



3 June 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 9 June 2021 commencing at **1:00pm**.



Greg Wood  
Chief Executive Officer

## AGENDA

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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 1719-2021 – Use of Land for a Motor Racing Track (One Day Pony Express Event) – 1191 Perenna Road, Netherby VIC 3418
- 8.2 Application for Planning Permit 1693-2020 – Two Lot Subdivision – 231 Peakes Three Chain Road, Nhill VIC 3418 (Lot 1 on Title Plan 232843P)

**9. Reports Requiring a Decision**

- 9.1 Governance Report
- 9.2 Council Plan 2017-2021 Progress Report
- 9.3 Financial Report for the Period Ending 31 March 2021
- 9.4 Crown Land Committee of Management Rainbow Rises Road, Rainbow
- 9.5 Flagship Tourism Infrastructure Projects Funding
- 9.6 Rainbow Caravan Park – Victoria’s Great Outdoors Camping and Caravan Grants Program
- 9.7 Road Management Plan Review
- 9.8 Gazetting of B Double Roads for Public Consultation
- 9.9 Procurement Australia – 2506/0641 Retail Energy Contract

**10. Council Committees**

- 10.1 Nhill Town Committee
- 10.2 Rainbow Town Committee
- 10.3 Yurunga Committee of Management
- 10.4 Dimboola Town Committee
- 10.5 Jeparit Town Committee

**11. Late Reports**

**12. Notice of Motion**

**13. Other Business**

**14. Confidential Matters**

- 14.1 Provision of Internal Audit Services

**15. 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.**

A Councillor with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict is **general** or **material**; and
- the circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of 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 5 May 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](mailto: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: MAY 2021**

**Cr ISMAY, MAYOR**

Date	Meeting	Location	Comments
03/04/2021	Maddocks Conflict of Interest Training	Edenhope	
04/05/2021	Hindmarsh Tourism Group Meeting	Oasis Rainbow	
05/05/2021	Council Briefing Meeting	Nhill	
05/05/2021	Council Meeting	Nhill	
06/05/2021	Interview with ABC Radio		
12/05/2021	On site meeting with Engineers and Lake Committee	Rainbow	
12/05/2021	Council Plan Session	Nhill	
17/05/2021	Trailblazer's Meeting	Rainbow	
17/05/2021	Rainbow Town Committee Meeting		
18/05/2021	WMT Planning session with Consultants		
20/05/2021	Silo Meeting with CEO, Llew Shilling and Paul Matthews		

**Cr ALBRECHT, DEPUTY MAYOR**

Date	Meeting	Location	Comments
04/05/2021	Hindmarsh Tourism Group	Rainbow	The tourism group continues to grown in attendees and progresses key ideas.
05/05/2021	Council Briefing	Nhill	
05/05/2021	Council Meeting	Nhill	

05/05/2021	Nhill Silo Heritage Project 'Save our Silo' meeting	Nhill	The public turn out at this meeting highlights the significance that the Nhill community places on this iconic silo.
17/05/2021	Nhill Town Committee Meeting	Nhill	Congratulations to the committee for obtaining a grant for a trivia night to be held on 28 May 2021.
22/05/2021	Nhill Karen Community Fundraiser Event	Nhill	Congratulations to the Karen community for organising such an enjoyable event to raise funds for the Karen people who are displaced in Burma due to military action. I was honoured to be one of the formal speakers for the event. Thank you to everyone involved in preparing the delicious Karen food and the beautiful music.

**Cr GERSCH**

Date	Meeting	Location	Comments
30/04/2021	Maddocks Councillor Conflict Training	Edenhope	
05/05/2021	Council Briefing	Nhill	
05/05/2021	Council Meeting	Nhill	
05/05/2021	Nhill Silo Public Meeting	Nhill	
14/05/2021	RCV Board Meeting by Zoom	Zoom	
18/05/2021	Breakfast Meeting Deputy PM	Horsham	
Various	Discussions re Draft Plans Nhill Parks and Lake		

**Cr IRELAND**

Date	Meeting	Location	Comments
05/05/2021	Council Briefing 1-3pm	Nhill	
05/05/2021	Council Meeting 3-5pm	Nhill	
10/05/2021	Jeparit Advisory Committee Meeting 7:30-9:30pm		
12/05/2021	Council Budget and Planning Meeting 1-4pm		
17/05/2021	Rainbow Trailblazers Meeting 5-7pm		Over 50 people attended an initial meeting to create tracks; paths and bike pump tracks throughout their town. The group hired professionals to run and collect data from the meeting and was a very positive night.
17/05/2021	Rainbow Town Meeting 7:30-8:30pm		
18/05/2021	Wimmera Mallee Pioneer Museum Meeting 7:30-10:30pm		
20/05/2021	Meeting at Llew Schilling Silo and then onto the Rainbow Oasis		Initial discussions took place in regards to the development of a silo project on land he currently owns.

**Cr NELSON**

Date	Meeting	Location	Comments
28/04/2021	Share Your Care Champions Update Online Meeting		
05/05/2021	Council Briefing	Nhill	
05/05/2021	Council Meeting	Nhill	
05/05/2021	Wimmera Southern Mallee LLEN AGM Online		
05/05/2021	Nhill Silo Meeting		
12/05/2021	Council Plan Workshop		

**Cr BYWATERS**

Date	Meeting	Location	Comments
28/04/2021	Catch Up Session	Zoom	'Local Women Leading Change: 6 Months On' with Deborah Wu, Inclusion & Diversity Lead, Victorian Local Government Association (VLGA)
29/04/2021	Meeting with Federation University, Nhill Learning Centre and John Millington – Mr Le's Vietnamese Restaurant and Nhill Community Garden		Opportunities for University scholarships with a special mention of Karen students'
31/04/2021 to 2/05/2021	Australian Local Government Women's Association (ALGWA) Conference	Melbourne	
03/05/2021	Town Committee Meeting	Dimboola Community Centre	Welcome to new residents event on Friday 28 May.
05/05/2021	Council Briefing/Council Meeting	Nhill	
05/05/2021	Nhill Noske Silo Town Meeting	Nhill	
07/05/2021	WWHS Community Advisory Committee	Nhill Hospital	
08/05/2021	Park Run	Nhill Lake	
16/05/2021	Nhill Lions Market	Jaypex Park Nhill	
18/05/2021	Business Horsham's Reimagine Event	Horsham	Hindmarsh businesses were well represented at this event. Speakers began with an inspiring and educational 'Welcome to Country' by Mr Ron Marks. The Deputy

			<p>Prime Minister of Australia, Michael McCormack touched on the Tree-change movement and how it will impact regional Victoria followed by a Q&amp;A. Stuart Benjamin, Chair of the Small Business Ministerial Council spoke to life after JobKeeper and some of the obstacles faced by the Horsham and the Wimmera community. Stuart's talk was incredibly open and thought provoking. Marc Sleeman, CEO of Grampians Tourism spoke about the current impact of tourism on the local business community, and various activities that are underway to bring travellers (and dollars) to our regions. And finally Andrea Cross of the Horsham Agricultural Society enlightened participants about the history of the Maydale Reserve and Pavillion. The horse stalls had small business exhibitions in them with wares for sale to guests. Thanks to Business Horsham for putting on the event, Horsham Agricultural Society for the venue and Stewarts Catering and Consulting for the tasty brunch.</p>
19/05/2021	ALGWA AGM	Zoom	
22/05/2021	Nhill Karen Community Fundraising Concert for Internally Displaced People in Burma	Nhill Community Centre	

**7. CORRESPONDENCE**

**7.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 2 – 5

**Introduction:**

The following correspondence is tabled for noting by Council.

**Inwards:**

- 05/05/2021 – Letter to Mayor from Murray Darling Association.
- 07/05/2021 – Letter from Wimmera Health Care Group RE Community Stakeholder Update
- 14/05/2021 – Letter to CEO and Councillors from Anne Simms RE Public Consultation over Road Gazetting.
- 29/05/2021 – Letter to Councillors from Nhill & District Sporting Club Inc. RE Unsuccessful Outcome for Clubroom Redevelopment

**Outwards:**

- Nil

**RECOMMENDATION:**

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

*Attachment Numbers: 2 – 5*



**8. PLANNING PERMITS**

**8.1 APPLICATION FOR PLANNING PERMIT 1719-2021 - USE OF LAND FOR A MOTOR RACING TRACK (ONE DAY PONY EXPRESS EVENT) – 1191 PERENNA ROAD NETHERBY VIC 3418**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 110260  
**Application Number:** PA1719-2021  
**Application Received:** 5 May 2021  
**Applicant:** Nhill Motor Sports Club C/- Mrs Bree Lowe  
**Owner:** Mr Ross Dickinson  
**Subject Land:** Part of 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127, Parish of Warraquil)  
**Proposal:** Use of land for a Motor Racing Track (One Day Pony Express Event)  
**Zoning & Overlays:** Farming Zone (FZ)  
Bushfire Management Overlay (BMO) - Part  
**Attachment Number:** 6

**Summary:**

This report recommends that Council approve Planning Permit PA1719-2021 for the use of land for a Motor Racing Track (One Day Pony Express Event) on the subject land known as 1191 Perenna Road, Netherby VIC 3418 (CA 126 and CA127 Parish of Warraquil).

