



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 6 FEBRUARY 2019 AT THE COUNCIL CHAMBERS, 92 NELSON STREET
NHILL COMMENCING AT 3:00PM.**

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Planning Permit 1584-2018 – Lots 1 & 2 Ps66290, 100 Miller Lane,

Nhill

- 10.2 Application for Planning Permit PA1606-2018 – CA53 & CA54 Psh Pullut (Pullut West Rd, Rainbow)

11. Reports Requiring a Decision

- 11.1 Village Settlement School Road Upgrade
11.2 Draft Wimmera River Waterway Management Plan
11.3 Draft Nhill Aerodrome Master Plan

12. Special Committees

- 12.1 Civic Centre Management Committee
12.2 Nhill Town Committee

13. Late Reports

- 13.1 Refurbishment of the Jeparit Skatepark
13.2 Application for Planning Permit 1620-2019 – CA9 Sec B & CA11 Sec B Township of Rainbow (Rainbow Rises Rd Rainbow)

14. Other Business

No report

15. Confidential Matters

- 15.1 Tender for Supply and Construction of Dimboola Sports Stadium Roof Replacement
15.2 North Ward Youth Council Vacancy
15.3 Former Arkona Tennis Court Site
15.4 Purchase of One Articulated Motor Grader
15.5 Procurement of 3D Machine Control and GNSS Systems
15.5.1 Supplementary Report: Procurement of 3D Machine Control and GNSS Systems
15.6 Chief Executive Officer Appraisal 2017/18

16. Meeting Close

Present:

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

Apologies:

In Attendance:

Mr Greg Wood (Chief Executive Officer) (Items 1 to 15.5.1, 16), Ms Monica Revell (Director Corporate and Community Services) (Items 1 to 15.5.1, 16), Ms Janette Fritsch (Acting Director Infrastructure Services) (Items 1 to 15.5.1, 16), Ms Sarah Dickinson (Executive Assistant) (Items 1 to 15.5.1, 16), Ms Shelly Kaur (Environmental Health Officer) (Items 10.1 to 10.1), Mr Andre Dalton (Coordinator Planning and Development) (Items 1 to 13.2), Mr Phil King (Manager Economic and Community Development) (Items 14 to 15.3), Ms Laura Sonnberger (Project Management Engineer) (Items 14 to 15.5.1), Mr Daniel Griffiths (Acting Manager Capital Works) (Items 14 to 15.5.1)

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

No apologies.

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 19 December 2018 at the Council Chambers Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs D Colbert/R Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 19 December 2018 at the Council Chambers Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

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

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

None declared.

5. PUBLIC QUESTION TIME

None in attendance.

6. DEPUTATIONS

No deputations.

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: DECEMBER 2018 AND JANUARY 2019

Cr ISMAY, MAYOR

Attended:

December 2018

05/12/2018 Open Disability activities day Jaypex Park
05/12/2018 Consult with Hamish Merrett Nhill
05/12/2018 Briefing meeting Nhill
05/12/2018 Council Meeting Nhill
06/12/2108 Friends of Lake Hindmarsh AGM Jeparit
07/12/2018 Violence against women breakfast Nhill
11/12/2018 Mayoral Gathering Horsham
11/12/2018 Tour of river at Jeparit
11/12/2018 VORRA Meeting Rainbow
12/12/2018 Destination Management plan Horsham
12/12/2018 CEO performance review Nhill
14/12/2018 Environmental flow at the billabong Dimboola
15/12/2018 Tidy Towns Judge Dimboola
17/12/2018 Rainbow Resivior meeting with GWM Water
17/12/2018 Ross Lakes Meeting with GWM Water
17/12/2018 Youth Council Interviews Rainbow
18/12/2018 WMT meeting Rainbow
18/12/2018 Nhill College speech night
19/12/2018 Jeparit Rec Reserve Tree strategy meeting
19/12/2018 Briefing meeting Nhill
19/12/2018 Council meeting Nhill
19/12/2018 Xmas break up Nhill Office
21/12/2018 Staff Break up Nhill Golf club

