



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

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for Planning Permit 1635-2019 – Major Promotion Sign, Lot 6 PS339967,
3 Middleton Ave Nhill

9.2 Application for Planning Permit 1637-2019 – Removal of Native Vegetation –
1.474HA of Native Vegetation Including 18 X Large Trees - Rainbow-Nhill Rd Jeparit

10. Reports Requiring a Decision

- 10.1 Re-Allocation of Funds from 2019/2020 Operations & Maintenance Budget to Fund Over Expenditure on E-Waste Shed Contracts

11. Special Committees

- 11.1 Jeparit Town Committee
11.2 Hindmarsh Shire Council Audit Committee
11.3 Rainbow Town Committee

12. Late Reports

No report

13. Other Business

14. Confidential Matters

- 14.1 Re-Allocation of Funds to Purchase a Line Marker

15. Meeting Close

Present:

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

Apologies:

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr R Ismay opened the meeting at 3:02pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 18 September 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/R Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 18 September 2019 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.

None declared.

5. PUBLIC QUESTION TIME

James Course was in attendance and spoke to item 9.1.

6. DEPUTATIONS

No deputations.

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council,

Inwards:

- Australian Citizenship Ceremonies Code
- Rail Freight Alliance Campaign Contribution

Outwards:

- Nil

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Lowe/R Gersch

That Council notes the attached correspondence.

CARRIED

Attachment: 2

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

Introduction:

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs T Schneider/D Colbert

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT 1635-2019 – MAJOR PROMOTION SIGN, LOT 6 PS339967, 3 MIDDLETON AVE NHILL

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200112
Applicant:	James Course c/- Regional Billboard co.
Owner:	Desert Rain Nhill Pty Ltd
Subject Land:	Lot 6 PS339967, 3 Middleton Ave Nhill
Proposal:	Major Promotion Sign
Zoning & Overlays:	Industrial 1 Zone (IN1Z) Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value
Attachment:	4

Summary:

This report recommends that Council approve an application to construct a double-sided, externally illuminated major promotion sign at Lot 6 PS339967, 3 Middleton Ave Nhill (adjacent to the Western Highway). The application was received on the 17 July 2019.

Proposal Details:

The proposal seeks approval for the erection and display of a double-sided, externally illuminated major promotion sign on the property at 3 Middleton Ave, Nhill, including the display of third-party advertising within the proposed advertising area specified on plans.

The proposed major promotion sign proposes two 18.26m² display faces. One face will be viewed by Melbourne-bound traffic along the Western Hwy, while the reverse face will be viewed by Adelaide-bound traffic on the same road. In addition to this display face, there will be a permanent 0.72m² business identification sign on the skirting board below each display face. The proposed sign will be externally illuminated. The sign is intended to be used for a variety of advertisements and community service messages. The applicant has advised that “companies within a small radius of their advertising signs will always take preference over large nationwide advertising campaigns. Typically, at least 50% of the advertising content is for businesses located within a 5km radius of the sign. Road safety messages from the TAC are also very common across regional billboards.” While this is seen as a very positive philosophy and certainly encouraged, a condition requiring local content cannot be applied as there are no controls in the planning scheme to do so.

If approved, a condition is to be applied ensuring that any content of the advertising (or other) material displayed on the structure is not to depict racist, sexually explicit, offensive or any subject matter which is considered contentious or offensive by the Responsible Authority.

Requirement for Permit:

A planning permit is required pursuant to Clause 33.01-4 of the Hindmarsh Planning Scheme for buildings and works in the Industrial 1 Zone (IN1Z).

Clause 52.05 – Advertising Signs, outlines the requirements for signage within the Hindmarsh Planning Scheme. This zone is in Category 2, office and industrial - low limitation.

A planning permit is not required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO 6).

Definitions:

The proposal is defined within Clause 73.02 – Sign Terms - of the Hindmarsh Planning Scheme as a ‘major promotion sign’ under the provisions of the planning scheme, being:
“A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited”.

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 proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the proposal is not within land affected by the Aboriginal Cultural Heritage Overlay.

Subject site & locality:

The subject site is known as Lot 6 PS339967, 3 Middleton Ave, Nhill, and is currently used for the purposes of a car wash.

The subject land is located approximately 1 km south west of the Nhill Post Office, at the southern entry to Nhill. The total area of the site is 780 metres, and no native vegetation is proposed to be removed. The nearest residentially zoned land is located approximately 145 metres to the south.

