



25 February 2021

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill on Wednesday 3 March 2021 commencing at **3:00pm**.

A handwritten signature in black ink, appearing to read 'Greg Wood', written over a rectangular box.

Greg Wood
Chief Executive Officer

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Declaration of Interests

4. Confirmation of Minutes

5. Public Question and Submission Time

6. Activity Reports

7. Correspondence

8. Planning Permit Reports

- 8.1 Application for Planning Permit PA1685-2020 – Use and Development of Land for Extractive Industry – 1280 Perenna Road, Netherby
- 8.2 Application for Planning Permit PA1679-2020 – Two-Lot Subdivision – 739 Woorak Ni Ni Lorquon Road, Nhill

9. Reports Requiring a Decision

- 9.1 Councillor Gifts and Hospitality Policy
- 9.2 Gender Equality Policy and Guidelines
- 9.3 Mayoral and Councillor Allowances
- 9.4 Financial Report for the Period Ending 31 December 2020
- 9.5 Council Plan 2017-2021 Progress Report
- 9.6 Hindmarsh Shire Council Community Action Grants Program 2020/21 Round 2
- 9.7 Local Law Review
- 9.8 Nhill and District Sporting Club Budget Request
- 9.9 Roads to Recovery Update
- 9.10 Guideline Standards and Processes for Gazetting of B-Double Roads

10. Council Committees

- 10.1 Yurunga Committee of Management
- 10.2 Dimboola Town Committee

11. Late Reports

- 11.1 Application for Planning Permit PA1680-2020 – Two Lot Subdivision – Tarranyurk East Road, Tarranyurk Vic 3414
- 11.2 Application for Planning Permit PA1701-2021 - Construction of an Open Fronted Storage Shed - 42 Reserve Road, Kiata 3418

12. Other Business

13. Confidential Matters

- 13.1 Hindmarsh Shire Council Business Assistance Grants Program 2020-2021 Round 2
- 13.2 Request for Quote - Award for Purchase of one (1) 3-axle Truck with Tipping Body and one (1) 4-axle Trailer with Tipping Body
- 13.3 Request for Quote – Award for Purchase of one (1) Truck Mounted Street Sweeper
- 13.4 Reappointment of Chief Executive Officer

14. Meeting Closed

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

We acknowledge the Shire's Indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

Opening Prayer

Dear Lord,

We humbly request your blessing upon this Council and welcome your guiding presence among us.

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2. APOLOGIES

3. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY MATERIAL OR GENERAL INTEREST IN ANY ITEM ON THE AGENDA.

- Material; or
- General.

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

4. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 3 February 2021 at the Nhill Memorial Community Centre as circulated to Councillors be taken as read and confirmed.

Attachment Number: 1

5. PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email info@hindmarsh.vic.gov.au or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-amble. Offensive, trivial and repetitive questions or questions, which have been recently answered, may be excluded at the discretion of the Mayor.

The question must be accompanied by a name and the locality where the questioner resides or works which will be read out at the meeting. By submitting a question, the questioner gives consent to this information being read out in public. Anonymous questions will not be answered.

6. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: FEBRUARY 2021

Cr ISMAY, MAYOR

Date	Meeting	Location	Comments
19/01/2021	Meeting with Tourism Vic	Zoom	
20/01/2021	Wimmera Mallee Tourism Meeting	Donald	
20/01/2021	Tour of Donald and Surrounds	Donald	
26/01/2021	Australia Day Ceremony	Rainbow	
26/01/2021	Australia Day Ceremony	Jeparit	
26/01/2021	Australia Day Ceremony	Dimboola	
26/01/2021	Australia Day Ceremony	Nhill	
28/01/2021	Electric Vehicle Charging Station Launch with Linga Network	Nhill	
01/02/2021	Youth Councillor Interview	Rainbow	
03/02/2021	Briefing Meeting	Nhill	
03/02/2021	Council Meeting	Nhill	
08/02/2021	Wimmera Mallee Tourism AR/VR Discussion	Horsham	
11/02/2021	Regional Councils Presentation	Warracknabeal	
11/02/2021	Bank Closure Discussion	Oasis, Rainbow	
12/02/2021	Inspection of Off Road Race Track with BGLC, Darren Griffen	Rainbow	
16/02/2021	Wimmera Mallee Tourism Meeting	Zoom	
21/02/2021	Discussion with Developers	Nhill	
22/02/2021	Off Road Race Meeting	Rainbow	
23/02/2021	Rainbow Progress Association AGM		
23/02/2021	Primary Hub Meeting	Rainbow	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
26/01/2021	Nhill Australia Day Celebrations	Nhill	Congratulations to Pauline McCracken and Mandy

			Stephan OAM.
28/01/2021	Opening of the Electric Vehicle Charging Station	Nhill	An honour for Nhill to host the first Linga Network Electric Vehicle Charging Stations.
29/01/2021	Meeting with CEO	Nhill	
02/02/2021	Hindmarsh Tourism Group Meeting	Nhill	The inaugural meeting of the Hindmarsh Tourism Group welcomed tourism representatives from across the Shire. Keep an eye out for the Council's 'Unearth Amazing' advert.
03/02/2021	Council Briefing	Nhill	
03/02/2021	Council Meeting	Nhill	
09/02/2021	Wimmera Development Association Board Meeting	Zoom	Key business: Adoption of the Housing Strategy
11/02/2021	Wimmera Southern Mallee Council's Introduction to the Regional Approach	Warracknabeal	Presentations: GWM, Regional Roads Victoria, Grampians Central West Waste Resource Recovery Group, Rural Councils Vic, Municipal Council of Victoria, Wimmera Development Association, Emergency Management, Dr Anne Webster

Cr NELSON

Date	Meeting	Location	Comments
06/01/2021	With members of Dimboola Bowling Club	Dimboola Bowling Club	To discuss the damage to the greens caused by corellas.
23/01/2021	Welcome to Country and Vic and South Australian Barefoot Waterski Competition	Wimmera River Dimboola	
24/01/2021	2021 Barefoot Waterski Competition	Wimmera River Dimboola	
26/01/2021	Australia Day Ceremony	Dimboola Library	
01/02/2021	Dimboola Town Committee Meeting	Dimboola	
01/02/2021	Interviewed Youth Councillor Applicants	Dimboola	
03/02/2021	Meeting with Dimboola Bowling Club and Amanda Ashton (DELWP)	Dimboola	
03/02/2021	Briefing Meeting	Nhill	
03/02/2021	Council Meeting	Nhill	
10/02/2021	Meeting with EA, Shauna Johnson	Dimboola	RE: technology
11/02/2021	Wimmera Southern Mallee Councils Regional Approach Seminar	Warracknabeal	

Cr GERSCH

Date	Meeting	Location	Comments
26/01/2021	Australia Day Ceremony	Rainbow	
26/01/2021	Australia Day Ceremony	Jeparit	

26/01/2021	Australia Day Ceremony	Dimboola	
26/01/2021	Australia Day Ceremony	Nhill	
28/01/2021	Electric Vehicle Charging Station Opening	Nhill	
28/01/2021	Nhill Movies (Break Down)	Nhill Memorial Community Centre	
03/02/2021	Briefing Meeting	Nhill	
03/02/2021	Council Meeting	Nhill	
04/02/2021	Nhill Movies Re-screening	Nhill Memorial Community Centre	
05/02/2021	Wimmera Regional Roads Meeting	Zoom	
08/02/2021	Meeting with EA, Shauna	Nhill	RE: Technology
10/02/2021	Long Phone Call with Marshall Rodda		RE: Truck Routes
11/02/2021	Wimmera Forum Regional Meeting	Warracknabeal	
12/02/2021	Rural Councils Victoria Board Meeting	Zoom	
19/02/2021	Long Phone Call with Roy Dickinson		RE: Truck Routes

Cr IRELAND

Date	Meeting	Location	Comments
26/01/2021	Australia Day Ceremony	Rainbow	
26/01/2021	Australia Day Ceremony	Jeparit	Spoke to the crowd with regards to COVID and the future going forward for Jeparit and the Hindmarsh shire
26/01/2021	Australia Day Ceremony	Dimboola	
28/01/2021	Yurunga Homestead Committee Meeting	Rainbow	
29/01/2021	Follow up with Jeff Woodward		RE: Yurunga's wish list and grant requests
01/02/2021	Interviewed Youth Councillor Applicants	Rainbow	
02/02/2021	Lengthy discussion with Rainbow gypsum pit		RE: the entrance to their business not being a gazetted road and her fear of her business longevity.
03/02/2021	Council Briefing Meeting	Nhill	
03/02/2021	Council Meeting	Nhill	
05/02/2021	Meeting with SMS Rural and Council Representatives	Jeparit	To discuss delay in 'hot mixing' the apron of his business and the severe resultant impact that his road being non - gazetted for B-doubles and mass managed trucks would mean to him.
18/02/2021	Wimmera Mallee Pioneer Museum Meeting	Jeparit	
19/02/2021	Meeting with Secretary of WMPM		To discuss the committee and structure going forward RE cataloguing machinery, documenting provenance, etc.

Cr BYWATERS

Date	Meeting	Location	Comments
26/01/2021	Australia Day Ceremony	Dimboola	Congratulations to all those who received Australia Day awards at the Australia Day celebrations. Thank you to everyone who took the time to submit Hindmarsh nominations, there were many high standard applications and I hope they will apply again next year.
26/01/2021	Australia Day Ceremony	Nhill	<p>As a proud fourth generation Australian I was very conflicted this Australia Day, wanting to celebrate everything that is wonderful about our beautiful country and being Australian and I was also keen to be in attendance for the community awards. However, with my new knowledge of the 45 Aboriginal people living in the Dimboola area I was even more aware of the hurt holding Australia Day on the 26 of January can cause for our Aboriginal citizens. I look forward to listening to and working with Hindmarsh Shire's First Australians. Let us learn from the past to care for the future.</p>
28/01/2021	Electric Vehicle Charging Station Launch with Linga Network	Nhill	
29/01/2021	Rainbow Talks: Beat Stress & Build Resilience	Zoom	<p>Hindmarsh Shire have partnered with The Wimmera Pride Project to deliver a series of Rainbow Talks to local LGBTQIA+ people and their allies. I joined the Dimboola workshop online; Beat Stress & Build Resilience.</p> <p>Stress is our body's response to pressures from a demanding situation, an adverse event, or negative thoughts. These days, many of us experience high levels of stress which has the potential to impact negatively on our physical, mental, and emotional wellbeing.</p> <p>While everyone is affected by stress, research suggests that those who identify as LGBTQIA+ experience additional stressors in their lives.</p> <p>This information session provided practical stress management techniques that can be applied and utilised in your life immediately. The program discussed how stress can damage your physical, mental, and emotional health and presented a variety of strategies and ideas to help manage stress in a healthy and productive way.</p>
01/02/2021	Meetings	Dimboola	Regarding various issues, concerns, and

	with Residents		suggestions. Industrial Land, Town Clock, why so few people at pools? Disability change rooms and access to Pool, Bus Shelter, Sporting grounds, Australia Post- Office becoming a Community bank and COVID-19 Vaccines.
01/02/2021	East Ward Youth Councillor Interviews with Cr Nelson	Dimboola and Jeparit	
01/02/2021	Dimboola Town Committee Meeting	Dimboola	This was the first official face-to-face meeting since the Covid19 pandemic and I would like to thank and congratulate the volunteer, committee members and their helpers for all the work they have continued to do for the benefit of the community under difficult circumstances. I echo my congratulations and appreciation to ALL volunteers in Hindmarsh Shire!
02/02/2021	Hindmarsh Tourism Meeting	Nhill	This group started 3 years ago as the Nhill Tourism and Business Group and this year has decided to expand to include all of Hindmarsh. The hope is to share knowledge and resources to increase marketing outlook and improve tourism for our region. The next meeting will be held at Rainbow Oasis on Tuesday May 4th, 2021.
03/02/2021	Council Briefing and Meeting	Nhill	
11/02/2021	Wimmera Southern Mallee Regional Approach Day	Warracknabeal	
11/02/2021	Meeting with Secretary of Dimboola Lions	Dimboola	Talks about Lochiel Wayside Stop, Driver Reviver Grant opportunity.
11/02/2021	Meeting with Ratepayer		RE: Anderson Street, Dimboola. Last year's budget submissions and upgrades to Anderson Street in the 2020/2021 financial year.
21/02/2021	Meeting with Property Investors	Nhill	

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment Number: 2

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 29/01/2021 – Letter from Rainbow Archive and Historical Society

Outwards:

- 11/02/2021 – Letter of Congratulations sent to Robyn Lauricella RE: Opening of Wotjobaluk Knowledge Place in Dimboola
- 10/02/2021 – Letter of Congratulations to 2021 Hindmarsh Shire Youth Councillors

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Number: 2

8. PLANNING PERMITS

8.1 APPLICATION FOR PLANNING PERMIT PA1685-2020 – USE AND DEVELOPMENT OF LAND FOR EXTRACTIVE INDUSTRY – 1280 PERENNA ROAD, NETHERBY

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	107100
Applicant:	Bruce Beacom
Owner:	Bruce Beacom
Subject Land:	1280 Perenna Road, Netherby, 3418 (Crown Allotment 26, Parish of Perenna).
Proposal:	Use and Development for an Extractive Industry (Limestone Quarry).
Zoning & Overlays:	Farming Zone (FZ).
Attachment Number:	3

Summary:

This report recommends that Council approve Planning Permit PA1685-2020 for the use and development of an Extractive Industry (Limestone Quarry) on land at 1280 Perenna Road, Netherby, 3418, formally described as Crown Allotment 26, Parish of Perenna.

Background:

The application has been lodged by Mr Bruce Beacom, whereby it is proposed to use part of the site, less than 1 hectare, for limestone quarrying, no blasting is proposed. It should be noted that whilst the applicant has identified the subject lot on the application as Marshalls Road, Netherby (and which the Certificate of Title supports), the correct rateable address as established by Council Officers should be 1280 Perenna Road as the secondary address for the property (quarry) and 1160 Perenna Rd as the main property address. The applicant by way of email correspondence dated 3 February 2021 agreed to this change.

Whilst this change of address occurred during public notification, it was of the view by Officers that this had no impact or bearing on the merits of the application. Surrounding properties that were notified were able to access the application and the supporting documentation provided clear information as to the location of the proposal. Further to this, two signs were also located on the subject site during the public notification period.

Proposal Details:

It is proposed by the applicant to carry out the quarrying as follows:

- Topsoil to be removed and stockpiled for replacement during rehabilitation;
- Excavation of the land to be a depth of less than of 2 metres;

- Approximately 500 m² of the land to be open at a time and once the limestone has been removed the topsoil will be reinstated and grasses planted over the top;
- Bunding or a swale drain will be created on the high side of the quarrying area to divert any surface run off and will be contained within the overall site given the size and setbacks from the site's boundaries.