January 2019

22/01/2019 Wimmera Mallee Tourism meeting Warracknabeal
25/01/2019 Dinner with Alice Pung, family and CEO Nhill
26/01/2019 Australia Day Breakfast Rainbow
26/01/2019 Australia Day Breakfast Jeparit
26/01/2019 Australia Day Morning tea Dimboola
26/01/2019 Australia Day Lunch Nhill
26/01/2019 Tour of NAHC with Ambassador and family
28/01/2019 Rainbow Town Committee Meeting
29/01/2019 Tourism Officer Interviews Warracknabeal

Cr LOWE, DEPUTY MAYOR

Attended:

December 2018

05/12/2018 Briefing meeting Nhill

05/12/2018 Council Meeting Nhill
18/12/2018 Christmas Entertainment, Avonlea Nhill
18/12/2018 Presentation Night, Rainbow
19/12/2018 Briefing meeting Nhill
19/12/2018 Council meeting Nhill
19/12/2018 Christmas dinner Councillors and Senior Management Team
21/12/2018 Staff Christmas break up
31/12/2018 Final Dance, Lorquon Hall
January 2019
26/01/2019 Chauffeured wife Ana, to Kaniva to be guest speaker, Australia Day
26/01/2019 Australia Day Celebrations, Nhill

Cr GERSCH

Attended:

December 2018

05/12/2018 Council meeting, Nhill
05/12/2018 Tour of The Patch, Nhill
11/12/2018 WDA board meeting
12/12/2018 Andrew Broad funding announcement
12/12/2018 CEO review
14/12/2018 RCV board meeting
16/12/2018 Xmas carols Nhill
17/12/2018 Youth Council interviews
18/12/2018 Youth Council interviews
19/12/2018 Council meeting
19/12/2018 Council Xmas dinner
21/12/2018 Shire Xmas breakup
26/12/2018 Boxing day Nhill race
January 2019
26/01/2019 Australia Day Ceremony, Goldsworthy Park, Nhill

Cr COLBERT

Attended:

December 2018

05/12/2018 Council Briefing, Nhill
05/12/2018 Council Meeting, Nhill
19/12/2018 Council Briefing, Nhill
19/12/2018 Council Meeting, Nhill
19/12/2018 Christmas dinner Councillors and Senior Management Team
January 2019
26/01/2019 Australia Day Ceremony, Goldsworthy Park, Nhill

Cr NELSON

Attended:

December 2018

03/12/2018 Town Committee meeting, Dimboola
05/12/2018 Council meeting, Nhill
07/12/2018 Carols in the park, Dimboola
11/12/2018 Wimmera Development Association Executive meeting, Horsham
11/12/2018 Wimmera Development Association meeting, Horsham
12/12/2018 CEO Performance Review, Nhill
15/12/2018 Tidy Towns national titles judging, Dimboola
17/12/2018 Interview Youth Council Applicants, Dimboola
18/12/2018 Dimboola Memorial Secondary School awards night
19/12/2018 Council meeting & dinner
January 2019
5/01/2019 Dimboola Town Committee Working Bee, Seats at the Walking Track
16/01/2019 Horsham WDA, Assess appraisal and position description for CEO
26/01/2019 Australia Day Ceremony, Dimboola

Cr SCHNEIDER

Attended:

December 2018

5/12/2018 Council Briefing, Nhill
5/12/2018 Council Meeting, Nhill
19/12/2018 Council Briefing, Nhill
19/12/2018 Council Meeting, Nhill
19/12/2018 Christmas dinner Councillors and Senior Management Team

January 2019

26/01/2019 Australia Day Ceremony, Dimboola

SENIOR MANAGEMENT ACTIVITIES: DECEMBER 2018 AND JANUARY 2019

GREG WOOD, Chief Executive Officer:

Attended:

December 2018

05/12/2018 Mayor/CEO Meeting, Nhill
05/12/2018 Tour of The Patch, Nhill
05/12/2018 Council Briefing Meeting, Nhill
05/12/2018 Council Meeting, Nhill
06/12/2018 WSM Regional Partnership Meeting, Final Meeting, Horsham
06/12/2018 WSM Regional Partnership Christmas Breakup Dinner
07/12/2018 Community Breakfast Family Violence, Nhill
07/12/2018 Community Awareness Family Violence (Schools), Nhill
11/12/2018 WDA meeting, Horsham
12/12/2018 CEO performance appraisal Nhill
13/12/2018 Victorian Drought Support Mental Health and wellbeing Support
Program Meeting, Horsham
13/12/2018 Wimmera Regional CEO Meeting
15/12/2018 Tidy Towns National Judging, Dimboola
19/12/2018 Mayor/CEO Meeting, Nhill
19/12/2018 Council Briefing Meeting, Nhill
19/12/2018 Council Meeting, Nhill
19/12/2018 Christmas dinner councillors and senior management team
21/12/2018 Staff Christmas lunch

January 2019

11/01/2019 Phil Shanahan Meeting, Melbourne
14/01/2019 Rural Council Transformation Program (teleconference)
16/01/2019 Library Review, Rainbow (with Mayor) and Jeparit
24/01/2019 Cinema Volunteer, Nhill
24/01/2019 Rural Council Transformation Meeting with Jessie Holmes, Nhill
25/01/2019 Dinner with Australia Day Ambassador Alice Pung, Nhill
26/01/2019 Australia Day Events Rainbow, Jeparit, Dimboola and Nhill
28/01/2019 Bannockburn and Sebastopol Libraries Tour

SHANE POWER, Director Infrastructure Services:

Attended:

December 2018

4/12/2018 Senior Management Team Meeting, Nhill
5/12/2018 Planning matters meeting with Mayor and business proprietor, Nhill
5/12/2018 Council briefing, Nhill
5/12/2018 Council meeting, Nhill
7/12/2018 MAV, Melbourne
10/12/2018 Wimmera Emergency Management Resource Sharing Program Steering
Group Meeting, Horsham
11/12/2018 Senior Management Team Meeting, Nhill

13/12/2018 VAGO Performance Audit Asset Management, Nhill
13/12/2018 Capital Works Group, Nhill
13/12/2018 Local Government Power Procurement Agreement Group Webinar, Nhill
14/12/2018 Meeting with Nhill and District Sporting Club, Nhill
17/12/2018 Administration recruitment interview, Nhill
19/12/2018 Council briefing, Nhill
19/12/2018 Council meeting, Nhill
19/12/2018 Christmas dinner Councillors and Senior Management Team
January 2019
3/01/2019 Inspection with Mayor Cr Ron Ismay, Nhill-Rainbow Road
7/01/2019 Dimboola Town Committee Meeting, Dimboola
9/01/2019 Road Maintenance Opportunities Meeting, Nhill
16/01/2019 Hindmarsh Shire Council, and TAC road safety funding and engagement Meeting, Nhill

MONICA REVELL, Director Corporate and Community Services:

Attended:

December 2018

03/12/2018 Youth Council Meeting
03/12/2018 Dimboola Town Committee Meeting
04/12/2018 West Wimmera Shire Council Audit Committee Meeting
05/12/2018 Council Briefing
05/12/2018 Council Meeting
05/12/2018 Home & Community Care Staff Christmas Party
07/12/2018 Family Violence Community Breakfast
07/12/2018 Family Violence Community Morning Tea
10/12/2018 Wimmera Emergency Management Resource Sharing Program Steering Group Meeting
12/12/2018 Nhill Learning Centre Meeting
13/12/2018 Drought Support Mental Health & Wellbeing Support Program Meeting
13/12/2018 Wimmera Regional CEO Meeting
14/12/2018 Wimmera Regional Library Corporation Board Meeting
17/12/2018 RSA Training
18/12/2018 Department of Health & Human Services Information Update teleconference
19/12/2018 Council Briefing
19/12/2018 Council Meeting
19/12/2018 Councillor Christmas Party
21/12/2018 Staff Christmas Party
January 2019
07/01/2019 New Entrant (NMCC Liquor License) training
08/01/2019 Senior Management Team
10 – 11/1/2019 Annual Leave
15/01/2019 Senior Management Team
16/01/2019 Jeparit / Rainbow site visits re library services

