

### MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 5 DECEMBER 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET NHILLCOMMENCING AT 3:00PM.

#### AGENDA

1.	Acknowledgement of the Indigenous Community and Opening Prayer

- 2. Apologies
- 3. Confirmation of Minutes
- 4. Declaration of Interests
- 5. Public Question Time
- 6. Deputations
- 7. Correspondence

#### 8. Assembly of Councillors

8.1 Record of Assembly

#### 9. Planning Permit Reports

- 9.1 Application for Planning Permit 1600-2018 Construction of a Store Lot 1 TP249484 – 2 Faith Street Dimboola
- 9.2 Application for Planning Permit 1601-2018 Construction of a Carport CA5B

Psh Jeparit (31A Lake Road Jeparit)

#### 10. Reports Requiring a Decision

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

#### 11. Special Committees

- 11.1 Rainbow Town Committee
- 11.2 Yurunga Homestead Committee

#### 12. Late Reports

No report

#### 13. Other Business

#### 14. Confidential Matters

#### 14.1 Sale of Properties for Unpaid Rates and Charges

#### 15. Meeting Close

#### Present:

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

#### Apologies: Cr D Colbert

#### In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Shane Power (Director Infrastructure Services), Ms Shelley Gersch (Executive Assistant), Ms Sarah Dickinson (Administrative Assistant Infrastructure Services)

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

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

#### 2. APOLOGIES

MOVED: Crs R Lowe/R Gersch

Cr D Colbert apology be accepted.

#### CARRIED

#### 3. CONFIRMATION OF MINUTES

#### **RECOMMENDATION:**

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

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

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

#### CARRIED

Attachment: 1

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

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

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

#### Nil

#### 5. PUBLIC QUESTION TIME

None in attendance

#### 6. DEPUTATIONS

No deputations

#### 7. CORRESPONDENCE

#### 7.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

No correspondence.

#### 8. ASSEMBLY OF COUNCILLORS

Responsible Officer:	Chief Executive Officer
Attachment:	2

#### Introduction:

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

#### **Options:**

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

#### **RECOMMENDATION:**

That Council accepts the Assembly of Councillors Records as presented.

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

That Council accepts the Assembly of Councillors Records as presented.

#### CARRIED

Attachment: 2

9. PLANNING PERMITS

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

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200511
Applicant:	Richard Cornwall – TNT Steel Buildings Pty Ltd
Owner:	Mr Karl Spurr
Subject Land:	Lot 1 TP249484, 2 Faith St Dimboola
Proposal:	Construction of a store
Zoning & Overlays:	Farming Zone (FZ);
	Environmental Significance Overlay Schedule 3 (ESO3) – Wimmera River Protection
	Environmental Significance Overlay Schedule 6 (ESO6) -
	Catchments of Wetlands of Conservation Value
	Floodway Overlay (FO);
	Land Subject to Inundation Overlay (LSIO)
Attachments:	Attachment 3 – Site plans and elevations

#### Summary:

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

#### Background:

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

#### Proposal Details:

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

#### **Requirement for Permit:**

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

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

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

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

A planning permit is required, and the proposal can be considered a store. Furthermore, the schedule to the zone triggers the requirement for a planning for a building, being less than the minimum setback from a dwelling not in the same ownership - 100 metres. The site for the proposed store is not located within any overlays that affect the land.

#### Definitions

Clause 73.03 of the Planning Scheme defines land uses. The proposal can be defined as a "store", being "land used to store goods, machinery, or vehicles". The store is not proposed to be used as a separate residence.

#### **Restrictive Covenant or Section 173 Agreement:**

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

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

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

#### Subject site & locality:

The subject site is known as 2 Faith Street Dimboola, and is currently vacant. The surrounding properties are primarily agricultural in nature, with the majority of dwellings within this area being single storey, brick veneer or weatherboard, and contemporary in design. The Wimmera River adjoins the site to the immediate south. The site is located approximately 1.3 kilometres north west of the Dimboola Post Office.

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

#### **Public Notification**

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

#### s52 Notice of application

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

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

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, however, it was not notified as it is considered that the proposed store will not detrimentally impact upon the area by way of additional noise caused by the proposal, or intensification of use from agriculture within the area.

#### Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed. Tourism & Economic Development: Not required.

#### Planning Assessment:

Planning Scheme Requirements:

#### Planning Policy Framework

Clause 11 - Settlement Clause 11.01-1R Settlement - Wimmera Southern Mallee Clause 11.01- Victoria Clause 11.03-6S - Regional and local places Clause 13.07 – Amenity Clause 13.07 – Amenity Clause 14.01 - Agriculture Clause 15.01 - Built Environment Clause 15.02 - Sustainable Development Clause 17 - Economic Development Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

#### Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

#### **Zoning Provisions**

Clause 35.07 - Farming Zone (FZ)

#### **Overlay Provisions**

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

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

Clause 44.03 - Floodway Overlay (FO); and

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

#### Particular Provisions:

None Applicable.

#### **General Provisions**

Clause 65 - Decision Guidelines, states that:-

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

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

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

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

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

#### **Discussion:**

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme. It is considered that the proposed store accords with the requirements of the Farming Zone, and will facilitate more appropriate land management.

#### Strategic, Statutory and Procedural Requirements:

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

#### Report to Council:

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

#### **Processing Times:**

The application was received on 20 September 2018. The report is being presented to Council for approval at its meeting on 05 December 2018 (77 days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

#### **Conflict of Interest:**

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

Officer Responsible – Shane Power, Director Infrastructure Services In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning and Development In providing this advice as the Author, I have no disclosable interests in this report.

#### **RECOMMENDATION:**

That Council approves an application for the construction of a store on Lot 1 TP249484 – 2 Faith St Dimboola subject to the following conditions:

#### General

(1) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Amenity

- (2) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin; or
  - (e) In any other way.
- (3) The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- (4) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

#### Time Limit

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

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

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

#### Notes:

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

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

MOVED: Crs T Schneider/D Nelson

That Council approves an application for the construction of a store on Lot 1 TP249484 – 2 Faith St Dimboola subject to the following conditions:

General

(1) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Amenity

- (2) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin; or
  - (e) In any other way.
- (3) The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- (4) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

#### Time Limit

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

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

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

Notes:

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

CARRIED Attachment: 3

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

Responsible Officer:	Director Infrastructure Services		
File:	Planning – Applications		
Assessment:	73650		
Applicant: Richard Cornwall – TNT Steel Buildings Pty Ltd			
Owner: Department of Environment, Land, Water & Planning			
Subject Land: CA5B Psh Jeparit (31a Lake Rd Jeparit)			
Proposal:	Construction of a carport		
Zoning & Overlays:	Farming Zone (FZ);		
	Environmental Significance Overlay Schedule 3 (ESO3) -		
	Wimmera River Protection		
	Environmental Significance Overlay Schedule 6 (ESO6)		
	Catchments of Wetlands of Conservation Value		
	Floodway Overlay (FO);		
	Land Subject to Inundation Overlay (LSIO)		
Attachments:	Attachment 4 – Site plans and elevations		
	Attachment 5 – WCMA Flood Map		

#### Summary:

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

#### Background:

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

#### Proposal Details:

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

#### **Requirement for Permit:**

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

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

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

therefore a planning permit is required.

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

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

#### Definitions

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

#### **Restrictive Covenant or Section 173 Agreement:**

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

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

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

#### Subject site & locality:

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

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

#### **Public Notification**

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

#### s52 Notice of application

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

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

#### Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – responded with no objection, and 1 x condition requiring that "The carport must be sited outside of flooded land, Refer to Figure 1". A note stating that "The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future". (Refer Attachment 2).

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed.
- Tourism & Economic Development: Not required.

#### **Planning Assessment:**

Planning Scheme Requirements:

#### Planning Policy Framework

Clause 11 - Settlement Clause 11.01-1R Settlement - Wimmera Southern Mallee Clause 11.01- Victoria Clause 11.03-6S - Regional and local places Clause 13.07 – Amenity Clause 15.01- Built Environment Clause 15.02 - Sustainable Development Clause 17 - Economic Development Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee Clause 19.02-4R - Social and cultural infrastructure – Wimmera Southern Mallee

#### Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

### Zoning Provisions

Clause 35.07 - Farming Zone (FZ)

#### **Overlay Provisions**

Clause 42.01 - Environmental Significance Overlay Schedule 3 (ESO3) – Wimmera River Protection; Clause 42.01 - Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; Clause 44.03 - Floodway Overlay (FO); and Clause 44.04 - Land Subject to Inundation Overlay (LSIO).

#### **Particular Provisions:**

None Applicable.

#### **General Provisions**

Clause 65 - Decision Guidelines, states that:-

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

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

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

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

• Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

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

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

#### Discussion:

The application has been assessed against the Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme. It is considered that the proposed carport accords with the requirements of the Farming Zone and Overlays, as well as improving the utility of the golf course clubhouse.

#### Strategic, Statutory and Procedural Requirements:

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

#### Report to Council:

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

#### **Processing Times:**

The application was received on 21 September 2018. The report is being presented to Council for approval at its meeting on 05 December 2018 (76 days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

#### Conflict of Interest:

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

Officer Responsible – Shane Power, Director Infrastructure Services In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andre Dalton, Coordinator Planning and Development In providing this advice as the Author, I have no disclosable interests in this report.

#### **RECOMMENDATION:**

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

#### General

(1) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Amenity

- (2) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin; or
  - (e) In any other way.
- (3) The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- (4) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

#### Wimmera Catchment Management Authority

(6) The carport must be sited outside of flooded land, Refer to Figure 1.

#### Time Limit

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

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

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

#### Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.
- (3) Approval must be obtained from Council's Engineering Department (Phone: 03

5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

- (4) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.
- (5) The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.

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

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

#### General

(1) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Amenity

- (2) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin; or
  - (e) In any other way.
- (3) The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
- (4) Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

#### Wimmera Catchment Management Authority

(6) The carport must be sited outside of flooded land, Refer to Figure 1.

#### Time Limit

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

(b) The development is not completed within four years of the date of this permit.

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

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

Notes:

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

Attachments: 4 & 5

#### 10. REPORTS REQUIRING A DECISION

#### 10.1 REVIEW OF SECTION 86 SPECIAL COMMITTEES

Responsible Officer:	Director Corporate & Community Services
Attachment Number:	6

#### Introduction:

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

#### Discussion:

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

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

#### **Ongoing need for current Special Committees**

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

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

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

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

#### Instruments of Delegation

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

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

#### Exemptions from providing returns of interest

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

#### **Options:**

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

#### Link to Council Plan:

4.6 An organisation that takes its risk management responsibilities seriously

#### Financial Implications:

No financial implications arise.

#### **Risk Management Implications:**

No risk management implications arise.

#### Conflict of Interest:

Under section 80C of the Local Government Act 1989 officers providing advice to Council

must disclose any interests, including the type of interest.

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

Author—Helen Thomson, HR Governance and Compliance Coordinator In providing this advice as the Author, I have no disclosable interests in this report.

#### **Communications Strategy:**

N/A.

#### **RECOMMENDATION:**

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

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

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

- 1. Nhill Town Committee
- 2. Dimboola Town Committee
- 3. Jeparit Town Committee
- 4. Rainbow Town Committee
- 5. Wimmera Mallee Pioneer Museum Committee
- 6. Yurunga Homestead Committee
- 7. Antwerp Hall Committee
- 8. Diapur Hall Committee
- 9. Gerang Hall Committee
- 10. Jeparit Memorial Hall Committee
- 11. Lorquon Memorial Hall Committee
- 12. Yanac Hall and Recreation Reserve Committee
- 13. Rainbow Civic Centre Committee
- 14. Rainbow Recreation Reserve Committee
- 15. Nhill Sun Moth Reserve Committee of Management
- b. that the committees must report to Council annually.
- 2) Pursuant to section 81(2A) of the Act, exempts the members of the above Committees who are not Councillors, from being required to submit a primary return or ordinary return.

CARRIED Attachment: 6

#### 10.2 FUTURE MEETING DATES

#### Responsible Officer: Chief Executive Officer

#### Introduction:

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

#### Discussion:

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

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

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

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

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

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

#### **Options:**

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

#### **Communications Strategy:**

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

#### **RECOMMENDATION:**

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

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

MOVED: Crs R Gersch/R Lowe

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

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

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

AMENDMENT: Crs T Schneider/D Nelson

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

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

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

(Amendment has varied location of 23 October 2019 meeting)

AMENDED MOTION CARRIED

#### **ORIGINAL MOTION AS AMMENDED CARRIED**

#### 10.3 NATIONAL TIDY TOWNS AWARDS

#### **Responsible Officer:** Director Corporate & Community Services

#### Introduction:

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

#### Discussion:

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

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

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

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

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

#### **Options:**

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

#### Link to Council Plan:

3.1 A strong rural economy and thriving towns

#### **Financial Implications:**

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

#### **Risk Management Implications:**

No risk management implications

#### **Conflict of Interest:**

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

interests, including the type of interest.

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

#### **Communications Strategy:**

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

#### **RECOMMENDATION:**

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

MOVED: Crs T Schneider/R Lowe

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

CARRIED

#### 11. SPECIAL COMMITTEES

#### 11.1 RAINBOW TOWN COMMITTEE

Responsible Officer:	Director Corporate and Community Services
Attachment:	7

#### Introduction:

The Rainbow Town Committee held its general meeting on 22 October 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

#### **RECOMMENDATION:**

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

#### MOVED: Crs R Lowe/R Gersch

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

#### CARRIED

Attachment: 7

#### 11.2 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer:Director Corporate and Community ServicesAttachment:8

#### Introduction:

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

#### **RECOMMENDATION:**

#### That Council:

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

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

#### That Council:

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

#### CARRIED

Attachment: 8

#### 12. LATE REPORTS

No report

#### 13. OTHER BUSINESS

No other business

#### 14. CONFIDENTIAL REPORTS

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

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

#### **RECOMMENDATION:**

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

#### 14.1 Sale of Properties for Unpaid Rates and Charges

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

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

#### 14.1 Sale of Properties for Unpaid Rates and Charges

#### CARRIED

Council moved into closed session at 3:19pm.

Council resumed in open session at 3:33pm.

#### MEETING CLOSE 15.

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



#### ASSEMBLY OF COUNCILLORS RECORD

Assembly of Councillors means a planned or scheduled meeting of at least 3 councillors and one member of council staff which considers matters that are intended or likely to be: a) the subject of a decision of the Council; or

 b) subject to the exercise of a function, duty of power of the council that has been delegated to a person or committee; but does not include a meeting of the Council, a special committee of the Council, a club, association, peak body, political party or other organisation.