It is proposed that the limestone will be excavated with a bulldozer and front-end loader with limited truck movements entering and existing from the site from Perenna Road, via Lorquon Netherby Road. No crushing or screening is proposed. The land has been used for farming and cropping which the applicant has advised will continue whilst the limestone is being removed. No trees are being removed and there is no impact to native flora and fauna.

The expected life of the mine is 5 years with annual production expected to be 2,000-3,000 m³. The proposed hours of the quarry are from 8am – 5pm, Monday to Saturdays for pickup by wholesale customers. No Work Authority is required due to the small size of the quarry.

Requirement for Permit:

A planning permit is required under the following clauses of the Hindmarsh Planning Scheme:

- Clause 35.07-1 (Farming Zone) – An Extractive Industry is a Section 2 use in the Farming Zone, permit required.
- Clause 35.07-4 (Farming Zone) – A Planning Permit is required to construct buildings and works (earthworks) in association with a Section 2 use.

Definitions:

Extractive Industry is defined by Clause 73.03 of the Hindmarsh Shire Planning Scheme as:

Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works.

It includes:

- *The rehabilitation of the land; and*
- *The treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement, or asphalt products on or adjacent to the land from which the stone is extracted or removed.*

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 2018, as the proposed development is not within part of the land that is affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject Site & Locality:

The subject site is situated on the corner of Netting Fence Track and Perenna Road, Netherby. The proposed quarry is to occupy a small portion of the overall site (most notably on land at 1280 Perenna Road) which will be setback back 32.70 metres from the road frontage and approximately 200 metres from the southern boundary of the site. The subject site is slightly irregular in shape with a frontage to Netting Fence Track of 890.37 metres, a minimum depth of 780.73 metres and an overall area of 75 hectares.



Overall, the subject site is relatively flat and void of any vegetation, including native vegetation, dams or watercourses.

Surrounding land use is predominately farming activity and to the north of the subject site is Wyperfeld National Park managed by DWELP, who as a surrounding landowner were advised of this application and who did not object.



View of the subject lot facing north.

Advertising

Section 52 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.*

Public Notification was undertaken by way of 2 signs on the land (one sign facing Perenna Road and the other along Netting Fence Road) and letters to adjoining and nearby property owners.

As a result of the advertising process, no objections were received.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

No external referrals were required given the size of the quarry and the minimum depth of excavation.

Internal Referrals:

Engineering:

- No objection subject to permit conditions

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 14.03-1S Resource Exploration and Extraction

Objective

- To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

Strategies

- Provide for the long-term protection of natural resources in Victoria.
- Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.
- Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.
- Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.
- Develop and maintain buffers around mining and quarrying activities.
- Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.
- Determine buffer areas between extractive activities and sensitive land uses on the following considerations:
 - Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
 - Whether a change of land use in the vicinity of the extractive industry is proposed.
 - Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
 - Performance standards identified under the relevant legislation.
 - Types of activities within land zoned for public use.

Local Planning Policy Framework

Clause 21.02-2 Vision Strategic Framework

The following Vision has been derived from the "Hindmarsh Land Use Strategy, 1997", and complements the Vision for the Shire, which is set out in the Corporate Plan.

The Vision is for a Shire where:

The economy is founded on agricultural production based on diversification and improved production and other value adding activities.

Clause 21.03-2 Objectives, Strategies and Implementation

Hindmarsh's economy is based on agricultural production, particularly cropping, grazing and wool. While these traditional agricultural pursuits have formed the basis of Hindmarsh's economy, diversity in production is being pursued. New enterprises based on value adding closer to the source of the product is a way of expanding and diversifying the economic base of the Shire. There are also a number of major industries and smaller service business activities which significantly contribute to the economy. More recently, tourism associated with the Shire's environmental features and cultural elements is emerging as a small, but important component of the local economy.

A key Objective that derives from this Strategy is:

To support economic growth through both the retention and development of agricultural activities and through the development of new activities which are economically, environmentally and socially sustainable.

Response:

The operation of the Limestone Quarry is to be for pickup by wholesale customers who will use the material for a variety of uses.

The planning scheme's policies, as set out in both the SPPF and LPPF, articulate the importance of maintaining and protecting productive farming land. For example, the objective for agriculture as set out at clause 14.01-1S of the planning scheme is to ensure that the state's agricultural base is protected from unplanned loss of productive agricultural land. The protection of the shire's agricultural base is also a key outcome sought in the Shire's MSS. At Cause 21.03-3, the MSS acknowledges *there is the need to pursue improved and alternative agricultural activities and diversify the agricultural base and develop additional local value adding opportunities to support local production and local economies.*

Mining/extractive industry can be considered as an economic activity generator and whilst the proposal does not involve farming, nonetheless, it is compatible with rural use and its products would support local agricultural activity. The limestone products quarried at this site would be used by local farmers who would enjoy the benefit of having them available at a significantly lesser price because of reduced transport costs, and thus providing them with a significant economic benefit.

The proposal therefore complies with both the State and Local Planning Policies, subject to conditions.

Zoning Provisions

As stated above in this report, a planning permit is required for an Extractive Industry in the Farming Zone and for the proposed associated earthworks.

The application for a proposed quarry of this scale satisfies the requirements of the State Planning Policy Framework and the Local Planning Policies above and an assessment is provided below against Clause 35.07-6 (Farming Zone Decision Guidelines). As such, compliance with the overarching objectives and purpose of the Zone has been satisfactorily achieved with this application, noting also that the Planning Scheme encourages economic development compatible with rural activity. The quarrying of Limestone product on this site and making it available for a commercial use is consistent with this purpose.

Assessment Against Clause 35.07-6 (Decision Guidelines)

Of relevance to this application are the following Decision Guidelines of the Farming Zone:

General Issues

The Municipal Planning Strategy and the Planning Policy Framework.

Addressed above, the proposed Limestone Quarry is not at odds with Councils Local Planning Policies.

Any Regional Catchment Strategy and associated plan applying to the land.

The proposal will not raise any issues of concern in relation to the Wimmera Regional Catchment Strategy. The site is located away from any wetlands or waterways with Lake Hindmarsh located approximately 11 kilometres to the east. The land is also currently used for farming purposes so there is no significant vegetation on the site which may be impacted by the proposed quarrying works.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The proposed use will occupy only a small portion of the land which will easily be accommodated on the site. No effluent will be required to be disposed of.

How the use or development relates to sustainable land management. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The use will contribute to the sustainability of the land. It will occupy a very small part of the land and the current farming activities will continue on the remainder of the land. The quarry will not adversely impact the site or neighbouring sites, noting also that no objections have been received.

How the use and development makes use of existing infrastructure and services.

The use will not need to rely on existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

The quarry will support the financial viability of the land and the section of land set aside for the quarry will be reinstated to farmland after the use has been completed.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The quarry should not adversely affect the quality of the soil. Top soil will be retained on-site and will be reinstated over the quarried land once complete. The land will be reinstated for agricultural purposes subsequent to the use being completed and the existing agricultural activities will continue on the remainder of the land during operations.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The quarry will not limit the operation and expansion of nearby agricultural land uses.

The capacity of the site to sustain the agricultural use.

The quarry will assist with the long-term sustainability of the agricultural use of the land.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

These will not be affected by the quarry use.

Any integrated land management plan prepared for the site.

No integrated land management plan has been prepared for this area.

Environmental Issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

There will be little impact resulting from the quarry. As noted above, this is on a small component of the subject site, on a relatively flat section of the land with no outstanding natural or physical features. The topsail will be stored on site for reuse in the reinstatement of the land. The quarry will not impact water quality given its relatively small size and distance from waterways.

The impact of the use or development on the flora and fauna on the site and its surrounds.

The site has been used for agricultural purposes and there is no significant flora or fauna on the site.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

These will not be impacted. There are no riparian buffers, waterways, gullies or ridgelines on the site and no vegetation of any significance on the overall land.

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

No effluent will be generated by the quarrying.

Design and siting issues

Of relevance are the following clauses:

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The proposed quarry will not impact any significant features nearby.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

No new infrastructure will be required to service the quarry and existing infrastructure will not be affected.

Whether the use and development will require traffic management measures.

The application has been assessed by Councils Engineer who has raised an objection to the impact this proposal will have on traffic and as such, no traffic management issues are warranted.

Particular Provisions

Clause 52.08 Earth and Energy Resources Industry

The purpose of this clause is to encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards. A planning permit to use and develop land for earth and energy resources industry is required unless exempted in the table of exemptions. Pursuant to Section 77G of the Mineral Resources (Sustainable Development Act) 1990 (MRSD Act), a Work Plan is not required for the proposed quarry as the area to be quarried is less than 5 hectares and the depth is proposed to be less than 5 metres. These types of quarries are required to comply with a Code of Practice made in accordance with Clause 89A-89H of the MRSD Act.

Pursuant to the Code of Practice, quarries that are less than one hectare in area and less than 2 metres in depth are exempt from regulation under the MRSD Act and therefore this application is exempt from this particular Clause.

Clause 52.09 - Extractive Industry and extractive industry interest areas

Pursuant to this clause an application to use and develop and for extractive industry must be accompanied by a Work Plan unless exempt from the requirement to obtain a Work Plan under Section 77G of the MRSD Act.

As discussed above, due to the size and depth of the proposed quarry the quarry is exempt from the requirement to obtain a Work Plan.

General Provisions

Clause 65 - Decision Guidelines

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.

Clause 65.01– Approval of an application or plan

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate/relevant:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Response:

The proposed quarry is considered appropriate when assessed against the relevant decision guidelines of this clause. The use and development of the Limestone Quarry will not be at odds with any of the provisions or policy considerations of the Hindmarsh Planning Scheme. On balance, the application will result in a net community benefit.

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 and the overarching objectives of the Farming Zone in the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

30/09/2020 – Application was received.

02/10/2020 – Fee Paid.

21/10/2020 – Request for Further Information sent.

04/12/2020 – Response to RFI received.

12/01/2021 – Notification commenced.

29/01/2021 – Notification completed.

03/03/2021 – Planning Permit to be considered by Council (74 statutory days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have not been satisfied in this instance.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author: Stephen O'Brien, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the planning permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves Planning Application PA1685-2020 for the Use and Development of an Extractive Industry, on subject land known as 1280 Perenna Road, Netherby VIC 3418, subject to the following conditions:

- 1. The Permit hereby issued only allows for the excavation of limestone from the section market as 'proposed quarry' on the plans endorsed as part of this permit.***
- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. No blasting may occur on the subject land.***

4. **No crushing or screening is to occur on the subject land.**
5. **The hours of operation must only occur between 8am to 5pm Monday to Saturday provided that the day is not a declared public holiday.**
6. **Noise emissions associated with the conduct of activities on the subject land must comply with any relevant State Environmental Protection Policy or noise guidelines published by the EPA.**
7. **No more than 500 sqm shall be opened at any one time and shall be rehabilitated to the Responsible Authority's satisfaction prior to opening the next section.**
8. **The proposed crossover shall be constructed in accordance with the Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority at the applicant's expense.**
9. **The use and development hereby permitted 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 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 to the satisfaction of the Responsible Authority.**

Time Limit

10. **This permit will expire if the use and development does not start within two years of the date of this permit.**

The Responsible Authority may extend the period referred to above, if a request is made in writing before the permit expires, or within six months afterward if the use and development has not commenced.

Notes:

Engineering

- **A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 53914444) for the construction of the vehicle crossing or any works conducted in the road reserve.**
- **Standard designs / drawings of vehicle crossings can be obtained from Council's Infrastructure Department.**

Attachment Number: 3

**8.2 APPLICATION FOR PLANNING PERMIT PA1679-2020 – TWO-LOT
SUBDIVISION – 739 WOORAK NI NI LORQUON ROAD, NHILL**

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	112940
Application No.	PA1679-2020
SPEAR Ref. No.	S160666C
Applicant:	Andrew Koop, C/- Don Perry, Ferguson Perry Pty Ltd.
Owner:	Kaye Schultz
Subject Land:	739 Woorak Ni Ni Lorquon Road Nhill VIC 3418 (Lot 2 on Title Plan 437025J)
Proposal:	Two lot subdivision
Zoning & Overlays:	Farming Zone No Overlays
Attachment Number:	4

Summary:

This report recommends that Council approve Planning Permit PA1679-2020 for a two lot subdivision at 739 Woorak Ni Ni Lorquon Road Nhill VIC 3418 (Lot 2 on Title Plan 437025J), subject to standard conditions.

Background:

The site has been used for agricultural purposes, mainly for cropping, for a long time. The existing dwelling and farm sheds in the south-east part of the site have been used in conjunction with the farming enterprise for many years. The owners are seeking to diversify the family farming operations to provide another source of income through the subdivision and the leasing of the farm sheds and silos to the adjoining farming operations.

Proposal Details:

The application proposes the two lot subdivision of the subject land, which will enable a smaller lot containing a dwelling and farm sheds to be subdivided from the balance of the land. The original plan of subdivision submitted on 26/08/2020 was amended on 11/11/2020 to reduce the size of proposed Lot 1 from 8.5ha to 5.84ha pursuant to Section 50 of the *Planning and Environment Act 1987*.

The amended plan of subdivision (Version 2) comprises proposed Lot 1 with an area of 5.84ha and proposed Lot 2 with an area of 70.27ha. Proposed Lot 1 contains the existing dwelling, garden area, farm sheds, silos and a small paddock for livestock grazing.