18 – 28/01/2019 Annual Leave

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council,

Inwards:

- Letter of Thanks for Sponsorship of Dimboola Memorial Secondary College Rae Keam Award
- Letter of Thanks for Assistance in Completion of Nhill Aerodrome Toilet Works Nhill Aviation Heritage Centre
- Invitation To Attend Nhill Lake Welcome to New Residents Function Nhill Town Committee
- Invitation to Attend 2019 ANZAC Day March and Letter of Thanks for Council Support Nhill RSL
- Request For Council Briefing Beverley McArthur Member for Western Victoria Region
- Letter Regarding South Australian Funding of Overland Rail Service Copy of Response to Andrew Broad

Outwards:

- Invitation to Minister Pakula to open female change rooms Dimboola

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Lowe/D Colbert

That Council notes the attached correspondence.

CARRIED

Attachment: 2

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

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 R Gersch/D Colbert

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 3

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT 1584-2018 – Lots 1 & 2 PS66290, 100 MILLER LANE, NHILL

Responsible Officer: Acting Director Infrastructure Services
File: Planning – Applications
Assessment: 168500
Applicant: Mr Terence Miller
Owner: Mr Terence Miller
Subject Land: Lots 1 & 2 PS66290, 100 Miller Lane, Nhill
Proposal: Animal Keeping – 15 x dogs

Zoning & Overlays:

- Farming Zone (FZ)
- Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value

Attachment: 4

Summary:

This report recommends that Council approve planning permit 1584-2018 for the continued use of land for the purposes of Animal Keeping – 15 x dogs.

Background:

The proposal seeks a permit for the continued use of land for the purposes of Animal Keeping – 15 x dogs.

Proposal Details:

The proposal is to keep a maximum of 15 dogs on the subject land for the purposes of animal keeping. No boarding or breeding of the animals has been proposed, and appropriate conditions can be applied to the issuing of any permit to ensure the animals are kept for domestic purposes only.

Requirement for Permit:

A Planning permit is triggered for this application pursuant to Clause 35.07-1 – Farming Zone of the Hindmarsh Planning Scheme for Animal keeping. Animal Keeping is a Section 1 Use (no planning permit required), on the condition that no more than 5 animals are kept. As 15 animals are proposed, the use proposed is a Section 2 use, and thus requires a planning permit. This permit application seeks to formalise the existing use on the land.

Subject site & locality:

The subject site is known as 100 Miller Lane Nhill, and is currently used for agriculture, comprising multiple farm buildings / shedding. The property (and surrounds) has been

extensively cleared with little established vegetation remaining. The animals are currently kept on-site, with kennels constructed approximately 85 metres to the south west of the existing dwelling.

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

Public Notification

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

s52 Notice of application

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

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

The application is required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal may cause material detriment to any person for the following reasons:

- Noise from the keeping of 15 x dogs may impact upon surrounding landowners.

The proposal was publicly notified by way of the following:

- Sign displayed on the land; and
- Notices sent to adjoining landowners.

No objections were received.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals: Environmental Health: Responded with conditions.
Building: Responded – no building permit required.
Local Laws: Addressed via conditions on permit.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for the use of the land for animal keeping.

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 - Settlement

Clause 11.01 - Victoria

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 35.07 Farming Zone

Overlay Provisions

Environmental Significance Overlay Schedule 6 – 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.

This clause does not apply to a VicSmart application.

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

Discussion:

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

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 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 is considered to meet the applicable decision guidelines as outlined above. The formalisation of the use via the planning permit process will permit the application of conditions to address such matters as noise and appropriate effluent disposal. No boarding or breeding of animals is proposed, nor will be permitted.

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 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.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Planning response: Not Applicable.

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 will:

- 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.

As the planning application proposes to formalise an existing use, opportunity exists to apply conditions to facilitate an upgrading of the existing septic system, and apply conditions to address potential amenity impacts.