**Background:**

On 5 May 2021, The Nhill Motor Sports Club lodged a planning application for a Motor Racing Track for the 'Pony Express' 2021 motocross event, to be run on 10 July 2021. The event has been run previously on an annual basis, including at the subject land in 2019 (Permit PA1628-2019).

**Proposal Details:**

The proposal is to hold the 'Pony Express' 2021 motocross event on land south of Netting Fence Track, at Crown Allotments 126 and 127, Parish of Warraquil (1191 Perenna Road Netherby) as well as associated staging area facilities, including a car parking area, pit area, spectator area, race control and temporary toilets. Access to the event will be via private driveway, entering at the southeastern corner of the track. The event is to be attended by over 400 riders, and is to be attended by approximately 200 spectators. The course is approximately 16 kilometres in length, and consists of existing tracks on the land. No excavation, construction or associated works is proposed as a part of this application.

**Requirement for Permit:**

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

- Clause 35.07-1 (Farming Zone) – A permit is required for the use of land for a Motor Racing Track.

It is proposed that the event is run on this location as a ‘one-off’ event only, and as such, any permit issued will reflect this. Separate planning approval will need to be sought for events on this site or different locations in future (as was the case for the 2019 event).

**Definitions:**

Motor Racing Track – *Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.*

**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 identified as an area of Aboriginal Cultural Heritage Sensitivity.

**Subject site & locality:**

The subject site is known as CA 126 and CA 127 Parish of Warraquil (Part of 1191 Perenna Rd Netherby), and is currently used for grazing and cropping. The property (and surrounds) has been extensively cleared with little established vegetation remaining, save for the area proposed to run the event; however no native vegetation removal is proposed or permitted. The track area is existing on the land, as can be seen in the aerial image below.

[Aerial Map below – Hindmarsh POZI \(2016\)](#)



To the north of the site lies the Big Desert State Forest. The Netherby State Forest is located immediately east of the track area, with grazing land beyond. To the south, and west, land is primarily agricultural and used for such purposes. The nearest dwelling is approximately 2.2 kilometres to the west, and the subject land lies approximately 36.2 kilometres north of the Nhill Post Office.

The subject land is located within the Farming Zone (FZ) and is partially covered by the Bushfire Management Overlay (BMO). The subject land is not improved by any structures, and is clearly delineated between land that is actively cropped and land comprising remnant vegetation.

### **Section 52 Notice of Application**

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as it is considered that the application will not cause material detriment to any person or property, for the following reasons:

- Letters of support for the event from adjoining landowners have been provided with the application;
- The nearest dwelling is approximately 2.2 kilometres away;
- The proposal is for a one day event only; and
- The site is in a remote locality, with previous events enjoying considerable support in the past in the locality without incident.

### **Referrals:**

No internal or external referrals/notices were required by the Planning Scheme. It is noted that the applicant sought advice from DELWP (Forest Fire Management Victoria)

prior to lodging the application, who did not object to the proposal, but requested the following condition be placed on any permit issued:

*Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).*

Such condition has been included in the recommendation in this report.

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 13.02-1S Bushfire planning

Clause 14.01-1S Protection of agricultural land

Clause 17.04-1S Facilitating tourism

**Local Planning Policy Framework:**

Clause 21 Municipal Strategic Statement

**Zoning Provisions:**

**Clause 35.07 – Farming Zone (FZ)**

**35.07-1 Table of uses**

A permit is required to use land for a Motor Racing Track

**35.07-6 Decision guidelines** (relevant to the application)

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

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

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

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

- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

#### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

#### **Design and siting issues**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land
- Whether the use or development will require traffic management measures.

#### **Planning Response:**

The proposal is considered to meet the applicable decision guidelines as outlined above. The proposal is considered to support the Planning Policy Framework, having particular regard to tourism in the area. The event will act as a significant attractor of tourism to the locality, and has enjoyed significant support in the past at other locations. Furthermore, the event will not impose any undue strain on infrastructure in the area, nor has done so in the past.

The proposal is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above due to the temporary nature of the proposed event. The event will have little impact upon the continued agricultural viability of the subject land and surrounds, noting that the part of the site that is used for productive agriculture does not form part of the racing area.

The proposed event will not negatively impact on the natural physical features and resources of the area. No negative impact on the flora and fauna on the site and its surrounds will occur, with no native vegetation proposed to be removed. The biodiversity of the area, inclusive of 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 has been considered within this application, with no negative impacts to occur as no works are to be undertaken.

**Overlay Provisions:**

**Clause 44.06 – Bushfire Management Overlay**

No permit is required under this Clause, as the Overlay does not trigger a permit for use.

**Particular Provisions:**

No Particular Provisions of the Hindmarsh Planning Scheme are relevant to the assessment of this proposal.

**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 to the application):

- 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.
- Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

**Planning Response:**

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone are appropriately met, with the location of the use unlikely to create any amenity impacts or permanently remove land from agricultural production. The application is therefore considered to be reflective of orderly planning.

**Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)**

The proposal meets the objectives of the relevant provisions of the PPF and LPPF for the reasons discussed earlier in this report.

**Farming Zone (FZ)**

The proposal complies with the purpose and decision guidelines of the FZ for the reasons outlined in the planning response to the zone as discussed above.

**Clause 65 Decision Guidelines**

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.

**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 Clause 35.07 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:**

05/05/2021 – The application was received.

17/05/2021 – The fee was waived in lieu of sponsorship advertising.

20/05/2021 – The correct Titles were provided.

09/06/2021 – The report is being presented to Council at the meeting held 09 June 2021 (20 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 interests to disclose.

Author: Tim Berger, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

**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 PA1719-2021 for the use of land for a Motor Racing Track (One Day Pony Express event), on the subject land known as 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127 Parish of Warraquil), subject to the following conditions:***

**Endorsed Plans**

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

**Amenity**

- 2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) transport of materials, goods or commodities to or from the land;***
  - (b) appearance of any building, works or materials;***
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - (d) presence of vermin; and***
  - (e) others as appropriate.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***
- 5. Adequate provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the Responsible Authority.***
- 6. Adequate provision of portable toilets and associated amenities for patrons must be provided on the site and must be emptied and maintained to the satisfaction of the Responsible Authority.***
- 7. The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to the event being conducted to the satisfaction of the Responsible Authority.***



**Department of Environment, Land, Water, and Planning**

**8. Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).**

**Time Limit**

**9. The racing of motorcycles must cease at 6pm on 10 July 2021.**

**10. The use of the land for the purpose of a Motor Racing Track (including packing up and removal of equipment) must cease at 6pm on 11 July 2021.**

**Note:**

**Emergency Services including Ambulance Victoria must be contacted about the requirements for the operation of the event.**

**Attachment Number: 6**

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**8.2 APPLICATION FOR PLANNING PERMIT PA1693-2020 – TWO LOT SUBDIVISION – 231 PEAKES THREE CHAIN ROAD NHILL VIC 3418 (LOT 1 ON TITLE PLAN 232843P)**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	112660
<b>Application No.</b>	PA1693-2020
<b>SPEAR Ref. No.</b>	S163824M
<b>Applicant:</b>	Darren Bone, C/- Angela Plazzer, Ferguson Perry Pty Ltd
<b>Owner:</b>	Darren Bone
<b>Subject Land:</b>	231 Peakes Three Chain Road Nhill VIC 3418 (Lot 1 on Title Plan 232843P)
<b>Proposal:</b>	Two lot subdivision
<b>Zoning &amp; Overlays:</b>	Farming Zone Environmental Significance Overlay Schedule 6
<b>Attachment Number:</b>	7

**Summary:**

This report recommends that Council approve Planning Permit PA1693-2020 for a two lot subdivision at 231 Peakes Three Chain Road Nhill VIC 3418 (Lot 1 on Title Plan 232843P), subject to standard conditions.

**Background:**

The site is used for agricultural purposes in conjunction with a number of other allotments. There is an existing dwelling, farm sheds and vegetation in the centre north part of the site. The owners are seeking to excise the dwelling, sheds and vegetated part of the lot from the balance of the lot to enable both lots to be sold separately.

**Proposal Details:**

The application proposes the two lot subdivision of the subject land. The subdivision will enable a smaller lot containing a dwelling, farm sheds and native vegetation to be separated from the balance of the land.

