



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 15 AUGUST 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET,
NHILL COMMENCING AT 3:00PM.**

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Planning Permit 1565-2017

10.2 Application for Amendment to Planning Permit 1514-2015

11. Reports Requiring a Decision

- 11.1 Request for co-funding for installation of a new boat launching pontoon on the Wimmera River at Dimboola Rowing Club
- 11.2 Procurement Policy Review
- 11.3 Public Arts Policy

12. Special Committees

- 12.1 Yanac Public Hall and Recreation Reserve Committee
- 12.2 Yurunga Homestead Committee

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

No report

16. Meeting Close

Present:

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

In Attendance:

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

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

Cr T Schneider (leave of absence)

MOVED: Crs R Gersch/D Colbert

That Council accepts the apologies.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 1 August 2018 in the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Lowe/D Nelson

That the Minutes of the Ordinary Council Meeting held on Wednesday 1 August 2018 in the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

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

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

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

No deputations

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: JULY 2018

Cr ISMAY, Mayor

Attended:

04/07/2018 Lunch with Emma Kealy MP, Nhill
04/07/2018 Mayor/CEO Meeting, Nhill
04/07/2018 Council briefing, Nhill
04/07/2018 Council meeting, Nhill
09/07/2018 Jeparit Town Committee Meeting, Jeparit
10/07/2018 Mayor/CEO Meeting, Rainbow
18/07/2018 Mayor/CEO Meeting, Nhill
18/07/2018 Council briefing, Nhill
18/07/2018 Council meeting, Nhill
23/07/2018 Rainbow Town Committee, Rainbow
27/07/2018 Mayoral gathering, Horsham

Cr LOWE, DEPUTY MAYOR

Attended:

02/07/2018 Diapur wind farm community meeting
04/07/2018 Meet and Lunch with Emma Kealy, Council Chambers, Nhill
04/07/2018 Council Briefing, Council Meeting, Council Chambers, Nhill
08/07/2018 Rotary Changeover afternoon, Little Desert Nature Lodge, Nhill
17/07/2018 Nhill Men's Shed AGM, Nhill
17/07/2018 Gallery Display, Local Senior Artists, Lowana, Nhill
17/07/2018 WMPM Meeting, Jeparit
18/07/2018 Council Briefing, Meeting, Nhill
18/07/2018 AGM, Yanac Hall, Yanac

Cr GERSCH

Attended:

02/07/2018 Diapur wind farm community meeting
04/07/2018 Meeting with Emma Kealy
04/07/2018 Council meeting and Briefing meeting, Nhill
08/07/2018 Rotary club Nhill changeover
12/07/2018 RCV Board meeting Melbourne
18/07/2018 Meeting with Luv a duck re 50 years anniversary
18/07/2018 Council meeting and Briefing Meeting, Nhill
26/07/2018 Meeting with Local Government and Roads Ministers re road funding

Cr COLBERT

Attended:

04/07/2018 Lunch with Emma Kealy MP
04/07/2018 Council briefing

04/07/2018 Council meeting
18/07/2018 Council briefing
18/07/2018 Council meeting

Cr NELSON

Attended:

04/07/2018 Lunch with Emma Kealy MP
04/07/2018 Council briefing
04/07/2018 Council meeting
10/07/2018 Wimmera Development Association meeting, Horsham
17/07/2018 Nhill Men's Shed AGM, Nhill
17/07/2018 Seniors Art Exhibition, Nhill
18/07/2018 Council briefing
18/07/2018 Council meeting
24/07/2018 Nhill Dimboola Band member retirement event, Dimboola

Cr SCHNEIDER

Attended:

02/07/2018 Dimboola Town Committee Meeting
04/07/2018 Lunch with Emma Kealy MP, Nhill
04/07/2018 Council briefing, Nhill
04/07/2018 Council meeting, Nhill
18/07/2018 Council briefing, Nhill
18/07/2018 Council meeting, Nhill

SENIOR MANAGEMENT ACTIVITIES: JULY 2018

GREG WOOD, Chief Executive Officer:

Attended:

02/07/2018 Funeral John Griffiths, Horsham
04/07/2018 Mayor/CEO Meeting
04/07/2018 Meeting with Emma Kealy MP
04/07/2018 Council briefing, Nhill
04/07/2018 Council meeting, Nhill
04/07/2018 Volunteer at cinema, Nhill
05/07/2018 Farewell staff member (Mike Coppins)
10/07/2018 Meeting with Mayor, Rainbow
10/07/2018 WDA meeting, Horsham
12/07/2018 Wimmera Regional CEO Meeting, Horsham
13/07/2018 Volunteer at cinema, Nhill
17/07/2018 Seniors Art Exhibition, Nhill
18/07/2018 Mayor/CEO Meeting
18/07/2018 Council briefing, Nhill
18/07/2018 Council meeting, Nhill
19/07/2018 Meeting with Luv-a-Duck CEO, Daryl Bussel, Nhill
20/07/2018 Wimmera Regional Partnership Report Back Session: Coordinated
Regional Planning, Stawell
20/07/2018 Wimmera Regional Partnership Report Back Session: Integrated
Service Delivery, Stawell
25/07/2018 Meeting with Rob Morris, To70, re: Nhill Aerodrome Masterplan
27/07/2018 Pick My Project information session, Horsham
27/07/2018 Volunteer at cinema, Nhill