Public Notification:

The application was not required to be publicly notified under the provisions of Clause 33.01-4 (Industrial Zone) of the Hindmarsh Planning Scheme.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 52 Notices: Not required.

Section 55 Referrals: Required under Clause 66.03 - An application to display an animated or Roads Corporation electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 is to be referred to VicRoads (Regional

Roads Victoria) as a determining authority. The application was referred to VicRoads (RRV) on 06 August 2019. RRV responded in favour of the proposal with conditions on the 16 September 2019.

Internal Referrals:

- Engineering: Responded with comment.
- Environmental Health: No response.
- Building: Not required
- Economic Development and Tourism: Fully supportive of more avenues for local business advertising and maximising traffic capture in town.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 17	Economic Development
Clause 17.01-1R	Diversified economy - Wimmera Southern Mallee
Clause 22.01	Western Highway

Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

Zoning Provisions:

Clause 33.01 – Industrial 1 Zone (IN1Z)

Planning Scheme Overlay Provisions:

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

Particular Provisions:

Clause 52.05 - Signs

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.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having

regard to the benefit the proposal will cause regarding further economic development within the Shire.

Clause 52.05 – Signs Decision guidelines

An assessment of the proposal against the relevant decision guidelines has determined that the sign will not have any detrimental impact upon the character of the area, or views of significance.

The cumulative impact of signs on the character of this area is considered negligible, given the industrial nature of the neighbourhood, and its location within the wider context, serving as an entry to the town of Nhill.

An inspection undertaken on the 16 September 2019 by the Coordinator Planning and Development revealed that there may be a small intrusion on the visual approach to the existing Caltex service station to the north by Melbourne bound traffic; this will be negligible given the height of the proposed sign versus the height of the existing Caltex sign.

It is further considered that the proposed sign is supported by State planning policy having regard to economic development in the Shire, and accords with the overall intent of this particular provision.

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:

17/07/2019 – Application received.

06/08/2019 – Mandatory referral to VicRoads (Regional Roads Victoria) – 28 days.

08/08/2019 – Referred internally to Council departments

16/09/2019 – Regional Roads Victoria (RRV) responded, conditionally supporting the proposal (41 days).

02/10/2019 – Report presented to Council – 78 days

This report is being presented to Council at its meeting on the 02 October 2019. The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance, due to the application not being referred for 20 days and the response times from VicRoads / RRV taking 41 days, rather than 28.

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: Angela Hoy, Director Infrastructure Services

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

Author: Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves planning application PA1635-2019 to construct a major promotion sign on Lot 6 PS339967, 3 Middleton Ave Nhill, subject to the following conditions:

Endorsed Plans:

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

Signage:

2. ***Signs not to be altered***
 - a) ***The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***
 - b) ***The sign, and any part of the structure, is not to protrude over any part of the property boundary onto road reserve.***

No flashing light:

3. ***The sign must not contain any flashing light.***

Light emissions:

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

Sign maintenance:

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

Content:

6. ***Any content of the advertising material displayed on the structure is not to depict racist, sexually explicit, offensive or subject matter which is considered contentious or offensive in the opinion of the Responsible Authority.***
7. ***The sign must not:***
- ***Dazzle or distract drivers due to its colouring.***
 - ***Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.***
 - ***Be able to be mistaken as an instruction to drivers.***

VicRoads:

8. a) ***The location and details of the sign shown on the endorsed plans must not be altered without the written consent of the Responsible Authority;***
- b) ***The sign must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve;***
- c) ***The sign must be constructed and maintained to the satisfaction of the Responsible Authority;***
- d) ***The sign must be professionally manufactured from non-reflective or non-fluorescent materials;***
- e) ***The proponent must not use colours that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, if it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows;***
- f) ***If the signs are illuminated, the source of the lighting must not be visible from any part of the declared road/highway;***
- g) ***If the signs are illuminated, any illumination must not be flashing, nor cause dazzle to the declared road/highway traffic; and***
- h) ***The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.***
- i) ***This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.***

Note:

1. ***This is not a Building Permit. Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.***

MOVED: Crs R Gersch/T Schneider

That Council approves planning application PA1635-2019 to construct a major promotion sign on Lot 6 PS339967, 3 Middleton Ave Nhill, subject to the following conditions:

Endorsed Plans:

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

Signage:

2. ***Signs not to be altered***
 - a) ***The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***
 - b) ***The sign, and any part of the structure, is not to protrude over any part of the property boundary onto road reserve.***

No flashing light:

3. ***The sign must not contain any flashing light.***

Light emissions:

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

Sign maintenance:

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

Content:

6. Any content of the advertising material displayed on the structure is not to depict racist, sexually explicit, offensive or subject matter which is considered contentious or offensive in the opinion of the Responsible Authority.