The original plan of subdivision submitted on 12/11/2020 was amended on 9/03/2021 to provide a carriageway easement on proposed Lot 2 in favour of proposed Lot 1 pursuant to Section 50 of the *Planning and Environment Act 1987*.

The amended plan of subdivision (Version 2) comprises proposed Lot 1 in two parts of 39.25ha and 21.77ha with a total area of 61.02ha and proposed Lot 2 with an area of 4.665ha. Proposed Lot 1 contains cleared farming land used for cropping purposes and proposed Lot 2 contains the existing dwelling, farm sheds and vegetation with a long access driveway of 283.7m that is approximately 6.2m wide.

Vehicle access to proposed Lot 2 will be from the existing crossover on Peakes Three Chain Road. Vehicle access to proposed Lot 1 will also be from the existing crossover on Peakes Three Chain Road via a carriageway easement over Lot 2 in favour of Lot 1. An existing 14.0 wide power line easement extends north-south through both proposed lots and is detailed on the amended plan of subdivision.

The applicant has stated the following about the amended proposal:

*'The application proposes to subdivide the land into 2 lots in order to excise the land used for the dwelling from the farmland so that they can be separately disposed of.*

*The accessway on Lot 2 is approximately 4m in width and the distance between the eastern and western boundaries at the northern end of the access way is approx. 6.2m and between 10m and 14.6m at the southern end. The CFA recommend that the minimum width for an accessway is 3.5m. The existing dwelling, shown in the photographs below, is in habitable condition and is currently occupied. It is located approximately 30m from the boundary to Lot 1 and is surrounded by trees which will act as buffer to dust, noise and spray drift from farming activities on Lot 1.*

*As is evident in the photos, the dwelling is in habitable condition and currently occupied.'*

Proposed Plan of Subdivision



**Requirement for Permit:**

The subject land is located within the Farming Zone and is affected partly by the Environmental Significance Overlay Schedule 6.

A planning permit is required to subdivide land under Clause 35.07-3 Subdivision of the Farming Zone. A planning permit is not required under the Environmental Significance

Overlay Schedule 6 as there is no vegetation to be removed, earthworks or fences proposed.

**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):**

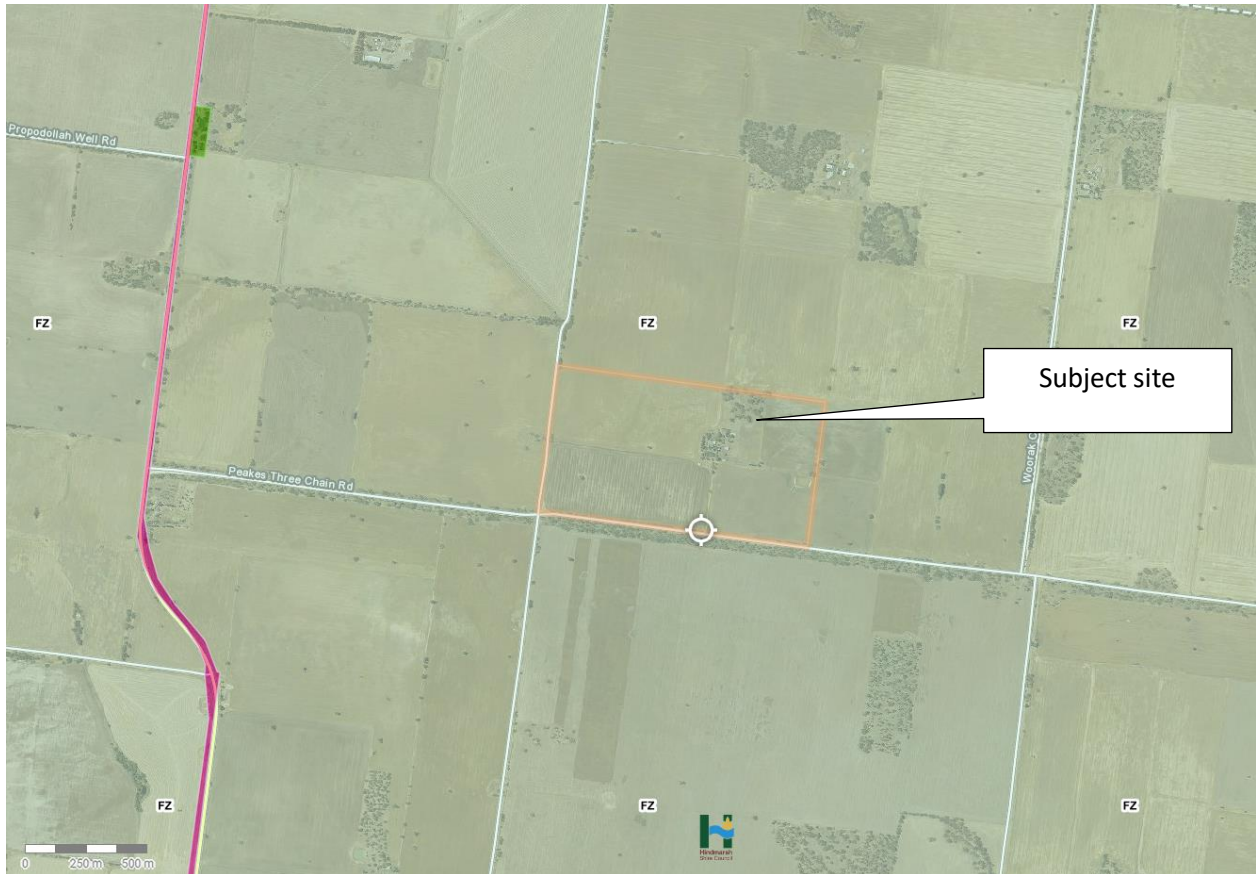
The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is a low impact activity and is not within land affected by an Aboriginal Cultural Heritage Sensitivity Area.

**Subject site & locality:**

The subject site is known as Lot 1 on Title Plan 232843P at 231 Peakes Three Chain Road, Nhill. The site is on the northern side of Peakes Three Chain Road. The site has a total area of 65.685ha and is rectangular in shape. The site contains land used for cropping, an existing dwelling, sheds, native vegetation and a dam. Access to the site is from Peakes Three Chain Road to the south. The site is mostly cleared except for some scattered remnant native vegetation and planted vegetation around the existing dwelling. The site adjoins farming land that is in common ownership to the north and other farming operations agricultural land along Woorak Church Road to east, along B. Barbers Road to the west and Peakes Three Chain Road to the south. The surrounding area is used for cropping interspersed with some dwellings.

The site and all the surrounding land are within the Farming Zone (FZ) and partly within the Environmental Significance Overlay Schedule 6.

Aerial Photo below (POZI):



**Consultation:**

Consultation was undertaken and included:

- Three requests for further information were sent to the applicant via SPEAR on 08 December 2020, 23 March 2021 and 21 April 2021.
- The further information and amended plans were received in SPEAR on 9 March 2021, 9 April 2021 and 21 April 2021 respectively.

**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 the front boundary near driveway entrance to the site from Peakes Three Chain Road and one sign on side boundary fronting B Barbers Road.

A statutory declaration form for the public notice was submitted to Council on 24/05/2021. 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**

- Nil

#### Internal Referrals:

- Engineering - Comments provided, and condition required as detailed below:
  1. *We have conducted a site visit on 04/05/2021. The following condition needs to be applied to the permit.*  
*The current access location (carriageway easement) at Lot 1 and 2, will need to be upgraded or a new drainage pipe and crossover will need to be constructed as per IDM-255 Standard, on Peakes Three Chain Road.*  
*[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)*
- Environmental Health – No objections, one condition to be applied.

### **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 12.01-1S Protection of biodiversity

Clause 12.01-1S Protection of biodiversity – Wimmera Southern Mallee

Clause 12.01-2S Native vegetation management

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.*

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 also protect a stand of native vegetation on the smaller lot.

The proposal will comply with the relevant policies of the SPPF including Clauses 12.01-2S, 14.01-1S, 14.01-1R and 14.01-2S.