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:

Not applicable. The proposed use is for animal keeping.

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 received on 01 May 2018. The report is being presented to Council at its meeting on 06 February 2019 (157 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 approve an application for the use of land for animal keeping (15 x dogs) on Lots 1 & 2 PS66290, 100 Miller Lane, Nhill, subject to the following conditions:

Endorsed Plans

- 1. The use 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.***

General

- 2. No breeding of dogs shall be undertaken on the subject land, without the prior written consent of the Responsible Authority.***
- 3. No boarding of dogs shall occur on a commercial basis on the subject land, without the prior written consent of the Responsible Authority.***
- 4. The use hereby permitted shall comply with the Code of Practice for the***

private keeping of dogs, and the Prevention of Cruelty to Animals Act 1986.

5. *No more than fifteen (15) dogs may be kept on the subject land at any one time, without the prior written consent of the Responsible Authority.*

Environmental Health

6. *The waste from the animals must be disposed of to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
7. *A Land Capability Assessment prepared by a suitably qualified consultant must be submitted to and approved by Council's Environmental Health Department, demonstrating the waste from the animals can be contained by an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, within six (6) months of the date of this permit.*

Permit Lapse/Extension

8. *This permit will expire if one of the following circumstances applies:*
 - (a) *the use is not started within two years of the date of this permit.*
 - (b) *the development is not completed within four years of the date of this permit.*

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

ALTERNATIVE RECOMMENDATION:

That Council approve an application for the use of land for animal keeping (15 x dogs) on Lots 1 & 2 PS66290, 100 Miller Lane, Nhill, subject to the following conditions:

Endorsed Plans

1. *The use 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.*

General

2. *No breeding of dogs shall be undertaken on the subject land, without the prior*

written consent of the Responsible Authority.

3. *No boarding of dogs shall occur on a commercial basis on the subject land, without the prior written consent of the Responsible Authority.*
4. *The use hereby permitted shall comply with the Code of Practice for the private keeping of dogs, and the Prevention of Cruelty to Animals Act 1986.*
5. *No more than fifteen (15) dogs may be kept on the subject land at any one time, without the prior written consent of the Responsible Authority.*

Environmental Health

6. *The waste from the animals must be disposed of to an approved septic system or alternative receptacle / method, and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, to the satisfaction of Council.*

Permit Lapse/Extension

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

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

MOVED: Crs R Gersch/R Lowe

That Council approve an application for the use of land for animal keeping (15 x dogs) on Lots 1 & 2 PS66290, 100 Miller Lane, Nhill, subject to the following conditions:

Endorsed Plans

1. *The use 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.*

General

2. ***No breeding of dogs shall be undertaken on the subject land, without the prior written consent of the Responsible Authority.***
3. ***No boarding of dogs shall occur on a commercial basis on the subject land, without the prior written consent of the Responsible Authority.***
4. ***The use hereby permitted shall comply with the Code of Practice for the private keeping of dogs, and the Prevention of Cruelty to Animals Act 1986.***
5. ***No more than fifteen (15) dogs may be kept on the subject land at any one time, without the prior written consent of the Responsible Authority.***

Environmental Health

6. ***The waste from the animals must be disposed of to an approved septic system or alternative receptacle / method, and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, to the satisfaction of Council.***

Permit Lapse/Extension

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

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

CARRIED

Attachment: 4

**10.2 APPLICATION FOR PLANNING PERMIT PA1606-2018 – CA53 & CA54 PSH
PULLUT (PULLUT WEST RD, RAINBOW)**

Responsible Officer: Acting Director Infrastructure Services
File: Planning – Applications
Assessment: 15120
Applicant: Craig Brown c/- GHD (on behalf of the Bureau of Meteorology)
Owner: Perkins Holdings Pty Ltd
Subject Land: CA 53 & CA54 Psh Pullut (Pullut West Rd, Rainbow)
Proposal: Use and Development of land (including buildings and works)
– Weather radar

Zoning & Overlays:

- Farming Zone (FZ)
- Environmental Significance Overlay Schedule 2 (ESO2) – Channel and Reservoir Protection

Attachments: 5 & 6

Summary:

This report recommends that Council issue a planning permit to allow the Use and Development of land (including buildings and works) for a Bureau of Meteorology Weather Radar facility at CA 53 & CA54 Psh Pullut (Pullut West Rd, Rainbow).

