing, Dimboola  
05/09/2018 Council meeting, Dimboola  
07/09/2018 Movie volunteer, Nhill  
10/09/2018 Rural Councils Transformation Fund teleconference, Horsham  
10/09/2018 Wimmera Regional CEO Meeting, Horsham  
10/09/2018 Meeting with Nhill Aviation Heritage Centre re: Nhill Air Show 2019  
11/09/2018 Wimmera Development Association, Horsham  
12/09/2018 Order of Australia Association – Student Citizenship Awards, Nhill  
13/09/2018 Audit Committee meeting, Nhill  
19/09/2018 HDKA - Early years contract discussion, Nhill  
19/09/2018 Mayor/CEO meeting  
19/09/2018 Council briefing, Nhill  
19/09/2018 Council meeting, Nhill  
20/09/2018 Regional Partnership Meeting, Horsham  
25/09/2018 Welcome new outdoor staff group meeting, Jeparit  
25/09/2018 Meeting with Paul Northey, Chief Regional Roads Officer, Horsham  
26/09/2018 Regional Councils Transformation Fund meeting and teleconference with KPMG, Horsham

**SHANE POWER, Director Infrastructure Services:**

Attended:

04/09/2018 Wimmera River Advisory Committee Meeting, Dimboola  
05/09/2018 Council Briefing and Council Meeting, Dimboola  
07/09/2018 Wimmera Southern Mallee Regional Transport Group Meeting, Horsham  
10/09/2018 Nhill Aviation Heritage Committee – Nhill Air Show 2019 Meeting, Nhill  
10/09/2018 Ross Lakes Inspection with Mayor, Rainbow  
10/09/2018 Teleconference Shared Services MBS, Nhill  
14/09/2018 Site Inspections with Team Leader, Manager Operations  
17/09/2018 Nhill Town Committee Meeting, Nhill  
18/09/2018 Meeting with ASU, Nhill  
19/09/2018 Council Briefing and Council Meeting, Nhill  
20/09/2018 Collaborative Procurement Waste and Recycling Kerbside Collection and Processing - Planning session, Stawell  
24/09/2018 Welcome to New Staff Group Meeting, Jeparit  
26/09/2018 Capital Works Group Meeting, Nhill  
26/09/2018 Nhill Transfer Station Site Inspection with Coordinator Facilities & Environment, Manager Operations, Nhill

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

Attended:

05/09/2018 Meeting with HACC Regional Coordinator

05/09/2018	Council Briefing, Dimboola
05/09/2018	Council Meeting, Dimboola
10/09/2018	Regional Transformational Fund Teleconference
11/09/2018	West Wimmera Shire Council Audit Committee Meeting
13/09/2018	Hindmarsh Shire Council Audit Committee Meeting
14/09/2018	Wimmera Regional Library Corporation Board Meeting
17/09/2018	Emergency Management Introductory Meeting with new Coordinator
19/09/2018	Meeting with Horsham District Kindergarten Association
19/09/2018	Council Briefing, Nhill
19/09/2018	Council Meeting, Nhill
20/09/2018	Civica User Group Meeting
21–28/09/2018	Annual Leave

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**8. CORRESPONDENCE**

**8.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council,

Inwards:

- Rainbow Desert Enduro Committee
  - *Thanking Council for their contribution to the Rainbow Desert Enduro 2018*

Outwards:

- Rob Spence, former Chief Executive Officer of Municipal Association of Victoria
  - *Thanking Rob for his service and wishing him well in retirement*
- Dimboola Town Committee
  - *Congratulating the Dimboola Town Committee on Dimboola's award at the Keep Victoria Beautiful Tidy Towns Awards*
- Danni Haebich
  - *Congratulating Danni on her award at the Keep Victoria Beautiful Tidy Towns Awards in the Young Leaders category*
- Jan Ballard
  - *Congratulating Jan on the Dimboola Town Committee on Dimboola's award at the Keep Victoria Beautiful Tidy Towns Awards and thanking her for her continued efforts*
- Des Lardner Pharmacy
  - *Congratulating Des and the team on their win at the Wimmera Development Association Business Awards 2018*
- Nhill Learning Centre
  - *Congratulating Nhill Learning Centre and Paw Po on their win at the Wimmera Development Association Business Awards 2018*

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

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

***That Council notes the attached correspondence.***

**MOVED**

**Attachment: 2**

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

***That Council writes to the following businesses:***

- ***Nhill Supa IGA, to congratulate them on their 10 year anniversary in the current building;***
- ***Luv-A-Duck, to congratulate them on their 50 year anniversary;***
- ***Nhill Dine-Inn, to congratulate them on opening a business in Nhill;***
- ***Sharp Boutique, to congratulate them on opening a business in Nhill.***

***CARRIED***

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**9. ASSEMBLY OF COUNCILLORS**

**Responsible Officer:** Chief Executive Officer  
**Attachment:** 3

**Introduction:**

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

**RECOMMENDATION:**

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

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

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

**CARRIED**

*Attachment: 3*

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**10. PLANNING PERMITS**

**10.1 APPLICATION FOR PLANNING PERMIT 1599-2018 – LOT 1 TP320884, 29 ELLERMAN ST DIMBOOLA - 2 LOT SUBDIVISION**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	200382
<b>Applicant:</b>	Matt Suwart – Ferguson Perry Surveying Pty Ltd
<b>Owner:</b>	Adolf Mansour Commercial Builders
<b>Subject Land:</b>	Lot 1 TP320884, 29 Ellerman St Dimboola
<b>Proposal:</b>	2 lot subdivision
<b>Zoning &amp; Overlays:</b>	General Residential Zone Schedule 1 (GRZ1); Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value
<b>Attachments:</b>	Attachment 4 - Plan of Proposed Subdivision – H008318

**Summary:**

This report recommends that Council approves planning permit 1599-2018 for a two-lot subdivision located at 29 Ellerman Street, Dimboola.

**Background:**

On 14 August 2018 a planning permit for a two-lot subdivision was lodged via SPEAR (Surveying and Planning through Electronic Applications and Referrals) for Council's consideration.

**Proposal Details:**

The proposal is for subdivision within the General Residential Zone Schedule 1 (GRZ1), and the Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value. The proposed subdivision aims to create two allotments as follows:

- Proposed Lot 1 – 470m<sup>2</sup> in area;
- Proposed Lot 2 – 301m<sup>2</sup> in area;

with residual common property to cater for a driveway. The two allotments are intended to create separate parcels of land for two approved dwellings which are currently under construction (refer Permit 1541-2016 – approved 3 March 2017).

**Requirement for Permit:**

A Planning permit is required under Clause 32.08-3 of the Hindmarsh Planning Scheme – Subdivision to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 – Residential Subdivision.

A permit is required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value. Clause 42.01 – Permit Requirement – states that “*a permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required*”. The schedule (ESO6) does not exempt subdivision.

**Subject site & locality:**

The subject site is known as 29 Ellerman Street Dimboola, and the site is used for two dwellings currently under construction (Permit 1541-2016 approved 3 March 2017).

The surrounding properties are primarily residential in nature. The property immediately north of the site known as 31 Ellerman Street is a former service station currently being used for the purposes of a café and is also the subject of a separate planning application for a service station redevelopment.

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.*

Clause 32.08-11 of the Hindmarsh Planning Scheme (General Residential Zone) - Exemption from notice and review, states that:

*“An application to subdivide land into lots each containing an existing dwelling or car parking space is 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”.*

Whilst the dwellings are still under construction, it is contended that they are nearing completion. Furthermore, the proposal is not deemed to cause material detriment to any person for the following reasons:

- The proposal will assist in adding to the diversity of housing stock and land supply within Hindmarsh Shire and Dimboola in particular;
- The proposal to subdivide is in keeping with the existing use of the subject land; and
- The proposal is not considered to negatively impact on the amenity of the locality in general.

It is determined that the proposal will not cause material detriment to any person and therefore notification is deemed not required on this occasion.

**Referrals:**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority – responded with one annotation.

Section 52 Notices: Not required

Internal Referrals:

- Engineering: Referred for comment and conditions - provided.
- Environmental Health: Not required.
- Building Services: Not required.

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 11 – Settlement

Clause 11.01-1R – Settlement – Wimmera Southern Mallee

Clause 11–Victoria

Clause 15 - Built Environment and Heritage

Clause 15.01 – Built Environment

Clause 15.01-5S – Neighbourhood Character

Clause 16 – Housing

Clause 16.01-4S – Housing Affordability

Clause 16.01-3S – Housing diversity

Clause 16.01-2S – Location of Residential Development

Clause 16.01 – Residential Development

**Local Planning Policy Framework:**

Clause 21 – Municipal Strategic Statement

**Zoning Provisions:**

Clause 32.08 – General Residential Zone

**Overlay Provisions:**

Clause 42.01 - Schedule 6 to the Environmental Significance Overlay Catchments of Wetlands of Conservation Value

**Particular Provisions:**

Clause 56 – Residential Subdivision

**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 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 subdivision is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

### **Decision Guidelines**

Clause 32.08 of the General Residential Zone - Decision guidelines states that before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General

The Municipal Planning Strategy and the Planning Policy Framework.