Vehicle access to proposed Lot 1 will be from the existing crossovers on Woorak Ni Ni Lorquon Road to the east and Woorak West Ni Ni Road to the south. Proposed Lot 2 contains existing farming land. The existing vehicle access on Woorak West Ni Ni Road, at the west end of the property that services proposed Lot 2, will need to be upgraded

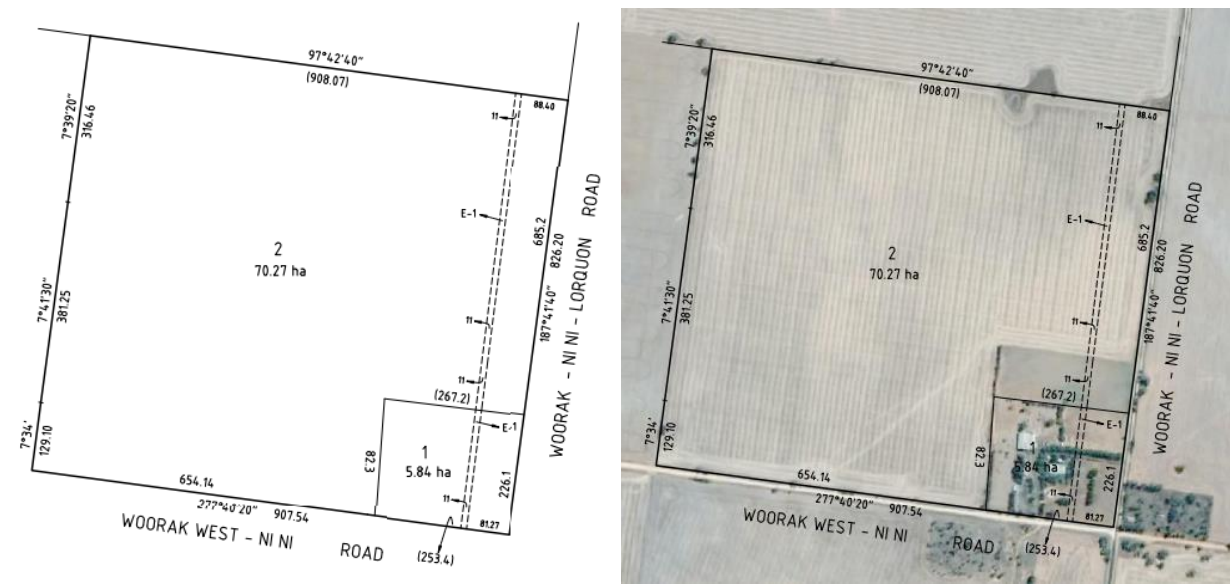
to current standards. An 11m wide power line easement in favour of Powercor Australia Ltd is also proposed to be created by the Plan of Subdivision and will be contained on both lots.

The applicant has stated the following about the amended proposal:

'The plans originally submitted for endorsement on 26 August 2020 proposed an area of 8.5ha for Lot 1, which included a 3.7ha paddock to the north of the existing dwelling on Proposed Lot 1. In response to Council's concerns about the size of Lot 1, the plans submitted for endorsement have been amended to reduce the size of proposed Lot 1 to 5.84ha. This has been achieved through a reduction in the size of the paddock on proposed Lot 1 by 2.63ha to 1.07ha.

This paddock is intended to be retained by the Schultz family for agricultural purposes, being livestock grazing, as it provides them with another supplementary source of income. The paddock is not required by Mr. Koop and would make a negligible contribution to the output of the farmland on Lot 2. Furthermore, Mr. Koop has advised that due to the tree lines and the size of the small paddock, it is cumbersome to maneuver machinery around. Therefore, the paddock is not valued or considered practicable by him from a cropping perspective.

The inclusion of the large shed, silos and paddock on Lot 1 will allow the Schultz family to continue the income stream that they have worked hard to cultivate on the property. It is requested that Council recognize this contribution by allowing the Schultz family to retain the large shed, silos and paddock on Lot 1.'



Requirement for Permit:

The subject land is located within the Farming Zone and is not affected by any overlays. A planning permit is required to subdivide land under Clause 35.07-3 Subdivision of the Farming Zone, which states that a permit is required to subdivide land.

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 2018*, as the proposal is not within land affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject site & locality:

The subject site is located on the western side of Woorak Ni Ni Lorquon Road and also fronts the northern side of Woorak West Ni Ni Lorquon Road in Nhill.

The subject site is known as Lot 2 on Title Plan 437025J and has a total area of approximately 75ha. The site contains farming land used for cropping and an associated dwelling and farm sheds in the south-eastern corner of the site. Access to the site is from existing crossovers on Woorak Ni Ni Lorquon Road to the east and Woorak West Ni Ni Road to the south.

The site adjoins farmland to the north and west and the surrounding area comprises farmland, which is also used for cropping with scattered dwellings. The site and all the surrounding land are within the Farming Zone (FZ).

Aerial Photo below (POZI, 2016)



Consultation:

Consultation was undertaken and included:

- A request for further information was sent to the applicant via SPEAR on 19 September 2020.

- The further information and amended plans were received in SPEAR on 11 November 2020.

Section 52 Notice of application:

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two (2) notices on site, including one (1) notice on Woorak Ni Ni Lorquon Road to the east and one (1) notice on Woorak West Ni Ni Road to the south.

A statutory declaration form for the public notice was submitted to Council on 27 January 2021. The notification has been carried out correctly. Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

- Powercor – No objections.

Section 52 Referrals

- GWM Water - No objections.

Internal Referrals:

- Engineering: Comments provided, and condition required as detailed below.
 - *We have conducted a site visit on 13/01/2021. The following condition needs to be completed before Statement of Compliance can be granted. The current access located at the West side of Lot 2 will need to be upgraded or a new drainage pipe and crossover will need to be constructed as per IDM-255 Standard, with a new fence and gate with recommended setback on Woorak West-Ni Ni Road.*

Planning Scheme:

Planning Scheme Requirements:

Planning Policy Framework (PPF)

The following relevant Clauses in the PPF have been considered for the application.

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.03-6S Regional and local places

Clause 14.01-1S Protection of agricultural land

Clause 14.01-1R Agricultural productivity – Wimmera Southern Mallee

Clause 14.01-2S Sustainable agricultural land use
Clause 19.03-2S Infrastructure design and provision

Local Planning Policy Framework (LPPF)

The following relevant Clauses in the LPPF have been considered for the application.

Clause 21.00 – Municipal Strategic Statement

Clause 21.02 Vision – Strategic Framework

Clause 21.03 Objectives – Strategies – Implementation

Clause 21.03-2 Economic Development

Clause 21.03-3 Agriculture

Objective

- *To maintain a viable and sustainable agricultural industry to ensure the future well-being of the Shire and its residents.*

Strategies (relevant to application)

- *To promote and support the traditional rural industries such as cropping, livestock and wool production.*
- *To promote effective land management and the integration of economic and environmental needs through sustainable agricultural practices.*
- *To recognise and protect farmland as an important resource through the development and implementation of appropriate provisions in the planning scheme.*
- *Limit the fragmentation of productive agricultural land to maintain sustainable holdings. Ensure that new development does not limit the viability of surrounding enterprises and reflects the optimum use of land.*

Planning Response:

The proposed subdivision will comply with the relevant objectives of the PPF, particularly in regard to protecting and enhancing valuable agricultural land and retaining sustainable agricultural uses while minimising land use conflicts with surrounding agricultural uses.

The proposal will comply with the relevant policies of the SPPF including Clauses 14.01-1S, 14.01-1R and 14.01-2S.

The subdivision to create a smaller lot of 5.84ha containing the dwelling, garden, farm sheds and silos and a balance lot of 70.27ha will minimise the loss of productive agricultural land, while protecting and enhancing the existing cropping activities and providing an alternative source of income for the family farming enterprise on the land. A Section 173 Agreement is required to prevent further fragmentation of the land holdings and to ensure the owners of Lot 1 acknowledge the surrounding farming activities may have some amenity impacts.

The proposed subdivision will therefore comply with the relevant provisions of the LPPF including the MSS and the local planning policies including Clause 21.03-3 Agriculture subject to conditions.

Zoning Provisions

Clause 35.07 Farming Zone

35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

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

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

Clause 35.07-6 Decision Guidelines

Before deciding on an application to use or subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate, matters under the following relevant headings:

- General issues
- Agricultural issues and the impacts from non-agricultural uses
- Environmental issues
- Design and siting issues

Planning Response:

The proposed subdivision complies with the relevant decision guidelines in the zone for the following reasons:

General issues

- The proposed subdivision will comply with the LPPF and PPF as discussed above.
- The proposed subdivision will be consistent with the current Wimmera Regional Catchment Strategy 2013-2019.
- The septic system of the existing dwelling on proposed Lot 1 will be required to comply with the relevant Acts and Codes of Practice, which will be addressed by a condition.
- The subdivision will encourage sustainable land management by minimising the area of proposed Lot 1 for the dwelling, garden, sheds and silos on a smaller lot and ensuring the balance of the agricultural land is retained on proposed Lot 2.
- The subdivision will allow the dwelling and the immediate area not being used for cropping on a smaller lot and the farming land for cropping to be contained within one contiguous larger lot and used in conjunction with adjoining lots as part of a larger farming enterprise. The proposal will be compatible with the adjoining and nearby agricultural land uses.
- The proposal makes use of existing infrastructure and services by utilising existing vehicle access points where possible. The vehicle access to proposed Lot 2 will need to be upgraded to Council standards. Electricity is connected to the existing

dwelling. Standard conditions will be included for services to be connected as required by the relevant authorities in accordance with the conditions listed in Clause 66.01.

Agricultural issues and the impacts from non-agricultural uses

- The subdivision will have a positive effect on the existing agricultural activities on the lots with the retention of the farming infrastructure on proposed Lot 1 to be used by other farming enterprises if required and the creation of a larger balance lot on proposed Lot 2 to be purchased by the owners of the adjoining farming enterprise.
- The existing agricultural activities on the land are unlikely to be affected with the farming infrastructure retained on proposed Lot 1 to provide an alternative income and the more intensive agricultural activities to be located on proposed Lot 2. The subdivision is unlikely to result in any adverse effect on soil quality and does not remove any land from agricultural production.
- The subdivision is unlikely to limit the operation and expansion of adjoining and nearby agricultural uses as the existing uses on the site will be unchanged. A Section 173 Agreement condition will require the owner of proposed Lot 1 (dwelling lot) to acknowledge and accept nuisance from the adjoining agricultural activities on proposed Lot 2 (agricultural lot) and other adjoining agricultural lots.
- The proposed Lot 2 with an area of 70.27ha will be an adequate size to sustain the productive agricultural use and will also be used in conjunction with the adjoining farming lots.
- The subdivision will not adversely affect the current agricultural activities and associated infrastructure.
- There is no applicable land management plan for the site.

Environmental issues

- The proposal is unlikely to have an adverse impact on soil and water quality and any other natural physical features and resources. The existing septic system for the dwelling on proposed Lot 1 is required to meet current standards to ensure there are no adverse environmental issues.
- The site and surrounding land have long been largely cleared of native vegetation due to historical broad acre farming activities. The subdivision will allow the existing planted tree buffers to be retained and will not have impacts on remaining flora and fauna in the locality. No other nearby vegetation will be affected by the proposal.
- As discussed above, the existing septic system of the dwelling on proposed Lot 1 is required to comply with the *Environment Protection Act 1970*, *State Environment Protection Policy (Waters of Victoria)* and the *Code of Practice for On-Site Wastewater Management*, which will be included as a condition.

Overlay Provisions

Nil

Particular Provisions

Nil

General Provisions

Clause 65 - Decision Guidelines

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.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the Responsible Authority must consider, relevant matters, as appropriate.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, relevant matters, as appropriate.

Planning Response:

The application complies with the relevant decision guidelines as outlined above. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the protection of agricultural land, preventing land use conflicts with surrounding agricultural land uses and not impacting on the amenity of the area. The proposed subdivision will enable the orderly planning of the area. The proposal therefore complies with Clause 65.

Discussion:

The proposed subdivision will satisfy the relevant planning policies in the PPF and LPPF and will comply with the relevant decision guidelines of the Farming Zone as outlined above.

The proposal will not adversely impact on the amenity of the area, subject to conditions for a Section 173 Agreement to prevent further subdivision to increase the number of lots and to acknowledge potential nuisance and other impacts from surrounding agricultural activities, as well as a compliant wastewater system and vehicle access to the lots that is constructed to current Council standards. The proposal will enable the orderly planning of the area in accordance with Clause 65.

The proposal should therefore be approved, and a Planning Permit be issued subject to conditions as outlined below.

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, The Farming Zone and Clause 65.

Report to Council:

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

Processing Times:

26/08/2020 - Application lodged

01/09/2020 - Fee received

19/09/2020 - Further information requested

11/11/2020 - Response to further information received and amended plan received

23/12/2020 - Advertising instructions sent

13/01/2021 - Responses all received to external referrals

29/01/2021 - Statutory declaration received in SPEAR

03/03/2021 - The report is being presented to Council at the meeting held 03 March 2021 (75 statutory days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have not been satisfied in this instance.

Conflict of Interest:

Under section 130(2) of the Local Government Act 2020, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the planning permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1679-2020 for a Two lot subdivision on the subject land at 739 Woorak Ni Ni Lorquon Road Nhill VIC 3418 (Lot 2 on Title Plan 437025J), subject to the following conditions:

Conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Section 173 Agreement

- 2. Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies:***
 - (a) No further subdivision of the land to increase the number of lots.***
 - (b) The owner of the dwelling on Lot 1 as shown on the plan endorsed under Planning Permit PA1679-2020 acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation necessary for agricultural production.***

The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

Wastewater system on Lot 1

- 3. The existing wastewater system on Lot 1 must contain all effluent from the existing buildings within the lot and the system must comply with the Environment Protection Act 1970, the State Environment Protection Policy (Waters of Victoria) and the EPA Code of Practice 891.4 (2016) for On-Site Wastewater Management or relevant alternative, to the satisfaction of the Responsible Authority.***

Access

- 4. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the existing crossover location at the western end of Lot 2 must be upgraded or a new drainage pipe and crossover must be constructed with a new fence and gate and recommended setback on Woorak West-Ni Ni Road, to the satisfaction of the Responsible Authority.***

5. ***The crossovers and access to the two lots must be constructed to an all-weather standard and must have a minimum trafficable width to accommodate emergency vehicles, to the standards and satisfaction of the Responsible Authority or as otherwise agreed to writing by the Responsible Authority.***

Subdivision Conditions in Clause 66.01

6. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
7. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
8. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

Subdivision Expiry

9. ***The subdivision will expire if:***
 - (a) ***The plan of subdivision is not certified within two (2) years of the date of this permit.***
 - (b) ***The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.***

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 before the permit expires, or within six (6) months of the permit expiry date.

Notes:

Infrastructure

- ***The upgraded or new crossover for Lot 2 on Woorak West-Ni Ni Road must be constructed as per IDM-255 Standard.***

https://www.designmanual.com.au/assets/files/documents/Standard_Drawings/IDM_STANDARD_DRGS_SET_2020-03-24.pdf

- **A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration/upgrade of any vehicle crossovers or any works conducted in the road reserve.**

Attachment Number: 4

9. REPORTS REQUIRING A DECISION

9.1 COUNCILLOR GIFTS AND HOSPITALITY POLICY

Responsible Officer: Director Corporate and Community Services

Attachment Number: 5

Introduction:

This report seeks Council approval of the Hindmarsh Shire Council Hospitality and Gifts Policy in accordance with section 138 of the *Local Government Act 2020*.

Discussion:

Section 138 of the Act (2020) requires a Council to adopt and maintain a Councillor Gift Policy within the period of 6 months after the section was proclaimed on 24 October 2020. The purpose of the gift policy is to establish appropriate conduct in circumstances where Councillors are offered gifts, benefits, hospitality or are granted awards or win prizes, whether part of their official duties or while attending functions as Council representatives.