Requirements to be observed by an assembly of Councillors (Section 80A Local Government Act, 1989)

Title of Meeting: Council Briefing Session

Date: Wednesday 5 December 2018 Time: 1:00pm – 3:00pm

Assembly Location: Council Chambers, 92 Nelson Street, Nhill

#### Present:

Crs. Ronald Ismay (Mayor), Debra Nelson, Ronald Lowe, Robert Gersch, Tony Schneider

#### **Apologies:**

Cr David Colbert

#### In Attendance:

Mr Greg Wood (Chief Executive Officer), Mr Shane Power (Director Infrastructure Services) (items 2-5), Mrs Monica Revell (Director Corporate and Community Services) (items 2-5), Ms Shelley Gersch (Executive Assistant) (items 2-5), Mrs Sarah Dickinson (Administration Officer Infrastructure) (items 2-5), Mrs Janelle Reichelt (Manager Finance and Customer Service) (item 2), Mr Phil King (Manager Economic and Community Development (item 3), Mr Michael Kolapo (Project Engineer) (item 3)

#### **Conflict of Interest Disclosures**

- 1. Direct; or
- 2. 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.

### **Councillors:**

Nil

### Officers:

Nil

### Matters Discussed:

No.	Detail	Presenter
1.	CEO Update	Greg Wood
2.	Budget Discussion 2019/20	Monica Revell
3.	Dimboola Library Update	Phil King
4.	Section 181 Sale of Properties for Unpaid Rates and Charges	Monica Revell
5.	Councillor Question Time	Greg Wood

Completed by: Greg Wood

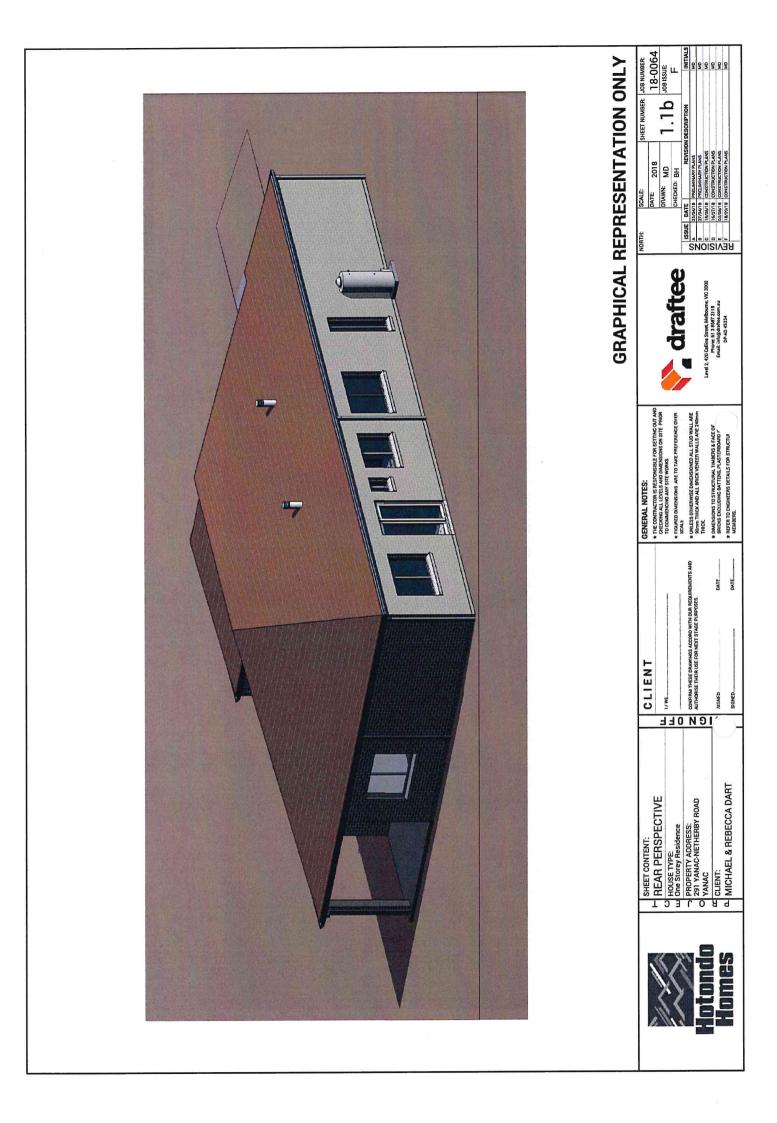
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Signed:

Date: 05/12/2018

Must be kept for four years from date of the assembly. Available for public inspection at Council Offices for 12 months after date of assembly.

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VAC-NETHERBY ROAD YANAC		CLIENT         GENERALNOTES:
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do not scale drawings. Use written dimensions only. **GENERAL NOTES** 

THE DWHER, BULGER AND/OR SUB-CONTRATTORS SHALL VERFY ALL DESIDOSI, LEVEL STETAKYS AND ANY SPECIFIADIOSIS PRIOT TO COMPENDING ANY VORKS OR ORDERING MATERIALS AND SHALL BE RESPONSIBLE FOR RESURING THAT ALL BULDING WORKS CONFORM TO THE BULDING CODE OF ANSTRALM, STANDARS CODES (LORRENT EDITORS), BULDING EGELATIONS, LOCAL BY-LANS AND FSZCODE REQUIREMENTS, REPORT ALL DISCREPANCES TO THIS OFFICE FOR REQUIREMENTS, REPORT ALL DISCREPANCES TO THIS OFFICE FOR

These plans shall be read in conjunction with any structural or civil engineering computations and drawings.

CLARIFICATION.

These plans shall be read in conjunction with the soil Report. Footwise are to be founded at the minimum depths INDICATED I THE SOIL REPORT. WHERE THE BUILDING (OTHER THAN A CLASS YOA) IS LOCATED IN A descinated tennite infestivition area the Building Shall be protected in Accordance with the relevant Australian Standards.

- STORMWATCR SHALL DE TAKEN TO THE LEGAL POINT OF DISCHARGE TO THE SATISFACTION OF THE RELEVANT AUTHORITY. 3.
- SEWER OR SEPTIC SYSTEMS SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY REQUIREMENTS.
- FOOTINGS ARE NOT TO ENCROACH OVER ANY TITLE BOUNDARIES
- AND/OR EASEMENT LINES.
- FOR BULLONGS IN CLOSE PROXIMITY TO THE SEA DISJURE THAT ALL STELEWORK, BIOK CUTTY THES, STEE LIVIELS ETC. THAT ARE IMEGLOED OR PACED TO HASOMARY DE PROTECTED IN ARE IMEGLOED OR PACED TO HASOMARY 221, INCI DP GALVANIZED, STANLESS STEEL OR CADIHUM COATED.
- BULDING SETBACKS ARE FROM TITLE LINE (NOT FENCELINE) REFER 111LE RE-ESTABLISHEMENT PLAN FON LONRELT DFF SETS IN Relation to fencelines
- ALL WET AREAS ARE TO COMPLY WITH B.C.A. 3.8.1 OR A.S. 3740-2010. WALL FINISHE'S SHALL BE IMPERYOU'S TO A HEIGHT OF 1800MM ABOVE FLOOR LEVEL TO ANY SHOWER ENCLOSURES AND 150MM ABOVE BATHS, BASINS, SINKS AND TROUGHS IF WITHIN 75MH OF THE WALL.
- RISERS (where applicable) 1904M MAXIHUM, 1154M MIMMUM GONG -3554M MAXIMUM, 24,04M MIMMUM RISERS AND TREADS ARE TO BE CONSTANT IN SIZE THRU-DUT FLIGHT, PROVIDE NON-SLIP ENSURE: A MAXIMUM GAP BETWEEN RISERS IS NOT TO EXCEED TSSH ON USE CLUSGE ROSERS PROVIDE CONTINUOUS HAMDBALING 3000MH MINIMUM HEIGHT TO BALCONIS AND DECK WHCH ARE 3000MH OR GREATER ABOVE GROUND LEVEL HAMDBALS ARE TO BE A MINIMUM GAB SHOW ABOVE STARR MAXDBALS ARE TO BE A MINIMUM GAB BETWEEN BALUSTERS FINISH OR SUITABLE NON-SKID STRIP NEAR EDGE OF NOSINGS. 8.

SHALL BE 125MM.

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All brickwork should be installed in accordance with AS3700-2011

# SPECIFICATION NOTES:

TIMBER FRAMING:

all timber framing thru-out is to be in accordance with Asi684,2-2010 and Also read in conjunction with the engineers detals and drawings.

FINISHED FLOOR LEVELS ARE NOMINAL ONLY AND SHOULD BE CONFIRMED PRIOR TO START OF WORK. FLOORING & FOOTINGS:

read in accordance with the soll report requirements. Read in Conjunction with the engineers details for all footing size **B** details.

Please note minimum founding depth to be determined as "Noted" in the soil report

# WALL LINTELS &

FOR ALL EXTERNAL PERIMETER LOAD-BEARING LINTELS AND THEIR SUPPORTING STUDS REFER TO THE ENGINEERS DETAILS AND DRAWINGS SUPPORT STUDS THRU-OUT:

AND TO GENERAL SPECIFICATIONS

INTERNAL DOORS:

ALL INTERNAL DOORS ARE TO BE 2040mm HIGH UNLESS NOTED OTHERWISE ON THE PLAN.

## DOORS: ž

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HETAL ROOF ON EITHER TIMBER OR HETAL BATTENS TO BE USED & Fixed in accordance with the manufacturers details & Specifications & provide Approved Capping & Flashing Thru-Out. CONCRETE TILED ROOF OVER ROOF BATTENS AT 330 CTRS. TYPICAL THRU-OUT UNLESS NOTED OTHERWISE.

SELECTED TIMBER FRAMED ROOF TRUSS AT 600mm MAX CTRS. TO

MANUFACTURERS SPECIFICAIONS UNESS NOTED OTHERWISE PLASTERBOARD LINED CEILINGS THRU-DUT.

SELECTED PROFILE METAL EAVES GUTTER & FASCIA TO THE PERIMETER OF THE ROOF AREA.

ALSO READ IN CONJUNCTION WITH ANY ENGINEERS DETALLS IL DRAWINGS FOR ANY RODF BEAMS, LINTELS, ETC.

4.5mm THICK F.C. SHEET CEILING LINING TO THE UNDERSIDE OF THE FIRST FLOOR EAVES.

# LINTEL NOTES:

BUILDER IS ID NOTE IMAI LINIELS SELECTEU BY THE EMOINEEM ANE DESIGNED TO CARRY ONLY STANDARD THE ROOFMG & TRUSS LOADS WHERE ARE AT 600mm MAXIMUM CTRS. IF ANY GRIDER TRUSSES ARE LOCATED DIRECTLY ON ANY LINTELS. truss manufacturer and / or builder is to refer to the engineer to confirm if lintel & supporting studs are adedate.

ENGINEER'S DRAWINGS TAKE PRECEDENCE OVER NOMINAL SIZES INDICATED ON THESE PLANS.

## WINDOWS:

WINDOW SIZES SHOWN ARE NOMINAL DEPENDING ON THE WINDOW MANUFACTURERS CLOSEST STANDARD SPECIFICAIONS. ALL GLAZING SHALL CONFORM TO AS1288-2006.

ALL GLAZINU IS 10 BL IN ALCORDARL WITH ASTZ28–2006.
 BLAZD IN COUNCIDN WITH THE MINDOW SCHOLLE & LELVATIONS.
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 ALL EXTERNAL DOORS ARE TO FITTED WITH WEATHER STRPS.
 ALL EXTERNAL DOORS ARE TO FITTED WITH WEATHER STRPS.

note: These heights may vary slightly according to differences In Brick Sizes

WALLING:

0 x 35 remote formed studs 10 x 35 rep for formed studs 2 10 x x 30 rep 10 to Plates external wall 2 10 x x 40 rep 1 and studs 2 10 x x 40 rep 1 and studs

ALL PLASTERBOARD SHOULD BE INSTALLED IN ACCORDANCE WITH AS2589-2007

-ININGS:

HEATING & COOLING:

ALL HEATING & COOLING UNITS, SIZES, TYPES & LOCATIONS ARE TO BE CONFIRMED BETWEEN THE BUILDER & THE SUPPLIER.

ALL HEATING & COOLING DUCTS & VENT LOCATIONS ARE TO BE CONFIRMED BY THE BUILDER PRIOR TO COMMENCEMENT OF BUILDING Determine if any additional Riser Ducts are required.

ALL HEATING & COOLING POINTS LOCATIONS, MAY VARY FROM PLAN TO PLAN.

GEOTECHNICAL:

These drawings are to be read in conjunction with a Geotechnical Report. It is the Bullders's responsibility to Obtain Such Reports Prior to commencement of Works.

REAR DOOR

FULL HEIGHT CONTROL JOINTS (FOOTING TO EAVES) AT 5m MAX CTRS UNLESS NOTED OTHERWISE - REFER TO ARTICULATION JOINT PLAN.

# 6 STAR ENERGY UPGRADE:

REFER TO SOIL REPORT.

- ALL EXTERNAL GAPS & CRACKS TO WINDOW/DOOR FRAMES ÷

- SEALED OF CONTRUCTOR
   SEALED OF CONTRUCTOR
   SELEALTORD ANDELED OA LLULLS, G.GASS-JONS SEALED.
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   INSULATION LEVELS AS DETALED IN ATTACHED ENERGY RATING

ASSESSOR'S REPORT

- BAL 12.5 NOTES:
- A SCREDS: FIRE RESIZIANT SCREDS TO ALL OPENALE WODONS. D. WEFPIOLES THIST OF FITTED WITH EVER OLADOR MADE MADE CORRESIZIANT STEEL, BRONZ OR ALLIMMUN RE FEREVALES TRELT WITH A MAXUTUA REVIEW OF ATT. C. GARAGE DODES: MUST COPELY WITH A S3959-2009 W REVIEW TO THE LOWER PORTION 400MM ABOVE THE GROUND WHEN CLOSED SHOULD BE CONSTRUCTED OF A NON-COMBUSTIBLE
- MATERIAL SHOLLO BE FITTED WITH SUTABLE VEATHER STREYSDAMET EXCLUDES D6 GLOBE THARKS WITH A MAXMUN GAP OF MO GREATET THAN 3HM. D, WNDOW GLAZNG FUST TOPELY MITH A5395-2090 AND ALL GLASS WITH ADDHY OF GROUND OR OTHER STRUCTURES WITHIN 18 DEGREES OF HORIZONTAL HUST REGLAZED IN GRADE A SAFETY GLASS MINUM HAV.