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

#### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

#### Planning Response:

The proposed form of the two-lot subdivision is appropriate having regard to the design of the dwellings in general, as well as facilitating appropriate areas for driveways and turning space for vehicles.

#### Clause 42.01 - Schedule 6 to the Environmental Significance Overlay - Catchments of Wetlands of Conservation Value

Under the provisions of this Clause, the application was referred to the Wimmera Catchment Management Authority (WCMA) for comment, with no objection raised. The WCMA requested an annotation stating *“The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, that the 1% AEP flood may occur in future”*.

It is considered that the proposal is not contrary to the decision guidelines and objective of this clause.

#### Clause 56 Assessment – Residential Subdivision

This is an application to subdivide the dwellings so that the dwellings will exist on separate titles. In this case there is no need to assess the application against the provisions of Clause 56 as issues in relation to amenity, both on and off site, have been considered via the Clause 55 assessment (previous permit 1541-2016), as has neighbourhood character.



**Strategic, Statutory and Procedural Requirements:**

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

**Report to Council:**

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

**Processing Times:**

The application was received on 14 August 2018. The report is being presented to Council for approval at its meeting on 24 October 2018 (72 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 on Lot 1 TP320884, 29 Ellerman Street Dimboola, subject to the following conditions:***

***Plans Not Altered***

- 1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***

***Mandatory conditions for subdivision permits***

- 2. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must:***
  - a) enter into an agreement with a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;***

- b) engage a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre;*
  - c) provide written confirmation from a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
  - d) provide written confirmation from a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

#### **Engineering Conditions**

- 6. To ensure adequate drainage;*
  - a) The applicant shall engage a suitably qualified engineer (at their cost) to provide plans showing the stormwater catchment runoff from proposed lots and common property will drain to the Ellerman Street stormwater pipe and not affect neighbouring properties. This must be designed to a 1 in 100 ARI event.*
  - b) The applicant shall install the infrastructure (at their cost) as per the plans as approved by council in condition (6a) and*
  - c) Either provide a drainage easement in favour of lot 2 or ensure the underground drainage infrastructure is covered by the body corporate.*

#### **Time for Starting and Completion**

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

- (a) The plan of subdivision is not certified within 2 years of the date of this permit;  
or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of  
the plan of subdivision.**

**The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.**

**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) 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 future.**

**MOVED: Crs T Schneider/D Nelson**

**That Council approves an application on Lot 1 TP320884, 29 Ellerman Street Dimboola, subject to the following conditions:**

**Plans Not Altered**

- 1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

**Mandatory conditions for subdivision permits**

- 2. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must:**
  - a) enter into an agreement with a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;**
  - b) engage a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in**

- accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre;*
- c) provide written confirmation from a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
  - d) provide written confirmation from a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

**Engineering Conditions**

- 6. To ensure adequate drainage;*
- a) The applicant shall engage a suitably qualified engineer (at their cost) to provide plans showing the stormwater catchment runoff from proposed lots and common property will drain to the Ellerman Street stormwater pipe and not affect neighbouring properties. This must be designed to a 1 in 100 ARI event.*
  - b) The applicant shall install the infrastructure (at their cost) as per the plans as approved by council in condition (6a) and*
  - c) Either provide a drainage easement in favour of lot 2 or ensure the underground drainage infrastructure is covered by the body corporate.*

**Time for Starting and Completion**

- 7. This permit will expire if:*
- (a) The plan of subdivision is not certified within 2 years of the date of this permit;*

*or*

- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

***The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.***

**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) 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 future.**

**CARRIED**

Attachment: 4

**10.2 APPLICATION FOR PLANNING PERMIT 1583-2018 –CONSTRUCTION OF TWO (2) DWELLINGS AND TWO (2) LOT SUBDIVISION – Lot 7 PS510238, 2 HINDMARSH CT NHILL**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Application 1583-2018
<b>Assessment:</b>	200230
<b>Applicant:</b>	Leanne Panozzo – Avetec Design
<b>Owner:</b>	Phillip Ruge
<b>Subject Land:</b>	Lot 7 PS510238 – 2 Hindmarsh Ct Nhill
<b>Proposal:</b>	Construct two (2) dwellings and two (2) lot subdivision
<b>Zoning &amp; Overlays:</b>	General Residential Zone – Schedule 1 (GRZ1); No Overlays
<b>Attachments:</b>	Attachment 5 – Subdivision plan, site plans, elevations

**Summary:**

This report recommends that Council approves planning permit application 1583-2018 to construct two (2) single storey dwellings and facilitate a two (2) lot subdivision on Lot 7 PS510238 known as 2 Hindmarsh Court Nhill.

**Background:**

On 7 June 2018 a planning permit application to construct two (2) single storey dwellings and facilitate a two (2) lot subdivision was lodged for assessment on an existing vacant lot within the Hindmarsh Court subdivision, on the corner of Hindmarsh Court and Turner Street, Nhill.

**Proposal Details:**

The proposal seeks to construct two (2) dwellings on two newly created lots, with proposed Lot 1 being 460m<sup>2</sup>, and proposed lot 2 being 370m<sup>2</sup>. Each proposed dwelling is of a single storey contemporary design, constructed in a brick veneer style, with colorbond custom orb roof. Each dwelling is proposed to contain 2 bedrooms, meals and living areas, with outdoor courtyards, yard areas, alfresco areas, and paved areas.

**Requirement for Permit:**

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

- Pursuant to Clause 32.08-3 of the General Residential Zone – Schedule 1 a permit is required to subdivide land.
- Pursuant to Clause 32.08-6 of the General Residential Zone – Schedule 1 a permit is required to construct two or more dwellings on a lot.

**Definitions**

Pursuant to Clause 73.03 of the Planning Scheme a dwelling is defined as:

A building used as a self-contained residence must include:

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

It includes outbuildings and works normal to a dwelling.

Pursuant to Clause 73.04 of the Planning Scheme a dwelling is nested in the Accommodation group.

Subdivision is not defined or nested in the Planning Scheme.

A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined in the *Subdivision Act 1988* and the *Planning and Environment Act 1987* as 'the division of land into two or more parts which can be disposed of separately.'

**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 two dwellings on a lot is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007.

**Subject site & locality:**

The subject site is known as 2 Hindmarsh Court Nhill, and is currently vacant. The surrounding properties are primarily residential in nature, with the majority of dwellings within this subdivision being single storey, brick veneer, and contemporary in design. The site is located approximately 400 metres north east of the Nhill 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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land;
- A3 sign(s) was/were placed on the land on 30 July 2018; and
- A notice was placed in the Nhill Free Press newspaper on the 8 August 2018.

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: Referred for comment and conditions - provided.
- Environmental Health: Not required.
- Building: A Building Permit is required due to structural work proposed.

### **Planning Assessment:**

Planning Scheme Requirements:

#### **Planning Policy Framework**

Clause 11 – Settlement

Clause 11.01 –Victoria

Clause 15 - Built Environment and Heritage

Clause 15.01 – Built Environment

Clause 15.01-2S Building Design

Clause 15.01-5S Neighbourhood Character

Clause 16 – Housing

Clause 16.01 – Residential Development

Clause 16.01-4S – Housing Affordability

Clause 16.01-3S – Housing Diversity

Clause 16.01–2S – Location of residential development

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



Clause 21 – Municipal Strategic Statement

**Zoning Provisions**

Clause 32.08 General Residential Zone Schedule 1 (GRZ1)

**Overlay Provisions**

None

**Particular Provisions:**

Clause 52.06 – Car Parking

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Response

Clause 52.06 requires the provision of 1 car space to be located on each newly created lot. A total of four car spaces is proposed.