Councillors will be responsible for the following moving forward:

- **Refusal of all gifts**

Councillors should refuse all offers of gifts which are deemed inappropriate as per the Policy, only accepting where refusal would be discourteous and in that instance following the Declaration of Gift/Benefit/Hospitality Procedure. No gift may be accepted that could influence, or be perceived to influence, a Councillor in the performance of his or her public or professional duties.

- **Gifts must never be sought**

Councillors must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

- **Declaration of Gift/Benefit/Hospitality**

A gift, benefit, award or prize that must be declared will be done using the Declaration of Gifts Form and the details recorded in the Council Gift Register.

Options:

1. Council can approve that the Hospitality and Gifts Policy.
2. Council can amend the Hospitality and Gifts Policy and then approve Hospitality and Gifts Policy.

Link to Council Plan:

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

Financial Implications:

Nil.

Risk Management Implications:

The Hospitality and Gifts Policy will assist Council in being compliant with the Act and assist Councillors in avoiding conflicts of interests arising due to receiving inappropriate gifts or hospitality.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

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

Author – Helen Thomson, Manager Governance and Human Services
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

Council officers will upload the Hospitality and Gifts Policy on Council's website and circulate the Hospitality and Gifts Policy to all and Councillors.

Next Steps:

Council Officers will undertake the following steps moving forward:

- Providing a copy of the Councillor Gifts and Hospitality Policy on the Councillor Sharepoint.

RECOMMENDATION:

That Council approves the Councillor Gift and Hospitality Policy and Guidelines.

Attachment Number: 5

9.2 GENDER EQUALITY POLICY AND GUIDELINES

Responsible Officer: Director Corporate and Community Services

Attachment Number: 6

Introduction:

This report seeks Council approval of the Hindmarsh Shire Council Gender Equality

Policy and Guidelines.

Discussion:

The *Gender Equality Act 2020 (Act)* was passed in Victorian Parliament at the end of February 2020 and will take effect on 31 March 2021. The Act will apply to public sector organisations, universities and local Councils. The Act will require those organisations to engage in ongoing positive action to achieve gender equality within their organisation.

As part of the compliance requirements of the Act, Council has developed the Gender Equality Policy and Guidelines in line with the requirements of the Act

Council officers will be required to undertake the following tasks moving forward:

- **Gender impact assessment**
Council will be required to undertake a gender impact assessment each time Council develops or reviews a policy, program or service that has a direct and significant impact on the public.
- **Workplace gender audit**
Council will conduct a workplace gender audit during July, 2021. A workplace gender audit will be completed every four years thereafter.
- **Gender Equality Action Plan**
Following the workplace gender audit, Council officers will prepare a Gender Equality Action Plan to be submitted to the Gender Equality Commissioner.
- **Progress report**
Every second year after Council has submitted the Action Plan, Council must submit a progress report to the Gender Equality Commissioner stating the progress of the measures and strategies set out in the Action Plan.

Options:

1. Council can approve that the Gender Equality Policy and Guidelines.
2. Council can amend the Gender Equality Policy and Guidelines and then approve the Gender Equality Policy and Guidelines.

Link to Council Plan:

- 1.1 An engaged skilled Council and workforce capable of meeting community needs.

Financial Implications:

Nil.

Risk Management Implications:

The Gender Equality Policy and Guidelines will assist Council in being compliant with the Act.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

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

Author – Helen Thomson, Manager Governance and Human Services
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

Council officers will upload the Gender Equality Policy and Guidelines on Council's website and circulate the Gender Equality Policy and Guidelines to all relevant Council Officers.

Next Steps:

Council Officers will undertake the following steps moving forward:

- completing the workplace gender audit;
- completing the gender equality action plan; and
- implementing a procedure for completing gender impact assessments.

RECOMMENDATION:

That Council approves the Gender Equality Policy and Guidelines.

Attachment Number: 6

9.3 MAYORAL AND COUNCILLOR ALLOWANCES

Responsible Officer: Director Corporate and Community Services

Introduction:

The purpose of this report is to review and determine the Mayoral and Councillor Allowances.

Discussion:

The *Local Government Act 2020* has established a new way of setting Councillor and Mayoral Allowances, however, Local Government Victoria have advised that this will not be implemented before 30 June 2021, therefore Council must review and determine the Mayoral and Councillor allowances within the framework established by the *Local Government Act 1989*.

Councillors are democratically elected by the residents and ratepayers of Hindmarsh municipality. Once elected, Councillors are required to carry out various roles and functions impartially, to the best of their ability, and in the best interests of the municipality. This includes providing community leadership and guidance, through

attendance at various Council and community meetings, and setting the strategic direction for the municipality. In recognition of this, Councillors and the Mayor are entitled to receive an allowance.

The *Local Government Act 2020* and the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* requires the tribunal to make determinations setting the allowances payable to Councillors and Mayors in Victorian Councils. The first determination will come six months after the tribunal has not yet been requested to make a determination on Councillor and Mayoral allowances. As a result of this, Council is required to review Councillor and Mayoral allowances in accordance with the framework set out by the *Local Government Act 1989*.

Under the *Local Government Act 1989* framework, the Victorian Government sets upper and lower limits for all allowances paid to Councillors and Mayors. For the purpose of these allowance limits, councils are divided into three categories based on the income and population of each council. Each council is required to determine the precise annual amount that will be paid to its Mayor and Councillors, within the limits of the categories set by the Victorian Government.

Section 74(1) of the *Local Government Act 1989* requires that councils must review and determine the level of Mayoral and Councillor Allowances within six months after a general election or by the next 30 June, whichever is later. The allowance levels determined apply from the time of Council making a resolution after conducting a review of its allowances and remain in effect until the next election.

The following allowances were gazetted on 13 November 2019. No CPI increases were applied for 2020, so the amount gazette in 2019 remain valid at this point in time.



Victoria Government Gazette

No. S 459 Wednesday 13 November 2019
By Authority of Victorian Government Printer

Local Government Act 1989

MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

Pursuant to section 73B(4)(a) of the **Local Government Act 1989**, notice is hereby given that an adjustment factor of two per cent applies to Mayoral and Councillor allowances.

Pursuant to section 73B(4)(b) of the **Local Government Act 1989**, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,833–\$21,049 per annum	Mayors: up to \$62,884 per annum
Category 2	Councillors: \$10,914–\$26,245 per annum	Mayors: up to \$81,204 per annum
Category 3	Councillors: \$13,123–\$31,444 per annum	Mayors: up to \$100,434 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2019.

Dated 12 November 2019

ADEM SOMYUREK MP
Minister for Local Government

The relevant allowance range limit that applies to Hindmarsh Shire Council (as a Category 1 Shire) from 13 November 2019 (subject to an additional amount equivalent to the superannuation guarantee of 9.5%) are:

- An allowance paid to Councillors for performing their duties – minimum \$8,833, maximum \$21,049 (subject to any amendments by Order in Council).
- An allowance paid to the Mayor for performing their mayoral duties – maximum amount \$62,884 (subject to any amendments by Order in Council).

Hindmarsh Shire Council, like many of its peers in Category 1, has historically opted for the maximum allowance.

Community Consultation

Council is required to consult with the community by giving 28 days' notice of its intention to set Councillor Allowances. Council must also consider any submissions that may be received.

Options:

Council may determine to pay allowances anywhere within the range of \$8,833.00 to \$21,049.00 and up to \$62,884.00 for the Mayor.

Under the *Local Government Act 2020*, Section 39(5) Councillors may choose to do the following:

A Mayor, Deputy Mayor or Councillor may elect:

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

Link to Council Plan:

Strategic Objective 4.1: Long-term financial sustainability

Financial Implications:

Council Officers have included Councillor and Mayoral allowances in the Annual budget.

Risk Management Implications:

No risk management implications.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

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

Author – Helen Thomson, Manager Governance and Human Services
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

The community will be able to make submissions as to the Councillor and Mayoral allowances for 28 days following this Council report.

Next Steps:

Council Officers will undertake the following steps moving forward:

- Council will make the Mayoral and Councillor allowances available for public submission for a period of 28 days from 10 March 2021 until 08 April 2021.
- Council will make a decision setting the Councillor and Mayoral allowances at the Council Meeting on Wednesday 05 May 2021.

RECOMMENDATION:

That Council

- 1. consider the review of Mayoral and Councillor Allowances;***
- 2. advertises for public submissions for the period of 28 days from 10 March 2021 to 08 April 2021; and***
- 3. advertises its intention to consider submissions and set the Mayoral and Councillor Allowances at the meeting on Wednesday 5 May 2021.***

9.4 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2020

Responsible Officer: Director Corporate and Community Services
Attachment Number: 7

Introduction:

The Financial Report for the second quarter of 2020/21 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

RECOMMENDATION:

That Council notes the Financial Report for the period ending 31 December 2020 as presented.

Attachment Number: 7

9.5 COUNCIL PLAN 2017-2021 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Attachment Number: 8

An update regarding the status of the strategic actions in the council plan 2017-2021 has been provided for Council information.

Conflict of Interest:

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

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

RECOMMENDATION:

That Council notes the Council Plan update for the second quarter of 2020/21.

Attachment Number: 8

9.6 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2020/21 ROUND 2

Responsible Officer: Director Corporate and Community Services

Attachment Number: 9

Introduction:

This report seeks endorsement from Council to provide funding through Round 2 of the Community Action Grants Program 2020/2021 to eligible organisation's/community groups.

Discussion:

The Community Action Grants program was established to support communities with funds to provide services, self-help and assist with community development, social action and connectedness. Total annual funding of \$20,000 has been allocated to the program, categorised into four areas:

- Community Assistance
- Event Sponsorship
- Minor Facility Upgrades
- Small Equipment

Round two of the 2020/2021 Community Action Grants Program was promoted through direct emailing to community groups; media releases on Council's website and local media; advertisements in local media as well as Facebook promotions on Council's

Facebook page.

Applications for all categories closed on Wednesday 17 February 2021 with ten **(10)** applications received requesting funds totaling **\$11,758**.

Category	Number of Applications	Funding Available	Total Amount Requested
Community Assistance	None (0)	Round 2 \$15,000	0
Event Sponsorship	Four (4)		\$1,900
Minor Facility Upgrades	Four (4)		\$7,858
Small Equipment	Two (2)		\$2,000
TOTAL	10		\$11,758

Funding applications have been assessed against the following eligibility criteria:

All applications must:

- Demonstrate direct economic and social benefit to the community;
- Not already receive substantial support from Hindmarsh Shire Council;
- Be made by an incorporated community group or not-for-profit organisation or auspiced by such a group;
- Apply for one category per funding round; and
- Obtain any / all relevant permits required to host an event within Hindmarsh Shire Council.

Ineligible Applications:

Applications by, or for, the following purposes will not be eligible for funding:

- Community organisations who do not provide direct benefit to the Hindmarsh Shire community;
- Individuals;
- Applicants who have successfully obtained funding of \$500.00 or more for Community Assistance, Small Equipment and Minor Facility grant through the Community Action Grants Program in the current or previous financial year (organisations can only apply for funding every *two* years) are ineligible to apply, with the exception of community groups and organisations seeking Event Sponsorship for annual events (given they have acquitted any previous funding);
- Capital works on major facility maintenance;
- Funding to groups for purposes already significantly supported by Hindmarsh Shire Council (e.g. groups that use a Council facility free of charge and pay no utility or operating costs);
- Programs considered the major responsibility of the State or Federal Government;

- Schools;
- Projects that are clearly a duplication of an existing service;
- Retrospective funding (projects that have commenced or have been completed will not be funded); and
- Clubs / organisations that have received funds from a successful application through a sub-committee of the club / organisation.

Assessment Criteria

Applications will be assessed against a set of Assessment Criteria.

Applications scoring highly against the criteria detailed below are more likely to receive funding.

Why? 40%	<ul style="list-style-type: none"> - Explain the demonstrated community need. - How will the project improve social connections and build community wellbeing? - How will the project achieve economic benefit for the community? - Has the project been identified in a Community Plan?
What? 40%	<ul style="list-style-type: none"> - Provide a brief summary of what you are going to do. - How will your project increase community participation? - Complete and submit a Risk Assessment for any Event. - Provide details on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.
How? 20%	<ul style="list-style-type: none"> - Provide quotes/ information on specific item(s) funds will be used to purchase. - Provide a copy of the applying organisation's most recent bank statement and banking details. - Complete the budget and in-kind contribution templates. - Provide details on how your event's success will be measured? - Provide a copy of public liability insurance (events only). - Applicants must have obtained any/all relevant permits required to host an event within the shire.
Finally	<ul style="list-style-type: none"> - Complete eligibility and submissions checklist.

Community Assistance

The **Community Assistance** Program offers grants of up to a **\$1,000.00** to assist with valuable projects that do not fit under the three other categories of the Community Action Grants Program.

Applicants:

There were no applications in this category for this round.

Event Sponsorship

Event sponsorships offer grants of up to **\$500.00** to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit. For events with a regional impact, Council may allocate an increased sponsorship amount.

There were four **(4)** applications received with funding requests totaling \$1,900.

Applicants:

1. Dimboola Town Committee seeks funding of \$500 to assist with the sponsorship of the 2020 Easter Eggstravaganza to be held in 11 April 2021.

Sponsorship will assist the Dimboola Town Committee purchase Easter eggs for distribution at the Eggstravaganza and help pay for entertainment.

The Dimboola Town Committee has held a number of Easter Eggstravaganza's and all have been very well attended and received by the local Dimboola community and visitors to Dimboola and district over the Easter break.

As they are held at the Sound Shell in the Dimboola Recreation Reserve adjacent to the Riverside Holiday Park, many visitors to Dimboola attend the function and are always positive about it.

The Easter Eggstravaganza includes a BBQ dinner, entertainment for young and old, Easter Egg hunt, etc.

The total cost for the 2021 Easter Eggstravaganza will be \$2,020.00 with a financial contribution of \$500 from the Community Action Grants program, \$200 cash contribution from the Dimboola Town Committee and in-kind contribution of \$1,880 from the Dimboola Town Committee members for event organizing, set up, running and pack up.

2. Yanac Public Hall – Yard Dog Committee seeks funding of \$400 to assist with costs to run the 2021 Yard Dog Trials in Yanac. The event will take place on Saturday 13th March. The Yard Dog trial are expected to attract competitors from South Australia and NSW, as well as across Victoria. The event is the primary fundraiser for The Yanac Hall, which is an important community hub for the town.

The total cost for the event will be \$4,200, with a grant of \$400, in-kind contributions valued at \$2,600, and a cash contribution of \$1,600 from the committee.

3. Nhill Aviation and Heritage Centre seeks funding of \$500 for a 'Start Up Day' event to be held Saturday April 10th 2021. The event is centred on the idea that visitors can witness the Aviation Centre's collection of vintage aircraft being started up, and will involve food and other entertainment.