7. The sign must not:

- **Dazzle or distract drivers due to its colouring.**
- **Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.**
- **Be able to be mistaken as an instruction to drivers.**

VicRoads:

- 8. a) The location and details of the sign shown on the endorsed plans must not be altered without the written consent of the Responsible Authority;**
- b) The sign must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve;**
- c) The sign must be constructed and maintained to the satisfaction of the Responsible Authority;**
- d) The sign must be professionally manufactured from non-reflective or non-fluorescent materials;**
- e) The proponent must not use colours that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, if it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows;**
- f) If the signs are illuminated, the source of the lighting must not be visible from any part of the declared road/highway;**
- g) If the signs are illuminated, any illumination must not be flashing, nor cause dazzle to the declared road/highway traffic; and**
- h) The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.**
- i) This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.**

Note:

1. ***This is not a Building Permit. Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.***

CARRIED

Attachment: 4

9.2 APPLICATION FOR PLANNING PERMIT 1637-2019 – REMOVAL OF NATIVE VEGETATION – 1.474HA OF NATIVE VEGETATION INCLUDING 18 X LARGE TREES - RAINBOW-NHILL RD JEPARIT

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	N/A – Council Road Reserve
Applicant:	Daniel Griffiths – Manager Capital Works
Owner:	Department of Environment, Land, Water and Planning (DELWP Crown Land)
Subject Land:	Rainbow – Nhill Rd – from Lorquon East Road intersection - 0 km to 2.3 km (Adjacent to 3420 Rainbow-Nhill Road, Jeparit).
Proposal:	Removal of 1.474 ha of native vegetation including 18 x large trees
Zoning & Overlays:	Farming Zone (FZ); Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; Vegetation Protection Overlay Schedule 2 (VPO2) – Biolink Corridor – Roadside Protection and Conservation
Attachment:	5

Summary:

This report recommends that Council approve an application to remove 1.474 ha of native vegetation, including 18 large trees on the Rainbow – Nhill Rd from the Lorquon East Road intersection - 0 km to 2.3 km.

Background:

On the 12 August 2019, an application for a planning permit to remove the aforementioned trees was lodged with Council, by Council's Engineering Department for the purpose of widening a 2.3 kilometre section of Rainbow-Nhill Road. The current VicRoads safety requirements for road construction (Australian Standards) recommend a 6 metre clearance zone either side of the asphalt road. To reduce the impact of the project on native vegetation, Council will instead be using a 2.5 metre wide clearance, which is common practice in rural Victoria. This significantly reduces the quantity of vegetation and tree removal required.

Proposal Details:

The proposal to remove 1.474 ha of native vegetation, including 18 large trees to achieve the 2.5 metre clearance zone includes the removal of the following types of trees:

Eucalyptus leucoxylon: 10
Eucalyptus largiflorens: 7
Eucalyptus macrocarpa:1

Requirement for Permit:

The permit triggers are:

- The Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of

Wetlands of conservation Value.

- The Vegetation Protection Overlay – Schedule 2 (VPO2) – Biolink Corridor. A permit is required to remove, destroy or lop native vegetation.
- Clause 52.17-1 of the Victorian Planning provisions - Native Vegetation. A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply if the removal is in accordance with the Road Safety Exemption Agreement between Council and DELWP. For this project, the removal of 1.474 ha is greater than the maximum 0.5 ha allowed within the agreement.

No planning permit is required to remove native vegetation under the provisions of the Farming Zone (FZ).

Definitions:

Not Applicable.

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 proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, as the proposal is not within land affected by the Aboriginal Cultural Heritage Overlay.

Subject site & locality:

The subject site is on road reserve, adjacent to 3420 Rainbow-Nhill Road, Jeparit. Surrounding land is currently used for the purposes of cropping and grazing. The surrounding properties have been extensively cleared with little established vegetation remaining.