**Clause 55 - ResCode Assessment – Two or More Dwellings on a Lot**

The development is required to be assessed against Clause 55 as set out below:

<p><b>55.02-1</b> <b>Neighbourhood character objectives</b> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area.</p>	<p><b>Standard B1</b> The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site..</p>	<p><b>✓ Complies</b> The development responds to the character of the area by reflecting the style, height and type of dwellings within the Hindmarsh Ct subdivision.</p>
<p><b>55.02-2</b> <b>Residential policy objectives</b> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2</b> An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p><b>✓ Complies</b> As set out above, the application complies with the planning policy framework. The required written statement has been provided.</p>
<p><b>55.02-3</b> <b>Dwelling diversity objective</b> To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Standard B3</b> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p>	<p><b>- N/A</b> Less than ten dwellings are proposed.</p>

	<ul style="list-style-type: none"> <li>▪ Dwellings with a different number of bedrooms.</li> <li>▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	
<p><b>55.02-4</b> <b>Infrastructure objectives</b> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Standard B4</b> Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>✓ <b>Complies</b> The site is serviced by the required infrastructure and the application has been informally referred to Council's Engineers who have provided comment and conditions.</p>
<p><b>55.02-5</b> <b>Integration with the street objectives</b> To integrate the layout of development with the street.</p>	<p><b>Standard B5</b> Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings</p>	<p>✓ <b>Complies</b> The development is designed to address the eastern frontage of Hindmarsh Court, with pedestrian and vehicle links to the street provided.  The applicant has stated a 1800mm high fence is proposed on both Hindmarsh Court frontages, however this would require separate building permit approval.</p>

	<p>should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	
<p><b>55.03-1</b> <b>Street setback objective</b> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6</b> Walls of buildings should be set back from streets the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p><b>Variation</b> The applicant has requested a variation, stating the setback is a common standard used on the majority of current approvals. The site is on a corner, the setback should be the same as the building on the abutting allotment facing the front street. The neighbouring dwellings have an approximate setback of 4.5 to 6.5 metres, with the proposal having a setback of 4.5 metres and 5.5 metres respectively. The proposal does require a variation, however the variation is considered to be a minor variation and unlikely to impact upon the overall rhythm of the street and can be supported.</p>
<p><b>55.03-2</b> <b>Building height objectives</b> To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7</b> The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum</p>	<p><b>✓ Complies</b> The dwellings are respectful of the character of the area, and comply with the building height requirements within the zone.</p>

	<p>building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	
<p><b>55.03-3</b> <b>Site coverage objective</b> To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site.</p>	<p><b>Standard B8</b> The site area covered by buildings should not exceed 60 per cent.</p>	<p>✓ <b>Complies</b> The site coverage of buildings is 52 percent and 57.8 percent of the site respectively, which is less than the 60% allowed by the standard.</p>
<p><b>55.03-4</b> <b>Permeability objectives</b> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.</p>	<p><b>Standard B9</b> At least 20 per cent of the site should not be covered by impervious surfaces.</p>	<p>✓ <b>Complies</b> The site retains 20 per cent permeability, assisting in on site stormwater filtration.</p>
<p><b>55.03-5</b> <b>Energy efficiency objectives</b> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Standard B10</b> Buildings should be:</p> <ul style="list-style-type: none"> <li>▪ Oriented to make appropriate use of solar energy.</li> <li>▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> <p>Living areas and private open space</p>	<p>✓ <b>Complies</b> The dwellings are designed to take advantage of solar energy and living rooms and private open space areas and located to receive northern light.</p>

	<p>should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.</p>	
<p><b>55.03-6</b> <b>Open space objective</b> To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Standard B11</b> If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> <li>▪ Be substantially fronted by dwellings, where appropriate.</li> <li>▪ Provide outlook for as many dwellings as practicable.</li> <li>▪ Be designed to protect any natural features on the site.</li> <li>▪ Be accessible and useable.</li> </ul>	<p>- <b>N/A</b> There is no communal open space requiring consideration.</p>
<p><b>55.03-7</b> <b>Safety objective</b> To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Standard B12</b> Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments</p>	<p>✓ <b>Complies</b> The development is designed to provide for the safety and security of residents and property. All dwelling entrances are clearly visible from the street or internal accessways and private spaces within the development will be fenced.</p>

	<p>should be protected from inappropriate use as public thoroughfares.</p>	
<p><b>55.03-8</b> <b>Landscaping objectives</b> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.</p>	<p><b>Standard B13</b> The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>▪ Protect any predominant landscape features of the neighbourhood.</li> <li>▪ Take into account the soil type and drainage patterns of the site.</li> <li>▪ Allow for intended vegetation growth and structural protection of buildings.</li> <li>▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>▪ Provide a safe, attractive and functional environment for residents.</li> </ul> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. The landscape design should specify</p>	<p><b>✓ Complies</b> There are adequate areas available on site to allow for planting which will compliment the landscape character of the area.</p>

	landscape themes, vegetation (location and species), paving and lighting.	
<p><b>55.03-9</b> <b>Access objective</b> To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Standard B14</b> The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>▪ 33 per cent of the street frontage, or</li> <li>▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>✓ <b>Complies</b> A total of approximately 20 per cent of the frontage is taken up with vehicle crossings, which complies with the standard.</p>
<p><b>55.03-10</b> <b>Parking location objective</b> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular</p>	<p><b>Standard B15</b> Car parking facilities should:</p>	<p>✓ <b>Complies</b> Convenient parking is provided for residents and there are no shared accessways. Adequate parking has been provided (4 spaces) in excess of the requirements of the scheme.</p>



<p>noise within developments.</p>	<ul style="list-style-type: none"> <li>▪ Be reasonably close and convenient to dwellings and residential buildings.</li> <li>▪ Be secure.</li> <li>▪ Be well ventilated if enclosed.</li> </ul> <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	
<p><b>55.04-1</b> <b>Side and rear setbacks objective</b> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Standard B17</b> A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>▪ At least the distance specified in a schedule to the zone, or</li> <li>▪ If no distance is specified in a schedule to the zone, 1 metre, plus</li> </ul>	<p><b>✓ Complies</b> The western boundary wall of proposed dwelling no. 1 – the closest boundary wall – is 1 metre from the western boundary, There are minor encroachments into this setback, caused by eaves and other minor encroachments.</p>

	<p>0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	
<p><b>55.04-2</b> <b>Walls on boundaries objective</b> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Standard B18</b> A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> <li>▪ For a length of more than the distance specified in a schedule to the zone; or</li> <li>▪ If no distance is specified in a schedule to the zone, for a length of more than:</li> </ul>	<p><b>Not applicable.</b></p>

	<ul style="list-style-type: none"><li>○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li><li>○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports,</li></ul> <p>whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an</p>	
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	<p>average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	
<p><b>55.04-3</b> <b>Daylight to windows objective</b> To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19</b> Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>✓ <b>Complies</b> The required light courts have been achieved and all windows have access to the required level of daylight.</p>
<p><b>55.04-4</b></p>		

<p><b>North facing windows objective</b> To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20</b> If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>✓ <b>Complies</b> Adequate solar access to north facing habitable room windows can be achieved.</p>
<p><b>55.04-5 Overshadowing open space objective</b> To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Standard B21</b> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight</p>	<p>✓ <b>Complies</b> The level of overshadowing associated with the development is within the requirements of the standard.</p>

	should not be further reduced.	
<p><b>55.04-6</b> <b>Overlooking objective</b> To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22</b> A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> <li>▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>▪ Have sill heights of at least 1.7 metres above floor level.</li> </ul>	<p>✓ <b>Complies</b> Views into secluded private open space and habitable room windows are minimised by appropriate design.</p>

	<ul style="list-style-type: none"> <li>▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>▪ Permanent, fixed and durable.</li> <li>▪ Designed and coloured to blend in with the development.</li> </ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	
55.04-7		

<p><b>Internal views objective</b> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Standard B23</b> Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>✓ <b>Complies</b> Internal views have been considered in the design solution and there is no internal overlooking.</p>
<p><b>55.04-8</b> <b>Noise impacts objective</b> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p><b>Standard B24</b> Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>✓ <b>Complies</b> Plant / condenser for a reverse cycle split system are proposed to be installed on the roof area away from bedrooms. The external walls of the proposed dwellings shall be insulated to provide a higher STC rating than building regulations, in order to buffer general noise from existing roads and other sources.</p>
<p><b>55.05-1</b> <b>Accessibility objective</b> To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Standard B25</b> The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with</p>	<p>✓ <b>Complies</b> The entries to the ground floor of the dwellings are accessible to those with limited mobility.</p>



	limited mobility.	
<p><b>55.05-2</b> <b>Dwelling entry objective</b> To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Standard B26</b> Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>▪ Be visible and easily identifiable from streets and other public areas.</li> </ul> <p>Provide shelter, a sense of personal address and a transitional space around the entry.</p>	<p>✓ <b>Complies</b> All dwelling entries are clearly visible and identifiable from the street providing for a sense of identity for each dwelling. A transitional space is provided at each dwelling entry.</p>
<p><b>55.05-3</b> <b>Daylight to new windows objective</b> To allow adequate daylight into new habitable room windows.</p>	<p><b>Standard B27</b> A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>▪ A verandah provided it is open for at least one third of its perimeter, or</li> <li>▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p>✓ <b>Complies</b> All habitable room windows face an outdoor space of the required dimensions, allowing light into habitable rooms.</p>
<p><b>55.05-4</b> <b>Private open space objective</b> To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>B28</b> A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to</p>	<p>✓ <b>Complies</b> The proposed development has been provided with the minimum 60 square metres of private open space with 40 square metres of the space secluded with a minimum</p>