The Nhill Aviation Centre brings tremendous economic benefit to the shire bi-annually with their airshow, has a large membership of over 280 members, and attracts great public interest.

The total cost of the vent will be \$2,500 with a grant of \$500, a cash contribution of \$1,950 to cover advertising, toilet hire, and contingencies, and an in-kind contribution valued at \$2,550.

4. Dimboola Arts Inc. seeks funding of \$500 to assist with an opening event for their soon to be completed art space on the site of the old Dimboola Hotel. The newly founded group has been working to transform the site into a public art space to further boost Dimboola's growing cultural vibrancy.

The total project cost will be \$1,500, with a grant of \$500, a cash contribution of \$200 from Dimboola Arts Inc., and in-kind contributions valued at \$1,300.

***NOTE:** Assumptions are made that the events will proceed. Should events be cancelled due to COVID-19 restrictions funding will not be provided.*

Minor Facility Upgrades

Minor Facility Upgrade grants offer financial assistance of up to **\$2,000.00** to upgrade community facilities.

There were four **(4)** applications received with funding requests totaling \$7,858.

Applicants:

1. Jeparit Golf Club seeks funding of \$2,000 to build practice nets at the club. The funding will cover materials for the project. The club is popular with locals, and will be part of the Wimmera Discovery Trail, which adds to the importance of keeping the facility maintained and well facilitated.

The labour will be in-kind and valued at \$600.

2. Dimboola Bowls Club seeks funding of \$2,000 for the installation of new undercover seating.

The total project cost will be \$3,238, with \$1,858 from grant funds, and in-kind labour and materials totaling \$1,380.

3. Dimboola Croquet Club seeks funding of \$2,000 to replace the front and side clubroom doors.

The total project cost is \$4,700 with a \$2,000 grant from Council, \$2,000 sought from other grants, and \$700 of cash contributions.

4. Dimboola Sporting Club seeks funding of \$2,000 for the installation of new netball safety wire and seats at the club’s change rooms. The club has over 400 members, and is an important part of the community.

The total project cost is \$5,348, with a \$2,000 grant, and the remainder of the costs (\$3,348) covered by the club.

Small Equipment

Small Equipment grants provide funding assistance of up to **\$1,000.00** towards the purchase of small equipment items.

There were two (2) applications with funding requests totaling \$2,000.

Applicants:

1. Lisa’s Creative Hub seeks funding of \$1,000 for the purchase of items and equipment for running craft workshops. The Hub is just getting started and details are vague, particularly around operating costs and budget in general.

The total project cost is \$4,100, with \$1,000 from grant funding, and the remainder to be covered by the Hub.

The recommendation is to not grant funding to Lisa’s Creative Hub. The applicant is not incorporated, nor is it auspiced by an incorporated organisation. It is therefore ineligible under the guidelines of the grant.

2. Rainbow Community Gym seeks funding of \$1,000 for the purchase of a treadmill. The gym has 44 members, and is an important facility for the local community.

The total project cost is \$2,399, with grant funding of \$1,000, and a cash contribution of \$1,399 from the Community Gym.

Application summary:

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<i>Event Sponsorship - \$500</i>			
Yanac Public Hall – Yard Dog Committee	\$400	\$1,600	\$400
Dimboola Town Committee	\$500	\$2,020	\$500
Nhill Aviation Heritage Centre	\$500	\$2,500	\$500
Dimboola Arts Inc	\$500	\$1,500	\$500
<i>Minor Facility Upgrades - \$2,000</i>			
Jeparit Golf Club	\$2,000	\$2,000	\$2,000

Dimboola Bowling Club	\$1,858	\$3,238	\$1,858
Dimboola Sporting Club	\$2,000	\$5,348	\$2,000
Dimboola Croquet Club	\$2,000	\$4,700	
Small Equipment - \$1,000			
Lisa's Creative Hub	\$1,000	\$4,100	\$0
Rainbow Community Gym	\$1,000	\$2,399	\$1,000
TOTAL	\$11,758	\$29,405	\$10,758

Options:

Council can choose to support some or all, partly or in full, or none of the applications to the Hindmarsh Shire Council Community Action Grants 2020/2021.

Link to Council & Community Plans:

The Community Action Grants relate to Council's Vision of "a caring, active community enhanced by its livability, environment and economy".

Strategic Objectives:

- 1.1 An actively engaged community.
- 1.1.6 Support and encourage volunteers and work collaboratively.
- 1.2 A range of effective and accessible services to support the health and wellbeing of our community.
- 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
- 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs.
- 3.2 A thriving tourism Industry.
- 3.2.2 Appealing tourism facilities that promote visitation and meet visitor needs.
- 3.2.3 To 'support locally-significant community-driven events and festivals that stimulate tourism growth in the region'.
- 3.2.6 Promote and support local historic assets and heritage groups

Financial Implications:

Council allocated \$20,000 to the Community Action Grants Program for the 2020/2021 financial year and following Round One allocations there is a balance of \$15,000 available for round two.

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 of Corporate and Community Services
In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Jeff Woodward, Tourism and Economic Development Officer
In providing this advice as the Author, I have no disclosable interest in this report.

Risk Management Implications:

Risks are to be managed by the successful applicants.

Communications Strategy

Successful and unsuccessful applicants will be notified of Council's decision by phone and via letter correspondence regarding application outcomes.

RECOMMENDATION:

That based on the eligibility and assessment criteria, Council approve the following funding allocations:

Event Sponsorship

- 1. A grant of \$400 – Yanac Public Hall – Yard Dog Committee***
- 2. A grant of \$500 – Dimboola Town Committee***
- 3. A grant of \$500 – Nhill Aviation Heritage Centre***
- 4. A grant of \$500 – Dimboola Arts Inc.***

Minor Facility Upgrades

- 1. A grant of \$2,000 – Jeparit Golf Club***
- 2. A grant of \$1,858 – Dimboola Bowling Club***
- 3. A grant of \$2,000 – Dimboola Sporting Club***
- 4. A grant of \$2,000 – Dimboola Croquet Club***

Small Equipment

- 1. A grant of \$1,000 – Rainbow Community Gym***

That based on the eligibility and assessment criteria, Council do not approve the following funding allocation:

Small Equipment.

- 1. A grant of \$1,000 - Lisa's Creative Hub***

TOTAL RECOMMENDED FUNDING ALLOCATED: \$10,758

Attachment Number: 9

9.7 LOCAL LAW REVIEW

Responsible Officer: Director Corporate and Community Services
Attachment Number: 10 – Governance Local Law
11 – Municipal Local Law

Introduction:

The purpose of this Council Report is seek endorsement of the Hindmarsh Governance Local Law No. 1 2014 and Hindmarsh Municipal Local Law No. 2 2014 to go out for public comment before adoption.

Discussion:

Council Officers have reviewed the previous Hindmarsh Shire Municipal Local Law and the Hindmarsh Shire Meeting Procedure Local Law and now present to Council for endorsement, for public comment, the Hindmarsh Governance Local Law No. 1 and Hindmarsh Municipal Local Law No. 2.

1. Relevant legislation to be considered in Local Law review

The relevant legislation to comply with in the review of the Local Laws is Part 5 of the *Local Government Act 1989*. The provisions of the *Local Government Act 2020* pertaining to the development of Local Laws do not come into effect until 1 July 2021. While the review on these documents will be done under the *Local Government Act 1989*, Council will not have to re-do a review on the documents again after 1 July 2021 due to section 71(6) of the *Local Government Act 2020* which provides that “despite the repeal of Part 5 of the *Local Government Act 1989*, a local law made under that Act continues in force as if that Part had not been repealed and may be amended or revoked by a local law made under this Act”.

2. Governance Local Law (previously named Meeting Procedure Local Law)

The Meeting Procedure was reviewed due to the implementation of the Governance Rules that were approved by Council in August 2020, which replaced a substantial amount of the Meeting Procedure Local Law. The only part of the Meeting Procedure that remains in the now re-named Governance Local Law is the provision for use of the common seal and provisions for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, which could not be included in the Governance Rules.

A copy of the Hindmarsh Governance Local Law No 1 is attached to this Report and Council is required to authorise its exhibition for a minimum period of 28 days before the required process of amendment can progress.

3. Municipal Local Law

The Municipal Local Law has been re-formatted and all cross-referencing errors contained within the previous Municipal Local Law have been corrected. Primarily the contents of the Municipal Local Law remain the same. A loop-hole in relation to Part 2 – Camping was closed by inserting the phrase ‘in a calendar year’ in clause 8.2.3. In the previous Municipal Local Law, the clarification of the three-month period being in a calendar year was not included; this resulted in authorised officers advising people to move on and then having them come back a few days later.

Division 9.3 - Other Provisions Relating To Streets, Roads And Public Places, clause 59.1 Consumption of Alcohol has been updated to include Goldsworthy Park, Nhill; Nine Creeks Reserve barbeque area and the rear of the Dimboola Library, Dimboola; and Riverbank precinct barbeque area and Jeparit Recreation Reserve, Jeparit.

A copy of the Hindmarsh Municipal Local Law No 2 is attached to this Report and Council is required to authorise its exhibition for a minimum period of 28 days before the required process of amendment can progress.

4. Community Consultation

The process for community consultation in the development of Local Laws is legislated by sections 119 and 223 of the *Local Government Act 1989*.

Both proposed Local Laws will be available for public inspection and submissions from Thursday 11 March 2021 until Wednesday 14 April 2021. A public notice will be placed in the local papers and the Government Gazette advising that the draft Local Laws will be available to peruse at all Council Offices and online from Thursday 11 March 2021 until Wednesday 14 April 2021.

The draft Local Laws will also be included in the Community Consultation sessions being undertaken as part of the development of the Council Plan throughout March.

The final draft Local Laws will be presented to Council at the meeting on 05 May 2021. Following this meeting, Council Officers will place a notice in local papers and the Government Gazette specifying the title of the local law, the purpose and general purport of the local law and that a copy of each local law may be inspected at any Council office. A copy of both Local Laws will also be forwarded to the Minister.

Link to Council Plan:

Strategic Objective

Financial Implications:

N/A

Risk Management Implications:

No risk management implications.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

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

Author – Helen Thomson, Manager Governance and Human Services
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

As per above.

Next Steps:

Council Officers will undertake the following steps moving forward:

- Publish the required notice in the Government Gazette and in local papers;
- Make both draft Local Laws available in hardcopy at Council Offices and in soft copy on Council's website;
- Provide an update and summary of the review of the Local Laws during the Community Consultations held during March;
- Consider any submissions made to the Local Laws;
- Provide a report to Council on 05 May 2021;
- Publish a notice in local papers and the government;
- Send a copy of the Local Laws to the Minister.

RECOMMENDATION:

That Council:

- 1. Approves the statutory process to make the Governance Law No 1 2020 in accordance with the provisions of the Local Government Act 1989;***
- 2. Pursuant to s119(2) of the Local Government Act 1989, gives notice in the Government Gazette and a public notice in the local papers stating the purpose and general purport of the proposed local law and invite written submissions under s223 of the Local Government Act 1989;***
- 3. Pursuant to s223 considers any submissions received in relation to the draft Local Law No.1 and hear any persons who in their written submission under s223 of the Local Government Act 1989 who have requested that they be heard in support of their submission; and***
- 4. Considers the adoption of the draft Local Law No. 1 at the Council Meeting on 05 May 2021.***

RECOMMENDATION:

That Council:

- 1. Approves the statutory process to make the Municipal Law No 2 2021 in accordance with the provisions of the Local Government Act 1989;***
- 2. Pursuant to s119(2) of the Local Government Act 1989, gives notice in the Government Gazette and a public notice in the local papers stating the purpose and general purport of the proposed local law and invite written submissions under s223 of the Local Government Act 1989;***
- 3. Pursuant to s223 considers any submissions received in relation to the draft Local Law No. 2 and hear any persons who in their written submission under s223 of the Local Government Act 1989 who have requested that they be heard in support of their submission; and***
- 4. Considers the adoption of the draft Local Law No. 2 at the Council Meeting on 05 May 2021.***

Attachment Number: 10 and 11

9.8 NHILL AND DISTRICT SPORTING CLUB BUDGET REQUEST

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks Council approval to increase the budget allocation for the 2021/2022 financial year to increase the water allocation for the Nhill and District Sporting Club (NDSC) from 10,000 kilolitres to a maximum of 15,000 kilolitres per financial year.

Discussion:

The NDSC have previously held a user agreement with the Council that states that any water usage over the 10,000 kilolitres it to be paid for by the club at 100% cost. Any water usage under the 10,000 kilolitres is paid for 85% by Council and the remaining 15% by the club.

Following recent discussions with the NDSC to enter into a new User Agreement, the NDSC has requested the due to their inability to access river water, and limited water harvesting (unlike the other sporting clubs) that the Council considers increasing their water limit in the new user agreement. The club has agreed that if the allocation is increased to 10,000 kilolitres then it will contribute 15% of the cost. There is also an outstanding bill for excess water usage form 2016/17 financial year of \$4,204.42. The club has also agreed to pay 15% of this amount. NDSC will be responsible the cost of any water usage in excess of 15,000 kilolitres. It is proposed to have the new user agreement come into effect from 1 July 2021.

Options:

- Council can approve the water allocation from 10,000 kilolitres to 15,000 kilolitres

- on the basis that Council pays 85% of the usage and the NDSC pays the additional 15%
2. Council can refuse to approve the water allocation from 10,000 kilolitres to 15,000 kilolitres and advise the NDSC that the water allocation will remain at 10,000 kilolitres on the basis that Council pays 85% of the usage and the NDSC pays the additional 15%

Link to Council Plan:

- 1.1.2 Maintain Community Action Plans for Dimboola, Jeparit, Nhill and Rainbow. Follow up on Community Action Plans and their working group projects
- 1.3.3 Complete detailed Recreation Reserve Master Plans

Financial Implications:

The current budget allocation for NDSC for 10,000 kilolitres in 2020/2021 is \$8,200. Increasing the allocation of water to 15,000 kilolitres requires the budget to be increased to \$11,580 for 2021/2022. This is based on the full allocation of water being used, during years of increased rainfall water usage will decrease.

Risk Management Implications:

If council approves the increase in allocation the other clubs may request a similar change to their user agreement to increase their expenditure budgets to reflect the NDSC budget, however this may be unlikely and arguable given they have difference access to water harvesting and other avenues such as the Wimmera river.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible and Author – Angela Hoy, Director Infrastructure Services
In providing this advice as the Officer Responsible and Author, I have no disclosable interests in this report.

Communications Strategy:

If adopted this increase in allocation will be included in the 2021/22 financial budget and be made available for public comment

Next Steps:

Advise the NDSC of Council's position in regards to this matter.