JANETTE FRITSCH, Acting Director Infrastructure Services:

Attended:

04/07/2018 Council Briefing, Nhill
04/07/2018 Council Meeting, Nhill
09/07/2018 Jeparit Town Committee meeting
12/07/2018 Teleconference – To70 Aerodrome Master Plan
16/07/2018 Nhill Town Committee meeting
18/07/2018 Council Briefing, Nhill
18/07/2018 Council Meeting, Nhill
25/07/2018 Aerodrome Master Plan meeting with To70 and community members
26/07/2018 Aerodrome Master Plan meeting with To70
26/07/2018 On-site meeting with Luv-A-Duck
26/07/2018 Community meeting with Luv-A-Duck representatives
27/07/2018 Wimmera Southern Mallee Regional Transport Group meeting, Horsham
27/07/2018 Shared Building Services Tender meeting, Horsham

MONICA REVELL, Director Corporate and Community Services:

Attended:

04/07/2018	Council Briefing, Nhill
04/07/2018	Council Meeting, Nhill
06/07/2018	Wimmera Emergency Management Co-ordinator Interviews
10/07/2018	Governance and Integrity Training
11/07/2018	Teleconference – Impact Consulting Group
11/07/2018	Teleconference – RSPCA
17/07/2018	Seniors Art Exhibition
18/07/2018	Council briefing, Nhill
18/07/2018	Council meeting, Nhill
26/07/2018	Combined Municipal Emergency Management Planning Committee Meeting
26/07/2018	Combined Wimmera Emergency Management Cluster CERA Workshop
30/07/2018	Early Years Tender Evaluations and meeting with tenderers

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence.

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Record as presented.

MOVED: Crs D Colbert/R Lowe

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 2

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT 1565-2017 – ECKERMANN'S ROAD RAINBOW

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	011660
Applicant:	Noel Laidlaw c/- Paul & Robert Lester – Albacutya Gypsum
Owner:	Adrian Eckermann
Subject Land:	CA 4 Psh Kurnbrunin (Eckermann's Rd Rainbow)
Proposal:	Mineral Extraction - Gypsum
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; Land Subject to Inundation Overlay (LSIO)
Attachments:	Nil

Summary:

This report recommends that Council approves planning permit 1565-2017 for mineral extraction – gypsum at CA 4 Psh Kurnbrunin (Eckermann's Rd Rainbow).

Background:

In August 2017, an application to extract gypsum at CA 4 Psh Kurnbrunin (Eckermann's Rd Rainbow) was received, along with the necessary documentation from Earth Resources Regulation including a copy of the mining license conditions (Mining License No. 006003) and statutory endorsed work plan.

Proposal Details:

The proposal is to extract approximately 50,000 tonnes of gypsum per annum, from an area of 94.8 hectares. In the applicant's submission – Environmental Management Plan (EMP) for MIN006003, it states that:

"There will be no permanent structures or buildings erected on the site. A portable office and tea room may be brought to site, but this will be removed following the completion of the mining.

The current road access to the site will remain as the access for all vehicles to the site; that is along the un-named track from the site to Western Beach Road. This road will be formed and maintained by the licensees during the period of the operation of the mine when in full production, an average of 30 semi-tipper loads per week will come from the mine, although the actual weekly amount may vary due to the season and weather conditions.

The plan provides for a 5-meter (sic) wide buffer along the boundary of the work area and the private land in which no mining activities will take place”.

The EMP also outlines measures relating to groundwater, operating hours, firefighting measures and days of total fire ban, drainage and erosion control, weed, noise and dust control, site rehabilitation, and ongoing monitoring. Appropriate conditions requiring compliance with the EMP can be applied to any permit issued.

The work plan outlines the methods for the extraction of the gypsum, and states:-

“The process for mining the gypsum is fairly simple. The topsoil is removed using a bulldozer or similar and it is pushed up into a series of windrows. These are strategically placed for ease of re-spreading following the extraction of the gypsum. The gypsum is then pushed into a series of windrows or stockpile. The material is then crushed and screened with the final product stacked into stockpiles for final sale and removal. Road trucks then access the site and are loaded from the stockpiles using a front-end-loader. There will be no blasting involved in this mine.