	<p>the zone. If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>▪ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	<p>dimension of 3 metres and is therefore in accordance with the standard.</p>
<p><b>Clause 55.05-5</b> <b>Solar Access to Open Space</b> To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Standard B29</b> The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <ul style="list-style-type: none"> <li>▪ The southern boundary of secluded private open space should be set</li> </ul>	<p>✓ <b>Complies</b> The private open space of each proposed dwelling is located on the north side of each proposed dwelling.</p>

	back from any wall on the north of the space at least $(2+0.9h)$ metres, where 'h' is the height of the wall.	
<p><b>Clause 55.05-6</b> <b>Storage</b> To provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b> Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>✓ <b>Complies</b> The appropriate storage areas have been provided in accordance with the standard.</p>
<p><b>Clause 55.06-1</b> <b>Design Detail</b> To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31</b> The design of buildings, including:</p> <ul style="list-style-type: none"> <li>▪ Façade articulation and detailing,</li> <li>▪ Window and door proportions,</li> <li>▪ Roof form, and</li> <li>▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.</li> </ul> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>✓ <b>Complies</b> The proposed development is a modern interpretation of the neighbourhood character and is articulated with the use of different materials and colours. Window proportion, roof form, and parapets are sympathetic to the neighbourhood and are also consistent with surrounding character.</p>
<p><b>Clause 55.06-2</b> <b>Front Fences</b> To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B32</b> The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>▪ Streets in a Road Zone, Category 1: 2 metres.</li> </ul>	<p><b>X Does Not Comply</b> The applicant has stated a 1800mm high fence is proposed on both Hindmarsh Court frontages, however this would require separate building permit approval.</p>

	Other streets: 1.5 metres.	
<p><b>Clause 55.06-3</b> <b>Common Property</b> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.</p>	<p><b>B33</b> Development should clearly delineate public, communal and private areas.  <ul style="list-style-type: none"> <li>▪ Common property, where provided, should be functional and capable of efficient management.</li> </ul> </p>	<p>- <b>N/A</b> There is no common property proposed.</p>
<p><b>Clause 55.06-4</b> <b>Site Services</b> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>B34</b> The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>✓ <b>Complies</b> Clothes drying areas and mailboxes are proposed as a part of this development, and adequate space exists for bin storage.</p>

### **Clause 56 – Subdivision**

This is an application to subdivide the dwellings such that the dwellings will exist on separate titles. In this case there is no need to assess the application against the provisions of Clause 56 as issues in relation to amenity, both on and off site, have been considered via the Clause 55 assessment, as has neighbourhood character.

### **General Provisions**

Clause 65 – Decision Guidelines, states that:-

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

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

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

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

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

### **Discussion:**

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

**Strategic, Statutory and Procedural Requirements:**

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

**Report to Council:**

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

**Processing Times:**

The application was received on 07 June 2018. The report is being presented to Council for approval at its meeting on 24 October 2018 (85 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 two (2) dwellings and a two (2) lot subdivision on Lot 7 PS510238, 2 Hindmarsh Ct Nhill subject to the following conditions:***

**Endorsed Plans**

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

**Amenity**

2. ***The construction of the alterations to the dwelling 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 buildings, works or materials;***
  - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (d) ***Presence of vermin; or***
  - (e) ***In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

#### **Engineering Conditions**

5. ***Vehicle crossings:***
  - (a) ***A Consent to Works Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.***
  - (b) ***Standard designs/drawings of vehicle crossings shall be provided to the applicant and can be obtained from Council's Engineering Department.***
6. ***To ensure adequate drainage the applicant shall:***
  - (a) ***Provide plans showing stormwater catchment runoff from the proposed lots drains towards Hindmarsh Court and does not affect neighboring properties.***
  - (b) ***Plans in condition (6a) shall be submitted to Council for approval before construction.***

#### **Landscaping**

7. ***Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.***
8. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

#### **General**

9. ***Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the***

***Responsible Authority.***

**Subdivision**

**10. *Amended plans required***

***Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:***

- (a) *A Functional Layout Plan in accordance with Council's standard requirements;***
- (b) *Any changes to the layout of the subdivision as identified by the Functional Layout Plan.***

**11. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

**12. *All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.***

**13. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.***

**14. *The owner of the land must enter into an agreement with:***

- (a) *A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
- (b) *A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate***



*that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

**15. Time for Starting and Completion - Subdivision**

*This permit will expire if:*

- (a) The plan of subdivision is not certified within 2 years of the date of this permit; or*
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.*

*The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.*

**16. Time for Commencement and Completion – Development**

*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:*

- (c) Within six months afterwards for commencement, or*
- (d) 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 R Gersch/R Lowe**

***That Council approves an application for the construction of two (2) dwellings and a two (2) lot subdivision on Lot 7 PS510238, 2 Hindmarsh Ct Nhill subject to the following conditions:***

**Endorsed Plans**

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

**Amenity**

- 2. The construction of the alterations to the dwelling 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 buildings, works or materials;***
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (d) Presence of vermin; or***
  - (e) In any other way.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

**Engineering Conditions**

- 5. Vehicle crossings:***
  - (a) A Consent to Works Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.***
  - (b) Standard designs/drawings of vehicle crossings shall be provided to the applicant and can be obtained from Council's Engineering Department.***
- 6. To ensure adequate drainage the applicant shall:***
  - (a) Provide plans showing stormwater catchment runoff from the proposed lots drains towards Hindmarsh Court and does not affect neighboring properties.***
  - (b) Plans in condition (6a) shall be submitted to Council for approval before construction.***

**Landscaping**

7. ***Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.***
8. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

**General**

9. ***Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.***

**Subdivision**

10. ***Amended plans required***

***Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:***

- (a) ***A Functional Layout Plan in accordance with Council's standard requirements;***
  - (b) ***Any changes to the layout of the subdivision as identified by the Functional Layout Plan.***
11. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
  12. ***All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.***
  13. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity,***

**gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.**

**14. The owner of the land must enter into an agreement with:**

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

**15. Time for Starting and Completion - Subdivision**

***This permit will expire if:***

- (a) The plan of subdivision is not certified within 2 years of the date of this permit; or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

***The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.***

**16. Time for Commencement and Completion – Development**

***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:***

- (c) Within six months afterwards for commencement, or**
- (d) 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: 5*

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**10.3 APPLICATION FOR PLANNING PERMIT 1593-2018 – USE AND DEVELOPMENT OF LAND (INCLUDING BUILDINGS AND WORKS) FOR THE CONSTRUCTION OF A SERVICE STATION – LOT 1 PS148340 - 31 ELLERMAN ST DIMBOOLA**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	21480
<b>Applicant:</b>	Turken Kumru – Aksara Pty Ltd
<b>Owner:</b>	Elisabeth Creasey
<b>Subject Land:</b>	Lot 1 PS148340 – 31 Ellerman St Dimboola
<b>Proposal:</b>	Use & Development of Land (Including Buildings and Works) for the construction of a service station
<b>Zoning &amp; Overlays:</b>	General Residential Zone – Schedule 1 (GRZ1); Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value
<b>Attachments:</b>	Attachment 6 – Site plans, and elevations numbered P-00 to P-03 Revision A dated 30/08/2018 Attachment 7 – Objections / submissions

**Summary:**

This report recommends that Council issues a Notice of Decision to approve planning permit application 1593-2018 to use and develop land (including buildings and works) to construct a service station at Lot 1 PS148340, 31 Ellerman Street, Dimboola.

**Background:**

On 19 July 2018, a planning permit application to use and develop land (including buildings and works) to construct a service station at Lot 1 PS148340, 31 Ellerman Street, Dimboola was lodged for assessment on a site currently used as a takeaway premises – known as ‘The Desert Edge’ Café. The existing café utilises a building formerly used as a petrol station, which was closed in the late 1990’s. Clause 63.06 of the Hindmarsh Planning Scheme – Expiration of Existing Use Rights, states “An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession”.

Having regard to the above, the land does not enjoy existing use rights for a service station, however, the café was approved on 05 May 2011 (Permit 1286-2011).

**Proposal Details:**

The proposal seeks to use and develop land (including buildings and works) to construct a service station, with café, convenience store services, store room, seating area, fuel dispensers (bowsers), diesel pump, illuminated signage, and associated car parking areas. The application has been described as an ‘upgrade’ to an existing service station; however,

as the site does not enjoy existing rights for the use, this application seeks permission to commence a new use and development of the land for this purpose.

**Requirement for Permit:**

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

- Clause 32.08-3 of the General Residential Zone – Schedule 1 a permit is required to use and develop land (including buildings and works) for a service station. The site must either:
  - Adjoin a commercial zone or industrial zone.
  - Adjoin, or have access to, a road in a Road Zone.
- The site must not exceed either:
  - 3000 square metres.
  - 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

The proposal accords with these conditions, with the site being 1811m<sup>2</sup> in area, and is accessed by two appropriately zoned roads.

Pursuant to Clause 42.01-2 - Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value, a permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Schedule 6 of the ESO does not exempt this requirement.

**Definitions:**

Pursuant to Clause 73.03 of the Planning Scheme a ‘service station’ is defined as:

*“Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:*

- a) selling of motor vehicle accessories or parts;*
- b) selling of food, drinks and other convenience goods;*
- c) hiring of trailers;*
- d) servicing or washing of motor vehicles; and*
- e) installing of motor vehicle accessories or parts”.*

**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 service station 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 31 Ellerman Street Dimboola, and is currently occupied by the ‘Desert Edge’ café, in a building formerly used as a service station. The surrounding properties are primarily residential in nature, with the majority of dwellings within the area

being single storey and brick veneer or weatherboard. The site to the immediate south – 29 Ellerman Street, currently has two dwellings under construction on the site, and is the subject of a separate planning application to subdivide the land into two (2) lots – refer to permit application 1599-2018. The site is located approximately 670 metres east of the Dimboola Post Office.