RECOMMENDATION:

That Council

- 1. approves the increase in allocation of water for Nhill and District Sporting Club from 10,000 kilolitres to 15,000 kilolitres;***
- 2. refer to the 2021/22 annual budget the increased cost; and***

3. authorises the CEO to finalise the user agreement with the Nhill and District Sporting Club

9.9 ROADS TO RECOVERY UPDATE

Responsible Officer: Director Infrastructure Services

Introduction:

This report informs Council of the current 2020/21 Capital Works Program with relation to the Roads To Recovery (R2R) Program and seek approval to re-allocate own source funded projects towards the R2R in order to meet the required expenditure.

Discussion:

Council's 2020/21 adopted budget included Capital Works for which \$1,080,798 worth of projects are allocated using Roads to Recovery (R2R) Infrastructure Investment Program funded by the Australian Government. Since Council adopted the budget at its meeting on 24 June 2020, there has been several grant programs approved or added related to road infrastructure with various deadlines. These include:

1. **Local Roads & Community Infrastructure (LRCI) Phase 1** - \$1,080,798. Required to be completed by June 2021.
2. **Heavy Vehicle Safety & Productivity Program (HVSP)** - \$419,936. Required to be completed by October 2022.
3. **Agrilinks** - \$480,581. Required to be completed by May 2022.
4. **Bridge Renewal Program (BRP) Round 5** - \$2,000,000. Required to be completed by October 2022.

Whilst this has been an excellent injection into our infrastructure, it has significantly increased the required works to be undertaken by the Construction Team in the short and medium term. This has led to a third work group, with contracted and casual staff, becoming an almost permanent fixture for this financial year in order to complete as much works as possible.

Despite this, some projects are unlikely to be completed during the 2020/21 financial year. This will lead to these projects being submitted for approval to be carried forward into the 2021/22 financial year, which also includes project that are allocated towards R2R in 2020/21.

The R2R allocations currently are as per Table 1.0:

PROJECT NAME	TYPE	LEDGER	R2R BUDGET
Anderson Street	Kerb & Channel	20152/947	\$412,007.00

Albacutya Road curve	Sealed Reconstruction	20156/878	\$138,237.00
Rainbow-Nhill Rd	Reseal	20154/851	\$146,055.00
Pigick Bus Route	Reseal and Sealed Reconstruction	20156/859 & 20154/859	\$108,711.00
Lorquon Rd	Sealed Reconstruction	20156/592	\$122,985.00
Miatke Rd	Resheet	20160/929	\$80,278.00
Wheatlands Rd	Resheet	20160/796	\$72,525.00
		TOTAL	\$1,080,798.00

Table 1.0 – Adopted 2020/21 R2R allocations.

Anderson Street Kerb & Channel – This project was originally scheduled to commence mid 2020/21 financial year. This has been delayed to commence late in the 2020/21 financial year due to Council’s commitment to complete the LRCI Phase 1 program by June 2021. Although the project will likely start in 2020/21, the full \$412,007 will likely not be expended by the end of the current financial year.

Albacutya Road sealed construction – This project was originally scheduled mid in the 2020/21 financial year, however due to other grants (LRCI) having an earlier date required for completion this project is recommended to request for deferral until the 2021/22 financial year. There has been some expenditure already with regards to planning and design towards the project.

Rainbow-Nhill Road – Due to advice from Inroads seal designer, the scope of the job has reduced to approximately \$80,000.

Pigick-Bus Route – This project is projected to run over budget by approximately 20%.

Lorquon Rd – This project has been completed on budget with a 50% contribution from the HVSPP grant.

Miatke Rd – This project has been completed, under budget by approximately 20%

Wheatlands Rd – This project has been completed, under budget by approximately 20%

Due to these circumstances, officers have investigated possible additions to the R2R program in the event not all current projects are completed this financial year. Noting that recent updates to the R2R program now require the full allocation of \$1,080,798 to be expended this financial year or risk losing funds. Table 2.0 below outlines

recommended changes to the program to ensure full expenditure required is met. This includes adding in projects that are currently own source funded.

PROJECT NAME	TYPE	LEDGER	R2R BUDGET (FORECAST EXP. 2020/21)
Anderson Street	Kerb & Channel	20152/947	\$72,196.00
Albacutya Road curve	Sealed Reconstruction	20156/878	\$6,675.00
Rainbow-Nhill Rd	Reseal	20154/851	\$80,000.00
Pigick Bus Route	Reseal and Sealed Reconstruction	20156/859 & 20154/859	\$132,400.00
Lorquon Rd	Sealed Reconstruction	20156/592	\$122,986.00
Miatke Rd	Resheet	20160/929	\$63,559.00
Wheatlands Rd	Resheet	20160/796	\$57,590.00
Block 40 Rd	Sealed Reconstruction	20156/708	\$175,186.00
Block 40 Rd	Shoulder Resheet	20158/708	\$95,877.00
Antwerp-Woorak Rd 'S Bend'	Sealed Reconstruction	20156/1067	\$115,000.00
Croots Rd	Resheet	20160/721	\$52,659.00
Rohde Rd	Resheet	20160/255	\$31,599.00
Nhill-Diapur Rd	Shoulder Resheet	20158/771	\$40,978.00
Detpa Rd	Reseal	20154/977	\$34,093.00
		TOTAL	\$1,080,798.00

Table 2.0 – Recommended updated R2R program for 2020/21.

Note that projects that have further budget to be expended in the 2021/22 financial year can be input into R2R over two financial years. eg, Anderson St is a total value of \$412,007 with forecast \$72,196 in 2020/21 in R2R and the balance can be allocated to R2R in 2021/22.

Options:

1. Council approves the reallocation of R2R funding from Table 1.0 to Table 2.0, whilst granting approval to the CEO to make future minor changes that may be required to

adjust for actual expenditure in the 2020/21 financial year.

2. Retains the current R2R program, risking the loss of some of the R2R 2020/2021 grant funding.

Link to Council Plan:

- 1.1 An actively engaged community
- 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements
- 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs
- 2.1.3 Develop and prioritise detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town.
- 3.4 Transport solutions that support the needs of our communities and businesses
- 3.4.1 Advocate for flexible and responsive public and freight transport

Financial Implications:

By adding in suggested projects to the R2R program, this will reduce Council's own source program. An average own source expenditure of \$1,453,286 is required over the four year cycle of R2R. Council is currently in the second financial year of the R2R program and is currently meeting the required average of own source expenditure. However, the 20/21 financial year is much less than the 19/20 financial year, due to the number of projects fully funded requiring none or little financial input from Council. If Council continues this trend in the final two years we will not meet the minimum own source expenditure on average for the four year program.

Risk Management Implications:

By updating the R2R program there will be less risk of not meeting the R2R allocation required to be expended in the 20/21 financial year. There will be a higher risk of not meeting the own source expenditure over the four year program which will have to be monitored closely.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Daniel Griffiths, Manager Capital Works

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

Communications Strategy:

Council Officers will have direct communications with the Department of Infrastructure,

Transport, Regional Development and Communications to update the program.

RECOMMENDATION:

That Council approves the reallocation of R2R funding from Table 1.0 to Table 2.0, whilst granting approval to the CEO to make future minor changes that may be required to adjust for actual expenditure in the 2020/21 financial year.

**9.10 GUIDELINE STANDARDS AND PROCESSES FOR GAZETTING OF B
DOUBLE ROADS**

Responsible Officer: Director Infrastructure Services
Attachment Numbers: 12 - Draft HSC Guidelines and processes for Gazetting of B Double Routes
13 - Performance Based Standards for undertaking local government route assessment and network classification
14 - NHVR Class 2 Heavy vehicle route assessment guidelines for VicRoads

Introduction:

The purpose of this report is to adopt the guidelines, standards and processes for future Gazetting of B Double Roads within the Hindmarsh Shire Municipality through the National Heavy Vehicle Register (NHVR) permit system.

Discussion:

At the 16 December 2020 Ordinary Council meeting, Council resolved that:

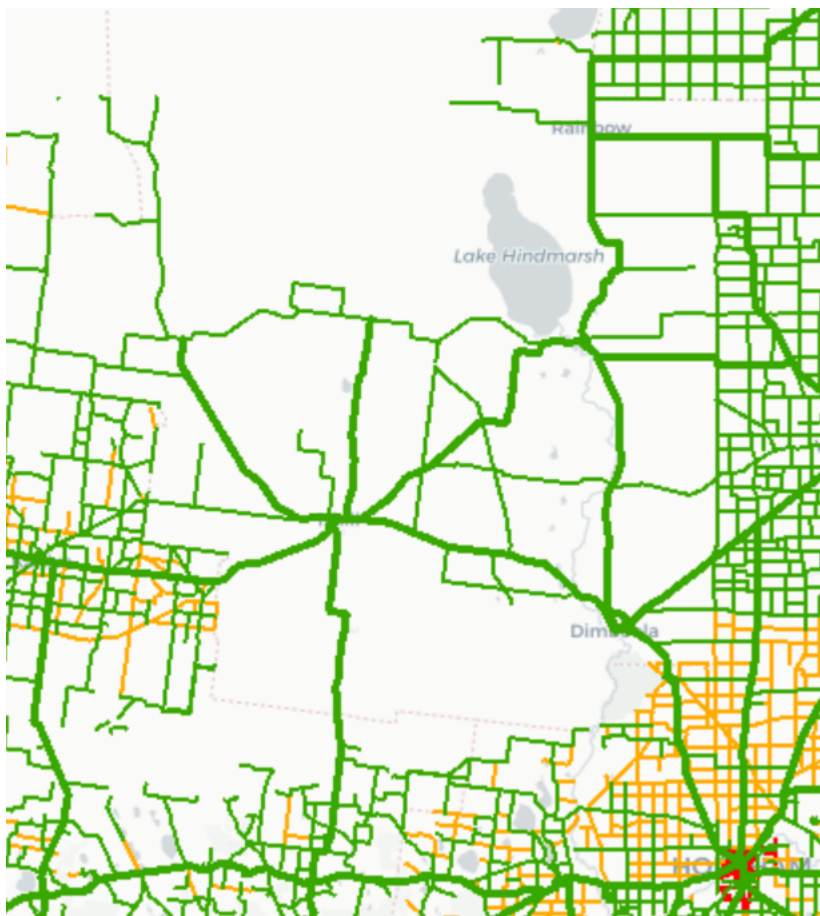
- Council reply to the VFF that it understands the need to improve road transport efficiency, but Hindmarsh Shire Council is unable at this point in time to extend the access to all local roads in the Hindmarsh Shire Municipality for A- Double Access as requested; and
- officers undertake a review of the current roads hierarchy system and roads management plans and begin to re-enter community discussions with key stakeholders on existing road networks within the Hindmarsh Shire Municipality for the purpose of increasing A-Double and B-Double access.

A Double Routes are not covered in this report as only a very small percentage of A Double permits have been given in situations where they are end Routes for access from the Vic Roads C class Roads such as the Rainbow grain rail loading facility. Consequently, correspondence was sent to the VFF advising them of the Council Resolution. Since the closing of the meeting, Council Officers have begun to review the current roads hierarchy systems with a view to presenting this to the community at a later stage in the year.

As previously mentioned in the December Council Report Council's strategy has been to gazette some key connector roads for B-Double routes and issue route specific NHVR permits for road users wishing to connect to this route, rather than the widespread gazetting of almost all roads by neighboring Shires. This conservative approach has come under pressure as the number of B-doubles has grown significantly and many operators are not using the NHVR permit system.

Since the December meeting, the NHVR have undertaken a road block to check freight vehicles for appropriate permits on the Rainbow-Nhill Road in the northern part of the Shire. A number of fines have been issued to vehicles not holding the appropriate permits for the vehicles they are using to transport freight. The Rainbow-Nhill Rd is not currently gazetted for B Double Access, but is available for permit application through NHVR, but some Transport Companies and farmers have chosen not to apply for a permit, or have not have been aware of this requirement and their responsibility and duty of care to comply with the NHVR requirements.

Since the NHVR road block, numerous phone calls have been received from farmers, transport contractors, the Victorian Farmers Associations and members of the public requesting that the Shire follow the same suite as other local municipalities to "blanket" open all roads to B Double Routes. Currently the Shire's B Double gazetted Routes are as below, it should be noted that the Shire currently allows semi, truck and dog carting on all roads within the Municipality.



Current B-Double Gazetted Routes

Under the Road Management Act 2004 and the Local Government Act 2020, Council is the responsible authority for approving and maintaining transport routes on Local Government Roads within the municipality. It has a duty of care to provide safe and efficient travel for vehicle users on its road networks and to have a road management plan identifying services levels and policies and strategies to ensure the safety of the road traverses.

Under section 156A of the Heavy Vehicle National Law (HVNL), the Road Manager (HSC) can only refuse a heavy vehicle access request for the following reasons

- a. cause damage to road infrastructure; or
- b. impose adverse effects on the community arising from noise, emission or traffic congestion or from other matters stated in the approved guidelines; or
- c. pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions;

AND

2. In addition to each of these 3 reasons above, it is not possible to identify suitable road and/or travel conditions that minimize these risks.

The situation that HSC now finds itself in has developed over a long period of time during which the NHVR has been established, and the use of B-Doubles has become more prevalent and decisions are subject to more scrutiny. Consequently, the Shire needs a repeatable, transparent and consistent decision making process to investigate each road for gazettement and recommends the attached Guidelines be adopted and for future use to allow Council Officers to make a decision regarding Gazetting B Double Routes for future access.

Options

Council can:

1. Approve the Guidelines to be used to determine suitable B Double Gazetted Routes going forward, and reduce the need to make permit applications by operators.
2. Request Council Officers to make changes and/or provide further information to the Guidelines to be used to determine suitable B Double Gazetted routes.

Link to Council Plan:

- 1.1 An actively engaged community
 - 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements
- 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs

- 2.1.3 Develop and prioritise detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town.
- 3.4 Transport solutions that support the needs of our communities and businesses
 - 3.4.1 Advocate for flexible and responsive public and freight transport
 - 3.4.2 Investigate innovative transport solutions and facility upgrades

Financial Implications:

N/A

Risk Management Implications:

- An adoption of the guidelines will ensure open and transparency for customers wishing to use or request Council's consideration to open a route to B Doubles. Encourage more heavy vehicles use by responsible vehicle operators and thus increase the numbers of heavy vehicles currently on the roads.
- Reduce the number of permit applications processed by Shire Officers.
- Assist Council Officers in determining strategic freight routes going forward.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Paul Spencer, Senior Assets Engineer

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

Communications Strategy:

Advertise Council's new guidelines

Next Steps:

Publish the new guidelines and link on the Shire's Website.

RECOMMENDATION:

That Council approves the guidelines for assessing the suitability of B Double Routes in Hindmarsh Shire Council as attached.