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		defler		1		Level 2, 420 Collins Street, Melbourne, VIC 3000	Phone: 61 3 8687 2118	Email: info@draftee.com.au	DP-AD 45334
GENERAL NOTES:	CHECKING ALL LEVELS AND DIMENSIONS ON SITE PRIOR	TO COMMENCING ANY SITE WORKS. * FIGURED DIMENSIONS ARE TO TAKE PREFERENCE DVER	SCALE	* UNLESS OTHERWISE DIMENSIONED ALL STUD WALL ARE	TUICA		* DIMENSIONS TO STRUCTURAL TIMBERS & FACE OF	BRICKS EXCLUDING BATTENS, PLASTERBOARD ETC.	* REFER TO ENGINEERS DETAILS FOR STRUCTURAL MEMBERS.
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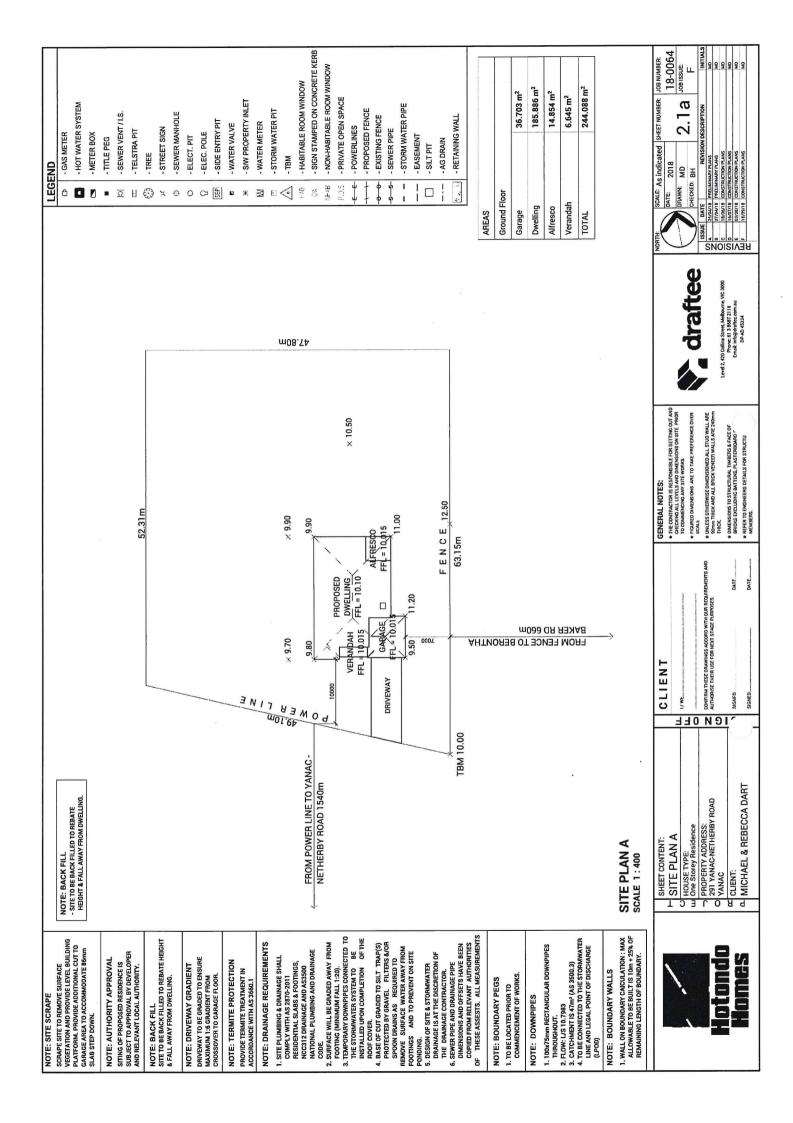
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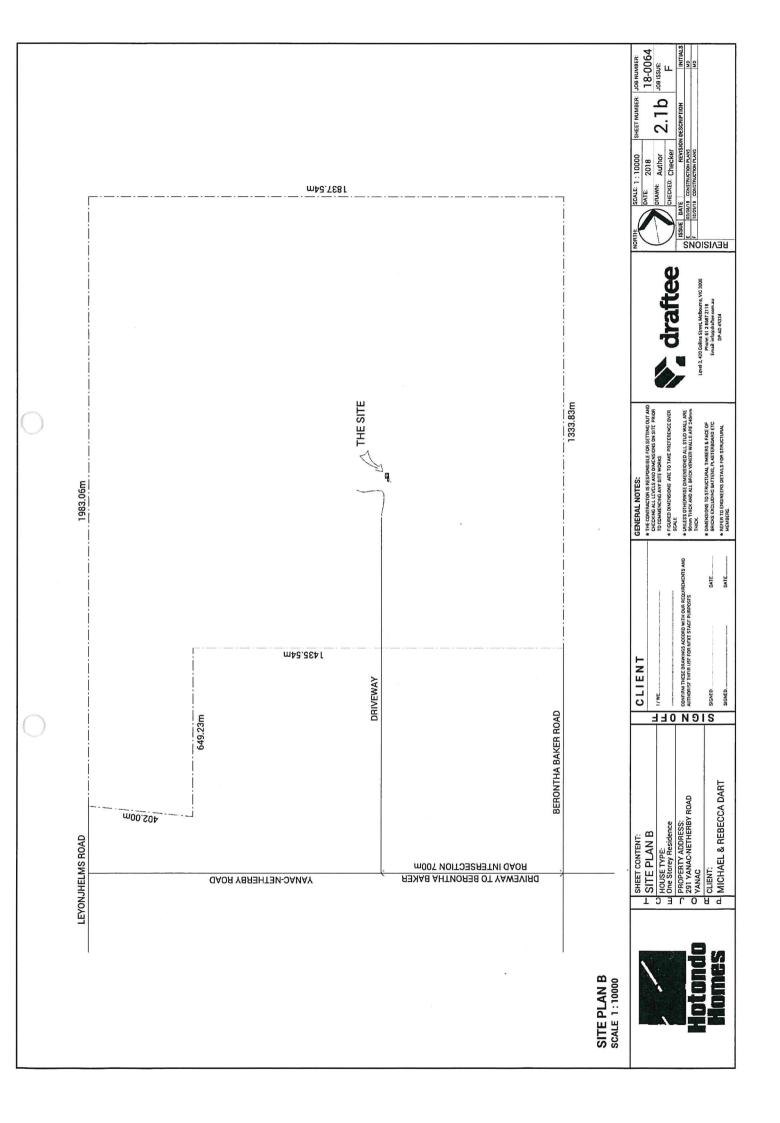
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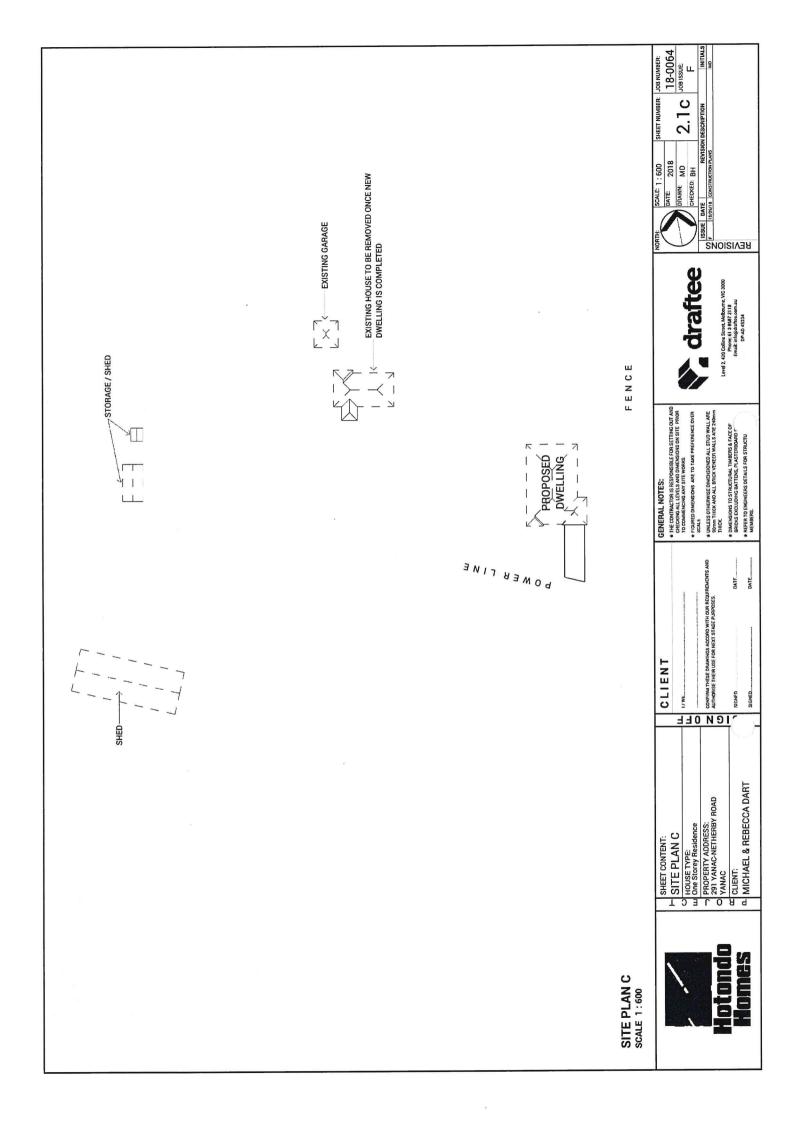
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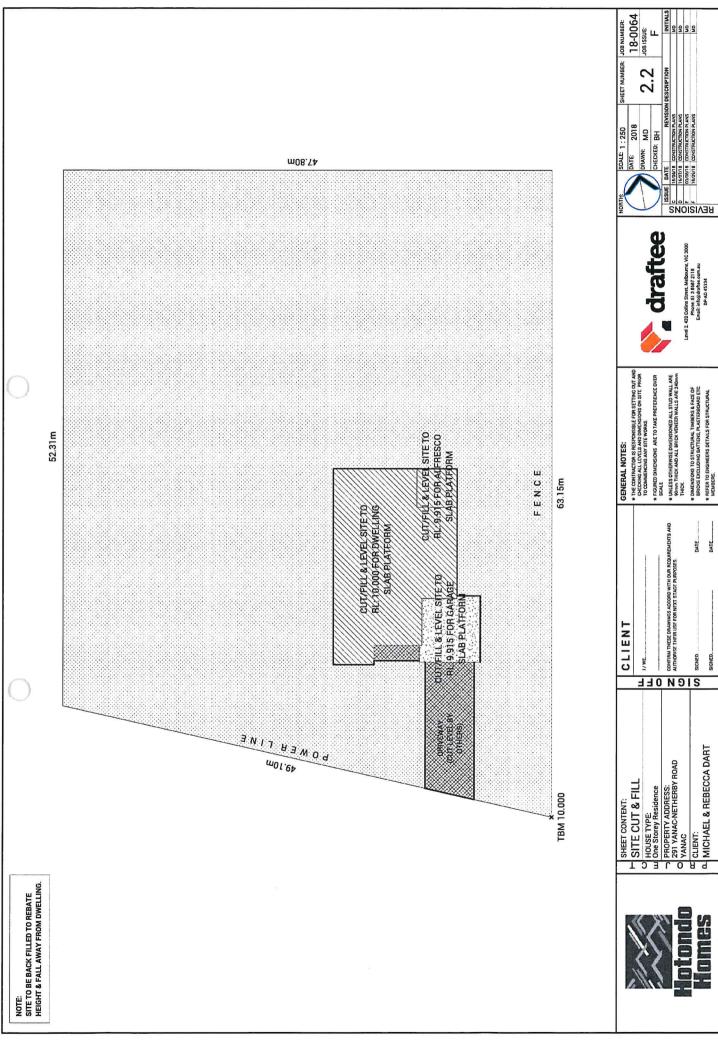
# INSULATION TO BE INSTALLED TO THE FOLLOWING ENERGY REPORT

AREAS:	AREAS:
CEILINGS (Excluding Garage)	R 3.5
WALLS (Garage, Laundry, Bathroom & WC)	R 2.5
REQUIREMENTS ARE AS PER STANDARI PENDING ENERGY REPORT - REF NO# .	reouirements are as per standard inclusion Pending energy report – ref no# –
ADDITIONAL NOTES:	