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

**Public Notification:**

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

***s52 Notice of application***

*(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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land;
- A3 sign(s) was/were placed on the land on 31 July 2018; and
- A notice was placed in The Dimboola Banner newspaper on the 1 August 2018.

Three objections and one letter of support for the proposal have been lodged with Council. An applicant / objector meeting was held at Council offices on 21 September 2018. This meeting was attended by the applicant's representative, Council Officers, and objectors. Following the meeting, two of the three objections were withdrawn following advice from the applicant that conditions would be met.

1. Additional Safety features including a vapour recovery system, a HAZMAT box, an emergency stop button, CCTV cameras and security, extra lighting and sensor lighting;
2. Sealed driveways for dust reduction;
3. Truck refills and commercial deliveries to occur within business hours;
4. Liaison with Council and police in the event of an increase in anti-social behavior;



5. Measures to decommission the existing tank contingent upon existing conditions, and installation of the new tank as per EPA standards;
6. Installation of new lines and bowsers;
7. Signage within existing boundary;
8. Relocation of diesel pump to middle of driveway; and
9. Submission of amended plans to respond to VicRoads requirements.

The objections and supporting submission can be summarised as follows (see attachment 7):

Objection	Planning Comment
1. Age of underground tanks causing potential contamination	<b>Agreed.</b> Relevant planning conditions can be applied to any planning permit to address this issue.
2. Competitive threat / job loss	<b>Not a valid planning matter.</b> Commercial interest and competition is not considered under the Planning and Environment Act 1987.
3. Impact on economy	<b>Not a valid planning consideration.</b> Commercial interest and competition is not considered under the Planning and Environment Act 1987.
4. 24 hour operation of proposal causing potential for anti-social behavior	<b>Objection Withdrawn.</b> The applicant has agreed to measures to mitigate the potential of anti-social behavior caused by this proposal. Refer to point number 1 above.
5. The site is not suitable for large trucks and will create traffic issues.	<b>Noted.</b> Relevant planning conditions can be applied to any planning permit to address this issue, and it is considered that with the application of appropriate conditions, this matter can be mitigated. It is further submitted that the site is suitable.
6. Noise impacts	<b>Agreed.</b> Relevant planning conditions can be applied to any planning permit to address this issue, and have been recommended by the EPA.

Supporting Statement	Planning Comment
7. The concept is attractive.	<b>Noted.</b> It is considered the proposal will improve the visual amenity of the area.
8. The 24-hour operation will increase the security level of the surrounding residents.	<b>Noted.</b> Refer to Planning Comment 1.

**Referrals:**

External Referrals/Notices Required by the Planning Scheme:

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

Section 52 Notices: EPA – initial concern – no objection – responded with recommended conditions  
Wimmera Catchment Management Authority – no objection – responded with suggested annotation.  
DELWP – Did not respond.

Internal Referrals:

- Engineering: Responded with conditions.
- Environmental Health: Did not respond.
- Building: A Building Permit is required, due to structural work proposed.
- Tourism & Economic Development: Responded supporting proposal.

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework**

- Clause 11 - Settlement
- Clause 11.01-1R Settlement - Wimmera Southern Mallee
- Clause 11.01- Victoria
- Clause 11.03-6S Regional and local places
- Clause 13 - Environmental Risks and Amenity
- Clause 13.05 - Noise
- Clause 13.07 – Amenity
- Clause 15.01-2S - Building design
- Clause 15.01 Built Environment
- Clause 15.01-5S Neighbourhood character
- Clause 15.02 - Sustainable Development

Clause 17 - Economic Development  
Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee  
Clause 17.01- Employment  
Clause 17.02 - Commercial  
Clause 19 - Infrastructure  
Clause 19.03-4S - Stormwater

### **Local Planning Policy Framework**

Clause 21 - Municipal Strategic Statement

### **Zoning Provisions**

Clause 32.08 - General Residential Zone Schedule 1 (GRZ1)

### **Overlay Provisions**

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

### **Particular Provisions:**

#### Clause 52.05 - Signs

The purpose of this clause is:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

#### Response

An assessment of the signage proposed within this application indicates compliance with this clause. The signage is not considered to be intrusive in nature, having regard to the following:

1. VicRoads has not objected to the signage;
2. The signage will not contribute to excessive visual clutter; and
3. The signage will not detrimentally impact on the amenity of the locality.

Given the previous use of the site as a service station, it is considered that the proposed signage will increase the visual amenity of the area.

#### Clause 52.06 – Car Parking

The purpose of this clause is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

### Response

Clause 52.06 requires the provision of car parking spaces in accordance with Table 1 of the Clause. In this instance, 'service station' is not specified. Therefore, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

In this instance, and given the nature of previous uses on the site, it is considered that car parking provision on the site is adequate.

### **General Provisions**

Clause 65 – Decision Guidelines, states that:

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

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

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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

**Discussion:**

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

**Strategic, Statutory and Procedural Requirements:**

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

As there is an outstanding objection, the potential for an appeal to be lodged at VCAT exists, therefore Council can only issue a Notice of Decision. An appeal period of 21 days exists for the objector to lodge an appeal at VCAT after the Notice of Decision is issued. Should no appeal at VCAT be lodged, a permit can be issued after this period expires.

**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 19 July 2018. The report is being presented to Council for approval at its meeting on 24 October 2018 (96 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 issues a Notice of Decision to approve an application for the Use and Development of Land (including Buildings and Works) for a service station on Lot 1 PS148340 - 31 Ellerman St Dimboola subject to the following conditions:***

**Amended Plans Required**

1. ***Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (received by Council on 19 July 2018 but modified to show:***
  - (a) ***A schedule of construction materials, external finishes and colours.***
  - (b) ***A landscape plan prepared by a landscape architect or a suitably qualified or experienced person, in accordance with Condition 8.***

**Amenity**

2. ***The construction of the alterations to the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
  - (f) ***Transport of materials, goods or commodities to or from the land;***
  - (g) ***Appearance of any buildings, works or materials;***
  - (h) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (i) ***Presence of vermin; or***
  - (j) ***In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***

4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

#### **Car Parking / Engineering**

5. ***Crossovers are to be installed by qualified contractors at the applicants cost as per VicRoads conditions and Infrastructure Design Manual (IDM) Standard. Standard design drawings can be obtained from Council's Engineering Department. The crossovers are to be constructed to conform to existing drainage conditions and councils proposed Ellerman Street and High Street kerb and channel construction project.***
6. (a) ***The applicant shall engage a suitably qualified engineer to design a sealed hardstand area on all proposed vehicle pathways and parking areas in accordance with the IDM. Those areas that have an existing seal shall be resealed as a minimum. The hardstand area shall be designed so as to not increase drainage runoff through neighbouring properties. The design, including drainage, vehicle paths and parking shall be submitted to council for approval.***
- (b) ***The applicant shall at their cost, engage a suitably qualified contractor to construct the design as produced in condition 5(a) in accordance with the IDM.***

#### **Parking Signs**

7. ***Signage to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.***

#### **Landscaping**

8. ***Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the the site plan dated 30 August 2018 prepared by Aksara Pty Ltd. The plan must show:***
  - (a) ***Details of surface finishes of pathways and driveways;***
  - (b) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and***

- quantities of each plant;*
- (c) *Landscaping and planting within all open areas of the site; and*
- (d) *An appropriate irrigation system.*

**Completion of Landscaping**

9. *Prior to the commencement of the use and development hereby permitted, landscaping works as shown on plans to be endorsed must be completed to the satisfaction of the Responsible Authority.*

**Landscaping Maintenance**

10. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

**Management/ Supervision of Premises**

11. *At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as ‘the manager’).*

*The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police to take action on his/her behalf in accordance with a direction by such officer.*

**Security Alarms**

12. *All security alarm sirens or similar siren devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.*

**Loudspeakers**

13. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*

**Soundproofing of Plant and Equipment**



14. ***All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.***

**Regular Waste Removal**

15. ***All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.***

**Control of Light Spill**

16. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority. Additional lighting and CCTV coverage is to be provided to 54A Upper Regions Street, Dimboola, to the satisfaction of the Responsible Authority.***

**Tidy Site**

17. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***

**Exposed Storage**

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

**Provision and storage of garbage**

19. ***Provision must be made on the land for the storage of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.***

**Loading/ Delivery Times**

20. ***Deliveries to and from the site (including waste collection and fuel delivery) must only take place between:***

***7am and 8pm Monday to Friday.***

***7am and 6pm Saturdays***

***9am and 6pm Sundays or Public Holidays.***

**Signs Not to be Altered**

21. *The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

**Protection of Amenity – Signage**

22. *The glare, reflection or illumination from the sign must not reflect so as to affect the safety, appearance or efficiency of a road.*