Attachment Numbers: 12, 13 and 14

10. COUNCIL COMMITTEES

10.1 YURUNGA COMMITTEE OF MANAGEMENT

Responsible Officer: Director Corporate & Community Services
Attachment Number: 15

Introduction:

The Yurunga Committee of Management held its meeting on 22 October 2020. 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 Yurunga Committee of Management meeting held on 22 October 2020.

Attachment Number: 15

10.2 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate & Community Services
Attachment Number: 16

Introduction:

The Dimboola Town Committee held its meeting on 1 February 2021. 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 Dimboola Town Committee meeting held on 1 February 2021.

Attachment Number: 16

11. LATE REPORTS

11.1 APPLICATION FOR PLANNING PERMIT PA1680-2020 – TWO LOT SUBDIVISION – TARRANYURK EAST ROAD TARRANYURK VIC 3414

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	78020
Application No.	PA1680-2020
SPEAR Ref. No.	S158362V
Applicant:	Wilken Farms Pty Ltd, C/- Tom Hardman, Ferguson Perry Pty Ltd
Owner:	Wilken Farms Pty Ltd
Subject Land:	Tarranyurk East Road Tarranyurk VIC 3414 (Lot 1 on Title Plan 899086)
Proposal:	Two lot subdivision
Zoning & Overlays:	Farming Zone Environmental Significance Overlay Schedule 2
Attachment Number:	22

Summary:

This report recommends that Council approve Planning Permit PA1680-2020 for a two-lot subdivision at Tarranyurk East Road Tarranyurk VIC 3414 (Lot 1 on Title Plan 899086), subject to standard conditions.

Background:

The site has been cleared and used for agricultural purposes, namely cropping, for a long time. There are no existing buildings on the site and the Joop Channel easement, extends north to south through the eastern end of the site. The owners are seeking the subdivision for a restructure of the farming operation.

Proposal Details:

The application proposes a two lot subdivision of the subject land, which will create two separate lots that are each over 40 hectares (ha) in area.

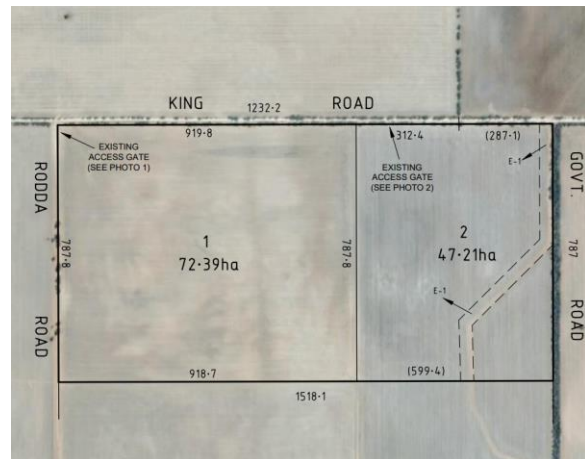
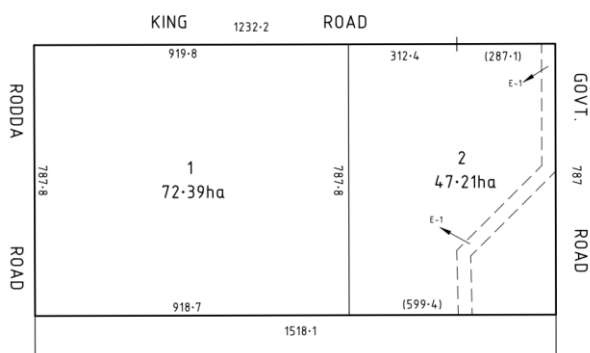
The original plan of subdivision submitted on 8/09/2020 was amended on 15/01/2021 to detail the existing access points to the lots pursuant to Section 50 of the *Planning and Environment Act 1987*.

The amended plan of subdivision (Version 2) comprises proposed Lot 1 with an area of 72.39ha and proposed Lot 2 with an area of 47.21ha. Proposed Lot 1 contains pasture used for cropping and proposed Lot 2 contains pasture used for cropping and the Joop Channel.

Vehicle access to Lot 1 will be from the north end of Rodda Road to the west and vehicle access to Lot 2 will be from King Road to the north. The existing crossovers and vehicle access on Rodda Road and King Road will need to be upgraded to current standards.

The applicant has stated the following about the amended proposal:

'The application proposes a 2-lot subdivision of the land in order to facilitate a restructure of the farming operation. Proposed Lot 1 has an area of 72.39ha and will take access from the existing crossover to Rodda Road in the west. Proposed Lot 2 has an area of 47.21ha and will take access from the existing crossover to King Road in the north. The existing easement containing the Joop Channel will be contained on Lot 2. Both lots meet the minimum lot size of 40ha as specified in the schedule to the FZ at Clause 35.07. The application does not propose any new development and no vegetation will be removed to facilitate the proposed subdivision. All of the proposed lots will be serviced by existing infrastructure and utilities.'



Requirement for Permit:

The subject land is located within the Farming Zone and the Environmental Significance Overlay Schedule 2.

A planning permit is required under Clause 35.07-3 Subdivision of the Farming Zone and Clause 42.01-2 of the Environmental Significance Overlay, which both state that a permit is required to subdivide land.

Restrictive Covenant or Section 173 Agreement:

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

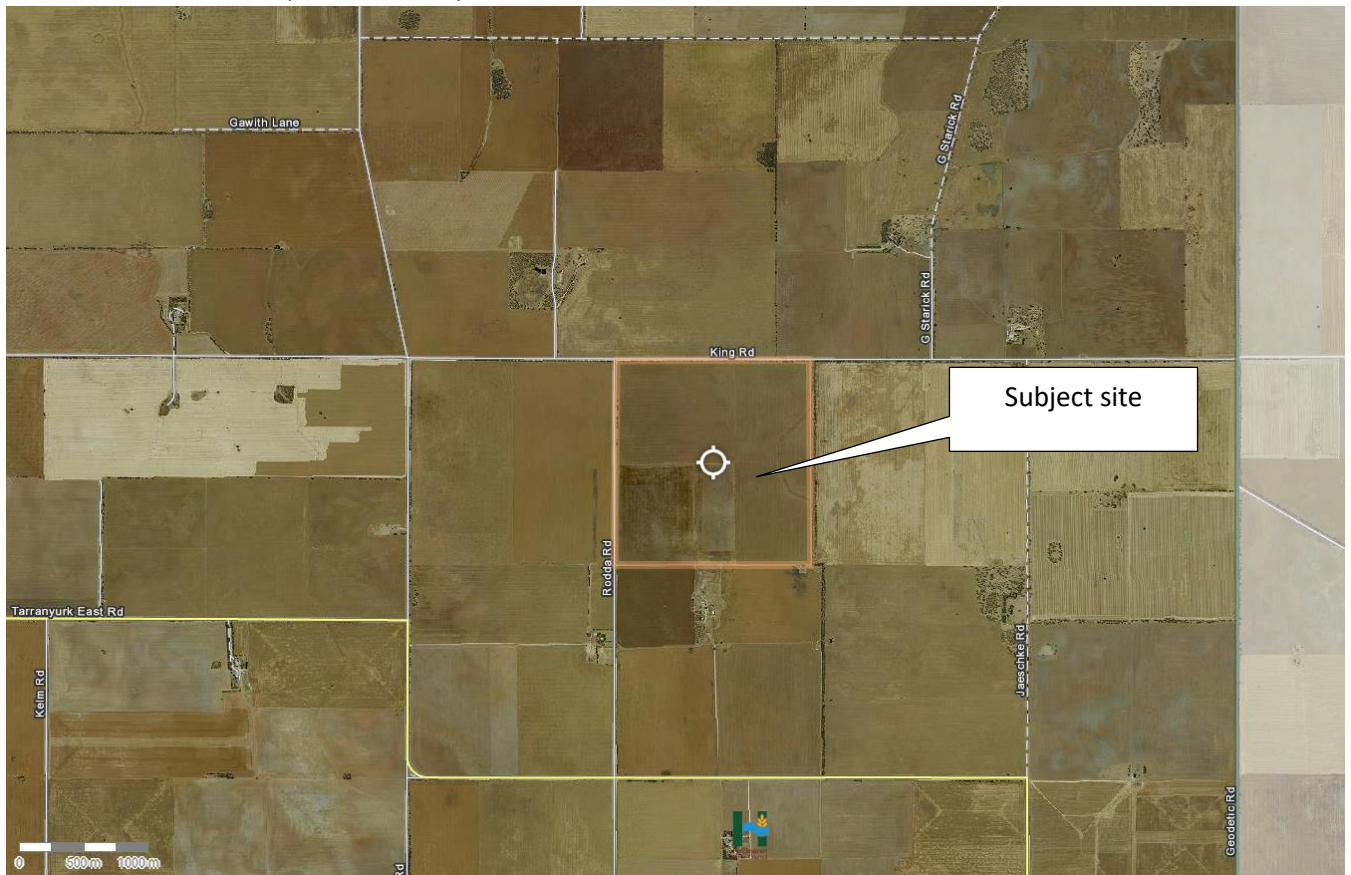
Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject site & locality:

The subject site is known as Lot 1 on Title Plan 899086G and fronts King Road in Tarranyurk. The subject site has an area of approximately 119.6ha and contains farmland used for cropping. Access to the site is from King Road to the north and Rodda Road to the west. The site has been cleared of vegetation. An easement containing the Joop Channel extends through the eastern portion of the site. The site adjoins farmland to the south and east, farmland along King Road to the north and farmland along Rodda Road to the west with some scattered dwellings. The site and all the surrounding land are within the Farming Zone (FZ).

Aerial Photo below (POZI, 2016)



Consultation:

Consultation was undertaken and included:

- A request for further information was sent to the applicant via SPEAR on 6 October 2020.
- A request for an extension of time to submit the information was received via SPEAR on 25 November 2020.
- An extension of time was approved via SPEAR on 30 November 2020 until 2 February 2021.
- The further information and amended plans were received in SPEAR on 15 January 2021.

Section 52 Notice of application:

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*.

The subdivision application proposes the creation of two lots greater than the minimum lot size of 40ha and will not cause material detriment to any person or property.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

Nil

Section 52 Referrals

- GWM Water - No objections subject to a condition and a note.

Internal Referrals:

- Engineering: Comments provided, and condition required as detailed below.
 - *We have conducted a site visit on 22/02/2021. The following conditions need to be applied to the permit. The current locations of access at Lot 1 and Lot 2 will need to be upgraded or a new drainage pipe and crossover will need to be constructed as per IDM-255 Standard, with a new fence and gate with recommended setback on King Road.*

Planning Scheme:

Planning Scheme Requirements:

Planning Policy Framework (PPF)

The following relevant Clauses in the PPF have been considered for the application.

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.03-6S Regional and local places

Clause 14.01-1S Protection of agricultural land

Clause 14.01-1R Agricultural productivity – Wimmera Southern Mallee

Clause 14.01-2S Sustainable agricultural land use

Clause 14.02-1S Catchment planning and management

Clause 14.02-2S Water quality

Clause 14.03-2S Protection of declared irrigation districts

Clause 19.03-2S Infrastructure design and provision

Local Planning Policy Framework (LPPF)

The following relevant Clauses in the LPPF have been considered for the application.

Clause 21.00 – Municipal Strategic Statement

Clause 21.02 Vision – Strategic Framework

Clause 21.03 Objectives – Strategies – Implementation

Clause 21.03-2 Economic Development

Clause 21.03-3 Agriculture

Objective

- *To maintain a viable and sustainable agricultural industry to ensure the future well-being of the Shire and its residents.*

Strategies (relevant to application)

- *To promote and support the traditional rural industries such as cropping, livestock and wool production.*
- *To promote effective land management and the integration of economic and environmental needs through sustainable agricultural practices.*
- *To recognise and protect farmland as an important resource through the development and implementation of appropriate provisions in the planning scheme.*
- *Limit the fragmentation of productive agricultural land to maintain sustainable holdings. Ensure that new development does not limit the viability of surrounding enterprises and reflects the optimum use of land.*

Clause 21.03-5 Water

Objective

- *To protect and manage water resources and floodplains to ensure the long-term sustainability of the Shire.*

Strategies (relevant to application)

- *To maintain rural flows and natural conditions within waterways where possible.*
- *To utilise water in an environmentally sustainable manner.*
- *To promote effective land management as a critical element in the protection of water resources.*

Planning Response:

The proposed subdivision will comply with the relevant objectives of the PPF by protecting and enhancing valuable agricultural land and retaining sustainable agricultural uses that will not create any conflicts with surrounding agricultural uses. The proposal will not impact on the Joop Channel easement. The proposal will therefore comply with the relevant policies of the SPPF including Clauses 14.01-1S, 14.01-2S, 14.02-1S, 14.02-2S and 14.02-3S.

The subdivision to create two lots over the minimum size of 40ha and will prevent the loss of productive agricultural land, while protecting and enhancing the existing cropping activities through a restructure of the existing farming operation on the land. The existing Joop Channel easement will not be impacted by the subdivision. The proposal will therefore comply with the relevant provisions of the LPPF including Clause 21.03-3 Agriculture.

Zoning Provisions

Clause 35.07 Farming Zone (FZ)

35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

Clause 35.07-6 Decision Guidelines

Before deciding on an application to use or subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate, matters under the following relevant headings:

- General issues
- Agricultural issues and the impacts from non-agricultural uses
- Environmental issues
- Design and siting issues

Planning Response:

The proposed subdivision complies with the relevant decision guidelines in the zone for the following reasons:

General issues

- The proposal will comply with the LPPF and PPF as discussed above.
- The proposal will be consistent with the current Wimmera Regional Catchment Strategy 2013-2019 and will not affect the existing Joop Channel easement.
- The subdivision will encourage sustainable land management by ensuring the two farming lots are over 40ha.
- The subdivision will allow the restructure of the existing farming operation. The proposal will be compatible with the adjoining and nearby agricultural land uses.
- The proposal makes use of existing infrastructure and services. However, the vehicle crossovers for access the two lots will need to be upgraded to Council standards. Standard conditions will be included for services to be connected as required by the relevant authorities in accordance with the conditions listed in Clause 66.01.

Agricultural issues and the impacts from non-agricultural uses

- The subdivision will have a positive effect on the existing agricultural activities on the lots with the retention of the farming land on two lots over 40ha.
- The existing agricultural activities on the land are unlikely to be affected with the restructure of the farming operation. The subdivision will not have in any adverse effect on soil quality and does not remove any land from agricultural production.
- The subdivision is unlikely to limit the operation and expansion of adjoining and nearby agricultural uses as the existing agricultural use of the site will not be altered.

- The two lots of 72.39ha and 47.21ha will be an adequate size to sustain the productive agricultural use and are likely to be used in conjunction with the adjoining farming lots in common ownership.
- The subdivision will not adversely affect the current agricultural activities and associated infrastructure.
- There is no applicable land management plan for the site.