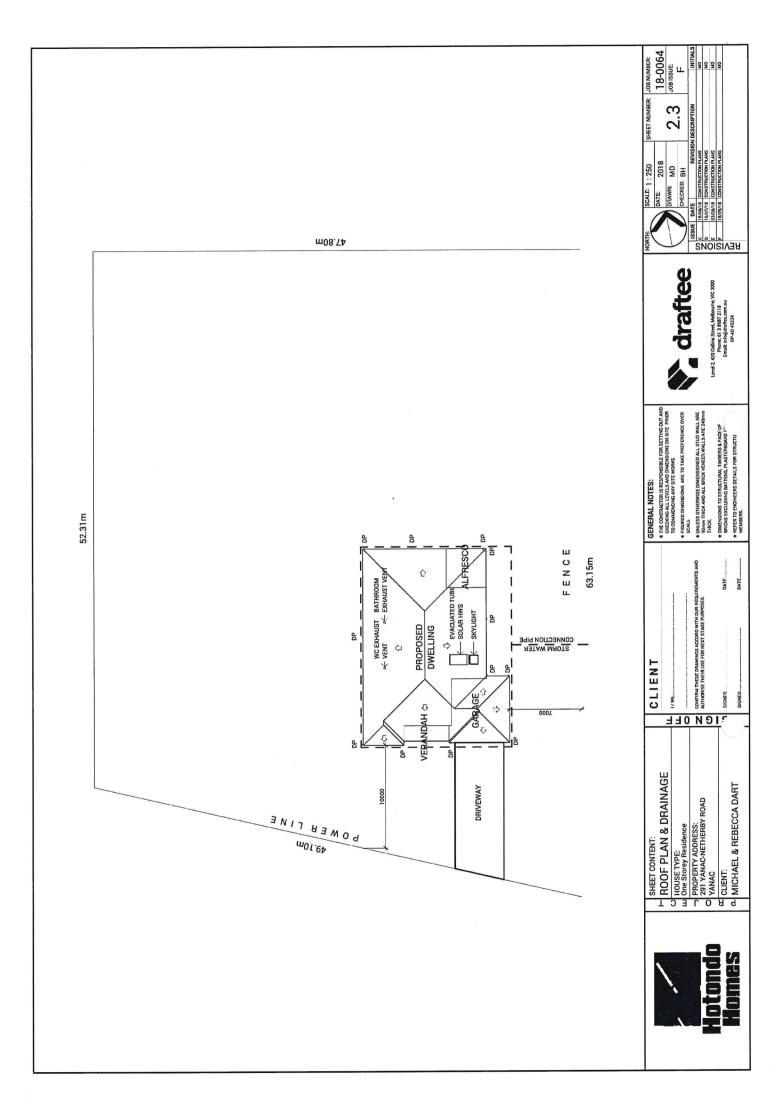


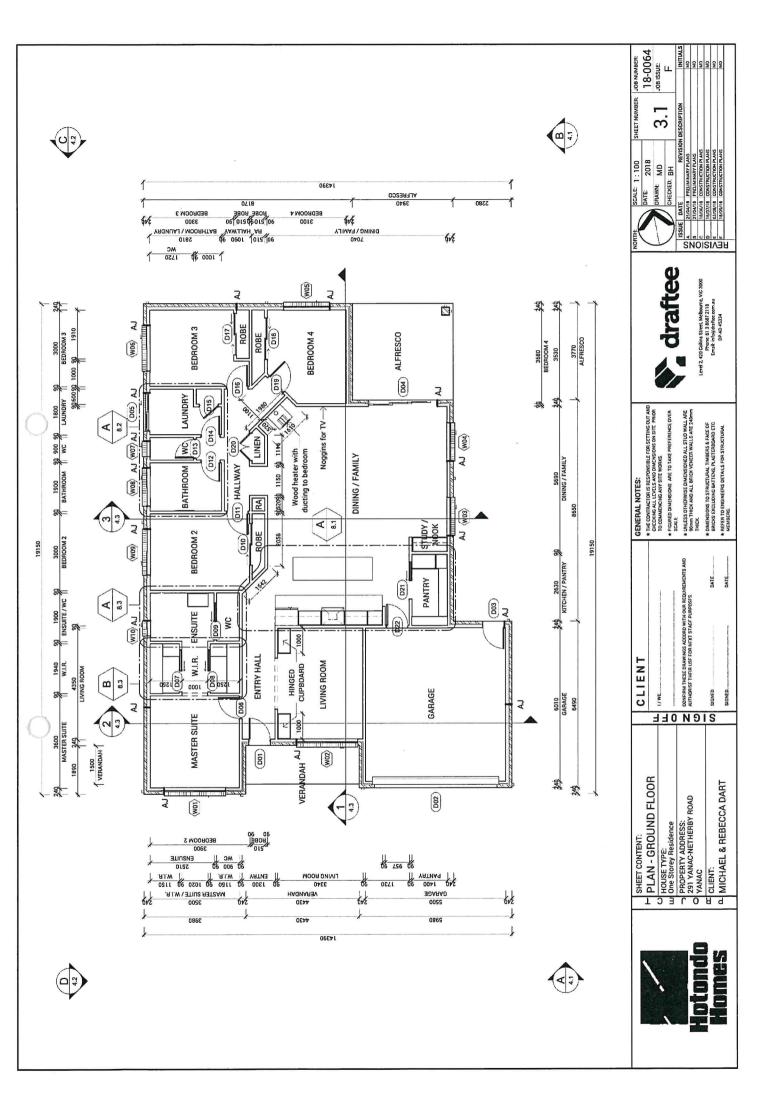


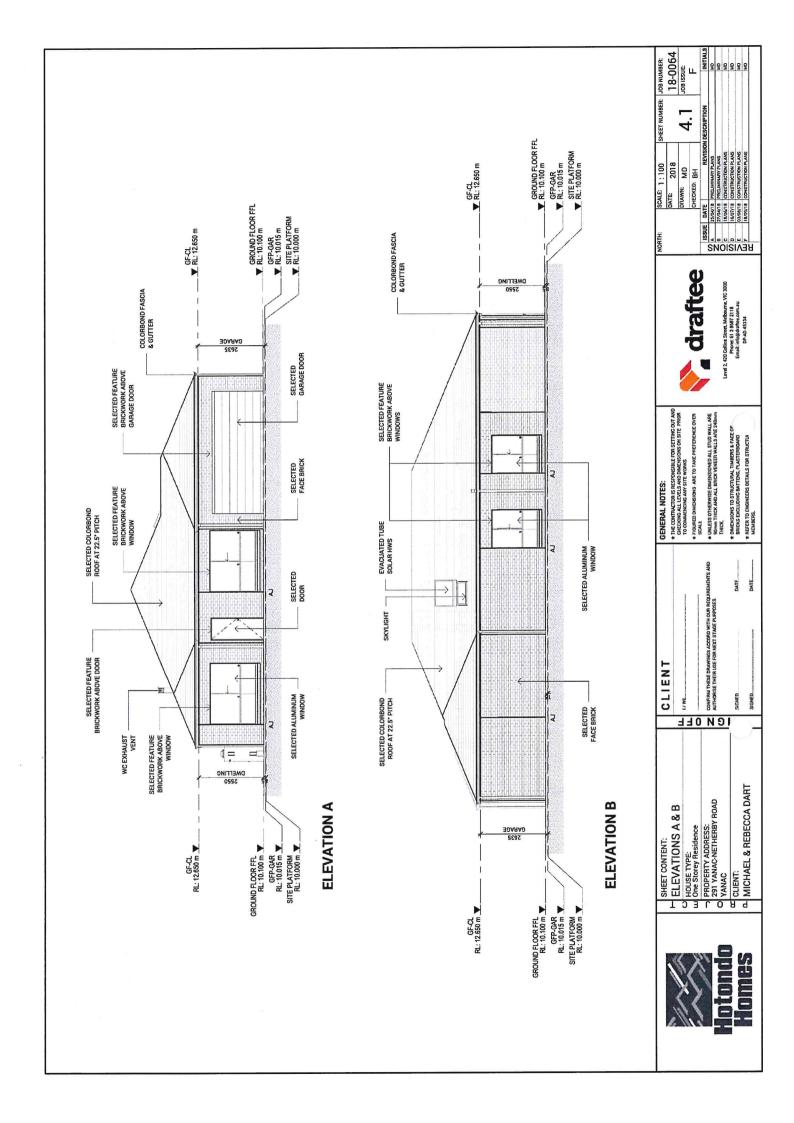


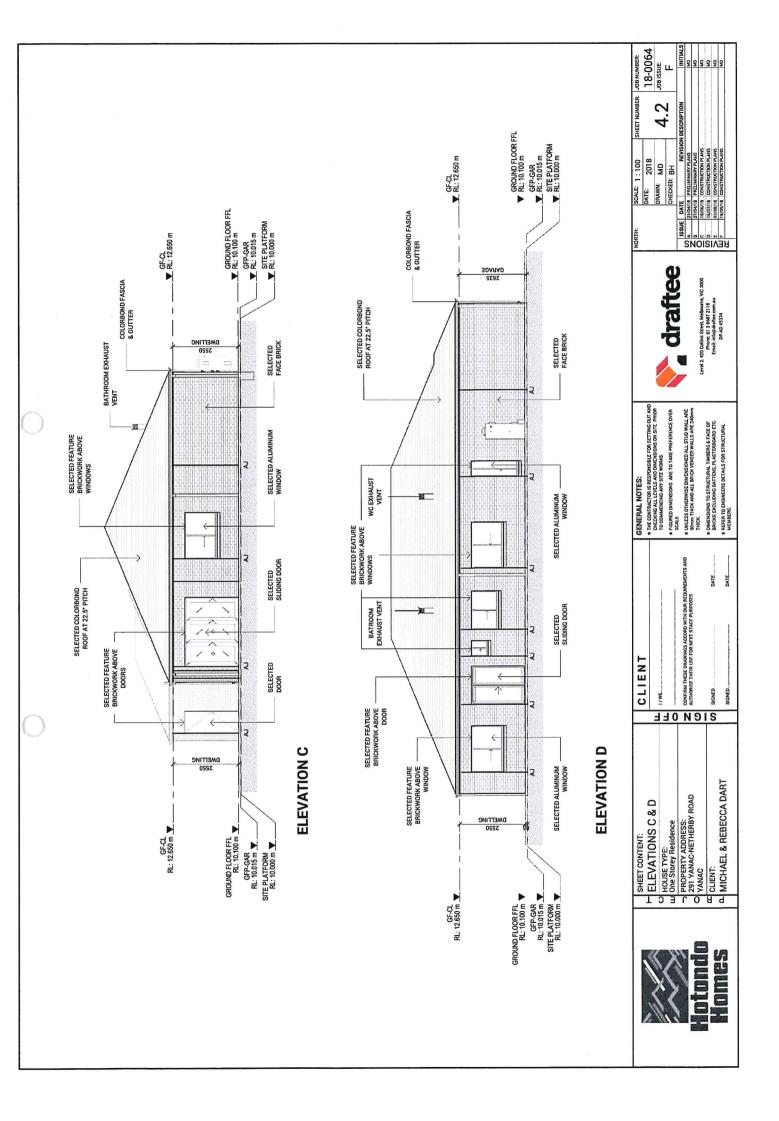
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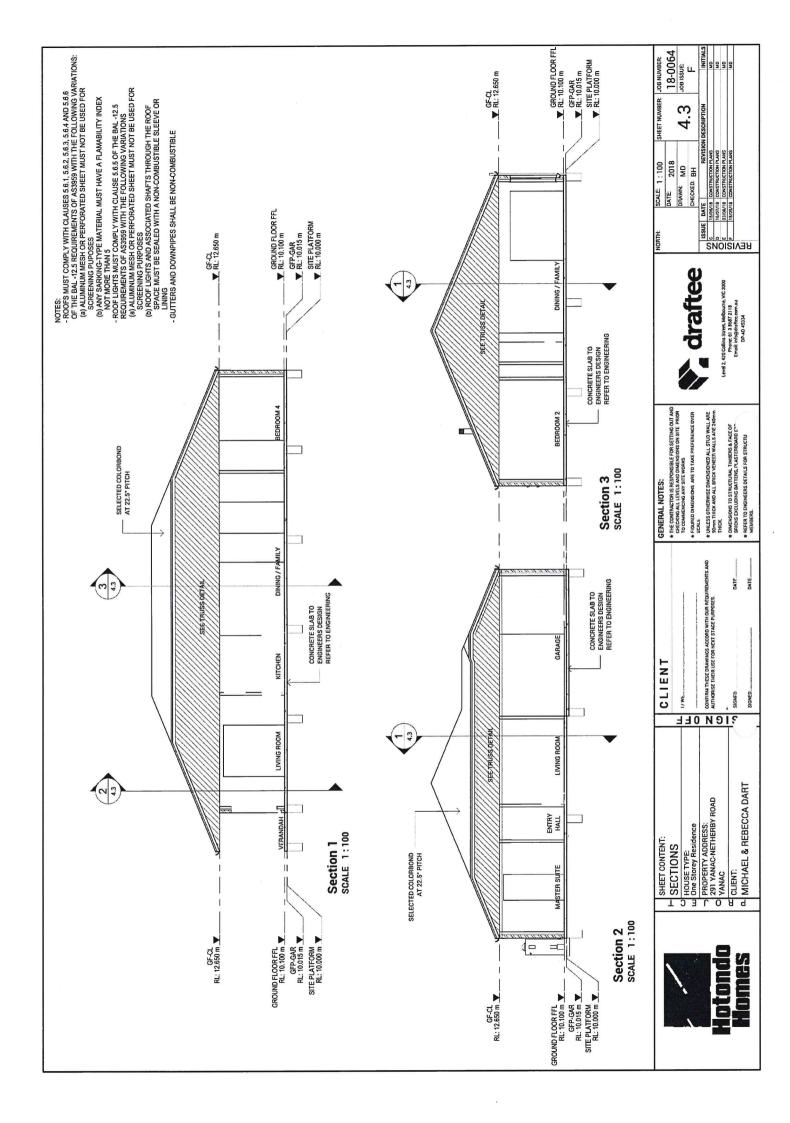
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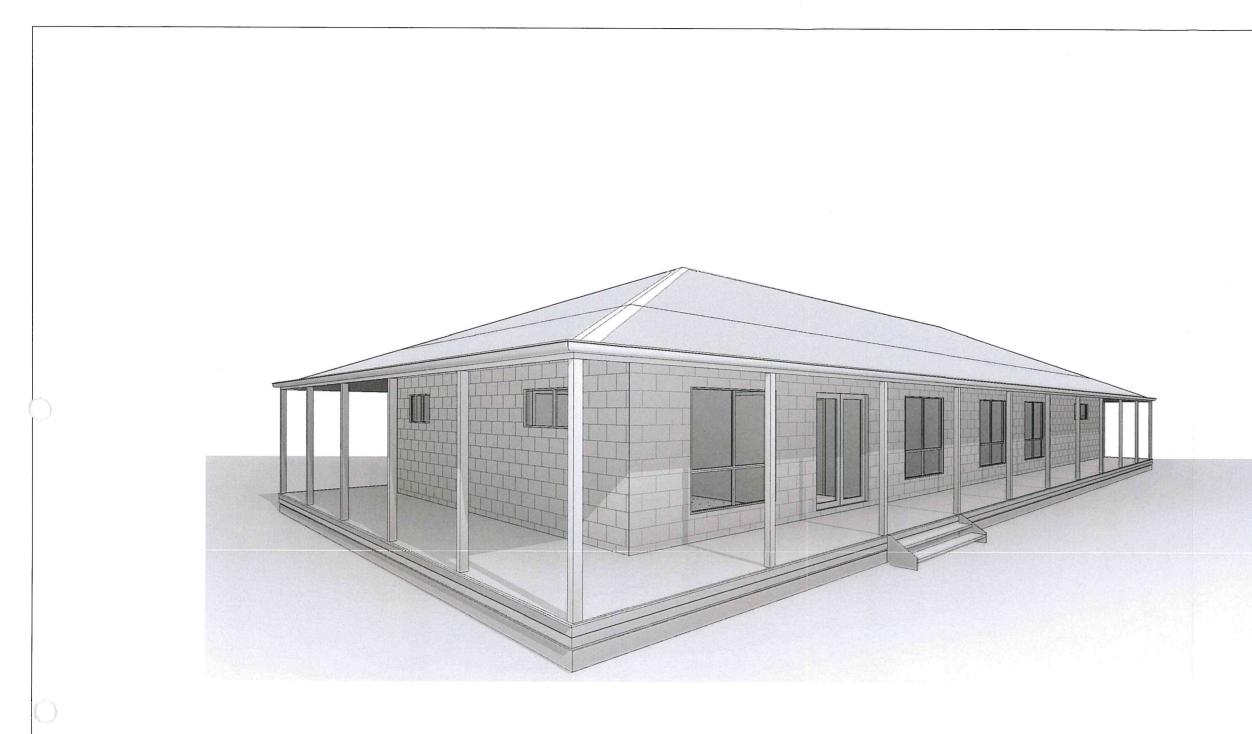