**Light Emissions**

23. *The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*

**Sign Maintenance**

24. *The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.*

**No Bunting**

25. *Bunting, streamers, flags, wind vanes or festooning must not be displayed.*

**No Wrecking or Panel Beating**

26. *Panel beating, spray painting and vehicle wrecking must not be carried out on the site and no vehicle wrecks or parts there from must not be stored on the site.*

**Dangerous Goods**

27. *Dangerous goods must be installed, kept and handled in compliance with the Dangerous Goods Act 1985 and its subordinate legislation, particularly the Dangerous Goods (Storage and Handling) Regulations 2000.*

**Occupational Health & Safety Compliance**

28. *The applicant must submit full details detailing compliance with AS/NZS 1596-2008: Storage and handling of LP Gas, to the Major Hazards & Engineering Branch of the Health & Safety Organisation.*

**LPG Compliance Occupational Health & Safety**

29. *Storage of liquefied petroleum gas (LP Gas) and its associated facilities must*

*be installed, kept and operated in compliance with AS/NZS 1596-2008: Storage and handling of LP gas.*

**LPG Filling Hours**

30. *The filling of the liquefied petroleum gas storage tanks must not occur before 7:00am or after 9:00pm.*

**VicRoads**

31. *Prior to the occupation of the building and works hereby approved, upgraded access crossovers and associated works must be provided and available for use to the satisfaction of the Responsible Authority (RA) and at no cost to the RA or the Roads Corporation (VicRoads).*
32. *The detailed construction drawings of all crossovers, including swept path analysis for the largest potential accessing vehicle, must be approved by VicRoads prior to the access roadworks starting. The access points should be designed, together with the provision of appropriated signs to restrict movements as follows:*
- *Southern crossover on Horsham Road (Ellerman Street) is for entry only.*
  - *Northern crossover on Horsham Road is for exit and left turn only.*
  - *Western crossover on High Street is for exit and left turn only. This crossover should be relocated approximately 8 metres east to allow for on-site parking beside the boundary fence.*
33. *The crossover on High Street that is closest to the roundabout shall be removed and the area reinstated to the satisfaction of, and at no cost to the RA or VicRoads prior to the commencement of use.*
34. *Vehicles must enter and exit the land in a forward direction at all times.*
35. *The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.*
36. *The advertising sign must be installed within the property boundary only.*

**Environment Protection Authority**

37. *Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*

38. ***Displaced petrol fumes must be collected with a vapour recovery system.***
39. ***Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.***
40. ***A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347.1 Bunding Guidelines 2015 or as amended.***
41. ***Surface water discharge from the premises must not be contaminated with waste.***
42. ***Pollution control devices must be installed to prevent the transportation of waste to the environment and stormwater system.***
43. ***All tanks must be decommissioned by suitably qualified professionals, as outlined in EPA Publication 888.4 Underground Petroleum Storage Systems (UPSSs) 2015 or as amended and the Australian Standards referenced therein.***
44. ***Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015).***
45. ***Time for Commencement and Completion***

***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) No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004 or regulations created under this Act.**
- (6) The process for UPSS removal or decommissioning should be done in accordance with Section 6 of the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015). This includes ensuring that an assessment of the environmental condition of the site is conducted by a competent and experienced environmental assessor and managing any contamination which may remain following removal or decommissioning of the UPSS.**
- (7) EPA Publication 1670 Victorian underground petroleum storage systems: A guide to preventing and managing leaks and spills, 2018 provides guidance for duty holders regarding ongoing management of UPSSs as well as the requirements and obligations under the Environment Protection Act 1970.**
- (8) The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.**

**MOVED: Crs T Schneider/R Lowe**

**That Council issues a Notice of Decision to approve an application for the Use and Development of Land (including Buildings and Works) for a service station on Lot 1 PS148340 - 31 Ellerman St Dimboola subject to the following conditions:**

**Amended Plans Required**

- 1. Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (received by Council on 19 July 2018 but modified to show:**

- (a) *A schedule of construction materials, external finishes and colours.*
- (b) *A landscape plan prepared by a landscape architect or a suitably qualified or experienced person, in accordance with Condition 8.*

**Amenity**

- 2. *The construction of the alterations to the dwelling 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 buildings, works or materials;*
  - (c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;*
  - (d) *Presence of vermin; or*
  - (e) *In any other way.*
- 3. *The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.*
- 4. *All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.*

**Car Parking / Engineering**

- 5. *Crossovers are to be installed by qualified contractors at the applicants cost as per VicRoads conditions and Infrastructure Design Manual (IDM) Standard. Standard design drawings can be obtained from Council's Engineering Department. The crossovers are to be constructed to conform to existing drainage conditions and councils proposed Ellerman Street and High Street kerb and channel construction project.*
- 6. (a) *The applicant shall engage a suitably qualified engineer to design a sealed hardstand area on all proposed vehicle pathways and parking areas in accordance with the IDM. Those areas that have an existing seal shall be resealed as a minimum. The hardstand area shall be designed so as to not increase drainage runoff through neighbouring properties. The design, including drainage, vehicle paths and parking shall be submitted to council for approval.*
- (b) *The applicant shall at their cost, engage a suitably qualified contractor to construct the design as produced in condition 5(a) in accordance with the IDM.*

**Parking Signs**

7. ***Signage to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.***

**Landscaping**

8. ***Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the the site plan dated 30 August 2018 prepared by Aksara Pty Ltd. The plan must show:***
- (a) Details of surface finishes of pathways and driveways;***
  - (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;***
  - (c) Landscaping and planting within all open areas of the site; and***
  - (d) An appropriate irrigation system.***

**Completion of Landscaping**

9. ***Prior to the commencement of the use and development hereby permitted, landscaping works as shown on plans to be endorsed must be completed to the satisfaction of the Responsible Authority.***

**Landscaping Maintenance**

10. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

**Management/ Supervision of Premises**

11. ***At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').***

***The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police to take action on his/her behalf in accordance with a direction by such officer.***

#### **Security Alarms**

- 12. All security alarm sirens or similar siren devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.***

#### **Loudspeakers**

- 13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***

#### **Soundproofing of Plant and Equipment**

- 14. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.***

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- 15. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.***

#### **Control of Light Spill**

- 16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority. Additional lighting and CCTV coverage is to be provided to 54A Upper Regions Street, Dimboola, to the satisfaction of the Responsible Authority.***

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#### **Exposed Storage**



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**Provision and storage of garbage**

19. ***Provision must be made on the land for the storage of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.***

**Loading/ Delivery Times**

20. ***Deliveries to and from the site (including waste collection and fuel delivery) must only take place between:***

***7am and 8pm Monday to Friday.***

***7am and 6pm Saturdays***

***9am and 6pm Sundays or Public Holidays.***

**Signs Not to be Altered**

21. ***The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

**Protection of Amenity – Signage**

22. ***The glare, reflection or illumination from the sign must not reflect so as to affect the safety, appearance or efficiency of a road.***

**Light Emissions**

23. ***The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***

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24. ***The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.***

**No Bunting**

25. ***Bunting, streamers, flags, wind vanes or festooning must not be displayed.***

**No Wrecking or Panel Beating**

26. ***Panel beating, spray painting and vehicle wrecking must not be carried out on the site and no vehicle wrecks or parts there from must not be stored on the site.***

**Dangerous Goods**

27. ***Dangerous goods must be installed, kept and handled in compliance with the Dangerous Goods Act 1985 and its subordinate legislation, particularly the Dangerous Goods (Storage and Handling) Regulations 2000.***

**Occupational Health & Safety Compliance**

28. ***The applicant must submit full details detailing compliance with AS/NZS 1596-2008: Storage and handling of LP Gas, to the Major Hazards & Engineering Branch of the Health & Safety Organisation.***

**LPG Compliance Occupational Health & Safety**

29. ***Storage of liquefied petroleum gas (LP Gas) and its associated facilities must be installed, kept and operated in compliance with AS/NZS 1596-2008: Storage and handling of LP gas.***

**LPG Filling Hours**

30. ***The filling of the liquefied petroleum gas storage tanks must not occur before 7:00am or after 9:00pm.***

**VicRoads**

31. ***Prior to the occupation of the building and works hereby approved, upgraded access crossovers and associated works must be provided and available for use to the satisfaction of the Responsible Authority (RA) and at no cost to the RA or the Roads Corporation (VicRoads).***
32. ***The detailed construction drawings of all crossovers, including swept path analysis for the largest potential accessing vehicle, must be approved by VicRoads prior to the access roadworks starting. The access points should be designed, together with the provision of appropriated signs to restrict movements as follows:***
- ***Southern crossover on Horsham Road (Ellerman Street) is for entry only.***
  - ***Northern crossover on Horsham Road is for exit and left turn only.***
  - ***Western crossover on High Street is for exit and left turn only. This crossover should be relocated approximately 8 metres east to allow for on-site parking***