“The site will be rehabilitated according to the environmental management plan attached to this application. It will be progressively rehabilitated, and it is not expected to have more than three pits open at any time. The maximum area of unrehabilitated land at any one time will be 3 hectares. A suitable Native Vegetation Management Plan is also attached to the EMP and Native Vegetation offsets are secured. There will be a number of trees left on the site in an effort to reduce the loss of native vegetation. These operations will be occurring above the water table and there will be no pumping or storage of groundwater as a part of this mining program. This mine is not on any waterway and it is in an area of very low rainfall. It is not anticipated that there will be any issues of surface water diversion on the site”.

The overall plan is for a mine life of approximately 10 years.

Requirement for Permit:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with a building or works associated with a use in Section 2 of Clause 35.07-1.

Under the provisions of the planning scheme, ‘mineral extraction’ is a Section 2 Use in the Farming Zone (FZ).

Subject site & locality:

The subject site is known as CA 4 Psh Kurnbrunin (Eckermann’s Rd Rainbow), and is currently used for the purposes of grazing. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

The site is located approximately 13 km to the north-north west of the Rainbow Post Office. There is a dwelling located approximately 1km to the north and another dwelling located approximately 2.5km to the west.

Public Notification:

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

s52 Notice of application

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

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

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- Given the proximity to dwellings on neighbouring properties, the proposal will not adversely impact upon the landscape and general amenity of the area;
- Extensive consultation has occurred with surrounding landowners during the preparation of the community engagement plan, with no objection to the granting of the license when granted in October 2015, and
- The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

It is therefore determined that the proposal will not cause material detriment to any person.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required. Clause 52.08 – Earth and Energy Resources Industry states that “Before deciding on any applications to use and develop land for mineral extraction the Responsible Authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987. Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.08-2 do not apply to an application to use and develop land for mineral extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral

authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990. This has been submitted and previously referred.

Section 52 Notices: Not required

Internal Referrals:

- Engineering: Conditions regarding the local road network are to be applied.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to placement of portable buildings.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with mineral extraction.

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 – Settlement

Clause 11.01 – Victoria

Clause 11.01- 1R Settlement - Wimmera Southern Mallee

Clause 12 – Environmental and Landscape Values

Clause 12.01 – Biodiversity

Clause 12.01-2S - Native vegetation management

Clause 12.03 – Water Bodies and Wetlands

Clause 12.03-1S - River corridors, waterways, lakes and wetlands

Clause 13 – Environmental Risks and Amenity

Clause 13.02 – Bushfire

Clause 13.02-1S Bushfire planning

Clause 13.04 - Soil Degradation

Clause 13.04-2S Erosion and landslip

Clause 13.05 - Noise

Clause 13.05-1S - Noise abatement

Clause 13.06 – Air Quality

Clause 13.06-1S Air quality management

Clause 13.07 – Amenity

Clause 13.07-1S Land use compatibility

Clause 14 – Natural Resource Management

Clause 14.01 - Agriculture

Clause 14.03 – Earth and Energy Resources

Clause 14.03-1S Resource exploration and extraction

Clause 17 – Economic Development

Clause 17.01 - Employment

Clause 17.01-1S - Diversified economy

Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

Clause 21 – Municipal Strategic Statement

Zoning Provisions:

Clause 35.07 Farming Zone

Overlay Provisions:

None Applicable. The proposed extraction area is not affected by any overlays.

Particular Provisions:

Clause 52.08 Earth and Energy Resources Industry

General Provisions:

Clause 65 – Decision Guidelines, states that:

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

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

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

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

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

Discussion:

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

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 65 the Responsible Authority must consider, as appropriate (as outlined in detail within the Planning Scheme):

Decision Guidelines

General Issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

Planning response:

The proposed use and development of land including buildings and works is considered to meet the applicable decision guidelines as outlined above.

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.

Planning response:

The proposed use and development of land including buildings and works is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be 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.

Planning Response:

The proposed use and development of land including buildings and works is considered to:

- Not negatively impact on the natural physical features and resources of the area.
- Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- Not negatively impact upon 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.

Appropriate conditions requiring compliance with the submitted Environmental Management Plan and Native Vegetation and Tree Assessment will be applied to any permit issued.

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.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Whether the use and development will require traffic management measures.

Planning Response:

The proposed location of the use and development of land including buildings and works is considered to accord with the above decision guidelines, having regard to the siting of the proposal. Given the work plan clause to satisfactorily rehabilitate the site at the mine end of life it is considered the proposal will minimally impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal will not adversely impact on the character and appearance of the area or features of historic or scientific significance or of natural scenic beauty or importance.