The subdivision to create a smaller lot of 4.665ha containing the dwelling, sheds and native vegetation and a balance lot in two parts with a total area of 61.02ha to protect the existing productive agricultural land. The existing grazing and cropping activities on the balance lot will be retained and the subdivision will allow the two lots to be sold separately if required. A Section 173 Agreement is required to prevent further fragmentation of the land holdings by restricting no further subdivision that would increase the number of lots and to ensure the owners of Lot 2 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 PPF and LPPF as discussed above.
- The proposed subdivision will be consistent with the current Wimmera Regional Catchment Strategy 2013-2019.
- The existing dwelling is in a habitable condition as evidenced by the photos submitted. The septic system of the existing dwelling on proposed Lot 2 will be required to comply with the relevant Acts and Codes of Practice, which will be addressed by a condition.
- The subdivision will allow the area on proposed Lot 2 for the dwelling, sheds and native vegetation on a smaller lot to be separated from the cleared agricultural land on the balance of the land on proposed Lot 1 to encourage sustainable land management.
- The subdivision will allow the dwelling and the immediate area that is not being used for grazing and cropping to be contained on the smaller lot and the farming land for cropping to be contained on the larger lot. The proposal will generally be compatible with the adjoining and nearby agricultural land uses, but a Section 173 Agreement is required for the owner of Lot 2 to acknowledge the potential amenity impacts from the surrounding agricultural uses.
- The proposal makes use of some existing infrastructure and services by utilising existing vehicle access points where possible. However, the vehicle access to proposed Lot 2 and carriageway easement to proposed Lot 1 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 not have an adverse impact on the existing agricultural activities on the balance lot and will allow the smaller lot to just contain the dwelling, sheds and native vegetation.
- 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. However, a Section 173 Agreement condition will require the owner of proposed Lot 2 (dwelling lot) to acknowledge and accept nuisance from the adjoining agricultural activities on proposed Lot 1 (agricultural lot) and other adjoining agricultural lots.
- The proposed Lot 1 with an area of 61.02ha will be an adequate size to sustain the productive agricultural use and could 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 will encourage the retention of native vegetation on proposed Lot 2. The existing septic system for the dwelling on proposed Lot 2 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, but there are some stands of native vegetation on site and scattered on the adjacent land. The subdivision will allow the existing stands of native vegetation on proposed Lot 2 to be retained. The proposal will not have impacts on the remaining flora and fauna in the locality.
- As discussed above, the existing septic system of the dwelling on proposed Lot 2 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**

##### **Environmental Significance Overlay Schedule 6**

No planning permit is required under this Clause and Schedule.

#### **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, will minimise land use conflicts with surrounding agricultural land uses 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 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 ensure the owner of the dwelling lot (proposed Lot 2) that is surrounded by agricultural uses acknowledges potential nuisance and other amenity impacts from surrounding agricultural activities. The wastewater system for the dwelling and vehicle access to the lots are required to be upgraded or 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:**

- 12/11/2020 – Application lodged
- 18/11/2020 – Invoice issued
- 18/11/2020 – Fee received
- 08/12/2020 – Further information requested
- 01/02/2021 – Request for first extension of time
- 03/02/2021 – Request for first extension of time approved
- 09/03/2021 – Partial response to further information received and amended plan for endorsement received
- 22/03/2021 – Further information outstanding requested
- 09/04/2021 – Amended Planning Report received
- 21/04/2021 – Request for correct version of Plan of Subdivision in SPEAR
- 21/04/2021 – Amended Plan of Subdivision received in SPEAR
- 22/04/2021 – Advertising instructions sent including notification to neighbours
- 21/04/2021 – Responses all received to external and internal referrals
- 24/05/2021 – Statutory declaration received in SPEAR

09/06/2021 – The report is being presented to Council at the meeting held 09 June 2021 (17 statutory days)

The statutory processing time requirements of the *Planning and Environment Act 1987* have 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 PA1693-2020 for a Two lot subdivision on the subject land at 231 Peakes Three Chain Road Nhill VIC 3418 (Lot 1 on Title Plan 232843P), 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 that would increase the number of lots.**
- (b) The owner of the dwelling on Lot 2 as shown on the plan endorsed under Planning Permit PA1693-2020 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 2**

- 3. The existing wastewater system on Lot 2 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 and access location (carriageway easement) adjacent to Lot 1 and 2 must be upgraded or a new drainage pipe and crossover must be constructed on Peakes Three Chain 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 the existing access location (carriageway easement) adjacent to Lot 1 and 2 on Peakes Three Chain 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.***

***Attachment Number: 7***

## 9. REPORTS REQUIRING A DECISION

### 9.1 GOVERNANCE REPORT

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

**Introduction:**

This report makes several recommendations to Council relating to the governance of Council and other bodies.

**Discussion:**

**MAV Council Representatives**

The Municipal Association of Victoria's (**Association**) Rules of Association require Council's to appoint a representative and substitute representative to the Association by way of Council resolution (Rule 6).

A person appointed as a representative of the Association must use their reasonable endeavours to attend all meetings of the Association which the person is eligible to attend (Rule 7.1). If the representative is unable to attend meetings, the substitute representative should be encouraged to attend (Rule 7.2). The State Council will meet at least twice in each year and may meet at any other time appointed by the President.

The representative is required to:

- vote on every matter under consideration by the State Council, in accordance with either the resolution of their council or the view of the majority of the Councillors where known, unless prohibited from doing so;
- provide regular reports to his or her council on matters discussed and considered by the Association and on the decisions made; and
- have regard to any codes or guidelines published by the Board that relates to their functions as a representative (Rule 7).

At the Statutory meeting held on Wednesday 18 November 2020 Council appointed Mayor Councillor Ron Ismay as the Hindmarsh Shire representative. No substitute representative was appointed. This report recommends Councillor Rob Gersch be nominated as Hindmarsh Shire Council substitute representative.

**National General Assembly of the Australian Local Government Association**

The National General Assembly of the Australian Local Government Association (**ALGA**). The National General Assembly of Local Government is an annual event for Local Government. This year the event will be run from 20 June 2021 to 23 June 2021 in Canberra.

As required by Council's Councillor Expense Policy, all interstate travel must be in line with the Council Plan and approved by way of Council resolution.

This report recommends Council appoint Mayor Councillor Ron Ismay as delegate to the National General Assembly of the Australian Local Government Association and approve interstate travel to Canberra and all costs associated with attending the National General Assembly in Canberra in June 2021.

### **Common Seal**

At Council meeting held on Wednesday 5 May 2021, Council resolved to approve the Governance Local Law and Municipal Local Law. Both Local Laws came into effect on 13 May 2021 (the day after publication in the Government Gazette). This report seeks Council resolution to affix the Hindmarsh Shire Common Seal onto the Hindmarsh Shire Governance Local Law 2021 and Hindmarsh Shire Municipal Local Law 2021 in accordance with the Hindmarsh Shire Governance Local Law 2021.

To reduce the requirement for a Council resolution each time the use of the Common Seal is required officers recommend Council pass a resolution giving the Chief Executive Officer general authority to affix the Common Seal to any document as the Chief Executive Officer deems appropriate.

### **Options:**

#### **MAV Council Representatives**

1. Council appoint Councillor Robert Gersch as substitute representative to the Municipal Association of Victoria; OR
2. Council appoint another Councillor as the substitute representative to the Municipal Association of Victoria

#### **National General Assembly of the Australian Local Government Association**

1. Council appoints Mayor Councillor Ron Ismay as delegate to the National General Assembly of the Australian Local Government Association and approve interstate travel to Canberra and all costs associated with attending the National General Assembly in Canberra; OR
2. Council appoints another Councillor as delegate to the National General Assembly of the Australian Local Government Association and approve interstate travel to Canberra and all costs associated with attending the National General Assembly in Canberra; OR
3. Council not appoint a delegate to the National General Assembly of the Australian Local Government Association

### **Common Seal**

1. Council can resolve to affix the Hindmarsh Shire Common Seal to Hindmarsh Shire Governance Local Law 2021 and Hindmarsh Shire Municipal Local Law 2021; or
2. Council can choose to not resolve to affix the Hindmarsh Shire Common Seal to Hindmarsh Shire Governance Local Law 2021 and Hindmarsh Shire Municipal Local Law 2021 (this will not affect the validity of either Local Laws).
3. Council can resolve to give the Chief Executive Officer general authority to affix the Common Seal to any document as the Chief Executive Officer deems appropriate;

or

4. Council can choose not to give the Chief Executive Officer general authority to affix the Common Seal to any document as the Chief Executive Officer deems appropriate.

**Link to Council Plan:**

Strategic Objective 4.3 an engaged skilled Council and workforce capable of meeting community needs.

Strategic Objective 4.6 an organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation

**Financial Implications:**

Council's 2020/2021 has a budget for Councillor training, conferences and seminars.

**Risk Management Implications:**

The recommendations in this report support Council's good governance.

**Confidential Declaration:**

N/A

**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:**

N/A

**Next Steps:**

1. CEO to fill out form in Schedule 1 of the MAV Rules of Association appointing a substitute representative and forward to the Municipal Association of Victoria.
2. Council officers arrange for Councillor delegate to attend the ALGA National General Assembly.
3. The CEO and a Councillor representative affix the Hindmarsh Shire Common Seal onto the Hindmarsh Shire Council Governance Local Law and Hindmarsh Shire Council Municipal Local Law.