The intersection of Rainbow-Nhill Road and Lorquon East Road and proposed native vegetation removal is located approximately 29.6 km north east of Nhill, and 13.6 km west of Jeparit. The proposed works extend 2.3 kilometres northwards of the intersection along the road formation. The closest dwellings are known as 961 Lorquon Rd to the south, 3420 Rainbow – Nhill Rd to the west, and 323 Lake Hindmarsh School Rd to the north.

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.*

Notice was given under Section 52 of the Act in the following manner:

- An advertisement in the Nhill Free Press on the 11 September 2019;
- An advertisement in the Dimboola Banner on the 11 September 2019;
- An advertisement in the Rainbow-Jeparit Argus on the 13 September 2019.

Letters to adjoining landowners, and signs placed on the subject land.

No objections have been received at the time of the writing of this report.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 52 Notices: Refer above.
Section 55 Referrals: DELWP – Supports proposal - subject to conditions.
WCMA – Supports proposal – subject to one advice note.

Internal Referrals:

- Engineering: Not required
- Environmental Health: Not required
- Building: Not required
- Economic Development and Tourism: Not required

DELWP Comment:

The response from DELWP, received 03 September 2019, states that DELWP does not object to the granting of a planning permit subject to conditions being included on any permit issued.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 12.01-1S - Protection of biodiversity
Clause 12.01-1R - Protection of biodiversity - Wimmera Southern Mallee
Clause 12.01-2S - Native vegetation management

Local Planning Policy Framework:

Clause 21 - Municipal Strategic Statement

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

Planning Scheme Overlay Provisions:

Clause 42.01 - Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value;
Clause 42.02 - Vegetation Protection Overlay Schedule 2 (VPO2) – Biolink Corridor – Roadside Protection and Conservation.

Particular Provisions:

Clause 52.17 – Native Vegetation

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.

Clause 35.07 – Farming Zone (FZ) Decision Guidelines

Not Applicable. No planning permit is required to remove native vegetation under the provisions of the Farming Zone.

Clause 42.01 - Environmental Significance Overlay Schedule 6 (ESO6) Decision Guidelines

It is considered that the proposal accords with the applicable decision guidelines within the ESO, with referral to the WCMA resulting in agreement to the proposal.

Clause 42.02 - Vegetation Protection Overlay Schedule 2 (VPO2) Decision Guidelines

It is considered that the proposal accords with the applicable decision guidelines within the VPO, as:

- The value of the existing vegetation has been assessed;
- The purpose of removal is to re-construct the existing road to a two-lane road;
- The quantity of vegetation to be removed has been reduced to the maximum extent reasonable and practical by reducing the clear zone to 2.5m; and
- Quotations for offset credits have been obtained in accordance with the requirements of the DELWP Native Vegetation Removal report assessment.

Clause 52.17 – Native Vegetation

It is considered that the removal of 18 trees is appropriate, given approval by the DELWP and the offsets that have been proposed.

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:

12/08/2019 – Application received
09/09/2019 – Notification requirement issued
13/09/2019 – Last date of notice
02/10/2019 – Report presented to Council – 49 days

This report is being presented to Council at its meeting on the 02 October 2019. The statutory processing time requirements of the Planning and Environment Act 1987 have 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: Angela Hoy, Director Infrastructure Services

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

Author: Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves planning application 1637-2019 to remove 1.474 hectares of native vegetation including eighteen (18) trees on Rainbow-Nhill Road (0km to 2.3km from the intersection of Lorquon East Road), subject to the following conditions:

Native Vegetation

- 1. This permit allows the removal of native vegetation shown on plans submitted and endorsed as a part of this planning permit.***
- 2. The extent of the native vegetation removal hereby permitted must not be altered without the prior written consent of the Responsible Authority.***
- 3. The remnant wood and associated vegetation shall be removed off-site and appropriately disposed of by the completion of works, to the satisfaction of the Responsible Authority.***

Department of Environment Land Water and Planning (DELWP)

Notification of permit conditions

- 4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.***

Native vegetation permitted to be removed, destroyed or lopped

5. ***The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.474 hectares of native vegetation, which is comprised of 1.474 hectares of native vegetation including 18 large trees, with a strategic biodiversity value of 0.502.***

Protection of retained vegetation

6. ***Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.***

Native vegetation offsets

7. ***To offset the removal of 1.474 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), as specified below:***

A general offset of 0.440 general habitat units must meet the following criteria:

- a) ***located within the Wimmera Catchment Management Authority boundary or Hindmarsh Shire Council municipal area,***
- b) ***with a minimum strategic biodiversity score of at least 0.502, and***
- c) ***the offset(s) secured must also protect 18 large trees.***

Offset evidence

8. ***Before the removal of any native vegetation, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:***
 - a) ***an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or***
 - b) ***credit extract(s) allocated to the permit from the Native Vegetation Credit Register.***
9. ***A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a***

copy of the endorsed offset evidence must be provided to the Planning and Approvals Team at the Department of Environment, Land, Water and Planning - Grampians regional office via email: grampians.planning@delwp.vic.gov.au.