Environmental issues

- The proposal is unlikely to have an adverse impact on soil and water quality and any other natural physical features and resources.
- The site and surrounding land have long been largely cleared of native vegetation due to historical broad acre farming activities. The subdivision will not have impacts on flora and fauna in the locality. No vegetation will be affected by the proposal.

Overlay Provisions

Clause 42.01-2 Environmental Significance Overlay (ESO2)

42.01-2 Permit requirement

A permit is required to:

- Subdivide land.

Schedule 2 to the Environmental Significance Overlay

Channel and Reservoir Protection

2.0 Environmental objective to be achieved

- To maintain and enhance the quality and supply of irrigation and domestic water throughout the Wimmera region.
- To protect water reservoirs and channels from potential sources of pollution.
- To control the development of land in the vicinity of water supply reservoirs and supply channels.
- To prevent the unauthorised diversion of water into or from water channels.

3.0 Decision guidelines (relevant to the application)

- The responsible authority is to give consideration to the following matters prior to making a decision on an application:
 - The comments of Wimmera Mallee Water or any other relevant authority;
 - The need to prevent the contamination of water supply;
 - The need to protect water supply resources;
 - The diversion of water into or from channels will not be allowed unless approved by Wimmera Mallee Water or other relevant authority.

Planning Response:

The proposed subdivision complies with the relevant decision guidelines in the overlay for the following reasons:

- The subdivision will not affect the existing Joop Channel easement that extends along the eastern portion of the site and will be fully contained within proposed Lot 2.
- The comments of GWM Water have been considered and the condition requested will be included on any permit issued.
- The proposal will not affect the water supply as the Joop Channel was replaced with the Wimmera Mallee Pipeline.
- The channel has been filled in by the property owner with the permission of GWM Water.

Particular Provisions

Nil

General Provisions

Clause 65 - Decision Guidelines

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.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the Responsible Authority must consider, relevant matters, as appropriate.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, relevant matters, as appropriate.

Planning Response:

The proposal complies with the relevant decision guidelines as outlined above. The proposal is supportive of, and complies with the PPF and LPPF, having regard to the protection of agricultural land, the protection of existing water supply infrastructure and will not impact on the amenity of the area. The proposed subdivision will enable the orderly planning of the area. The proposal therefore complies with Clause 65.

Discussion:

The proposal will create two lots that are both more than 40ha and the restructure of the farming operation will protect the agricultural use of the land. The proposed subdivision will satisfy the relevant planning policies in the PPF and LPPF and will comply with the relevant decision guidelines of the FZ and ESO2 as outlined above.

The proposal will not adversely impact on the amenity of the area and will enable the orderly planning of the area in accordance with Clause 65.

The proposal should therefore be approved, and a Planning Permit be issued subject to conditions as outlined below.

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, the Farming Zone, the Environmental Significance Overlay Schedule 2, and Clause 65.

Report to Council:

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

Processing Times:

08/09/2020 - Application lodged
10/09/2020 - Fee received
06/10/2020 - Further information requested
15/01/2021 - Response to further information received and amended plans received
05/02/2021 - Referrals sent
24/02/2021 - Responses all received to external referrals
03/03/2021 - The late report is being presented to Council at the meeting held 03 March 2021 (47 statutory days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

Conflict of Interest:

Under section 130(2) of the Local Government Act 2020, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the planning permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1680-2020 for a two-lot subdivision on the subject land at Tarranyurk East Road Tarranyurk (Lot 1 on Title Plan 899086G), subject to the following conditions:

Conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Access

- 2. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the existing crossover locations for access to Lot 1 and Lot 2 must be upgraded or a new drainage pipe and crossover must be constructed with a new fence and gate and recommended setback on Rodda Road and King Road, to the satisfaction of the Responsible Authority.***
- 3. The crossovers and access to the two lots must be constructed to an all-weather standard and must have a minimum trafficable width to accommodate emergency vehicles, to the standards and satisfaction of the Responsible Authority or as otherwise agreed to writing by the Responsible Authority.***

Subdivision Conditions in Clause 66.01

- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
- 6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

GWM Water Condition

- 7. The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.***

Subdivision Expiry

- 8. The subdivision will expire if:***
- (a) The plan of subdivision is not certified within two (2) years of the date of this permit.***
 - (b) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.***

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 before the permit expires, or within six (6) months of the permit expiry date.

Notes:

Infrastructure

- The upgraded or new crossovers for Lot 1 on Rodda Road and Lot 2 on King Road must be constructed as per IDM-255 Standard. [https://www.designmanual.com.au/assets/files/documents/Standard Drawings/IDM STANDARD DRGS SET 2020-03-24.pdf](https://www.designmanual.com.au/assets/files/documents/Standard_Drawings/IDM_STANDARD_DRGS_SET_2020-03-24.pdf)***
- A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration/upgrade of any vehicle crossovers or any works conducted in the road reserve.***

GWM Water

GWM Water also notes that proposed Lot 2 of the subdivision does not have access to a water supply. Should a separate water supply be required for proposed Lot 2 an extension of the rural pipeline would be required to service the property in accordance with GWM Water's requirements.

Attachment Number: 22

11.2 APPLICATION FOR PLANNING PERMIT PA1701-2021 - CONSTRUCTION OF AN OPEN FRONTED STORAGE SHED - 42 RESERVE ROAD, KIATA 3418

Responsible Officer:	Director Infrastructure Services.
File:	Planning – Applications.
Assessment:	94740
Applicant:	Mr Bill Erhardt (10A Building Permit Services)
Owner:	Mr James Turrell.
Subject Land:	42 Reserve Road, Kiata, 3418.
Proposal:	Construction of an Open Fronted Storage Shed.
Zoning & Overlays:	Township Zone (TZ) Bushfire Management Overlay (BMO)
Attachment Numbers:	23 and 24

Summary:

This report recommends that Council approve Planning Permit PA1701-2021 for the construction of an open fronted storage shed at 42 Reserve Road, Kiata, formally described as Crown Allotment number 3, Section 18, Township of Kiata, Parish of Kiata. The proposed shed is to be used for the all-weather safe storage of private motor vehicles and motorcycles belonging to the owner.

Background:

The application has been lodged by Mr Bill Erhardt of 10A Building Permit Services for the construction of a 162 sqm open frontage storage shed at 42 Reserve Road, Kiata, The application was received on 14 January, 2021 with a request for further information sent to the applicant on the 18 February, 2021 requiring an Outbuilding Bushfire Management Plan (BMP) to support the application. The BMP was received by Council on 23 February, 2021 and was deemed satisfactory by Officers to proceed to a decision.

Proposal Details:

The proposal is for a 9.00 metre x 18.00 metre (2.70 metre high) shed that will be used to store the personal collection of motor vehicles and motorcycles that belong to the occupant of the dwelling. Both the wall and the roof colour is to be Zinc which is a considered to be a neutral tone to the bush setting. The east elevation of the shed (18 metres) will be open.

The proposed shed will be located 15 metres from the northern boundary (from the road), 35 metres from the existing dwelling, 66 metres from the southern boundary and 20 metres from the western boundary (approximate distances).

The items being stored are considered ancillary to the dwelling and as such do not require a use permit. It will be a condition on the permit however that the occupant of the dwelling is prohibited to display the stored items as museum exhibits.

Requirement for Permit:

A planning permit is required under the following clauses of the Hindmarsh Planning Scheme:

- Clause 32.05-6 (Township Zone) – A permit is required to construct or extend an out-building (other than a garage or carport) on a lot if the gross floor area exceeds 10 square metres.
- Clause 44.06-2 (Bushfire Management Overlay) – A permit is required for buildings or works not used for accommodation and that are ancillary to a dwelling if the floor area is greater than 100 sqm.

Definitions:

Under Clause 73.03 of the Hindmarsh Shire Planning Scheme, a “store” is defined as:

Land used to store goods, machinery or vehicles.

Restrictive Covenant or Section 173 Agreement:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement. The reservations, exceptions, conditions and powers shown on the Crown Grant have no bearing to this application.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2018, as the proposed development is not within part of the land that is affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject Site & Locality:

The 32,880 sqm (approximate) subject site is located at 42 Reserve Road, Kiata and has a 116.43 (northern) frontage to Reserve Road, a 114.45 metre western boundary, a southern boundary of 118.35 metres and an eastern boundary of 82.75 metres. The site is considered relatively flat and void of any dams or waterways. The site presently contains a dwelling and a number of outbuildings (sheds) located within proximity to the main residence. Vegetation is scattered across the site, however the positioning of the shed is of such that it will have no impact onto any vegetation.

Land immediately west of the subject site is zoned Farming, to the north is a mix of Township and Public Conservation and Resource Zone (PCRZ) and to the east and south is the Kiata Flora and Fauna Reserve, also within the PCRZ.

Advertising

Section 52 Notice of application

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

(a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of*

allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.

Clause 44.06-7 (Notice and Review) of the Hindmarsh Shire Planning Scheme exempts an application within the BMO from notice requirements. The 'second arm' of the permit trigger, i.e. the development of the shed is not however exempt from notice provisions. Council Officers have reviewed the application and considered it unlikely to cause any material detriment to any persons due to the location of the shed and that the nearest dwelling not in the same ownership is located approximately 200 metres to the east. As such, notification of the application was considered unnecessary.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals:

The application was not required to be referred to the CFA as it met the following exemptions under Clause 66.03 of the Hindmarsh Shire Planning Scheme wherein:

An application to construct a building or carry out works associated with a dwelling is to be referred to the relevant fire authority. This does not apply to a non-habitable outbuilding that meets the following requirements:

- *The outbuilding is ancillary to a dwelling.*
- *10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02.*
- *The canopy of each tree within the defendable space is separated by at least 2 metres, and;*
- *Where the outbuilding is located less than 10 metres from a dwelling, the outbuilding construction requirements at Table 7 Clause 53.02 are met.*

As stated above, the Applicant has provided a BMP which when assessed by Officers, has been determined to comply with the above exemptions and therefore no referral to the CFA was required.

Internal Referrals:

The application was referred to Councils Engineers who have no objection to the issuing of a permit.

Planning Scheme Requirements:

State Planning Policy Framework

Clause 13.02-1S - Bushfire Planning.

This policy must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is within a Bushfire Management Overlay. Its objective is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Several strategies are laid out in this policy which of relevance to application include:

Protection of human life Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process

Use and development control in a Bushfire Prone Area

Consideration needs to be given to assessing use and development applications within Bushfire Prone Areas as follows:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Local Planning Policy Framework

Clause 21.03-7 Objectives – Strategies – Implementation (Other Townships)

The following objective is recognised for townships such as Kiata:

To recognise and promote the strong sense of identity that the small towns provide to the local community.

Creating this sense of pride and identity is about fostering community spirit by way of nurturing the needs and desires of individuals. The owner of this property is an avid collector of motor cars and motorised bikes who requires them to be protected against the elements of the weather. By providing a shed of this size allows him to build upon his collection with confidence and pride.

Zoning Provisions

As stated above in this report, a planning permit is not triggered for the proposed use of the shed, rather the development is what triggers the requirement for a planning permit. The proposed shed will be ancillary to the dwelling and will be used to store the personal items (motor vehicles and motorbikes) of the occupant of the dwelling. It is considered that the size, scale and dimensions of the shed is acceptable given the size of the land,

the semi-rural setting and noting sheds of similar sizes within the Kiata environs. One of the purposes of the Township Zone is *to encourage development that respects the neighbourhood character of the area*, and it is considered that the height, massing and style of the shed will not distract or erode from the immediate low scale character of the area.

Overlay Provisions

In accordance with Clause 44.06-2 of the Hindmarsh Shire Planning Scheme, a planning permit is required for buildings and works not used for accommodation and ancillary to a dwelling if the floor area is greater than 100 sqm. The size of the proposed shed is 162 sqm and therefore it's a requirement that a planning permit be sought. When assessed against the purpose and provisions of the Bushfire Management Overlay, it is considered that the proposed shed is acceptable in this setting and does not contravene the requirements of the Overlay.

The applicant has also provided an Outbuildings Bushfire Management Plan, which has been assessed as being suitable and to meeting the requirements that have been established by DELWP. The Management Plan will form part of Endorsed Plans should a permit be issued.

General Provisions

Clause 65 - Decision Guidelines

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.

Clause 65.01– Approval of an application or plan

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate/relevant:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Response:

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 in providing much needed additional storage for occupant of the dwelling.

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 in the Hindmarsh Shire Planning Scheme.

Report to Council:

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

Processing Times:

- 14/01/2021 - Application was received
- 05/02/2021 - Fee Paid
- 18/02/2021 - Request for Further Information sent
- 23/02/2021 - Response to RFI received – Application amended with provision of Bushfire Management Plan to be endorsed as part of the Planning Permit
- 03/03/2021 - Planning Permit to be considered by Council (8 statutory days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author: Stephen O'Brien, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Councils decision.

Next Steps:

Issue the planning permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves Planning Application PA1701-2021 for the construction of an open fronted storage shed, on subject land known as 42 Reserve Road, Kiata 3418, subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. The construction of the storage shed must be undertaken in accordance with the plans prepared by Eureka Garages and Sheds version 1.5.0. A copy of this plan forms part of this permit.***
- 3. The “Outbuildings Bushfire Management Plan – 42 Reserve Road, Kiata 3418” must not be altered without the written consent of the Responsible Authority. A copy of this plan forms part of this permit.***
- 4. The Permit hereby issued only allows for development of an open fronted storage shed for the benefit and use of the occupant of the dwelling. The use cannot be used a commercial enterprise.***

Time Limit

- 5. This permit will expire if one of the following circumstances applies:***
 - a) The development does not start 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 refer to above if a request is made in writing before the permit expires or within 6 months afterwards if the development has not commenced or 12 months after if the development has commenced but is not yet completed.

*****End of Conditions*****

Notes

- Building approval must be obtained prior to the commencement of the above approved works.***
- Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.***

Attachment Numbers: 23 and 24

12. OTHER BUSINESS

No report.

13. CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by Section 3 of the *Local Government Act 2020* as being:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

RECOMMENDATION:

That the meeting be closed in accordance with Section 66 of the Local Government Act 2020, to consider:

a) Council business information

- 13.1 *Hindmarsh Shire Council Business Assistance Grants Program 2020-2021 Round 2***
 - 13.2 *Request for Quote – Award for Purchase of one (1) 3-axle Truck with Tipping Body and one (1) 4-axle Trailer with Tipping Body***
 - 13.3 *Request for Quote – Award for Purchase of one (1) Truck Mounted Street Sweeper***
 - 13.4 *Reappointment of Chief Executive Officer***
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15. MEETING CLOSE