Background:

Planning permit application PA1606-2018 was lodged on the 7 December 2018 for the construction of a weather radar facility on the subject land, to increase the effectivity and coverage of the Bureau of Meteorology's national weather radar network.

Proposal Details:

The proposal is to construct a 29.391 metre high Doppler weather radar (tower and radome), associated modular equipment shelter / office and toilet facility, power generator (genset), rainwater tank, and access track. The facility will be unmanned, excluding maintenance and inspection requirements. The components of the proposal are described in more detail in Attachment 2.

Officer's Comment:

A radar facility at this site will complement and enhance the existing radar network. The nearest radars currently relied upon within the locality are located at Mt. Gambier, Mildura, Adelaide, and Melbourne, which leave significant data gaps regarding approaching rainfall. With the completion of this radar facility, farmers within the region can make more informed decisions regarding harvesting, sowing, spraying, and land management, thus resulting in more efficient and effective agricultural practice as a whole.

Requirement for Permit:

A planning permit is required under Clause 35.07-4– Farming Zone of the Hindmarsh Planning Scheme for Buildings and works associated with a use in Section 2 of Clause 35.07-1.

No permit is triggered by the Environmental Significance Overlay Schedule 2 (ESO2) – Channel and Reservoir Protection, as no part of this proposal lies within the ESO2.

Definitions

Clause 73.03 of the Planning Scheme defines land uses. The proposal is not defined within the scheme, however, in this instance, in situations where a term is not defined, it will be considered to have its ordinary or common meaning having regard to general principles of legal or statutory interpretation.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The construction of radar on this site is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, as the Aboriginal Cultural Heritage Overlay does not affect the area of proposed buildings and works.

Subject site & locality:

The subject land is located on CA53 & CA54, Psh Pullut (Pullut West Road), Rainbow. The Proposed radar tower and associated facilities are set back from Pullut West Road approximately 15 metres, on land situated approximately 1.45 km from the intersection of Dimboola-Rainbow Road, 11.16 kilometres SSE of the Rainbow Post Office. The subject land is vacant, and is used for cropping. The nearest dwelling is approximately 850 metres to the south, with other dwellings in the vicinity of the proposal being located approximately 1.93 kilometres and 2.46 kilometres to the east, 2.8 kilometres to the west, 3.14 kilometres to the North West, and 3 kilometres to the NNW. Surrounding properties are primarily used for cropping and grazing, with the Pullut Silos being located on the Dimboola – Rainbow Railway, 2 kilometres to the east.

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

Public Notification

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

s52 Notice of application

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

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

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land;
- One A3 sign was placed on the land on 17 January 2019; and
- A notice was placed in the Rainbow – Jeparit Argus newspaper on 17 January 2019.

No objections have been lodged with Council.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: No objection, subject to conditions.
- Environmental Health: Conditions required regarding the installation of a septic system.
- Building: Building Permit required (unless exempted by Commonwealth).
- Economic Development and Tourism: No objection – supportive of proposal.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01 –Victoria

Clause 13.01-1S - Natural hazards and climate change

Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee

Clause 14.01-2S - Sustainable agricultural land use

Clause 17 - Economic development

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

Clause 17.01-2S - Innovation and research

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Clause 21.01-5 - Agriculture

Clause 21.01-6 - Economic Development

Clause 21.02-2 - Vision for the Future

Clause 21.03-2 - Economic Development

Clause 21.03-3 – Agriculture

Zoning Provisions

Clause 35.07 Farming Zone

Overlay Provisions

Clause 42.01 - Environmental Significance Overlay Schedule 2 (ESO2) – Channel and Reservoir Protection

The site is subject to an Environmental Significance Overlay Schedule 2 (ESO2) – Channel and Reservoir Protection; however the overlay does not apply to the area of works proposed.