Expiry of Permit

10. This permit will expire if the following circumstance applies:

- a) The development is not completed within two (2) years of the date of this permit.**

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the expiry date of the permit.

~END OF CONDITIONS~

Permit Note/s:

DELWP

- 1) Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:**
- a) Any vehicle or pedestrian access, trenching or soil excavation.**
b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
c) Entry or exit pits for underground services.
d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
- 2) Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Grampians regional office of the Department of Environment, Land, Water and Planning on 0437 463 378 or on grampians.environment@delwp.vic.gov.au.**

MOVED: Crs R Lowe/T Schneider

That Council approves planning application 1637-2019 to remove 1.474 hectares of native vegetation including eighteen (18) trees on Rainbow-Nhill Road (0km to 2.3km from the intersection of Lorquon East Road), subject to the following conditions:

Native Vegetation

1. ***This permit allows the removal of native vegetation shown on plans submitted and endorsed as a part of this planning permit.***
2. ***The extent of the native vegetation removal hereby permitted must not be altered without the prior written consent of the Responsible Authority.***
3. ***The remnant wood and associated vegetation shall be removed off-site and appropriately disposed of by the completion of works, to the satisfaction of the Responsible Authority.***

Department of Environment Land Water and Planning (DELWP)

Notification of permit conditions

4. ***Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.***

Native vegetation permitted to be removed, destroyed or lopped

5. ***The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.474 hectares of native vegetation, which is comprised of 1.474 hectares of native vegetation including 18 large trees, with a strategic biodiversity value of 0.502.***

Protection of retained vegetation

6. ***Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.***

Native vegetation offsets

7. ***To offset the removal of 1.474 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), as specified below:***

A general offset of 0.440 general habitat units must meet the following criteria:

- a) *located within the Wimmera Catchment Management Authority boundary or Hindmarsh Shire Council municipal area,*
- b) *with a minimum strategic biodiversity score of at least 0.502, and*
- c) *the offset(s) secured must also protect 18 large trees.*

Offset evidence

8. *Before the removal of any native vegetation, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:*
 - a) *an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or*
 - b) *credit extract(s) allocated to the permit from the Native Vegetation Credit Register.*
9. *A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Planning and Approvals Team at the Department of Environment, Land, Water and Planning - Grampians regional office via email: grampians.planning@delwp.vic.gov.au.*

Expiry of Permit

10. *This permit will expire if the following circumstance applies:*
 - a) *The development is not completed within two (2) years of the date of this permit.*

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the expiry date of the permit.

~END OF CONDITIONS~

Permit Note/s:

DELWP

- 1) *Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:*

- a) ***Any vehicle or pedestrian access, trenching or soil excavation.***
 - b) ***Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.***
 - c) ***Entry or exit pits for underground services.***
 - d) ***Any other actions or activities that may result in adverse impacts to retained native vegetation.***
- 2) ***Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Grampians regional office of the Department of Environment, Land, Water and Planning on 0437 463 378 or on grampians.environment@delwp.vic.gov.au.***

CARRIED

Attachment: 5

10. REPORTS REQUIRING A DECISION

10.1 RE-ALLOCATION OF FUNDS FROM 2019/2020 OPERATIONS & MAINTENANCE BUDGET TO FUND OVER EXPENDITURE ON E-WASTE SHED CONTRACTS

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks Council approval to approve price variations to Contract No 2018-2019 -11 and Contract No 2018-2019-12 for E-Waste sheds at Nhill and Dimboola Transfer stations, and to re-allocate funds from 2019/2020 Operations & Maintenance General Ledger 20818 – Hard Plastic Disposal program to the value of \$30,000.