**RECOMMENDATION:**

***That Council:***

- 1. appoints Councillor Robert Gersch as Hindmarsh Shire Council's substitute representative to the Municipal Association of Victoria;***
- 2. appoints Mayor Councillor Ron Ismay as delegate to the National General Assembly of the Australian Local Government Association;***
- 3. approves Mayor Councillor Ron Ismay's interstate travel to Canberra to attend the National General Assembly of the Australian Local Government Association;***
- 4. approves expenses associated with Mayor Councillor Ron Ismay's interstate travel to Canberra to attend the National General Assembly of the Australian Local Government Association;***
- 5. authorises the Hindmarsh Shire Council Common Seal be affixed to the Hindmarsh Shire Governance Local Law;***
- 6. authorises the Hindmarsh Shire Council Common Seal be affixed to the Hindmarsh Shire Municipal Local Law;***
- 7. that, pursuant to cl 7.1 of Council's Governance Local Law of 2021, Council gives the Chief Executive Officer general authority to affix the Common Seal to any document as the Chief Executive Officer deems appropriate.***

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

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

**Attachment Number:** 8

**Introduction:**

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 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: Monica Revell, Director Corporate and 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 third quarter of 2020/2021.***

***Attachment Number: 8***

### 9.3 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2021

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

**Attachment Number:** 9

**Introduction:**

The Financial Report for the third quarter of 2020/2021 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 March 2021 as presented.*

*Attachment Number: 9*

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### 9.4 CROWN LAND COMMITTEE OF MANAGEMENT RAINBOW RISES, RAINBOW

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

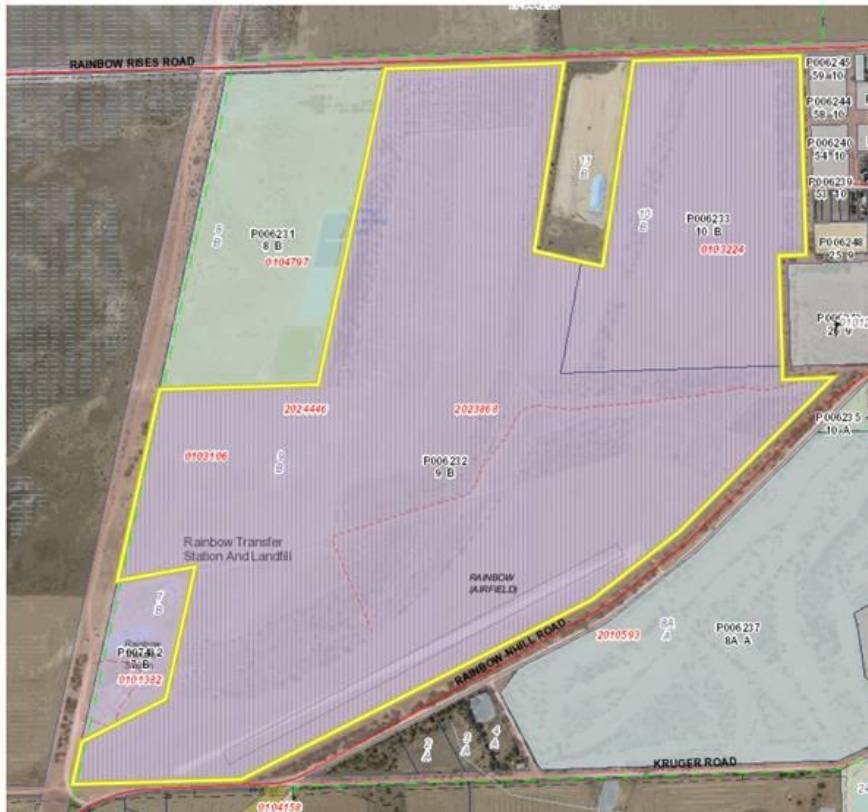
**Introduction:**

This report seeks support to enter into an agreement appointing Council as the Committee of Management with the Department of Land Water and Planning (DELWP) for Crown Parcels 10~B\PP5664 (P006233) and 9~B\PP5664 (P006232), Rainbow Rises Road Rainbow, utilised by the Rainbow Desert Enduro.

**Discussion:**

At the Council meeting held on Wednesday 3 February 2021 Council resolved subject to the ability to subdivide the parcel so that the airfield remains DELWP responsibility, enters into a Committee of Management agreement with DELWP for Crown Parcels 10~B\PP5664 (P006233) and 9~B\PP5664 (P006232), Rainbow Rises Road Rainbow.

Council officers have been liaising with DELWP and have received correspondence that DELWP does not see any beneficial public land outcomes as a result of splitting the airstrip Crown land area from the remainder of the reserve, therefore requiring Council to enter into a Committee of Management agreement for the both parcels in their entirety. The map below highlights both parcels including the airfield.



DELWP have advised that the airstrip is no longer being used for firefighting purposes with Linga Airbase the preference and Hopetoun the secondary option. There is no intention for the Rainbow airstrip to be used for any future emergency operations. The main use of the airstrip is for recreational aviation and local tourism.

There are currently three interconnected 22,000L water tanks located near the airstrip and supplied from the Wimmera Mallee Pipeline, with some of this water used for dust suppression at the Off Road Racing events.

Under section 17D of the *Crown Land (Reserves) Act 1978* Council is able to enter into a lease with a regular user of the Crown land reserve using DELWP's standard lease template. Council can determine the annual fee based on the proposed use, which is usually charged at DELWP's minimum of \$421 plus GST, commercial based users should be charged market based rates.

As the main user of the site and in order for development (and future events) it is proposed Council enter assist the Rainbow Off Road Racing Committee to become incorporated and enter into a lease agreement for both parcels including the Rainbow Airfield. Council officers will liaise with DELWP to seek the Ministers approval to enter into a lease to ensure compliance with the *Crown Land (Reserves) Act 1978*.

**Options:**

1. Council can enter into a Committee of Management agreement with DELWP for Crown Parcels 10~B\PP5664 (P006233) and 9~B\PP5664 (P006232), Rainbow Rises Road Rainbow and authorise the CEO to assist the Off Road Racing

Committee to become incorporated and to liaise with DELWP to enter into a lease agreement with the Rainbow Off Road Racing Committee.

2. Council can choose not to enter into a Committee of Management agreement for either sites.

**Link to Council Plan:**

Strategic Objective 1.1	An actively engaged community
Strategic Objective 1.3	A community that is physically active with access to a wide range of leisure, sporting and recreation facilities
Strategic Objective 3.1	A strong rural economy and thriving towns
Strategic Objective 3.2	A thriving tourism industry

**Financial Implications:**

Rainbow Desert Off Road Racing Committee will be responsible for outgoing costs involved with the site as part of the lease agreement.

**Risk Management Implications:**

The Rainbow Desert Off Road Racing Committee will be responsible for public liability insurance and asset coverage for the site.

**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.

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

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

**Communications Strategy:**

Council will advise DELWP and the Rainbow Off Road Racing Committee of the outcome of this decision.

**RECOMMENDATION:**

***That Council***

1. ***Enters into a Committee of Management agreement with DELWP for Crown Parcels 10~B\PP5664 (P006233) and 9~B\PP5664 (P006232), Rainbow Rises Road Rainbow.***
2. ***Authorises the CEO to liaise with DELWP to gain ministerial approval to enter into a lease agreement with Rainbow Off Road Racing Committee for Crown Parcels 10~B\PP5664 (P006233) and 9~B\PP5664 (P006232), Rainbow Rises Road Rainbow.***

## 9.5 FLAGSHIP TOURISM INFRASTRUCTURE PROJECTS FUNDING

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

### **Introduction:**

This report seeks endorsement from Council to authorise the Chief Executive Officer to sign the funding agreement between the Victorian Government and Hindmarsh Shire Council, for up to \$2.1 million (exclusive of GST) for tourism projects.

### **Discussion:**

As part of the Victorian Budget 2020-21, the Victorian State Government announced \$510 million to restart Victoria's visitor economy including \$120.63 million for flagship tourism infrastructure projects. In December 2020, the Victorian State Government announced a \$4.9 million package across the Southern Wimmera Mallee region reflecting priority projects from the *Silo art extension project – Priority investments overview (2020)*.

From this Hindmarsh Shire Council has been offered up to \$2.1 million for three projects: Rainbow Silo Art Re-imagined, Hindmarsh Silo Art project, and Business Innovation Pilot.

The majority of this funding is for the Rainbow Silo Art re-imagined project which is seen as both the key project within the regional package, and as a potential 'game changer' in the regions tourism offering. The project plans to:

- Install internal artwork
- Internal staircase and lift
- Viewing platform on top of the silo
- Night projections and possible elements of external artwork

The funding includes an allocation of \$120,000 for project management.

This funded project opportunity follows a masterplan and business case previously funded by Visit Victoria completed in 2020.