*beside the boundary fence.*

33. *The crossover on High Street that is closest to the roundabout shall be removed and the area reinstated to the satisfaction of, and at no cost to the RA or VicRoads prior to the commencement of use.*
34. *Vehicles must enter and exit the land in a forward direction at all times.*
35. *The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.*
36. *The advertising sign must be installed within the property boundary only.*

**Environment Protection Authority**

37. *Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*
38. *Displaced petrol fumes must be collected with a vapour recovery system.*
39. *Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.*
40. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347.1 Bunding Guidelines 2015 or as amended.*
41. *Surface water discharge from the premises must not be contaminated with waste.*
42. *Pollution control devices must be installed to prevent the transportation of waste to the environment and stormwater system.*
43. *All tanks must be decommissioned by suitably qualified professionals, as outlined in EPA Publication 888.4 Underground Petroleum Storage Systems (UPSSs) 2015 or as amended and the Australian Standards referenced therein.*
44. *Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015).*
45. **Time for Commencement and Completion**

***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) No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004 or regulations created under this Act.***
- (6) The process for UPSS removal or decommissioning should be done in accordance with Section 6 of the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015). This includes ensuring that an assessment of the environmental condition of the site is conducted by a competent and experienced environmental assessor and managing any contamination which may remain following removal or decommissioning of the UPSS.***
- (7) EPA Publication 1670 Victorian underground petroleum storage systems: A guide to preventing and managing leaks and spills, 2018 provides guidance for duty holders regarding ongoing management of UPSSs as well as the requirements and obligations under the Environment Protection Act 1970.***

- (8) *The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.***

**CARRIED**

*Attachment: 6 & 7*

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<b>11. REPORTS REQUIRING A DECISION</b>
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**11.1 CONSIDERATION OF ANNUAL REPORT 2017/18**

**Responsible Officer:** Director Corporate & Community Services  
**Attachment Number:** 8

**Introduction:**

The purpose of this report is to present the 2017/18 Annual Report for consideration by Council.

**Discussion:**

Council has a statutory responsibility under the *Local Government Act 1989* (the Act) to prepare an Annual Report in respect of each financial year, containing a report on its operations, audited performance statement, audited financial statements and any other matter required by the Local Government Planning and Reporting Regulations.

Council's Annual Report for the year ended 30 June 2018 has been prepared and forwarded to the Minister for Local Government in accordance with the Act, by the due date 30 September 2018. The Annual Report provides a comprehensive overview of Council's activities for the period 1 July 2017 to 30 June 2018, including achievements in respect of a range of projects, services and assets managed and financial performance for the year ended 30 June 2018, for which the Auditor-General has provided unqualified audit opinions on the financial and performance statements. The report is intended as a point of reference for Council, staff, residents, shire businesses, community organisations and government departments.

Under section 134 of the *Local Government Act 1989*, Council must consider the Annual Report at a meeting open to the public as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister. The term 'consider' is specifically used in the Act. The meeting must be advertised at least 14 days prior in a public notice stating when the annual report will be discussed and the place from which copies of the annual report can be obtained before the meeting.

Notice of the preparation of the Annual Report and its consideration at the Council meeting on Wednesday 24 October 2018 was published in the Nhill Free Press 3 October 2018, Dimboola Banner on Wednesday 10 October 2018, Rainbow Jeparit Argus on Thursday 11 October 2018 as well as on Council's website and Facebook page. The public notice advised that copies of the Annual Report could be inspected at Council's customer services centres and on Council's website.

**Options:**

It is recommended that Council considers and notes the Annual Report 2017/18.

**Link to Council Plan:**

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

**Financial Implications:**

No implications.

**Risk Management Implications:**

Management of Council's legislative responsibilities in a timely manner will minimise Council's exposure to adverse impacts, improve effectiveness and generate efficiencies.

**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 & Officer Responsible, I have no interests to disclose.

**Communications Strategy:**

Public notice of the preparation of the Annual Report was given in accordance with the *Local Government Act 1989*.

Electronic copies of Council's Annual Report will be made available on Council's website and in hard copy at Customer service centres within the Shire.

**RECOMMENDATION:**

***That having considered the Annual Report 2017/18 as presented, Council notes the report.***

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

***That having considered the Annual Report 2017/18 as presented, Council notes the report.***

**CARRIED**

*Attachment: 8*

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**11.2 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2018**

**Responsible Officer:** Director of Corporate and Community Services  
**Attachment number:** 9

**Introduction:**

The Financial Report for the first quarter of 2018/19 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

**RECOMMENDATION:**

*That Council notes the Financial Report as presented.*

**MOVED: Crs D Colbert/T Schneider**

*That Council notes the Financial Report as presented.*

**CARRIED**

*Attachment: 9*

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**11.3 COUNCIL PLAN 2017-2021 PROGRESS REPORT**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 10

Discussion to be held during the meeting regarding the status of the 2017/2018 strategic actions in the council plan 2017-2021.

**Conflict of Interest:**

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

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

**RECOMMENDATION:**

***That Council notes the report.***

**MOVED: Crs T Schneider/R Lowe**

***That Council notes the report.***

**CARRIED**

*Attachment: 10*

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## 11.4 NHILL TOWN COMMITTEE - ALLOCATION OF FUNDS

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

**Attachment Number:** 11

### **Introduction:**

This report seeks support from Council to approve the allocation of funds from the Nhill Town Committee for the cost of refurbishing street Christmas decorations.

In accordance to the limitations and conditions specified in the Schedule, item 6 of the Instrument of Delegation to the Nhill Town Committee dated 1 November 2017, the Nhill Town Committee seeks support from Council to enter into an agreement exceeding its limit of \$2,000.

### **Discussion:**

At its meeting on Monday 17 September 2018, the Nhill Town Committee agreed to pay for the cost of the refurbishment of its street Christmas decorations at a cost of \$4,520.00 (excl GST).

Section 7, item 4 of the Nhill Town Committee minutes from 17 September 2018 (attached) outline the costs of the refurbishment of the street Christmas decorations.

The Nhill Town Committee has sufficient funds to pay for the refurbishment of the street Christmas decorations.

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

Strategic Objective 1.1: An actively engaged 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.

Strategic Objective 3.2: A thriving tourism industry.

### **Financial Implications**

There are no financial implications.

### **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 Manager.

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

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

**Communications Strategy:**

The Nhill Town Committee will receive formal notification within 14 days of the Council meeting.

**Options:**

1. Council can support the request of this report to approve the Nhill Town Committee allocation of funds for the refurbishment of street Christmas decorations.
2. Council can decline the request of this report and suggest to the Nhill Town Committee to identify another project where the funds can be allocated to.

**RECOMMENDATION:**

***That Council agrees to the request from the Nhill Town Committee to spend \$4,520 (excl GST) for the refurbishment of street Christmas decorations.***

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

***That Council agrees to the request from the Nhill Town Committee to spend \$4,520 (excl GST) for the refurbishment of street Christmas decorations.***

**CARRIED**

*Attachment: 11*

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**11.5 REQUEST FOR CO-FUNDING FOR INSTALLATION OF A NEW BOAT LAUNCHING PONTOON ON THE WIMMERA RIVER AT DIMBOOLA ROWING CLUB**

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

**Introduction:**

This report seeks financial support for a project to install a new boat launching pontoon on the Wimmera River at Dimboola Rowing Club

**Discussion:**

Dimboola Rowing Club has requested Council's financial support to assist with the replacement of the existing boat launching ramp on the river at their Club facility, with a new boat launching pontoon.

The original ramp which is well past its use by date will be replaced with a new marine grade aluminium sub structure on moulded flotation modules with self-cleaning decking panels. The cost for the supply and installation of the new structure is approximately \$130,000 ex GST. The installation of concrete abutments to secure the two walkways and other costs such as Barengi Gadjin Land Council project supervision and provision of signage bring the total project cost to approximately \$138,000 ex GST.

At the meeting held on 15 August 2018, Council moved that a decision be deferred on a financial contribution towards the Dimboola Boat Launching Pontoon Project.

Further discussion has been held with Wimmera Catchment Management Authority, who have informed Council they can commit \$80,000 towards the project.

The Dimboola Rowing Club has confirmed that they will be able to contribute a cash contribution of \$20,000.

Dimboola Rowing Club will also contribute in-kind support in excess of \$5,000 towards the installation of the new boat launching pontoon. The in-kind support for the project will include the removal of the existing timber ramp and concrete piers (Petschel Earthmoving and Club members).

The Dimboola Rowing Club will meet on Monday 22 October 2018 to discuss increasing their contribution to cover the short fall of \$13,000. Council will be notified verbally at the Council meeting of the Rowing Club decision.

It is requested that Council provides a contribution of \$25,000 towards the project to install a fishing pontoon on the Wimmera River.

Council's contribution would be allocated from recurrent ledger 30104 - Council Contribution to Grant Funded Projects.

The new boat launching pontoon will provide easier, safer access to the river for Dimboola Rowing Club members during training and for many more users engaged in rowing competition during the Dimboola Rowing Regatta, which has been staged annually for more than a century.

Members of Dimboola Warreguka Inc. (Dragon Boat Club) will also benefit from this project, with the installation of a new boat launching pontoon making it easier to get the heavy dragon boats in to the water.