No Aboriginal Cultural Heritage Management Plan was required, as the subject site is not affected by the Aboriginal Cultural Heritage Overlay.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was lodged on 10 August 2017. The report is being presented to Council for approval at its meeting on 15 August 2018 (371 days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves an application for use and development of land, including buildings and works – mineral extraction – gypsum on CA4 Psh Kurnbrunin, Eckermann’s Road Rainbow, subject to the following conditions:

Endorsed Plans

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

Amenity

2. ***The mineral extraction site must be managed so that the amenity of the area is not detrimentally affected through the:***
 - (a) ***Transport of materials, goods or commodities to or from the land;***
 - (b) ***Appearance of any buildings, works or materials;***
 - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) ***Presence of vermin; or***
 - (e) ***In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

Engineering

5. ***The applicant shall (at their cost) provide plans to upgrade the access point off Western Beach Rd to the property boundary in accordance with the Infrastructure Design Manual (produced by Local Government Infrastructure Design Association). The plans shall be submitted to and approved by council before commencement of works.***
6. ***The applicant shall (at their cost) provide plans to upgrade Western Beach Rd in accordance with design standards specified within the Infrastructure Design Manual to ensure the road is able to safely carry the expected heavy vehicle movements. Plans shall be submitted to council for approval of any required upgrades.***
7. ***The applicant shall (at their cost) install the works identified in conditions***

five (5) and six (6) in accordance with the Infrastructure Design Manual.

Mining License MIN006003

8. *All activities and works undertaken in association with mining on the subject land must be undertaken in accordance with Mining Licence MIN006003 and Work Plan endorsed by The Department of Economic Development, Jobs, Transport and Resources dated 30 September 2015.*

Temporary Buildings

9. *Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
- (a) *A site plan and elevations showing the location of the proposed temporary buildings (portable office and tea room).*

Site Rehabilitation

10. *The site must be rehabilitated upon cessation of the use in accordance with Mining Licence MIN006003 and Work Plan endorsed by The Department of Economic Development, Jobs, Transport and Resources dated 30 September 2015.*

Permit Lapse/Extension

11. *The development approved by this permit will expire if one of the following circumstances applies:*
- (a) *The use is not commenced within two years of the date of this permit.*
(b) *The work authority issued under the provisions of the Mineral Resources (Sustainable Development) Act 1990 is cancelled in accordance with Section 770 of the Act.*

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

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

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.**
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.**

MOVED: Crs D Colbert/R Lowe

That Council approves an application for use and development of land, including buildings and works – mineral extraction – gypsum on CA4 Psh Kurnbrunin, Eckermann’s Road Rainbow, subject to the following conditions:

Endorsed Plans

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

Amenity

- 2. The mineral extraction site must be managed so that the amenity of the area is not detrimentally affected through the:**
 - (a) Transport of materials, goods or commodities to or from the land;**
 - (b) Appearance of any buildings, works or materials;**
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;**
 - (d) Presence of vermin; or**
 - (e) In any other way.**
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.**
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.**

Engineering

- 5. The applicant shall (at their cost) provide plans to upgrade the access point off Western Beach Rd to the property boundary in accordance with the Infrastructure Design Manual (produced by Local Government Infrastructure**

Design Association). The plans shall be submitted to and approved by council before commencement of works.

6. *The applicant shall (at their cost) provide plans to upgrade Western Beach Rd in accordance with design standards specified within the Infrastructure Design Manual to ensure the road is able to safely carry the expected heavy vehicle movements. Plans shall be submitted to council for approval of any required upgrades.*
7. *The applicant shall (at their cost) install the works identified in conditions five (5) and six (6) in accordance with the Infrastructure Design Manual.*

Mining License MIN006003

8. *All activities and works undertaken in association with mining on the subject land must be undertaken in accordance with Mining Licence MIN006003 and Work Plan endorsed by The Department of Economic Development, Jobs, Transport and Resources dated 30 September 2015.*

Temporary Buildings

9. *Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - (a) *A site plan and elevations showing the location of the proposed temporary buildings (portable office and tea room).*

Site Rehabilitation

10. *The site must be rehabilitated upon cessation of the use in accordance with Mining Licence MIN006003 and Work Plan endorsed by The Department of Economic Development, Jobs, Transport and Resources dated 30 September 2015.*

Permit Lapse/Extension

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

- (b) The work authority issued under the provisions of the Mineral Resources (Sustainable Development) Act 1990 is cancelled in accordance with Section 770 of the Act.**

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

- (c) Within six months afterwards for commencement, or**
(d) Within twelve months afterwards for completion.

Notes:

- (1) This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.**
- (2) A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.**

CARRIED

**10.2 APPLICATION FOR AMENDMENT TO PLANNING PERMIT 1514-2015 –
116-120 LLOYD ST DIMBOOLA**

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 025220
Applicant: Graeme Schneider – Tomkinson Group
Owner: Graeme Schneider
Subject Land: Lots 1,2,3 and 4 TP805320
Proposal: Amend planning permit to reconfigure approved four lot subdivision

Zoning & Overlays:

Commercial 1 Zone (C1Z)
Heritage Overlay Schedule 34 (HO34) – Dimboola Town
Centre Heritage Precinct
Environmental Significance Overlay Schedule 6 (ESO6) –
Catchments of Wetlands of Conservation Value;

Attachments: Attachment 3 – Subdivision plan

Summary:

This report recommends that Council approve amended planning permit application 1514-2015 to reconfigure a previously approved four lot subdivision.