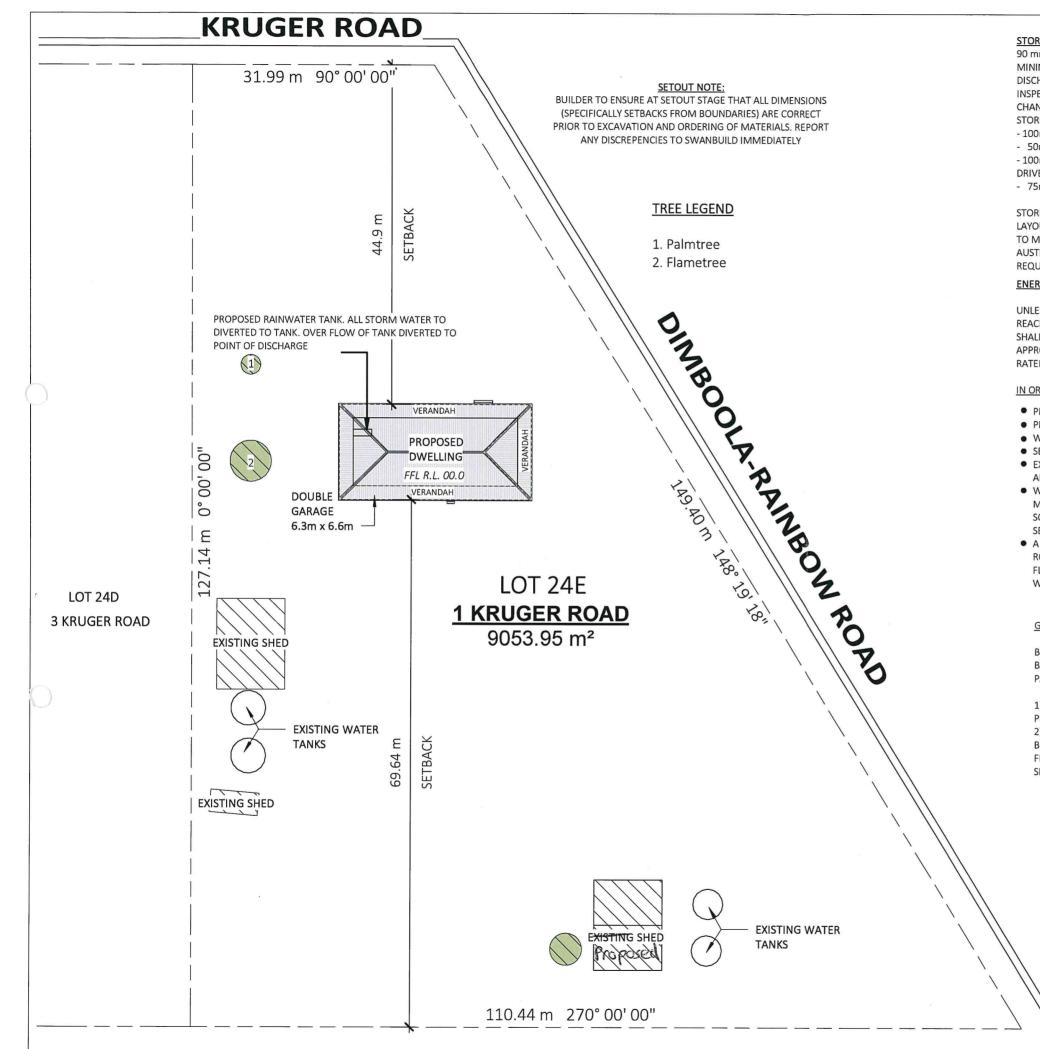


Project title	PROPOSED NEW RESIDENCE	
Client	N & N SLEEP	
Address	1 KRUGER ROAD RAINBOW VIC 3424	Project No. S - 698

Head Office & Factory: 212-214 Karinie Street, Swan Hill VIC 3585 Phone 03 5036 0000 or 1800 008 024

DOCUMENT SET											
SHEET NO. DWG TITLE											
1 COVER SHEET											
2 SITE PLAN											
3 FLOOR PLAN											
4 ELEVATIONS NORTH & SOUTH											
5 ELEVATIONS EAST & WEST											
6 PERSPECTIVES											

24/10/2018 12:24:17 PM



### STORMWATER

90 mm Ø CLASS 6 UPVC STORM WATER LI MINIMUM OF 1:100 AND CONNECTED TO DISCHARGE TO LOCAL AUTHORITIES REOU INSPECTION OPENINGS AT 9000mm CTS AI CHANGE OF DIRECTION. THE COVER TO UN STORMWATER DRAINS SHALL BE NOT LESS - 100mm UNDER SOIL

- 50mm UNDER PAVED OR CONCRETE AREAS - 100mm UNDER UNREINFORCED CONRETE OR PAVED DRIVEWAYS
- 75mm UNDER REINFORCED CONCRETE DRIVEWAYS

STORMWATER DRAINAGE TO COMPLY WITH AS/NZS 3500.3. LAYOUT SHOWN IS DIAGRAMATIC ONLY, BUILDER OR PLUMBER TO MODIFY LAYOUT PROVIDING DRAINAGE COMPLIES WITH AUSTRALIAN STANDARDS AND LOCAL AUTHORITIES REQUIREMENTS.

### ENERGY RATING REQUIREMENTS:

UNLESS PERMITTED OTHERWISE, CLASS ONE BUILDINGS SHALL REACH A 6 STAR ENERGY RATING, 6 STAR RATED DESIGNS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STAMPED APPROVED PLANS AS PROVIDED BY THE ACCREDITED ENERGY RATER WITHOUT ALTERATION.

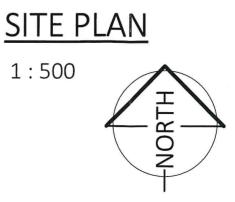
### IN ORDER TO ACHIEVE A 6 STAR RATING, BUILDER IS TO:

- PROVIDE R2.0 INSULATION TO EXTERNAL WALLS.
- PROVIDE R4.0 INSULATION TO CEILINGS.
- WEATHERSTRIP EXTERNAL DOORS.
- SEAL GAPS & CRACKS
- EXHAUST FANS TO BE FITTED WITH "DRAFT STOPPA" OR APPROVED SIMILAR SEALING DEVICE.
- WINDOW SIZE, OPERATION, GLAZING TYPE AND MANUFACTURER (IF SPECIFIED) TO BE AS PER WINDOW SCHEDULE. ALL WINDOWS TO BE FITTED WITH WEATHER SEALS TO OPENABLE WINDOW SASHES.
- A MINIMUM 2000 LITRE RAINWATER TANK FILLED FROM A ROOF AREA NO LESS THAN 50m<sup>2</sup> CONNECTED TO WC'S FOR FLUSHING OR AN APPROVED SOLAR OR HEAT PUMP HOT WATER SERVICE TO BE PROVIDED

#### GAPS & CRACKS:

BUILDER TO PROVIDE A CONTINUOUS IMPERMEABLE BARRIER WITH THE DOUBLE SIDED SISALATION FOIL. PAY PARTICULAR ATTENTION TO:

1) TAPING JOINS AND AROUND PENETRATIONS (SUCH AS PLUMBING SERVICES). 2) ENSURE THAT THE MATERIAL COVERS THE GAP BETWEEN STUDS AND DOOR AND WINDOW FRAMES. IF FLASHING ATTACHES TO WINDOW FRAMES, FLASHING SHOULD BE TAPED OVER SISALATION FOIL.

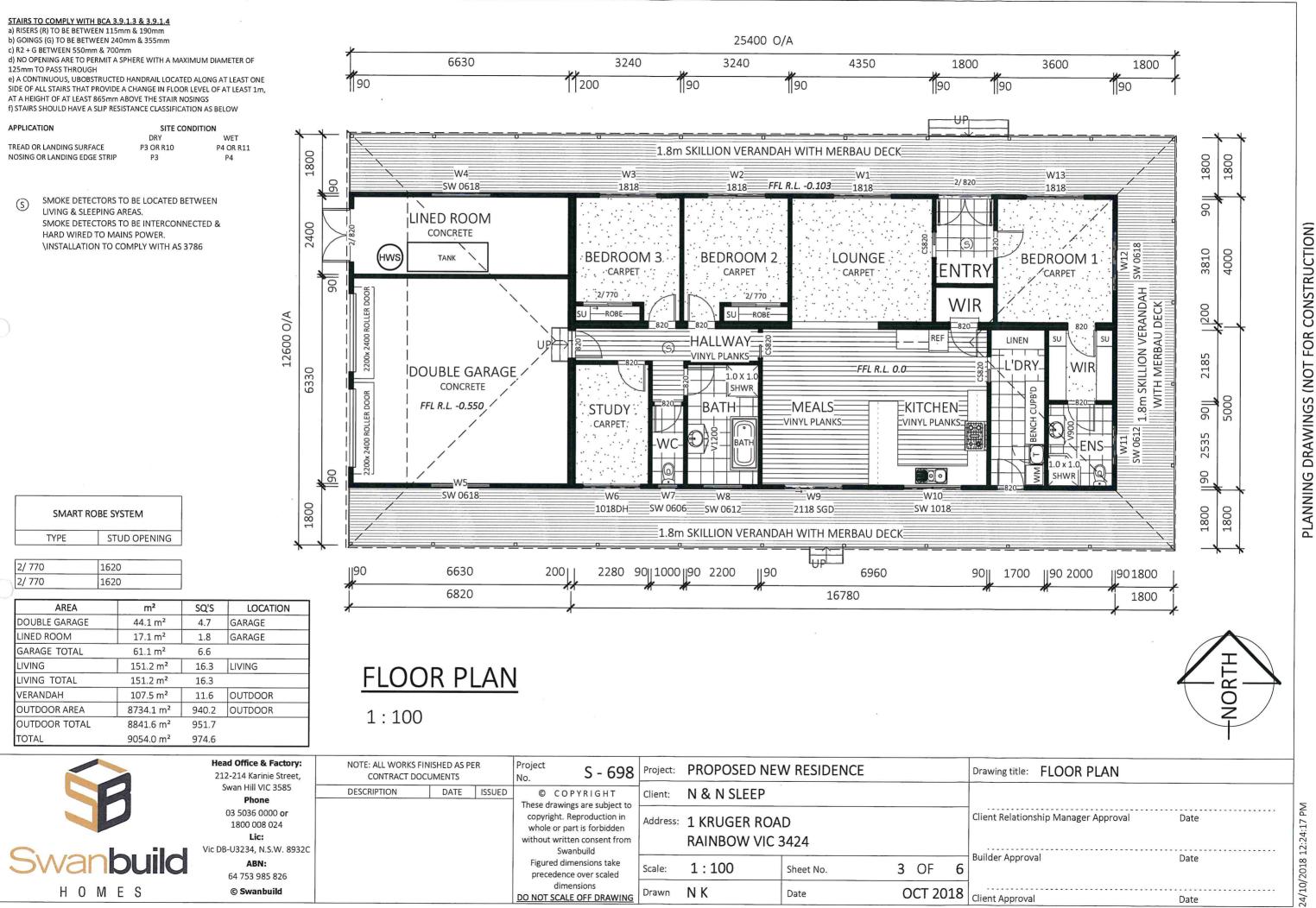




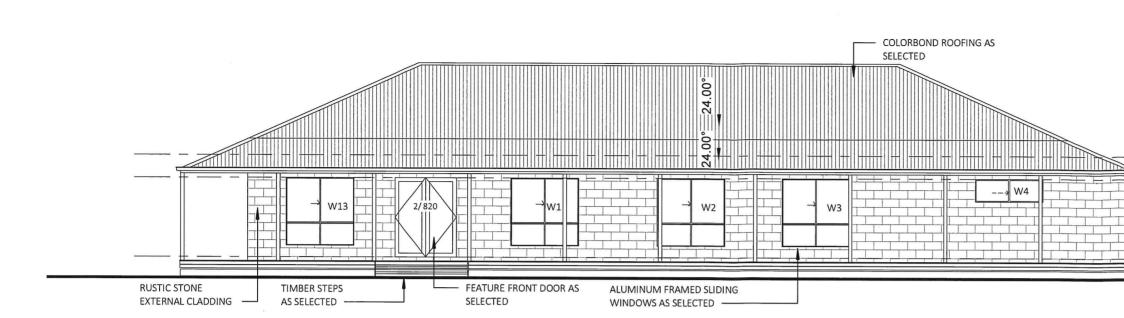
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DESCRIPTION DATE ISSUED	
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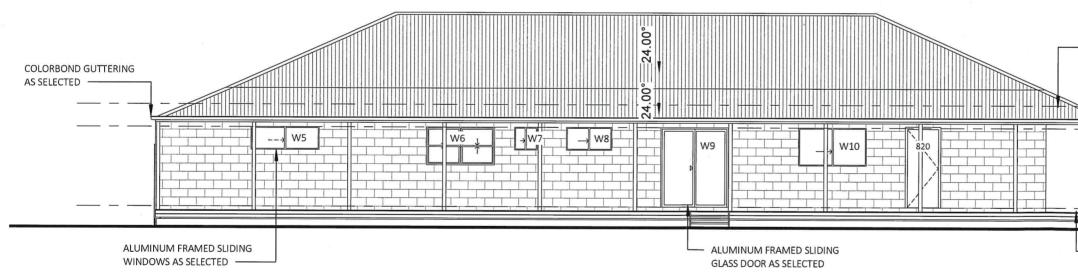


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### **NORTH ELEVATION**

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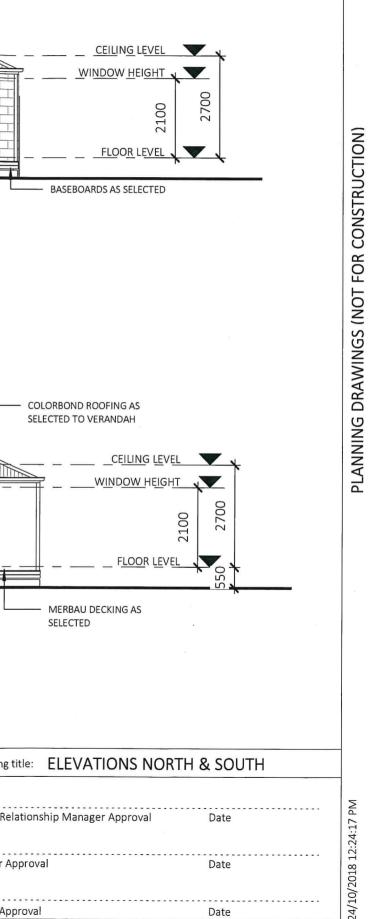
## SOUTH ELEVATION