Additionally, the new boat launching pontoon will provide further access to the water for visitors to the Recreation Reserve and adjacent Riverside Holiday Park.

**Link to Council & Community Plans:**

It is expected that the Boat Launching Pontoon will further promote the Wimmera River as a destination for both locals and tourists alike, an objective identified in both the Dimboola Precinct Plan 2016 and the Hindmarsh Shire Recreation Strategy 2016. The installation of a Boat Launching Pontoon will also align with objectives identified in the Council Plan 2017-2021

**Strategic Objectives:**

- 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreational activities.
- 2.1.4 Enhance river and lakes environment to support informal recreation and social interaction (subject to funding)
- 3.2 A thriving tourism industry
- 3.2.2 Promote and continue to develop our tourism facilities.

**Financial Implications:**

Council has a budget allocation of \$50,000 for 2018/19 in 30104 - Council Contribution to Grant Funded Projects.

**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 – Simon Landrigan, Community Development Coordinator  
In providing this advice as the author, I have no disclosable interests in this report.

**Risk Management Implications:**

Council to ensure contractor induction is completed prior to installation and appropriate

safety signage is installed on the pontoon.

**Communications Strategy**

Media release detailing project collaboration between Rowing Club, WCMA and Council

**RECOMMENDATION:**

***That Council contributes \$25,000 towards the Boat Launching Pontoon Project in Dimboola, subject to any funding shortfall being met by the Dimboola Rowing Club.***

***MOVED: Crs D Nelson/T Schneider***

***That Council contributes \$25,000 towards the Boat Launching Pontoon Project in Dimboola, subject to any funding shortfall being met by the Dimboola Rowing Club.***

**CARRIED**

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**12. SPECIAL COMMITTEES**

**12.1 NHILL TOWN COMMITTEE**

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

**Attachment:** 11

**Introduction:**

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

**RECOMMENDATION:**

***That Council notes the minutes of the Nhill Town Committee meeting held on 17 September 2018.***

***MOVED: Crs R Lowe/T Schneider***

***That Council notes the minutes of the Nhill Town Committee meeting held on 17 September 2018.***

**CARRIED**

***Attachment: 11***

<b>13. LATE REPORTS</b>
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### **13.1 ALBACUTYA BRIDGE OPTIONS**

**Responsible Officer:** Director Infrastructure Services

**Introduction:**

The Albacutya Bridge crossing Outlet Creek north of Rainbow, has a number of structural deficiencies that prevent heavy loads exceeding 15 tonnes from its use. This report presents a number of options to provide adequate infrastructure to support local agriculture and mining businesses.

**Discussion:**

Approximately 54 metres in length, the Albacutya Bridge is a single lane bridge spanning Outlet Creek north of Rainbow. The bridge is of a concrete in situ construction dating to circa 1920. The bridge has been subject to regular condition monitoring since 2012. A structural assessment of the bridge conducted in 2015 revealed accelerated signs of deterioration in multiple components of the structure resulting in a 15 tonne load limit being applied.

Since the findings of structural deficiencies, Council has considered a number of options to ensure adequate infrastructure is in place to service the local agriculture and mining businesses requiring crossing of Outlet Creek.

At its meeting 20 April 2016, Council considered three options to construct a new (replacement) structure:

- Single 4.0m lane bridge estimated at a cost of \$2.5M;
- Single 5.4m lane bridge estimated at a cost of \$2.7M-\$2.8M; and
- Dual 7.0m-8.0m lane bridge estimated at a cost of \$3.3M.

Council, on the 20 April 2016, resolved to:

*“commence the design process for a new dual lane bridge that will cross Outlet Creek at Albacutya.”*

Council has since submitted applications to multiple funding programs in an effort to secure funding to construct a dual lane bridge estimated at \$3.3M. Council has been successful in obtaining \$300,000 through the *Local Roads to Market Program* in 2017, however has been unsuccessful in obtaining any funds through Commonwealth programs such as the *Building Better Regions Program*. Council in its 2016/2017 budget set aside \$816,000 for the purposes of co-contribution requirements of potential funding agreements. This amount remains available.



Officers have been made aware of State Government's *Agriculture Infrastructure and Jobs Fund*, which invites submissions for funding up to a maximum of \$1M without the requirement of co-contribution.

Pending Council's decision, officers intend on lodging an application under this program for the amount of \$1M to fund alternative infrastructure options to that of a dual lane replacement bridge. If successful, officers believe the funding agreement will be required to be executed prior to the caretaker period for the State Government.

The proposed alternative option is to strengthen the existing structure using polymer reinforced fibre technology such as carbon fibre. The strengthening of the existing bridge is intended to provide for continued access for a further 50 to 100 years to Higher Mass Limit (HML) vehicles including B-Double trucks.

In addition to the strengthening of the existing bridge, it is proposed to construct a culvert crossing in alignment with the existing bypass road. The culvert crossing is likely to consist of multiple concrete box type cells with a sealed concrete deck with a minimum lane width of 7 metres, and designed to withstand flood waters associated with one every ten year events. It is further proposed to strengthen and seal approximately 900 metres of pavement that services the current bypass route.

The proposed culvert crossing will provide a structurally adequate dual lane crossing of a standard to accommodate agricultural machinery. Strengthening the bridge will provide for an alternative route in times of flood. To ensure longevity of the bridge, officers recommend considering restricting the bridge to lower load limits which could be removed when the culvert crossing is in flood.

Should Council elect to strengthen the existing bridge and construct a culvert crossing, it should be noted that opportunities remain for Council to continue to seek funding to construct a replacement structure of a dual lane capacity.

**Options:**

If successful in obtaining an additional \$1M from its application to the State Government's *Agriculture Infrastructure and Jobs Fund*, Council can:

1. Proceed with design options for the strengthening of the existing Albacutya Bridge and the design of a culvert crossing (and associated road infrastructure) at Outlet Creek (This option will prioritise strengthening the bridge. Remaining funds from the anticipated budget of \$2.116M will be used to construct the culvert to the highest standard possible, including sealing of roads);
2. Continue to seek funding arrangements for a dual lane bridge and decommission the existing Albacutya Bridge; and/or
3. Fund the short fall of approximately \$1.5M to construct a dual lane bridge and decommission the existing Albacutya Bridge.

**Link to Council Plan:**

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

**Financial Implications:**

It is anticipated that the strengthening of the existing Albacutya Bridge and the construction of a culvert crossing will total approximately \$2,116,000.

Council currently has a carry forward budget allocation of \$816,000 and has a commitment from the State government of a further \$300,000 from its successful application to the Local Roads to Market Program. If successful, Council will receive \$1M without the requirement of contributing further funds to satisfy grant conditions.

**Risk Management Implications:**

There is a risk that Council will not obtain sufficient funds in future to construct the community preferred option of a dual lane bridge. The alternative proposal to construct a culvert crossing and strengthen the existing structure provides an acceptable service level to agricultural and mining businesses.

**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 and Author Responsible – Shane Power, Director Infrastructure Services

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

**Communications Strategy:**

The community will be informed of Council's decision and will continue to be consulted throughout any construction period.

**Next Steps:**

Pending the outcome of the application to the *Agriculture Infrastructure and Jobs Fund*, officers will tender for design services for the strengthening of the existing Albacutya Bridge and the design of a culvert crossing (and associated road infrastructure) at Outlet Creek. Both projects would then proceed to construction.

**RECOMMENDATION:**

***That Council (if successful in its application to the Agriculture Infrastructure and Jobs Fund) proceeds with design options for the strengthening of the existing Albacutya Bridge and the design of a culvert crossing (and associated road infrastructure) at Outlet Creek, Rainbow and subsequent construction within a budget of up to \$2.116M.***

**MOVED: Crs T Schneider/D Nelson**

***That Council suspends standing orders***

**CARRIED**

Standing orders suspended at 3:49pm.

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

***That Council resumes standing orders***

**CARRIED**

Standing orders resumed at 4:03pm.

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

***That Council (if successful in its application to the Agriculture Infrastructure and Jobs Fund) proceeds with design options for the strengthening of the existing Albacutya Bridge and the design of a culvert crossing (and associated road infrastructure) at Outlet Creek, Rainbow and subsequent construction within a budget of up to \$2.116M.***

**CARRIED**

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**14. OTHER BUSINESS**

***MOVED: Crs R Gersch/T Schneider***

***That Council writes to GWM Water:***

- 1. Thanking them for their visit to Council briefing 24 October 2018;***
- 2. Requesting that they review their pricing structure regarding recreation and sporting water for Hindmarsh Shire. While this request would be long term, our immediate concern is the dry conditions we are having and the impact on our volunteer groups;***
- 3. Requesting that they also investigate other water means.***

**CARRIED**

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**15. CONFIDENTIAL REPORTS**

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

- a) Personnel matters;

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

No confidential reports.

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<b>16. MEETING CLOSE</b>
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There being no further business, Cr R Ismay declared the meeting closed at 4:39pm.

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