Background:

Council, at its meeting on 6 April 2016, resolved to approve planning application 1514-2015 to resubdivide four lots. On the 31 October 2017, a further application to amend this planning application was received, which proposes to alter the approved endorsed plan, as well as area alterations to Lots 2,3, 4 and relocation of easements following direction from GWM Water.

Proposal Details:

The proposal is to alter the 4 approved lots as follows:

Lot 1 – No change.

Lot 2- increase in size from 1118m² to 1197m², with easement changes as per plan submitted, and reconfiguration of boundary with Lot 4.

Lot 3 – increase in size from 728m² to 744m², with additional easement.

Lot 4 – reduction in size from 1431m² to 1340m², and reconfiguration of boundary with Lot 2.

The changes are considered significant enough to warrant an amendment to the planning permit.

Requirement for Permit:

A Planning permit is required under Clause 34.01-3 – Commercial 1 Zone of the Hindmarsh Planning Scheme to subdivide land. A permit is also required under Clause 43.01-1 – Heritage Overlay to subdivide land.

Subject site & locality:

The subject site is on land formerly occupied by the Dimboola Hotel. The land is currently vacant, and constitutes four lots. The surrounding locality primarily consists of commerce, offices and shops – the Dimboola CBD, with residential development surrounding. An application has been lodged to amend Permit 1514-2015 as per plans submitted with the proposal, changing the size of the approved lots as well as realigning easements as per the requirements of GWM Water.

Public Notification:

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

s52 Notice of application

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

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

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- Given the proximity to dwellings and commerce within the area, the proposal will not adversely impact upon the landscape and general amenity of the area;
- The proposal is not increasing the number of lots on the subject land, and the purpose of the amendment application is to facilitate changes required by GWM Water;
- The proposal is not considered to negatively impact on the potential use of the subject and or surrounding land in the area.

It is therefore determined that the proposal will not cause material detriment to any person.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Re-referred through SPEAR to the following:

- GWM Water: Consent to certifying plan.
- Powercor: Consent to certify, compliance withheld.
- WCMA: No objection, consent to certification and issuance of statement of compliance.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Conditions previously applied.
- Environmental Health: Not required.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 34.01-3 – Commercial 1 Zone of the Hindmarsh Planning Scheme to subdivide land. A permit is also required under Clause 43.01-1 – Heritage Overlay to subdivide land.

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11 – Settlement

Clause 11.01 –Victoria

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 17 – Economic Development

Clause 17.01 - Employment

Clause 17.01-1S - Diversified economy

Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

Clause 21 – Municipal Strategic Statement

Zoning Provisions:

Clause 34.01– Commercial 1 Zone

Overlay Provisions:

Clause 43.01– Heritage Overlay Schedule 34 – Dimboola Town Centre Heritage Precinct

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

Particular Provisions:

None Applicable

General Provisions:

Clause 65 – Decision Guidelines, states that:-

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

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

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

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

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

Discussion:

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

Clause 34.01-8 of the Hindmarsh Planning Scheme – Commercial Zone, Decision guidelines, states that:

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Planning Response:

The proposed subdivision is considered to meet the applicable decision guidelines as outlined above. The Municipal Planning Strategy and the Planning Policy Framework have been considered within this proposal, and the subject land does not directly abut any residential areas.

Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Planning Response:

Not Applicable. The proposal is not an application to use the land.

Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

Planning Response:

It is considered that the amended subdivision proposal is appropriate within the area, being the CBD of Dimboola, and will facilitate better servicing of the allotments. The future use of the land and any necessary permits will be determined in accordance with the requirements of the Hindmarsh Planning Scheme and the Commercial 1 zone in particular.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.

- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Planning Response:

The only works proposed will be associated with the provision of services to the subject land.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was lodged on 15 September 2017. The report is being presented to Council for approval at its meeting on 15 August 2018 (335 days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves an application to amend planning application 1514-2015 to re-subdivide land at Lots 1-4, TP805320 (116-120 Lloyd St Dimboola) to create four lots, subject to the following conditions:

Formal Plans of Subdivision:

- 1. The formal plan of subdivision lodged with Council for certification must be in accordance with the Endorsed Plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.***

GWM Water Conditions:

- 2. The owner/applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWM Water's requirements.***
- 3. The owner/applicant must provide individual sewer services to each lot in accordance with GWM Water's requirements.***
- 4. The owner/applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWM Water's approval.***
- 5. The owner/applicant must pay to GWM Water a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that all works are designed and constructed in accordance with GWM Water's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.***
- 6. The owner/applicant must provide three metre wide easements in favour of GWM Water's overall existing and proposed sewers within private land.***
- 7. The owner/applicant must provide written notification of commencement of the works to enable GWM Water to organise inspections and coordinate with its staff.***
- 8. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWM Water's asset register for all sewerage works on completion.***
- 9. The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.***