The Rainbow silo is currently privately owned and discussions are underway regarding the most appropriate agreement for Council control of the silo and immediate land prior to the funding agreement being formalised.

The remaining funding will allow a second external silo art installation in Hindmarsh Shire (following the almost completed Albacutya Silo). This additional silo will strengthen the Silo Art Trail tourism route linking the Yarriambiack Silos through Hindmarsh to the West Wimmera silos. There is also allocated funds for the development of tourism innovation pilot projects. This will look at 'gaps' in the current tourism offering across the Shire and region, and look at innovative tourism/hospitality opportunities.

**Options:**

Council can choose to endorse the funding agreement to be signed by the CEO or to not support the signing of the funding agreement and not undertake the projects.

**Link to Council Plan:**

Strategic Objective 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs.  
Strategic Objective 3.1 A strong rural economy and thriving towns

**Financial Implications:**

Funding of up to \$2.1 million does not require a co-contribution from Council.

**Risk Management Implications:**

Appropriate risk management plans will be developed as part of the project governance and tender process.

**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 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 Community Development Officer.  
In providing this report as the Author, I have no disclosable interests in this report.

**Communications Strategy:**

Appropriate communications strategies will be developed following signing of the funding agreement and as part of the project governance.

**RECOMMENDATION:**

***That Council authorises the Chief Executive Officer to sign the funding agreement for the Flagship Tourism Infrastructure Projects: Rainbow Silo Art Re-imagined, Hindmarsh Silo Art and Business Innovation Pilot.***

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## **9.6 RAINBOW CARAVAN PARK – VICTORIA'S GREAT OUTDOORS CAMPING AND CARAVAN GRANTS PROGRAM**

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

### **Introduction:**

This report seeks endorsement from Council for the preparation and submission of a grant application through Round 3 of the Victorian Government's, Victoria's Great Outdoors Camping and Caravan Grants program for funding to assist with the redevelopment of the Rainbow Caravan Park.

### **Discussion:**

Further to the Rainbow Recreation Reserve and Caravan Park Master Plan that was adopted by Council in July 2019, the Rainbow Caravan Park was selected as one of two projects for further planning to be undertaken through Wimmera Mallee Tourism's, Trading Off the Tourism Trails initiative from funding received through the Federal Governments Building Better Regions Fund.

Consultants were appointed to undertake the development of a new detailed master plan that included a review of the 2019 Rainbow Recreation Reserve and Caravan Park Master Plan and consultation with a group of interested Rainbow residents, the Mayor and Council staff.

The new master plan includes the location of the new female change rooms that Council has previously received funding for through Sport and Recreation Victoria, the relocation of existing and location of up to 30 powered sites and the location of proposed new accommodation cabins.

During the process of preparing the detailed design for the new change rooms, the need for a power upgrade into the caravan park was identified.

Council subsequently appointed a contractor to engage with Powercor to determine the level of power available at the junction box that delivers power to the caravan park. Once the available level of power is known, Council will prepare a scope of works and seek quotations / tenders for the upgrade of power to accommodate future developments within the caravan park.

Works will include the supply and installation of:

- new or upgraded junction box,
- mains power throughout the caravan park to enable connection to the new change rooms, new cabins, powered sites and other amenities as identified,
- new caravan park power heads, and
- new street / security lighting.

Until such time, as the level of available power has been identified it is difficult estimate

the cost of either upgrading or replacing the junction box and supplying and installing new mains power.

Grant applications opened on 29 April 2021 and close at 4.00pm on Friday 11 June 2021. Grants of between \$5,000 and \$200,000 are available from the \$2.04m pool of funds allocated to Round 3.

The grant application guidelines request the inclusion of a minimum of two quotations for any works to be undertaken from grant funds.

As it is unlikely quotes will be received prior to the 2 June 2021 Council Meeting, it is the intention of this report to request Council's endorsement that a funding application of up to \$200,000 as per the funding guidelines be submitted to the Victoria's Great Outdoors Camping and Caravan Grants program with a Council contribution of up to \$50,000 from the 2020/2021 Council contribution to grant funded projects ledger.

**Options:**

1. Council can choose to endorse the funding application of up to \$200,000 through the Victorian Government's, Victoria's Great Outdoors Camping and Caravan Grants program with a Council contribution of up to \$50,00 from ledger 30104 (Council contribution to grant funded projects).
2. Council can choose to not apply for up to \$200,000 through Victoria's Great Outdoors Camping and Caravan Grants program.

**Link to Council Plan:**

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

Strategic Objective 3.1 A strong rural economy and thriving towns

**Financial Implications:**

Council has an allocation of \$100,000 in 2020/2021 for grant projects that arise during the financial year. Year to date expenditure against ledger 30104/650 is \$10,530.

**Risk Management Implications:**

Appropriate risk management plans will be developed as part of the project governance and tender process.

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



Author – Phil King, Economic and Community Development Manager.  
In providing this advice as the Author, I have no disclosable interests in this report.

**Communications Strategy:**

Appropriate communications strategies will be developed if the grant submission for funding is successful.

**RECOMMENDATION:**

**That Council:**

- 1. endorses the funding application of up to \$200,000 through the Victorian Government's, Victoria's Great Outdoors Camping and Caravan Grants program for upgrades to the Rainbow Caravan Park; and**
- 2. allocates up to \$50,000 from the 2020/2021 budget ledger 30104 (Council contribution to grant funded projects) towards the Rainbow Caravan Park improvements.**

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## 9.7 ROAD MANAGEMENT PLAN REVIEW

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 10

**Introduction:** This Report seeks Council endorsement for public consultation of the draft Road Management Plan 2021-2023 (as required by Section 54(5) of the *Road Management Act 2004*).

**Discussion:**

In accordance with Section 54 (5) of the *Road Management Act 2004*, Hindmarsh Shire Council is required to conduct a review of its Road Management Plan (RMP) at prescribed intervals. In line with the Road Management (General) Regulations 2016, each incoming municipal council must review its road management plan within the period of six months after each general election, or by the next 30 June, whichever is later. Council last approved the RMP on 17 May 2017.

The purpose of the review, consistent with the role, functions and responsibilities of the Council as a road authority under the Act, is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and the classes of road to which the Council's RMP applies are safe, efficient and appropriate for use by the community served by the Council.

The current Hindmarsh Shire Council RMP has been under constant review over a period spanning several years. The results of this process are now ready for endorsement so that they can be released for community consultation prior to adoption. A draft document is attached to this report.

The current Roads Hierarchy Review is currently under review and will be presented to Council for adoption at a later stage. The delay in the roads Hierarchy review is, as a result, of some of the B Double Access Issues that have recently arisen, and the need to possibly add another level of class to the roads hierarchy. There are also a number of sub asset management plans to be reviewed which relate to other infrastructure such as Bridges, Culverts Playgrounds, Buildings and Pathways.

Once the draft Road Management Plan has been endorsed by Council, a process of public consultation can commence. This will include making the document available for public viewing.

A notice of the Draft Road Management Plan will be advertised in the Herald Sun, plus additional notices in the Victorian Government Gazette and local newspapers as soon as practicable after the June Council meeting if endorsement is given.

Public submissions received will then be reviewed and the RMP be updated as required, formally adopted and formally gazetted.

Subsequently if no objections or comments are received, Council will be requested to formally adopt the Road Management Plan 2021-2023 at its August 2021 meeting allowing notice of adoption of the Road Management Plan to then be formally gazetted in the Victorian Government Gazette and advertised in the Wimmera Mail Times.

**Options:**

1. Council may endorse the attached Road Management Plan and begin the process of community consultation leading to adoption as required by the Road Management Act 2004.
2. Council may decide not to amend the existing Road Management Plan contained in the 2017 document and not be required to give notice under regulation 10 of the Road Management (General) Regulations 2016.

**Link to Council Plan:**

Strategic Objective 3.2 Well-maintained physical assets and infrastructure to meet community and organisational needs.

**Financial Implications:**

The Road Management Plan has no direct impact on Council's budget. However, the changes made on service levels may have an impact on Council's future budgets.

These documents set out the service standards for the Hindmarsh Shire Council Road network and changes made to the Plan will affect the Council's financial commitment to the maintenance, renewal and upgrade of road infrastructure into the future.

**Risk Management Implications:**

The review of the Road Management Plan address risk across the municipal road network by placing roads of similar risk into urban and rural road classes, which are then allocated corresponding levels of service and defect inspection regimes.

**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 Responsible – Joe Scimone, Development Engineer

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

**Communications Strategy:**

Hindmarsh Shire Council is required under Section 54 of the *Road Management Act 2004* to give notice in the Government Gazette and a local newspaper regarding the purpose and amendments to the road management plan and allow for public submissions.