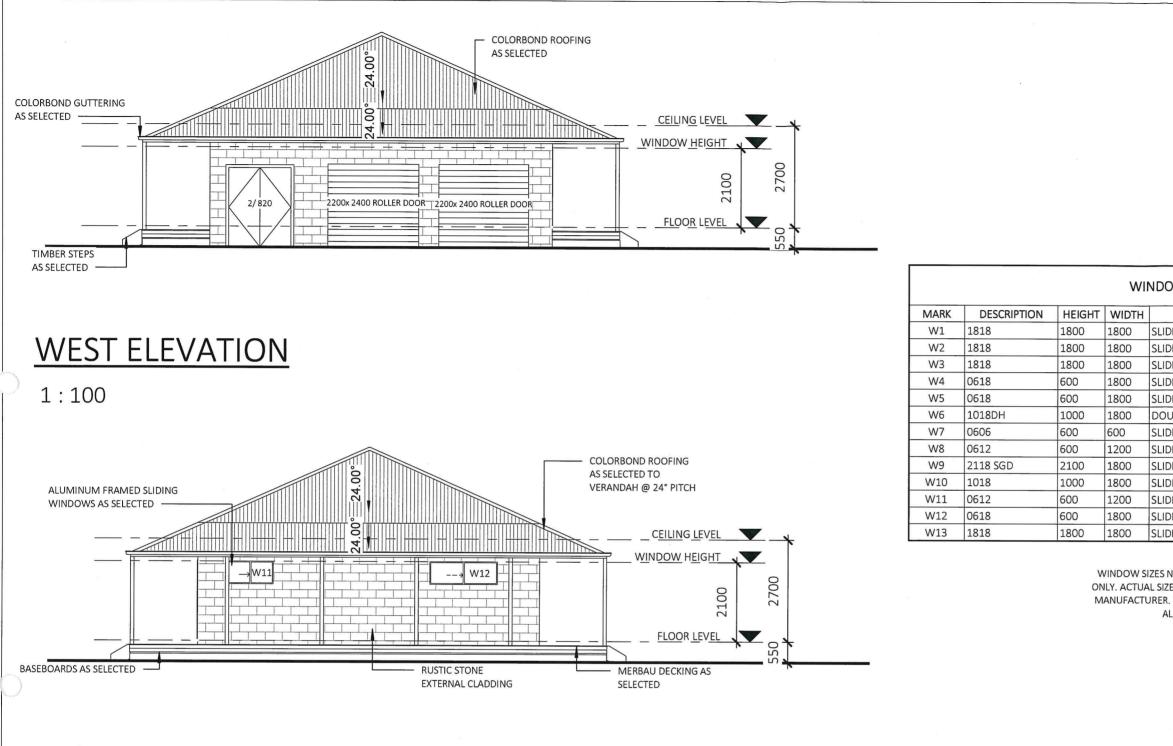
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### EAST ELEVATION

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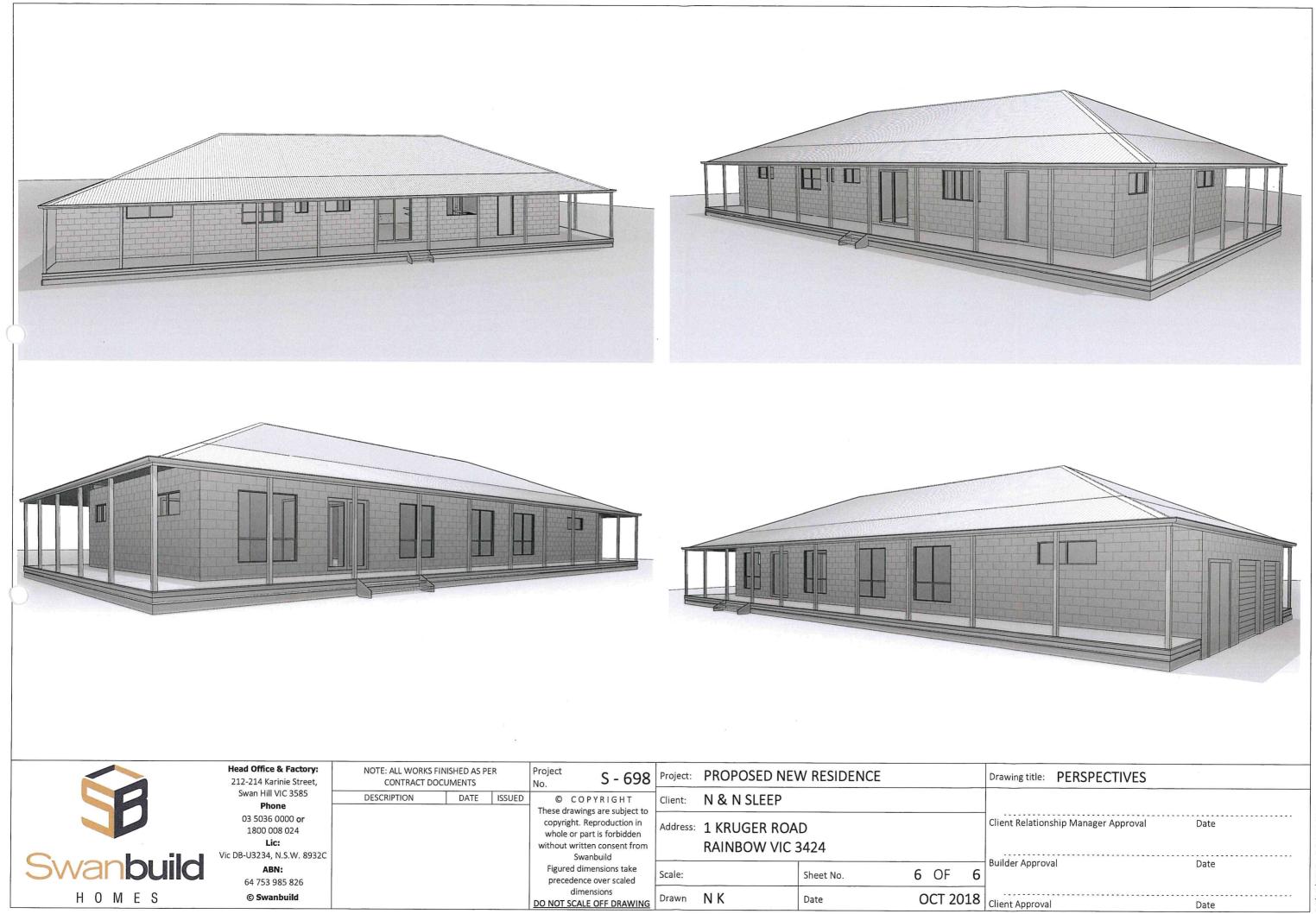
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DW SCHEDULE		
TYPE COMMENTS	GLAZING	LOCATION
DING WINDOW	DOUBLE CLEAR	LOUNGE
DING WINDOW	DOUBLE CLEAR	BEDROOM 2
DING WINDOW	DOUBLE CLEAR	BEDROOM 3
DING WINDOW	DOUBLE CLEAR	LINED ROOM
DING WINDOW	DOUBLE CLEAR	DOUBLE GARAGE
UBLE HUNG WINDOW	DOUBLE CLEAR	STUDY
DING WINDOW	DOUBLE CLEAR	WC
DING WINDOW	DOUBLE CLEAR	BATH
DING GLASS DOOR	DOUBLE CLEAR	MEALS
DING WINDOW	DOUBLE CLEAR	KITCHEN
DING WINDOW	DOUBLE CLEAR	ENS
DING WINDOW	DOUBLE CLEAR	BEDROOM 1
DING WINDOW	DOUBLE CLEAR	BEDROOM 1

WINDOW SIZES NOMINATED ARE NOMINAL ONLY. ACTUAL SIZE MAY VARY ACCORDING TO MANUFACTURER. WINDOWS TO BE FLASHED ALL AROUND.

ng title: ELEVATIONS EAST & WEST

Relationship Manager Approval	Date	17 DAA
Approval	Date	10101010
Approval	Date	100/01/0

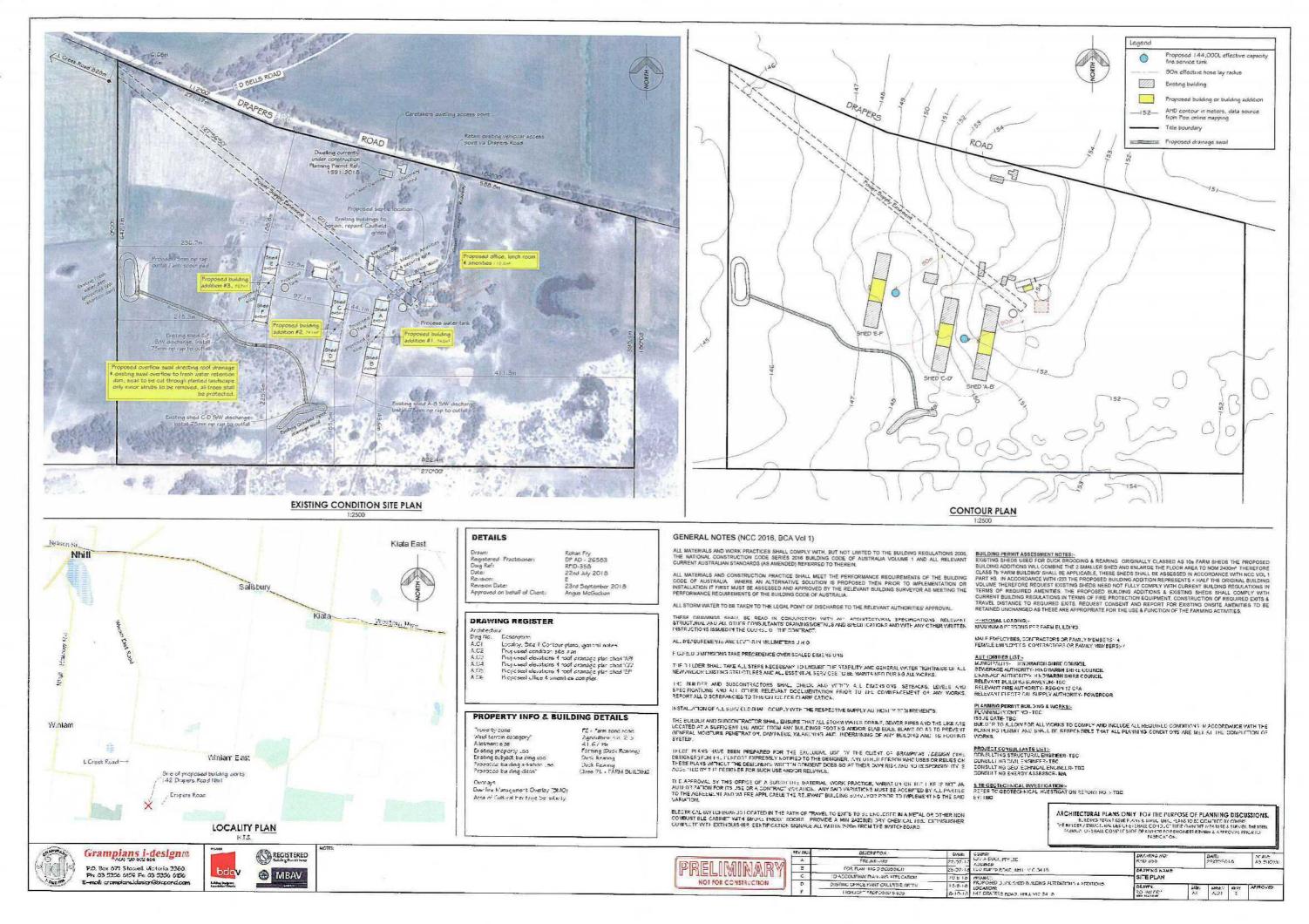


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PLANNING DRAWINGS (NOT FOR CONSTRUCTION)

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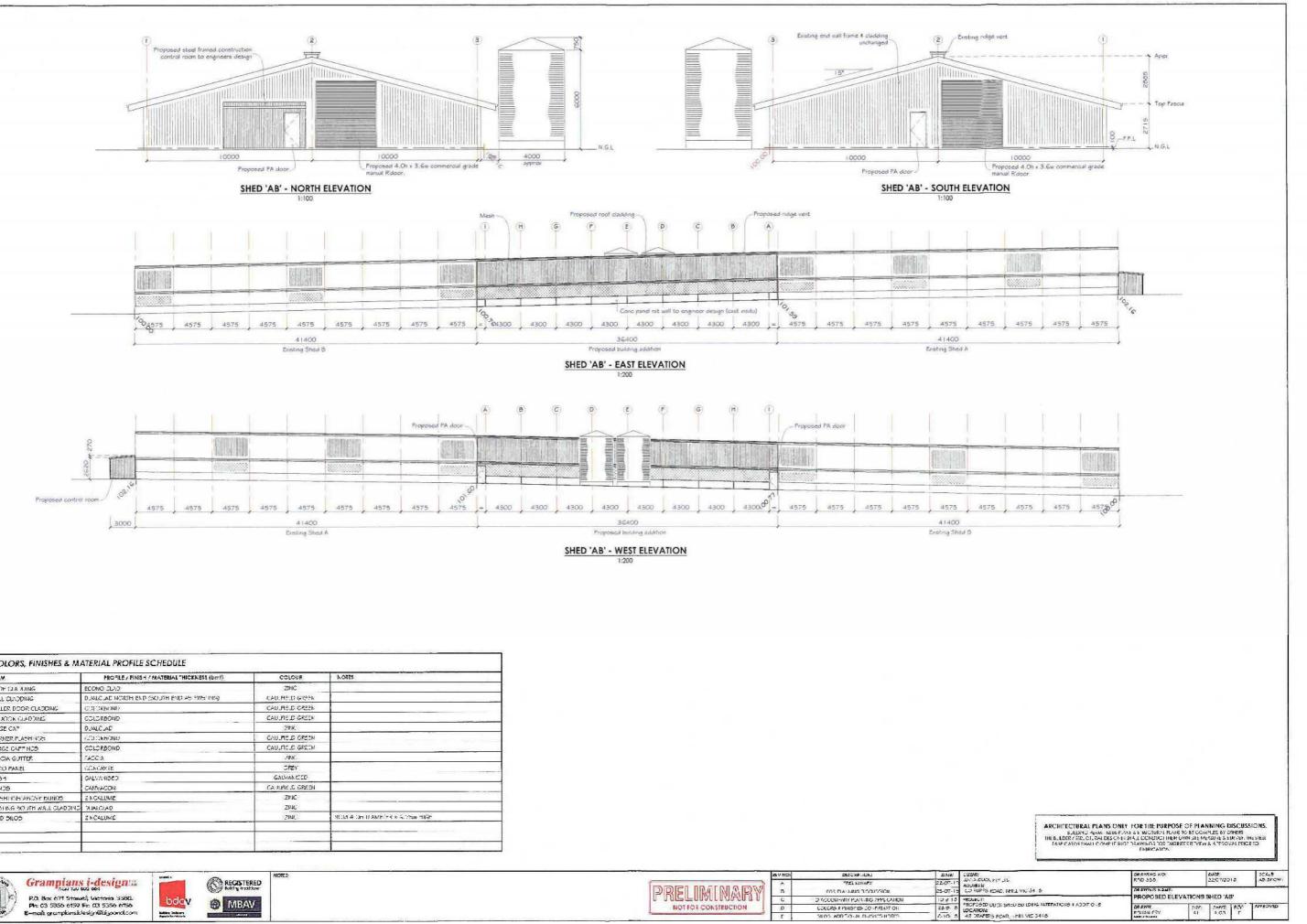