Powercor:

- 10. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***

The applicant shall:-

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension,***

augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

- **Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
- **Any building must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.**
- **Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zones" rules.**
- **Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- **Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant? Section 88 of the Electricity Industry Act 2000.**
- **Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- **Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- **Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- **Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

11. Shire Engineering Requirements:

- a) **Lots 1, 2 and 3 are entitled to one crossover entering from Lochiel Street built to Council standards.**
- b) **Lot 4 is to be serviced via the existing crossover from Victoria Street.**
- c) **The Legal Point of Discharge (LPD) for lots 1, 2 and 3 are to be located on the Northern boundary of each lot.**
- d) **The LPD connections are to be made into Council's existing underground storm water system located in the road reserve of Lochiel Street.**
- e) **The LPD for lot 4 is to be located on the western boundary.**
- f) **The LPD connection is to be made into Council's Kerb and Channel located in the road reserve of Victoria Street.**
- g) **The land owner is responsible for the construction and maintenance of each LPD connection.**
- h) **All connections will be constructed to Council standards.**
- i) **Any storm water pipes and pits are to be designed to Council's standards.**
- j) **Any future development will require storm water detention systems designed to Council's satisfaction.**
- k) **All works undertaken in the road reserve requires a road opening permit.**

12. This Permit will expire if:

- 12.1. **The Plan of Subdivision is not certified within three years of the date of this Permit, or**
- 12.2. **The registration of the subdivision is not completed within five years of the date of the certification of the plan of subdivision.**

The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within three months afterwards.

MOVED: Crs R Lowe/D Colbert

That Council approves an application to amend planning application 1514-2015 to re-subdivide land at Lots 1-4, TP805320 (116-120 Lloyd St Dimboola) to create four lots, subject to the following conditions:

Formal Plans of Subdivision:

- 1. **The formal plan of subdivision lodged with Council for certification must be in accordance with the Endorsed Plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.**

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2. ***The owner/applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWM Water's requirements.***
3. ***The owner/applicant must provide individual sewer services to each lot in accordance with GWM Water's requirements.***
4. ***The owner/applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWM Water's approval.***
5. ***The owner/applicant must pay to GWM Water a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that all works are designed and constructed in accordance with GWM Water's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.***
6. ***The owner/applicant must provide three metre wide easements in favour of GWM Water's overall existing and proposed sewers within private land.***
7. ***The owner/applicant must provide written notification of commencement of the works to enable GWM Water to organise inspections and coordinate with its staff.***
8. ***The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWM Water's asset register for all sewerage works on completion.***
9. ***The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.***

Powercor:

10. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***

The applicant shall:-

- ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
- ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
- ***Any building must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.***

- ***Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zones" rules.***
- ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant? Section 88 of the Electricity Industry Act 2000.***
- ***Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- ***Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- ***Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- ***Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

11. Shire Engineering Requirements:

- Lots 1, 2 and 3 are entitled to one crossover entering from Lochiel Street built to Council standards.***
- Lot 4 is to be serviced via the existing crossover from Victoria Street.***
- The Legal Point of Discharge (LPD) for lots 1, 2 and 3 are to be located on the Northern boundary of each lot.***
- The LPD connections are to be made into Council's existing underground storm water system located in the road reserve of Lochiel Street.***
- The LPD for lot 4 is to be located on the western boundary.***
- The LPD connection is to be made into Council's Kerb and Channel located in the road reserve of Victoria Street.***

- g) The land owner is responsible for the construction and maintenance of each LPD connection.**
- h) All connections will be constructed to Council standards.**
- i) Any storm water pipes and pits are to be designed to Council's standards.**
- j) Any future development will require storm water detention systems designed to Council's satisfaction.**
- k) All works undertaken in the road reserve requires a road opening permit.**

12. This Permit will expire if:

- 12.1. The Plan of Subdivision is not certified within three years of the date of this Permit, or**
- 12.2. The registration of the subdivision is not completed within five years of the date of the certification of the plan of subdivision.**

The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within three months afterwards.

CARRIED

Attachment: 3

11. REPORTS REQUIRING A DECISION

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

Responsible Officer: Director of Corporate and Community Services

Introduction:

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

Discussion:

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

The original ramp which is well past its use by date will be replaced with a new marine grade aluminium sub structure on moulded flotation modules with self-cleaning decking panels. The cost for the supply and installation of the new structure is approximately \$130,000 excl GST.

Significant funding is in the process of being obtained for this project with Wimmera Catchment Management Authority planning to secure approximately \$85,000. The Club has spoken with the preferred contractor (who has also installed Council's various fishing and boating pontoons on the Wimmera River) who has responded that they should be able to complete works within the above timeframe.

The Dimboola Rowing Club has indicated that they will be able to contribute \$20,000 towards the installation of the new boat launching pontoon.

Additionally the Club will provide in kind support for the project by undertaking the removal of the existing timber ramp and concrete piers (Petschel Earthmoving and Club members).