Copies will be available online and at Council's Customer Service Centre for a period of 28 days.

**Next Steps:**

A notice of the Draft Road Management Plan will be advertised in the Herald Sun, plus additional notices in the Victorian Government Gazette and local newspapers as soon as practicable after the June Council meeting if endorsement is given.

**RECOMMENDATION:**

***That Council endorses for public consultation the draft Road Management Plan (as required by Section 54(5) of the Road Management Act 2004) and undertakes public consultation for a minimum period of 28 days.***

*Attachment Number: 10*

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## 9.8 GAZETTING OF B DOUBLE ROADS FOR PUBLIC CONSULTATION

**Responsible Officer:** Director Infrastructure Services

### **Introduction:**

The purpose of this report is for Council to consider opening certain strategic roads as listed in Table 1 to address the existing B Double Route issues for various road users on some roads within the Hindmarsh Shire Municipality, and to give the public an opportunity to make submissions before Council making a final decision.

### **Discussion:**

At the 16 December 2020 Ordinary Council Meeting Council moved that:

- ***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.***

Whilst the full roads hierarchy review has not been completed, it is currently under review.

The B Double working group is continuing to meet on a regular basis and have discussed the following definitions of local use, but have yet to make an official recommendation.

A road deemed for local use only may be accessed by a B-double:

- If the destination of the B-double is on the specific road for the purposes of loading and unloading; or
- If the B-double's depot is located on the road; or
- If there is no alternative route for the B-double to reach its final destination.

Adopting these conditions with advice from the Department of Transport and National Heavy Vehicle regulator means that an un-laden vehicle that has dropped off a load anywhere in the Shire (or outside the Shire) should not be using a local use road as a short-cut. Only vehicles that have dropped off a load on a local use road should be allowed to use that same road to make their return journey.

The definition of local access is: Property Owner/lessee who holds land within the Hindmarsh Shire Municipality. Property Owner/Lessee using subcontractors should be advising operators not to use local access roads as a through road. For example they should take the shortest route available to link to an unconditionally approved gazetted road.

The following road requests have been submitted by the Victorian Farmers Federation who represent the farmers in the Hindmarsh Shire Municipality for consideration as

strategic Routes open to all traffic (no local access restrictions). Shire Officers have also made some suggestions for roads not requested by the VFF

The following roads have been assessed by Officers and are recommended to be opened to B Double access as well as another 5 truck classes including HML, Grain Harvest Management Scheme (GHMS) - B-Doubles, Grain Harvest Management Scheme (GHMS) - Rigid trucks & Semi-Trailers, PBS Level 1 & PBS Level 2A with some conditions between full and local access only.

**Table 1**

<b>Road Name</b>	<b>Comments &amp; Traffic Data</b>	<b>Recommendation to Open to full B Double with no conditions</b>	<b>Recommendation to Open to Local B Double Access with conditions</b>
<b>Janetzki Rd</b>	18 ADT per week – non peak season - Only leads to windfarm	No - as limestone road only	Yes should be for local traffic only, Dry weather
<b>Coker Dam Rd</b>	Already a B double Gazetted Route	n/a From Dimboola to Kiata South	n/a
<b>Winiam East Road</b>	ADT per Week 100 non peak	No - Mainly 4m seal some 6.2, 8m corner to be upgraded next year. Once fully upgraded could be opened for all traffic	Yes should be for local traffic only
<b>Sandsmere Rd</b>	ADT week unknown	No- straight Rd, repaired under flood recovery, limestone and earth	Yes should be for local traffic only, Dry weather
<b>Yanac South Road</b>	21 ADT per week non peak	No- Upgraded under flood recovery, straight road. Alternative Route is Broughton Rd which is already a B Double Gazetted	Yes should be for local traffic only, Dry weather
<b>Winiam Road</b>	61 ADT per week peak/non peak	No - Narrow 4m x seal alternative routes are Nhill Harrow road, Western Highway	Yes should be for local traffic only.

<b>Nhill Diapur Rd</b>	Already a B Double Gazetted Route	n/a	n/a
<b>Tarranyurk East Rd</b>	26 ADT per week – non peak	No- Partly sealed, turns to limestone. Short staking issues	Yes should be for local traffic only, Dry weather. Limit to 22m short stacking issues
<b>Aubrey Rd</b>	ADT unknown – Yarriambiack Shire	n/a	n/a
<b>O'Reilly</b>	Suggested by Council Officers ADT unknown links Diapur Yanac	No - Narrow 4m seal	Yes should be for local traffic only
<b>Ellam-Willenabrina</b>	Suggested by Council Officers	No – narrow seal and Limestone links to Geodetic	Yes should be for local traffic only, Dry weather
<b>King Road</b>	ADT Unknown	No - Mix of limestone and earth	Yes should be for local traffic only, Dry weather
<b>Drendel Rd</b>	Suggested By Council Officers Currently B double Gazetted – 43 ADT per week peak	No – limestone road	Yes portion of road only should be for local traffic only, Dry weather, Northern end of road is very narrow and will need widening at some point if the whole road is to be opened to B Doubles. Amend NHVR map portion only
<b>Werner Road</b>	15 ADT per week	No - Mix of limestone and earth	Yes should be for local traffic only, Dry weather
<b>Solly Rd</b>	Suggested By Council Officers 26 ADT per week peak	No – limestone	Yes should be for local traffic only, Dry weather
<b>Stasinowskys Rd</b>	Suggested By Council Officers 31 ADT per week	No – limestone	Yes should be for local traffic only, Dry weather

	peak		
<b>Katyil/Wail between Antwerp Warracknabeal to Borong Highway</b>	Suggested By Council Officers 42 ADT per week peak	No - Narrow seal	Yes should be for local traffic only
<b>Tarranyurk West Rd</b>	46 ADT per week – non peak	No - Narrow seal then limestone	Yes should be for local traffic only, Dry weather
<b>Rainbow-Nhill Road</b>	Construction Complete, trafficable width suitable	Yes - 8m sealed	n/a
<b>Mt Elgin Rd</b>	35 ADT per week – non peak	No - Narrow seal	Yes should be for local traffic only
<b>Boyeo-Tarranginnie Rd</b>	unknown	No - Limestone	Yes should be for local traffic only, Dry weather
<b>Kinimakatka Rd (North South)</b>	41 ADT per week Non Peak	No - limestone	Yes should be for local traffic only, Dry weather
<b>Kinimakatka Rd (East West)</b>	61 ADT per week – Non Peak	No - Narrow seal - limestone	Yes should be for local traffic only, Dry weather
<b>Heinrich Rd</b>	Suggested by Council Officers 14 ADT per week non peak links Burma Rd & Pigick Bus route	No – Limestone	Yes should be for local traffic only, Dry weather
<b>Burma Rd</b>	Suggested by Council Officers 9 ADT per week links to Heinrich	No – Lime stone	Yes should be for local traffic only, Dry weather
<b>Pigick - Kurnbrunin</b>	Suggested by Council Officers 9 ADT per week links to North and South of Pigick Bus Route	No – Lime stone	Yes should be for local traffic only, Dry weather
<b>Western Beach Rd</b>	Unable to open as this road is not owned by HSC 23 non peak – 185 peak per week	n/a - Narrow seal if Shire acquires Road the Yes for all traffic in future	n/a

<b>Perenna Rd</b>	Suggested by Council Officers 41 ADT per week - peak	No - Seal and Limestone	Yes should be for local traffic only, Dry weather
<b>Netting Fence From Perenna Rd</b>	Suggested by Council Officers	No - Limestone links to Rainbow Nhill	Yes should be for local traffic only, Dry weather

Opening these roads to traffic may have a significant effect on the community, it is recommended, should council approve table 1, that these roads be published for public consultation. Any submissions received will be presented to Council in order for Council to make a decision at the next Ordinary Council Meeting once submissions have closed and been assessed.

**Options**

Council can:

1. Approve the recommendations and authorise the CEO to publish the proposed changes to vehicle use for B Doubles as per the attached Table 1 for public consultation.
2. Amend the recommendations as per the attached Table 1, and authorise the CEO to advise interested parties of the outcome and publish the proposed changes to vehicle use for B Doubles for public consultation.

**Link to Council Plan:**

- Strategic Objective 1.1 An actively engaged community.
- Strategic Objective 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements.
- Strategic Objective 2.1 Well-maintained physical assets and infrastructure to meet community and organizational needs.
- Strategic Objective 2.1.3 Develop and prioritize detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town.
- Strategic Objective 3.4 Transport solutions that support the needs of our communities and businesses.
- Strategic Objective 3.4.1 Advocate for flexible and responsive public and freight transport.
- Strategic Objective 3.4.2 Investigate innovative transport solutions and facility upgrades.