Discussion:

Council at its meeting on 06/03/2019 approved the award of two contracts to Leyonhjelm Building Services Pty Ltd to provide two E-waste facilities as detailed below;

- Contract No: 2018-2019-11 – Design and Construction of E-Waste Shed at Nhill Transfer Station at a lump-sum price of \$102,217.27
- Contract No: 2018-2019-12 – Design and Construction of E-Waste Shed at Dimboola Transfer Station at a lump-sum price of \$105,657.27

Following the award of contracts a decision was made to incorporate an office in each of the sheds. This changed the class of the building from a Class 10 to a Class 8, thereby necessitating the inclusion of additional drawings, wall and roof bracing and increasing the thickness of the concrete slab.

Also, Sustainability Victoria on 10/04/2019 introduced additional requirements for the sheds as conditions for the release of the outstanding fund balance. The new requirements include (1) Provision of bunding around the floor area of e-waste skips and (2) Provision of impermeable flooring for the sheds.

Currently, foundation footings and concrete slab have been completed at the two locations, while erection of sheds are ongoing and near completion.

The tables below show the breakdown of contractor variation claims and additional works identified, totalling \$30,722.09.

Item No	Description Of Work	Amount (Excl GST)
1	Upgrade bracings to walls & roof	270.91
2	Update design/drawings to comply with Class-8 shed	170.00
3	Material & construction variations due to upgrade	7,712.73
4	Installation of Rainwater Tank. Including overflow discharge line	1,000.00
5	Supply and installation of flexible drive-over bunding.	4,356.50

6	Provision of impermeable flooring over skips area	1,660.00
	TOTAL	15,170.14

Table 1.1: Additional Works – Nhill E-waste Shed

Item No	Description Of Work	Amount (Excl GST)
1	Upgrade bracings to walls & roof	316.36
2	Update design/drawings to comply with Class-8 shed	170.00
3	Material & construction variations due to upgrade	8,049.09
4	Installation of Rainwater Tank. Including overflow discharge line	1,000.00
5	Supply and installation of flexible drive-over bunding.	4,356.50
6	Provision of impermeable flooring over skips area	1,660.00
	TOTAL	15,551.95

Table 1.2: Additional Works – Dimboola E-waste Shed

It is proposed that the budget of \$30,000 from the General Ledger 20818 – Hard Plastic Disposal be re-allocated to fund the over expenditure of the E-Waste Sheds project. The 2019/2020 project to process the hard plastic stockpiles will be deferred and funded in the 2020/2021 Operations and Maintenance Program

Sustainability Victoria has so far released 30% of the fund (\$60,000.00) for the two projects. The balance \$140,000.00 (70% of fund total) will not be released until all conditions of project completion are met.

Options:

Option 1: Council can approve the variation and re-allocation of \$30,000 from the general ledger 20818 - Hard Plastics Disposal to fund the over expenditure of the E-Waste Shed projects.

Option 2: Council can choose to approve the variation and re-allocation of \$30,000 from another budget line to fund the over expenditure of the E-Waste Shed projects.

Link to Council Plan:

2.4 A community living more sustainably

Risk Management Implications

Should council choose not to approve the variation and re-allocation of \$30,000 to fund the over expenditure of the E-Waste Sheds the following will occur:

1. The projects will not able to be completed and acquitted under the current funding guidelines;
2. Council will be unable to recover full expenditure to date and our statutory obligations will not be met in regards to the management and handling of E-Waste.

Financial Implications:

Variation to the two Contracts 2018-2019-11 and 2018-2019-12, being \$30,722.09, can be accommodated via re-allocation of the Hard Plastic Disposal Budget; General Ledger 20818, being \$30,000.00

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Author: Michael Kolapo, Project Management Engineer

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

Communications Strategy:

Following the approval of council for the variation and re-allocation of funds the contractor shall be notified that the variation to the contract has been approved.

Next steps:

Should Council approve the re-allocation of budget to fund the price variation on the E-waste Sheds, Officers will undertake the process to amend the contracts in accordance with Council's Procurement Policy.

RECOMMENDATION:

That Council approves price variations to Contract No 2018-2019 -11 and Contract No 2018-2019-12 for E-Waste sheds at Nhill and Dimboola Transfer stations, and approves the re-allocation of funds from 2019/2020 budget Operations & Maintenance General Ledger 20818 – Hard Plastic Disposal program to the value of \$30,000.

MOVED: Crs T Schneider/R Gersch

That Council approves price variations to Contract No 2018-2019 -11 and Contract No 2018-2019-12 for E-Waste sheds at Nhill and Dimboola Transfer stations, and approves the re-allocation of funds from 2019/2020 budget Operations & Maintenance General Ledger 20818 – Hard Plastic Disposal program to the value of \$30,000.