It is recommended that Council match the Dimboola Rowing Club contribution up to \$25,000 to the project to install a fishing pontoon on the Nhill Lake.

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

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

Members of Dimboola Warreguka Inc. (Dragon Boat Club) will also benefit from this project, with the installation of a new boat launching pontoon making it easier to get the heavy dragon boats in to the water. Additionally, the new boat launching pontoon will provide further access to the water for visitors to the Recreation Reserve and adjacent Riverside Holiday Park.

Link to Council & Community Plans:

It is expected that the Boat Launching Pontoon will further promote the Wimmera River as a destination for both locals and tourists alike, an objective identified in both the Dimboola Precinct Plan 2016 and the Hindmarsh Shire Recreation Strategy 2016.

The installation of a Boat Launching Pontoon will also align with objectives identified in the Council Plan 2017-2021

Strategic Objectives:

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

Financial Implications:

Council has a budget allocation of \$50,000 for 2018/19 in 30104 - Council Contribution to Grant Funded Projects \$25,000.

Conflict of Interest:

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

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

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

Risk Management Implications:

Council to ensure contractor induction is completed prior to installation and appropriate safety signage is installed on the pontoon.

Communications Strategy

All relevant stakeholders will be consulted about the project via the Wimmera River Stakeholders Advisory Group.

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

RECOMMENDATION:

That Council allocates up to \$25,000, to be matched by an equivalent financial contribution from the Dimboola Rowing Club, and subject to a grant of at least \$85,000 from the Wimmera CMA, towards the Boat Launching Pontoon Project in Dimboola.

MOVED: Crs R Gersch/D Nelson

That Council defers this matter until a further report is presented to Council.

CARRIED

11.2 PROCUREMENT POLICY REVIEW

Responsible Officer: Director Corporate and Community Services
Attachment Number: 4

Introduction:

Council's Procurement Policy is the key operational policy for tendering, quotations for and purchasing of goods and services. The intent of the Procurement Policy is to achieve best value outcomes and ensure high standards of probity and accountability in Council's procurement of goods, services and works. The current policy was adopted on 7 February 2018.

Discussion:

The *Local Government Act 1989* (the Act) section 186A requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council. Council must review the Procurement Policy annually and make it available for public inspection at Council offices and on its website.

The purpose of this Policy is to:

1. provide policy and guidance to Council to allow consistency and control over Procurement activities;
2. demonstrate accountability to rate payers;
3. provide guidance on ethical behaviour in public sector purchasing;
4. demonstrate the application of elements of best practice in purchasing; and
5. increase the probability of obtaining the right outcome when purchasing goods and service

The policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff and temporary employees, contractors and consultants while engaged by Council.

Council recommended at its meeting on 1 August 2018 that any consequential amendments arising from the decision made in item 14.1 (Supply of Bulk and Bowser Fuel and Variation to CEO delegation) be made to Council's Procurement Policy adopted on 7 February 2018.

Consequential changes required are as follows:

2.3.2.1 Tenders

Removing reference to Tender thresholds applying for one financial year.

Updating the reference to tenders to read as follows:

Purchase of all goods and services for which the estimated expenditure exceeds \$150,000 (inclusive of GST) and building and construction works for which the estimated

expenditure exceeds \$200,000 (inclusive of GST), must be undertaken by public tender as per the thresholds contained in the Local Government Act, except that these limits shall not apply for the supply of fuel for plant and vehicles provided that:

- Arrangements entered into must satisfy an approved Ministerial arrangement under s186(5)(c) of the Local Government Act 1989 which provides for exemption from other provisions of s186 of the Act requirements for public tendering by a Council, and
- The Chief Executive Officer must consider price and any potential effect on local businesses of any contract entered into, before entering into such a contract.

It was also determined that with increased discussion and investigations into Share Services, that a new paragraph be included:

2.3.5 Shared Services

Where Council has entered into Shared Services with one or more Councils, individual Councils will not be required to obtain tender/quotations. Tenders/quotations will be sought by the lead Council and approved according to the individual Council's procurement policy.

An additional dot point has been added to 2.3.2.2 Quotations to exempt the need for written quotations for purchases of up to \$1,000 as this is not always practical.

Link to Council Plan:

Strategic Objective 4.1: Long-term financial sustainability.

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

Financial Implications:

The Procurement Policy provides the processes to be followed when tendering for goods and services. Financial delegations are assigned to positions and authorise limits for signing purchase orders and authorising invoices.

Risk Management Implications:

Purchases and payments are reviewed regularly by the Finance team to ensure compliance with the policy.

Conflict of Interest:

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

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

Communications Strategy:

The Procurement Policy is available to key suppliers and available on Council's website.

RECOMMENDATION:

That Council updates the Procurement Policy to alter section 2.3.2.1 Tenders and include section 2.3.5 Shared Services.