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ITEM.	PROFILE / FINISH / MATERIAL THICKNESS (bmf)	COLOUR	NOTES
CODE CLA JOING	ECONO JUNO	ZINC	
WALL CLADDING	DUALCLAD NORTH END (SOUTH END AS FXISTING)	CAULHELD GREEK	
ROLLER, DOOR CLADDING	CALCERDOND	CAULFIELD GREEN	
PA DOOR GLADDING	COLORBOND	CAULFIELD GREEK	
RIDGE CAP	DJALC_AC	ZRIC	
CORNER FLASHINGS	CTICEROND	CAULTELE GREEN	
BARGE CAPPINCS	COLORBOND	CAULTELE GREEN	
FASCIA GUTTER	FASEIA	SMP.	
DAE:O PANEL	GINGREE	Cifach'	
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BLN25	CANVACON	CA AMELE GREEN	
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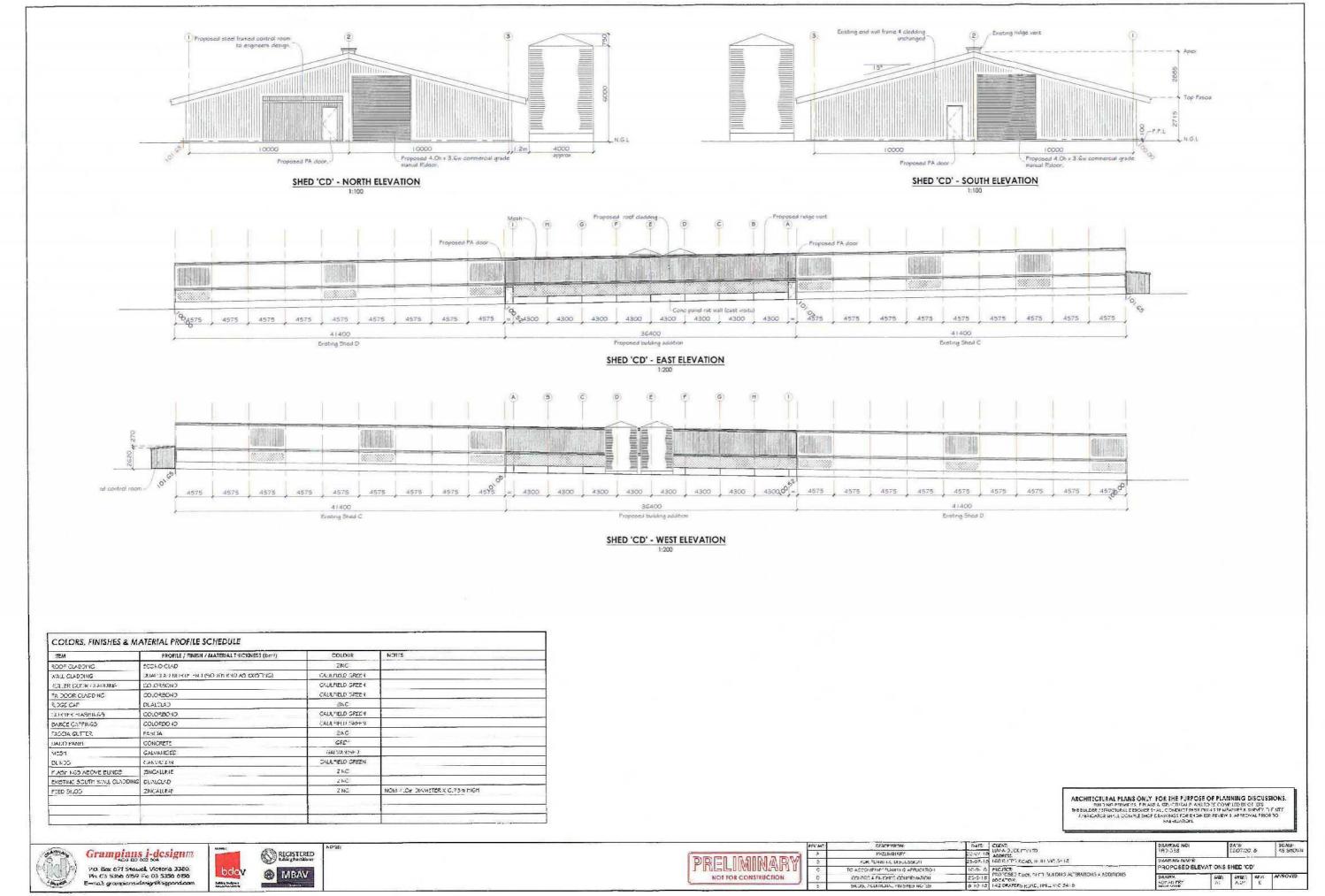
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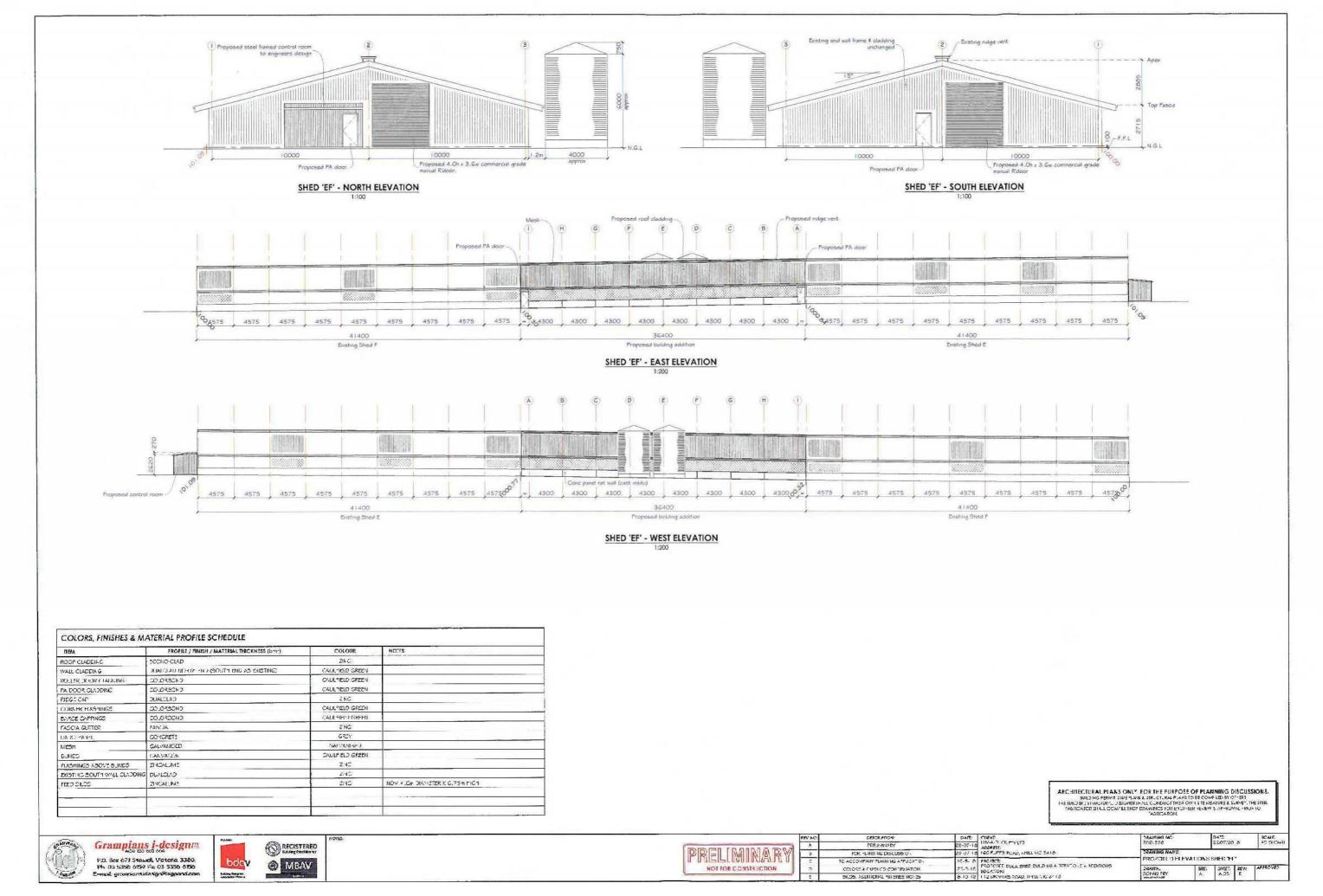
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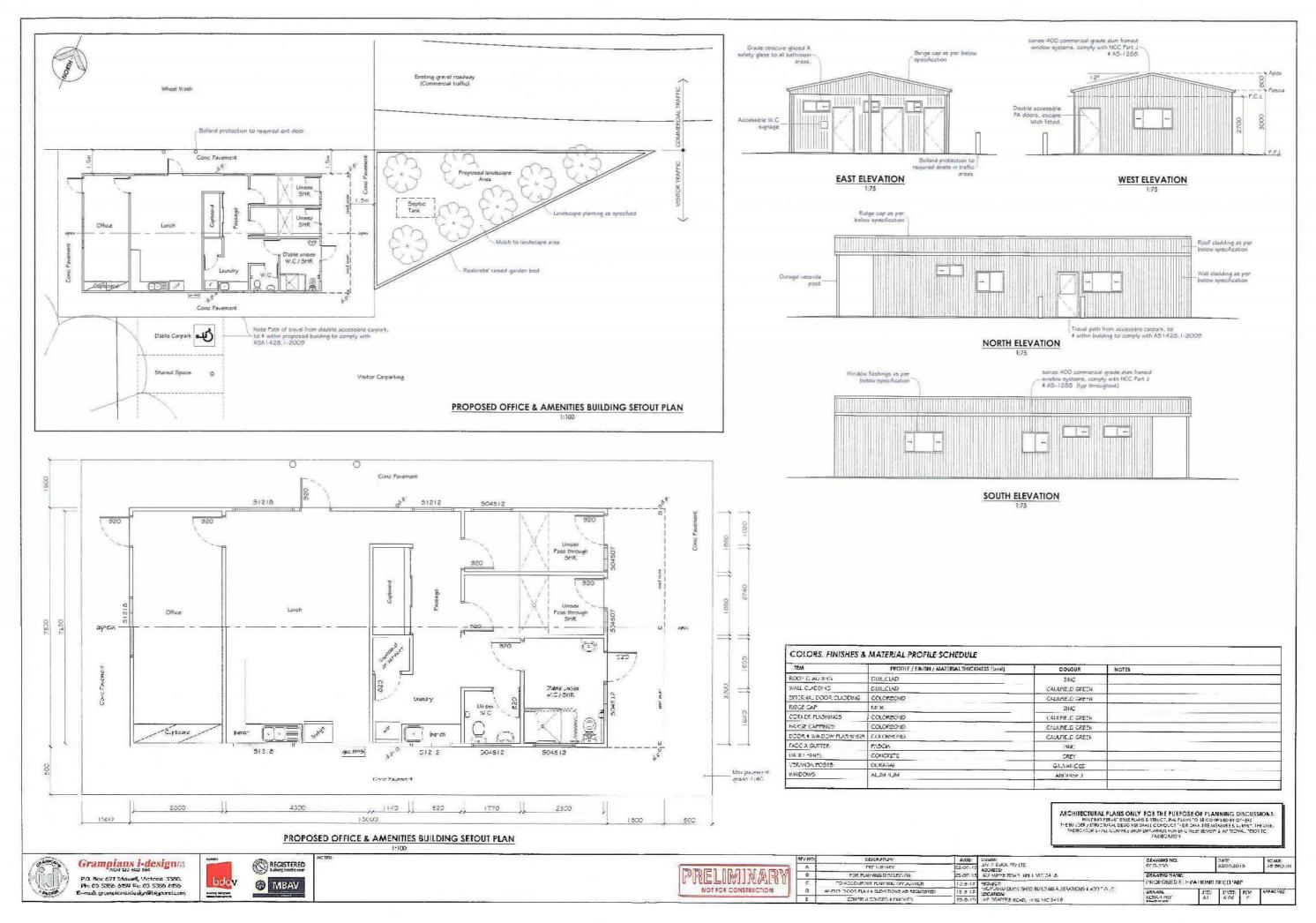




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### **Andre Dalton**

From: Sent: To: Subject:	Sunday, 25 November 2018 10:04 PM Info Amendment to Planning Permit No 39-1999
Follow Up Flag: Flag Status:	Follow up Flagged
Categories:	Lauren

Re: Amendment to Planning Permit No 39-19999

Land affected by this amendment Lot 1PS 432916, 142 Drapers Rd. NHILL

Attention: Andre Dalton

We, Wesley Ian and Rosslyn Leith Dean, wish to lodge an objection to the above application on the following grounds:-

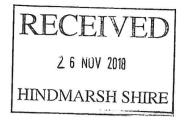
. The doubling of production at Mt Lee will necessitate a large increase in traffic both in and out on Drapers Rd. This being gravel it will deteriorate very quickly.

. This doubling of duck production will also result in a large increase of ducks at the G Dahlenburg Rd (Mt. Gert) site also. This will result in a large increase in traffic both in and out of this site also.

. This increase in volume of traffic will increase the risk of an accident with the large farm machinery and stock being moved along these roads.

 $_{\iota}$  is disappointing that we were unable to obtain a copy of the planning permit so that we have time to properly assess the consequences of this permit.

Yours Sincerely, Wes and Leith Dean.



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(Goeleted 17 Nhill 3418 Ph: K deleted >> Email: Kdeleted >> 26<sup>th</sup> November 2018

Planning Department Hindmarsh Shire Council PO Box 250 Nhill 3418

Dear Andre,

l am writing to you regarding the planning permit application for Lot 1 PS432916, 142 Drapers Road Nhill. Reference number 39-1999

I am objecting to this planning permit application for the following reasons

Objection 1. Amending condition 6 to allow 24000 ducks.

Reason for objection

- Increased traffic
  - The roads at Winiam/Winiam East are in poor shape, and are not equipped for large numbers of traffic, particularly large trucks. The edges of the roads are breaking away or are too soft to move off the road onto. With the increase in traffic that will occur as a result of an expansion of Mt Lee duck farm the condition of the roads will further deteriorate which will make driving unsafe for both residents and tourists. The lack of suitability of the Winiam/Winiam East road has already previously been acknowledged by the Hindmarsh Shire when they erected 'no truck signs'

As well as the edges of the roads being unsafe, the roads are also narrow, which makes it dangerous when meeting oncoming traffic. While local residents may know to be aware of Luv a Duck trucks driving too fast over the hills, tourists will not be aware of the same dangers. The increase in Luv a Duck's traffic also affects us by impeaching our ability to move stock and machinery safely around the area.