CARRIED

11. SPECIAL COMMITTEES

11.1 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Introduction:

The Jeparit Town Committee held its annual general meeting on 9 September 2019. The purpose of this report is to note the minutes from this meeting and appoint members of the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

1. ***That Council notes the minutes of the Jeparit Town Committee annual general meeting held on 9 September 2019.***
2. ***That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Jeparit Town Committee:***
 - ***Jason Hutson (President)***
 - ***Brett Ireland (Vice President)***
 - ***Cheryl Quinn (Secretary)***
 - ***Teresa Smith (Treasurer)***
 - ***Wendy Werner***
 - ***Mel Wagener***
 - ***Graeme Blair***

MOVED: Crs R Lowe/T Schneider

1. ***That Council notes the minutes of the Jeparit Town Committee annual general meeting held on 9 September 2019.***
2. ***That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Jeparit Town Committee:***
 - ***Jason Hutson (President)***
 - ***Brett Ireland (Vice President)***
 - ***Cheryl Quinn (Secretary)***
 - ***Teresa Smith (Treasurer)***
 - ***Wendy Werner***
 - ***Mel Wagener***
 - ***Graeme Blair***

CARRIED

Attachment: 6

11.2 HINDMARSH SHIRE COUNCIL AUDIT COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 7

Introduction:

The Hindmarsh Shire Council Audit Committee held its meeting on 12 September 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Hindmarsh Shire Council Audit Committee meeting held on 12 September 2019.

MOVED: Crs R Gersch/D Nelson

That Council notes the minutes of the Hindmarsh Shire Council Audit Committee meeting held on 12 September 2019.

CARRIED

Attachment: 7

11.3 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 8

Introduction:

The Rainbow Town Committee held its general meeting on 23 September 2019. The purpose of this report is to note the minutes received and appoint members of the committee from the meeting. A copy of the minutes is included as an attachment for the information of Council.

The Rainbow Town Committee requires approval to pay Mallee Earth Moving \$2,530.00 on behalf of the Rainbow Desert Enduro Working Groups. Under the delegation set by Council, Rainbow Town Committee cannot enter into purchases over \$2,000 without Council approval.

RECOMMENDATION:

- 1. That Council notes the minutes of the Rainbow Town Committee general meeting held on 23 September 2019, and approves payment of \$2,530 to be made by the*

Rainbow Town Committee to Mallee Earth Moving on behalf of the Rainbow Desert Enduro Working Groups.

2. That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Rainbow Town Committee:

- ***Leonie Clarke (Chairperson)***
- ***Ross Heinrich (Vice Chairperson)***
- ***Bill Hutson (Secretary)***
- ***Adrian Bennett (Treasurer)***
- ***Peta Bennett***
- ***Greg Roberts***
- ***Michael Sullivan***
- ***Julie Mclean***
- ***Roger Aitken***

MOVED: Crs R Lowe/D Colbert

1. That Council notes the minutes of the Rainbow Town Committee general meeting held on 23 September 2019, and approves payment of \$2,530 to be made by the Rainbow Town Committee to Mallee Earth Moving on behalf of the Rainbow Desert Enduro Working Groups.

2. That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Rainbow Town Committee:

- ***Leonie Clarke (Chairperson)***
- ***Ross Heinrich (Vice Chairperson)***
- ***Bill Hutson (Secretary)***
- ***Adrian Bennett (Treasurer)***
- ***Peta Bennett***
- ***Greg Roberts***
- ***Michael Sullivan***
- ***Julie Mclean***
- ***Roger Aitken***

CARRIED

Attachment: 8

12. LATE REPORTS

No report.

13. OTHER BUSINESS

MOVED: Crs D Nelson/T Schneider

That the Mayor writes a letter of apology to Emma Kealy regarding a comment made at the Nhill Skate Park competition on 26 September 2019.

CARRIED

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 Re-Allocation of Funds to Purchase a Line Marker

MOVED: Crs R Gersch/R Lowe

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

14.1 Re-Allocation of Funds to Purchase a Line Marker

CARRIED

Council moved into confidential session at 3:39pm.

Council resumed in open session at 3:44pm.

15. MEETING CLOSE

There being no further business Cr R Ismay declared the meeting closed at 3:44pm.