MOVED: Crs R Gersch/D Nelson

That Council updates the Procurement Policy to alter section 2.3.2.1 Tenders and include section 2.3.5 Shared Services.

CARRIED

Attachment: 4

11.3 PUBLIC ARTS POLICY

Responsible Officer: Director Corporate and Community Services

Attachment Number: 5

Introduction:

This report presents the draft Public Arts Policy and seeks adoption by Council.

Discussion:

Item 1.3.2 of Hindmarsh Shire Council's Council Plan 2017-2021 (Plan) lists the development and promotion of a public art / street art policy.

The purpose of this policy is to provide guidance to Council in ensuring the decision making process considers design, placement and conservation of public art spaces in the Hindmarsh Shire. The aim is to ensure artworks are:

- Placed strategically
- Relevant to our community
- Appropriate to the context, with consideration given to Indigenous or other Heritage within the community, if applicable
- High aesthetic value and of excellent quality, and
- Pose no danger to our environment or to people

The policy applies to all areas of public art including:

- Council commissioned or acquired art
- Art proposed by community groups of individuals
- Art proposed for public spaces within Council or private developments
- Permanent pieces, and
- Temporary installations.

The policy outlines three stages for consideration, consultation and assessment with Councillors responsible for the final approval of any public art.

1. Proposal consideration and assessment
2. Community Consultation
3. Decision

The policy also specifies requirements for contract arrangements, ensuring the following requirements are included:

- Terms and conditions of delivery, presentation and installation timelines;
- Budget and payment schedule;
- Copyright and intellectual property;
- Intended life of the artwork;
- Insurance;
- Occupational Health and Safety;
- Maintenance schedule;

- Ownership;
- Signage acknowledging the artist and funding body (if required);
- Repairs and Damage, and
- Building permits and Town Planning Permits where required.

Options:

1. Council can choose to adopt the Public Arts Policy as presented.
2. Council can choose to amend the Public Arts Policy prior to adoption.

Link to Council Plan:

Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.

Financial Implications:

When approving public art, consideration will need to be given to the design, installation and maintenance costs.

Risk Management Implications:

No risk management implications identified.

Conflict of Interest:

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

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

The Public Arts Policy will be available on Council's website.

RECOMMENDATION:

That Council adopts the Public Arts Policy.

MOVED: Crs D Colbert/D Nelson

That Council adopts the Public Arts Policy, with an amendment on page 3 from "Council will place a public notice..." to "Council may place a public notice...".

CARRIED

Attachment: 5

12. SPECIAL COMMITTEES

12.1 YANAC PUBLIC HALL AND RECREATION RESERVE COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 6 & 7

Introduction:

The Yanac Public Hall and Recreation Reserve Committee held its annual general meeting and its general meeting on 18 July 2018. The purpose of this report is to note the minutes from this meeting and appoint members of the committee. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. Notes the minutes of the Yanac Public Hall and Recreation Reserve Committee annual general meeting held on 18 July 2018.***
- 2. Notes the minutes of the Yanac Public Hall and Recreation Reserve Committee general meeting held on 18 July 2018.***
- 3. That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Yanac Hall & Recreation Reserve committee:***
 - John Dart (President)***
 - Susanne Beattie (Vice President)***
 - Jenny Smith (Secretary/Treasurer)***
 - Jim Fischer***
 - Bruce Beattie***
 - Craig Smith***
 - Jay Fischer***
 - Terry Miller***
 - Shaun Alexander***
 - Erin Alexander***
 - Mick Dart***
 - Cr Ron Lowe (Council's delegated representative)***

MOVED: Crs D Colbert/R Lowe

That Council:

- 1. Notes the minutes of the Yanac Public Hall and Recreation Reserve Committee annual general meeting held on 18 July 2018.***
- 2. Notes the minutes of the Yanac Public Hall and Recreation Reserve Committee general meeting held on 18 July 2018.***

3. That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Yanac Hall & Recreation Reserve committee:

- **John Dart (President)**
- **Susanne Beattie (Vice President)**
- **Jenny Smith (Secretary/Treasurer)**
- **Jim Fischer**
- **Bruce Beattie**
- **Craig Smith**
- **Jay Fischer**
- **Terry Miller**
- **Shaun Alexander**
- **Erin Alexander**
- **Mick Dart**
- **Cr Ron Lowe (Council's delegated representative)**

CARRIED

Attachment: 6 & 7

12.2 YURUNGA HOMESTEAD COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 8

Introduction:

The Yurunga Homestead Committee held its general meeting on 21 June 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Homestead Committee meeting held on 21 June 2018.

MOVED: Crs R Lowe/D Nelson

That Council notes the minutes of the Yurunga Homestead Committee meeting held on 21 June 2018.

CARRIED

Attachment: 8

13. LATE REPORTS

No report

14. OTHER BUSINESS

15. CONFIDENTIAL REPORTS

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

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

No confidential reports.

16. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 3:30pm.