- Increased noise
  - We can already at times hear Luv a Ducks operations at Mt Lee from our house, this noise pollution will only increase with an expansion. There is also the increase in road noise past our house.
     I'm also concerned that the extra noise will affect the wildlife both in our scrub block and the neighbouring Little Desert Lodge. While recently participating in the Rewilding Project, Luv a Ducks operation noise was

very evident and I feel that it also has the potential to affect tourism negatively.

- Increased odour
  - With the increase in the number of birds there will be an increase in odour, this will affect us by stinking up our property, and also has the potential to affect the Little Desert Lodge.

Objection 2. Amending the preamble to 'Use and Construction of Poultry Farm (Duck Farm)"

Reason for objection

 The preamble does not define what type of duck farm Mt Lee will be post expansion, this use of broad language gives Luv a Duck too much freedom in the future. Mt Lee is either a developer farm or a breeder farm, it is important that this is defined as the different types of poultry farms (duck farms), require different environmental waste management plans, and have different amounts of inputs thus affecting surrounding areas differently.

Objection 3. Inserting secondary consent provision

Reason for objection

- The reason Luv a Duck are asking for secondary consent is not clear.
- Luv a Duck is a large company with a high turnover of staff, the Hindmarsh Shire also has a high turnover of staff. I fear that secondary consent coupled with this constant swapping of staff will result in futures decisions being made without the appropriate knowledge, local history and information.

Please note a request was made for copies of the documents associated with this application, and that I am very disappointed that council have not provided me with a copy and instead informed me that I am only allowed to view the documents at the Shire office. The large number of pages made it virtually impossible to fully read, comprehend and complete a thorough objection.

I now request a full copy of documents associated with this application in order to determine my future position, whether that is additional grounds for objection or withdrawal of my objection.

Due to council's unwillingness to allow me the opportunity to comfortably view the documents l request that a time extension be granted so that I may fully view and study the documents before any decisions are made about this planning permit application.

Yours sincerely

rillach

Marlene Dahlenburg

Doc 10: 247385



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Kaudress deleted ) Nhill 3418 Phone: & deleted 77 Email: & deleted 77

25<sup>th</sup> November 2018

Mr. Andre Dalton Hindmarsh Shire Council 92 Nelson Street Nhill 3418

To Andre,

I'm writing to object to Luv a Ducks planned expansion of their Mt Lee site at Winiam East. (Planning permit application for Lot 1 PS432916, 142 Drapers Rd Nhill. Reference number 39-1999)

The roads at Winiam and Winiam East, including Drapers Rd cannot cope with an increase in large traffic. The edges are already deteriorating and breaking away, and Drapers road is full of pot holes. None of the roads are wide enough for vehicles to safely pass oncoming traffic.

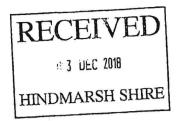
I have already had issues with Luv a Duck trucks driving through my stock when shifting them, resulting in sheep jumping through fences. I believe that an increase in traffic caused by further Luv a Duck expansion will only increase the risks to my stock and impeach my ability to shift my stock and access my properties.

The expansion at Mt Lee to 24000 ducks will increase the amount of noise present, not only in the roar of the ducks but also in traffic and machinery noise. I enjoy spending time in our scrub block which is directly south of Mt Lee, and I don't want to see it ruined by more dust, noise, odour and polluted runoff.

I would like to formally request copies of all documents associated with this planning permit application and would like it noted that I had previously requested copies and my request was denied, until Friday when you Andre, informed me that you had had a change of heart and would allow me to have copies which I would be able to receive on Monday 26<sup>th</sup> November 2018.

Yours sincerely

Roger Dahlenburg



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ACTION	CPD
INFO	
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Kolleted 7, Nhill, 3418

23<sup>rd</sup> November 2018

Hindmarsh Shire Council Planning Department PO Box 250 Nhill 3418

To whom it may concern,

I'm writing to object to the proposed expansion of the Luv a Duck Developer farm (Mt Lee) at (Lot 1, PS432916) 142 Drapers Road, Winiam East.

This proposed expansion will increase traffic on the Winiam East Rd, which will affect me in the following ways;

- The standard of road in the Winiam East area is not good enough to cope with an increase in traffic. Edges of the road are already regularly breaking away, adding more large traffic will just cause the roads to deteriorate quicker.
- The roads are not wide enough to be able to safely move over when meeting oncoming traffic or being over taken.
- Luv a Ducks truck drive too fast and do not slow down or move over when they meet oncoming traffic.

I believe expanding luv a Ducks farm will make the Winiam and Winiam East area unsafe to drive in, and I enjoy driving out there.

Yours sincerely

Heather & Pohlarling

Heather Dahlenburg



6 December 2018

Andre Dalton Coordinator Planning and Development Hindmarsh Shire Council PO Box 250 NHIL VIC 3418

Dear Andre,

### RE: Response to objections to Amendment to Planning permit 39/99 Property: "Mt Lee" 142 Drapers Road, Nhill 3418

Journeyman Planning continues to act on behalf of Luv-a-Duck in regard to the proposed expansion and further development of their Mt Lee Duck developer farm at the above mentioned property. Luv-a-Duck appreciates Council's quick assessment of the application and proceeding to the direction of notification of the application. Notification (all directed forms) was conducted on 14 November 2018 and concluded on the 28<sup>th</sup> November. A statutory declaration of such will be returned to Council shortly. It is understood that the application for amendment has received a total of three objections which have been reviewed and a response is provided below.

From review of the grounds of objections, the following issues appear to be the main concerns:

- Concern over the ability of local road, including Drapers Road and Winiam East Road to accommodate the additional traffic, with specific concerns being:
  - Condition of the edges of existing pavements;
  - Pot holes in Drapers Road;
  - Constructed width being insufficient for vehicles to safely pass oncoming traffic;
- Conflicts between vehicular traffic, farm machinery and movement of stock
- Concern over conflicts with tourism traffic
- Increase in noise from ducks, traffic and machinery.
- Impacts on amenity of scrub block of land from dust, noise, odour and polluted runoff.
- Increased odour impacts
- Permit preamble is too general and should limit the site to the type of duck farm
- Insertion of secondary consent provision unclear
- Not being provided with a copy of the application and requesting more time to make submissions
- Increase in numbers at Mt Lee will also increase ducks at Mt Gert and associated traffic.

A response to each of the grounds of objection are provided for Council's consideration in making their decision on the application for amendment:

 Concern over the ability of local roads, including Drapers Road and Winiam East Road to accommodate the additional traffic.

It is acknowledged that the expansion of the Mt Lee farm will result in an increase in traffic along local roads as additional deliveries will be required and more ducks will be brought to and from the farm. All forms of development, changes in use and changes in farm operations have the potential to increase the impact on local roads through heavier use. The purpose of the surrounding networks of roads is to service not only residences, however to facilitate the use of this land for agricultural purposes and to accommodate access for heavy vehicles. This development is encouraged by the planning scheme which acknowledges the role of infrastructure in being faciliatory of agricultural development.

With respect to Winiam East Road, the increase in movements to and from the site are not considered to be a significant increase in traffic volume above that which the road currently handles. This road is a local connector and is partly sealed to accommodate heavier vehicles. It is noted that Drapers Road and L Creek Road are unsealed lower order roads and that increased movements may impact on road conditions over time, however the roads are constructed to a good standard and the provision of access such as this is within the designated purpose of the road. It should also be noted that the local road accommodates very high volumes of truck movements during harvest periods. This is usage is not prohibited and is as a result of legitimate agricultural uses just like that conducted by Luv-a-Duck.

• Conflicts between vehicular traffic, farm machinery and movement of stock

The primary function of the surrounding road network is to provide the necessary infrastructure to service the agricultural base of the area and the associated dwellings. The roads are used by domestic users, commercial traffic, farm traffic and also for the movement of stock between properties and this usage is permitted subject to compliance with general road safety rules and local laws permits for the movement of stock. It is noted that there is an obligation on drivers to give way to stock being moved and for drivers to travel at a safe speed where there are animals under control.

It is noted that the primary purpose of Drapers Road is the provision of vehicular access however it is fully acknowledged that road reserves within rural areas often have multiple functions, providing for at times the grazing of animals and movement of stock and also slow moving farm machinery. The movement of livestock on country roads can represent significant danger to the public, stock and stock handlers and it is the responsibility of all road users to be vigilant when travelling on roads that are regularly used for grazing or moving stock. It is not always possible to avoid conflicts in use of road rules to control. The shared use of the local roads for the anticipated level of traffic proposed under the farm expansion and in consideration of how often stock may need to be moved is considered to be acceptable without any inherent dangers or conflicts.

Concern over Tourism traffic

The primary purpose of Winiam E Road is to serve the local rural area. It is not a major tourist route, it is not promoted as a tourist route and it is considered to unlikely be used as such frequently. It is accepted that the Little Desert National Park attract visitors that may on occasion utilise the road, however this is not at such a volume that warrants consideration. The use of the surrounding roads for

farm traffic and truck is not unsafe for tourists and development within rural areas should not be hinge on the unfamiliarity of tourist drivers with rural roads and traffic conditions.

Increase in noise from ducks, traffic and machinery.

The farm does not have any significant noise sources that can be heard much beyond the boundaries of the subject site and the nearest dwellings to the subject site are over 2.2 kilometres from the subject farm. This is a significant separation and more than sufficient to mitigate any and all noise impacts from the site. Being able to hear ducks on the property does not demonstrate material detriment. The use of the site is regulated under the EPAs NIRV requirements and the subject farm will easily be able to comply with these guidelines.

The movement of traffic and machinery on the site is additionally common place for a rural area and similar to that which would occur on surrounding properties as of right and all vehicles are required by EPA regulations to be appropriately muffled to control noise levels. The subject site is remote from any sensitive land use and will not cause any noise impacts.

Increase in numbers at Mt Lee will also increase ducks at Mt Gert and associated traffic.

It has been explained as part of Luv-a-Duck's planning submissions that the expansion of the Mt Lee farm has a direct impact on the overall production throughout the whole growing system. It has been made clear that this will allow for an increase in duck numbers at the Mt Gert site, however that any increase at the site will still be within the current valid permit issued for the site. Any flow on impacts at Mt Gert are not specifically relevant to the consideration of this application as it is governed by its own separate use and development permit.

Impacts on amenity of scrub block of land from dust, noise, odour and polluted runoff.

While the objector's enjoyment of the amenity of their scrub block is appreciated, it is not a reasonable consideration in the context of the zoning and purpose of the area to prioritise this passive enjoyment over the reasonable expansion of an agricultural use in a farming area. The subject site and surrounding land is within a Farming Zone which is specifically set aside for rural pursuits that are at times noise, generate odours, dust and other amenity impacts. The provisions of the planning scheme and policies focus on the preservation of the amenity for dwellings in rural areas however not vacant bush blocks. As stated above, the nearest dwelling to the farm is 2.2 kilometres aware and the amenity of surrounding dwellings will not be affected by the farm expansion.

Additional, as can be seen from the EMP submitted with the application, the farm will be run in accordance with best practice environmental requirements and there are very limited offsite impacts from dust and certainly not from polluted runoff. There is no foundation for this ground of objection. Further it is noted that Luv-a-Duck, despite this being an existing and established use, has volunteered and requested Council to endorse the EMP under the amended permit which demonstrates their commitment to sound ongoing management of the farm.

• Increased odour impacts

The farming of ducks is not like other more intensive animal industries like piggeries or broiler farms where there can be substantial offsite impacts from odour and noise. Ducks do not generate the same degree of impacts and further the subject farm is a developer farm, not a duck meat grower farm and as such the placement density on site is much reduced compared to other sites. There is no history of odour complaints about the current operations with respect to odour and the site will be operated in

accordance with a thorough EMP with procedures in place to manage odour impacts. Further, as stated previously, the farm is well separated from sensitive receptors like dwellings to allow for the dissipation and dispersal of any minor odours.

• Permit preamble is too general and should limit the site to the type of duck farm

The existing permit was granted over 19 years ago and poorly describes the actual permission granted for the subject land, which is the use and development of a poultry farm. The permit does not, despite it being clear from decision documents, that is also grants permission for the use of the site and also conflicts with other conditions of the permit by limiting the number of ducks. The change to the permit preamble only seeks to correct previously poor wording and does not seek any change to the nature of the original permission.

The current permission additional does not include a narrowing of the type of duck sheds or farm allowed. It is reliant on the conditions of the permit to control the nature and extent of the use and this will still be the case after the amendment of the permit. It is not considered warranted to confine the farm to only being a breeder or developer farm given duck numbers will still be restricted under the permit. There is no requirement for the permit to define the type of farm and there is no such land use definition within the scheme. Poultry Farm is currently the most appropriate definition.

• Insertion of secondary consent provision unclear

Nearly every permit issued within Victoria currently would contain provisions that enable permit holders to seek the consent of Council (as the responsible authority) to vary or change requirements of the plans or permit. It is very common place and a justification or reasoning for requesting this to be included does not need to be provided. The discretion to permit changes under a permit vests with the responsible authority and should they disagree with any request for consent they can direct the applicant to apply pursuant to Section 72 of the Act instead.

Further, the degree of turnover of staff within Council is not a reason to deny Luv-a-Duck to access reasonable secondary consent provisions under a planning permit. A responsible officer of Council in making any decision is obligated to inform themselves of the context and background of any decision before exercising their discretions in approving or recommending to Council to approve any amendment permission. Whether the permission is considered under secondary consent or Section 72 is of no consequence.

• Not being provided with a copy of the application and requesting more time to make submissions

Council has directed notice of the application under Section 52 of the Act and this has been duly conducted and completed. It is acknowledged that parties can make objections to the application up until a decision is made by Council on the application, however Council is only required to make the application available for viewing for a minimum of 14 days. It is noted that the objectors received direct notice of the application and have had sufficient time to review the application.

That said, Luv-a-Duck does not offer any objection to a copy of the application being provided for the consideration of the objectors as it is committed to an open and transparent process. However it is noted that the provision of documentation after notice as part of a live application is at the discretion of Council.

It is hoped the above assessment of objections and responses is of assistance to Council in its consideration of the application for amendment. It is respectfully submitted that the grounds of objection raised are not substantiated by any evidence or planning assessment and shouldn't result in Council not supporting the proposed amendment.

Further, Luv-a-Duck appreciates and respects Council's attempts to facilitate a consultation meeting with the objectors in order to further explore their grounds of objection and with a view towards hopefully mediating an outcome. Luv-a-Duck, as demonstrated by it running an information evening prior to the lodgement of this amendment, is committed to engaging openly and transparently with surrounding property owners on all of its farm expansions and it is regrettable that a time could not be agreed to enable further discussions.

It is understood that it is proposed to present this amendment to Council at its 19 December 2018 meeting. Luv-a-Duck in the meantime remains open to engaging with the objectors, though Council, in relation to any changes or improvements that could be made to the application that could work towards addressing their concerns.

Please contact me should you need any of the above clarified or need to discuss.

Regards

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Angus McGuckian
JOURNEYMAN PLANNING