**Financial Implications:**

N/A



**Risk Management Implications:**

Approval of the recommendations on table 1 will:

1. Increase access and heavy vehicle use by responsible vehicle operators and thus increase the numbers of heavy vehicles currently on the roads, which will initially increase council's maintenance costs. The costs in time will balance out as there will be less vehicle movements, with vehicle configurations able to take more loads.
2. Reduce the number of permits issued by Council staff, and allow the current local transport operators to operate within the law.
3. Have an effect on residents and non-heavy vehicle road users, which needs to be taken into account when making assessments and enforcing conditions.

**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/Author – Angela Hoy, Director Infrastructure Services

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

**Communications Strategy:**

Advertise the recommendations on table 1 for public comment.

**Next Steps:**

Publish the recommendations on table 1 and link on the Shire's Website.

**RECOMMENDATION:**

***That Council***

1. ***approves and authorises the Chief Executive Officer to publish the proposed changes to road use for B Doubles access in Table 1 as above for public consultation.***
2. ***Considers public submissions in relation the proposed changes to road use for B Doubles at the August 2021 Council meeting.***

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**9.9 PROCUREMENT AUSTRALIA – 2506/0641 RETAIL ENERGY CONTRACT**

**Responsible Officer:** Director Infrastructure Services

**Introduction:**

This report seeks Council approval to grant delegated authority to the Chief Executive Officer to participate in the Procurement Australia tendering process and to enter into a contract/s with the recommended energy provider/s.

**Discussion:**

Procurement Australia facilitate public tender processes on behalf of private and public sectors including local government, with an aim to achieve discounted goods and services through aggregated contractual arrangements.

Currently ERM Power provides the majority of Council's electricity supply through the Procurement Australia contract 2206-0638 (PROAUS-888829) for large and small sites, which expires on 30 June 2022. Procurement Australia has invited Council to participate in the new electricity contract. Procurement Australia (PA) requires a letter of authorisation from Council, for it to:

- act as a tendering agent and invite tenders on Council's behalf for electricity for large and small sites, including solar feed in tariff requirements for a period of two years;
- act as an enhancement to this tender, and to assist Member organisations to achieve their broader renewable energy and sustainability objectives our intention also via this tender is to seek from the market both mandatory and voluntary level Large Generation Certificates (LGCs) that are provided by one renewable generating asset in each state. We will also be seeking an LGC contracting arrangement whereby individual members can elect post tender to purchase voluntary level LGCs to a level determined by each member's needs should any member wish to purchase voluntary level LGCs;
- obtain all required Site, Consumption and associated data (interval/meter data, retail agreements) pertaining to Council's current energy retailer(s) for tendering purposes only;
- complete the evaluation of tenders in accordance with the criteria and weightings and prepare an evaluation report for Council;
- award the tender on merit to a retailer or retailers within the defined tender acceptance period, consistent with how the energy sector works;
- instruct the successful retailer/s to issue energy supply agreements to Council for execution; and
- provide ongoing contract support during the contract duration.

Council delegation of authority to the Chief Executive Officer is required to authorise Procurement Australia to act of its behalf for the provision of electricity for large and small sites, and solar feed in tariff requirements for the two-year period, commencing 1 July 2022. Public Lighting, Natural Gas and Large Generation Certificates is excluded from Council's commitment to this procurement process.

**Options**

1. Council can delegate authority to the Chief Executive Officer to enable participation in the Procurement Australia tender process and subsequent contract agreement; or
2. Council can undertake an independent procurement process for the provision of electricity.

**Link to Council Plan:**

Strategic Objective 2.4     A community living more sustainably.  
Strategic Objective 4.1     Long-term financial sustainability.

**Financial Implications:**

During the 2019-2020 financial year, Council expended approximately \$172,200 on electricity supply, excluding public lighting.

It is envisaged that the ensuing Procurement Australia contract will deliver significant savings in contrast to Council undertaking an independent tendering process. This view is formed due to the committed volume provided by aggregated councils to the potential energy retailer/s. However, it should be noted that energy prices might increase beyond those currently being paid by Council. It has not been identified what increases are likely to occur during the contract period.

**Risk Management Implications:**

There is a risk that Council would attract higher energy costs should it not participate in the Procurement Australia facilitated tender process. Procurement Australia hold an Approved Ministerial Arrangement, which provides exemption from Local Government Act s186 requirements.

**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 – Wayne Schulze – Manager Operations

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

**Communications Strategy:**

Procurement Australia will be responsible for the tender process. Once the successful tender/s has been notified they will send an agreement for execution by the Chief Executive Officer.

**Next Steps:**

The Chief Executive Officer enter into agreement with Procurement Australia to participate in the 2506/0641 Retail Energy tender process and execute on Council's behalf the ensuing contract agreement with the successful retailer/s.

**RECOMMENDATION:**

***That Council:***

- 1. delegates authority to the Chief Executive Officer to enter into an agreement with Procurement Australia for Contract No. 2505/0641 Retail Energy tender process; and***
- 2. delegates authority to the Chief Executive Officer to execute on Council's behalf the Procurement Australia ensuing contract agreement with the successful retailer/s from the 2506/0641 Retail Energy contract.***

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**10. COUNCIL COMMITTEES**

**10.1 NHILL TOWN COMMITTEE**

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

**Attachment Number:** 11

**Introduction:**

The Nhill Town Committee held its meeting on 19 April 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 Nhill Town Committee meeting held on 19 April 2021.***

*Attachment Number: 11*

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**10.2 RAINBOW TOWN COMMITTEE**

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

**Attachment Number:** 12 – 13

**Introduction:**

The Rainbow Town Committee held its meetings on 27 March 2021 and 17 May 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:***

- 1. notes the minutes of the Rainbow Town Committee meetings held on 27 March***

*2021 and 17 May 2021;*

- 2. preauthorises expenditure by the Enduro Working Group in preparation for the August 2021 Enduro for the following amounts;**
  - **\$3000 Rainbow IGA**
  - **\$3000 Clugston Butchers**
  - **\$500 Bow Bakery**
  - **\$2000 Reimbursement to Norelle Eckermann**
- 3. approves Mural Project funding up to \$9,882.46 ex GST, broken down into the following:**
  - **\$5,040.46 Rainbow Town Committee Contribution**
  - **\$3,232.00 Council Contribution (Budget Submission)**
  - **\$1,610.00 Rainbow Town Committee (covering shortfall)**
- 4. approves appointment as members of the Rainbow Town Committee:**
  - **Chairperson – Leonie Clarke**
  - **Deputy Chairperson – Ross Heinrich**
  - **Secretary – Bill Hutson**
  - **Committee Members – Roger Aitken, Adrian Bennett, Peta Bennett, Greg Roberts, Michael Sullivan, Julie Mc Lean and Alison Ey.**

*Attachment Number: 12 – 13*

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### **10.3 YURUNGA COMMITTEE OF MANAGEMENT**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 14 – 15

**Introduction:**

The Yurunga Committee of Management held its meetings on 25 February 2021 and 25 March 2021. The purpose of this report is to note the minutes from these meetings. A copy of the minutes is included as attachments for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Yurunga Committee of Management meetings held on 25 February 2021 and 25 March 2021.***

*Attachment Number: 14 – 15*

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### **10.4 DIMBOOLA TOWN COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Numbers:** 16 – 18

**Introduction:**

The Dimboola Town Committee held its meeting on 3 May 2021 and at its meetings on

1 February 2021 and 1 March 2021, Dimboola Town Committee held its election and elected new committee members. The purpose of this report is to note the minutes from this meeting and approve appointment of members in the Dimboola Town Committee. A copy of the February, March and May minutes are included as attachments for the information of Council.

**RECOMMENDATION:**

**That Council:**

1. **notes the minutes of the Dimboola Town Committee meeting held on 3 May 2021; and**
2. **approves appointment as members of the Dimboola Town Committee:**
  - **President – Kaylene Pietsch**
  - **Vice President – Phil Colquhoun**
  - **Secretary – Jo Donnelly**
  - **Treasurer – Amanda Ingeme**
  - **Committee Members – Bill Eldridge, Sharyn Cook, Chan Ouy, Debra Nelson, Tony Schneider, Lou Catania and Ross Johns.**

*Attachment Number: 16 – 18*

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## 10.5 JEPARIT TOWN COMMITTEE

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

**Attachment Number:** 19

**Introduction:**

The Jeparit Town Committee held its meeting on 10 May 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 Jeparit Town Committee meeting held on 10 May 2021.**

*Attachment Number: 19*

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<b>11. LATE REPORTS</b>
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<b>12. NOTICES OF MOTION</b>
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<b>13. OTHER BUSINESS</b>
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**14. 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 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020:***

- 14.1 *PROVISION OF INTERNAL AUDIT SERVICES – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;***

<b>15. MEETING CLOSE</b>
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