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.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having particular regard to the overall benefit the proposed radar will have in assisting the better use of surrounding lands for agriculture on a large scale. To have a facility which will greatly assist farmers and primary producers to schedule the sowing and harvesting of crops (including transportation thereof), as well as manage weeds and pests contingent upon accurate weather forecasting, supports these policies as listed within the Scheme, and the wider economy within the Wimmera and Mallee in general.

Discussion:

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

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 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 proposal is considered to meet the applicable decision guidelines as stated, particularly supporting policies relating to agricultural productivity, sustainable agricultural land use, and economic development within not only the Shire, but the Wimmera and Mallee Regions as a whole. The proposal will enable primary producers within the region to access weather related data in a more timely and accurate manner, permitting decisions relating to the farming of the land to be made strategically.

The site is appropriate for the use, having regard to the height of the land, the location of the land and its distance to obstructions, and regional context in general. Access to the site is provided by an all-weather, bitumen road, and the proposal will not significantly impact on other forms of infrastructure in the area.

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 proposal 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. The proposal is considered to support and enhance production on a regional scale, enabling continued and more effective farming on a broad scale.

The proposal is not considered to limit the operation and expansion of adjoining and nearby agricultural uses and the site is considered highly appropriate for the enhancing of agriculture on a regional scale.

The proposed weather radar enjoys broad and strong policy support both within State sections of the Planning Policy Framework along with specific policy support within the Local Planning Policy Framework.

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 proposal 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.

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 buildings and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, and water

features and the measures to be undertaken to minimise any adverse impacts. There will be significant impacts on vistas, however, the benefit of the facility far outweighs these impacts, having regard to the fact that there are no Significant Landscape Overlays within the Hindmarsh Planning Scheme.

The applicable location and design of existing and proposed infrastructure including roads, water, drainage, and telecommunications supports the proposal.

It is considered the subject site is well suited for a weather radar to provide accurate weather data, accessible via the internet to the general public instantly. The proposal is located on a large rural parcel that is remote from residential areas and well separated from existing rural dwellings. Further, the nature of the proposal will not result in inappropriate offsite amenity or environmental impacts by the nature of the production.

Applicable conditions can be applied addressing traffic impacts.

In summary, it is submitted to Council that the proposed weather radar and associated buildings and works will not only have minimal detrimental impact on the amenity of the area as a whole, but will support and enhance the agricultural production of the Region as a whole, continuing to facilitate and enhance better agricultural practice, employment and economic development within Hindmarsh Shire in general.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

The application was received on 7 December 2018. The report is being presented to Council at its meeting on the 6 February 2019 (62 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 the Council approve an application to Use and Develop Land (including Buildings and Works) for a Weather Radar and associated ancillary buildings, on CA53 and CA54 Psh Pullut (Pullut West Road Rainbow), subject to the following conditions:

General

- 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.***
- 2. The radar facility must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***
- 3. The proposed weather radar and associated buildings on-site must be suitably treated and coloured in appropriate non-reflective muted tones (which will not nullify the effective operation of the radar) to the satisfaction of the responsible authority.***

Environmental Health

- 4. The applicant is to provide a Land Capability Assessment demonstrating the land can contain effluent generated by the proposed development, in accordance with the EPA Code of Practice for Onsite Wastewater Management under the Environment Protection Act 1970, prior to the commencement of construction.***
- 5. The wastewater from the proposed office/ equipment shelter must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.***

Engineering

- 6. The applicant shall, at their cost:***
 - (a) Install a vehicle crossing as per the Infrastructure Design Manual (IDM) SD 255. This must be located on Pullut West Rd to the West of the radar site and at a position with a minimum sight distance of 250m in each direction. The***

- width of the crossing must accommodate any construction related vehicle movements to site.*
- (b) Construct an access track from the vehicle crossing to the radar site as per IDM SD 600 - TYPICAL ROAD PROFILES RURAL 'Typical cross section – Gravel Road' with council approved gravel.*
 - (c) Engage a Civil Engineer to design, to Austroads standards, widening of the pavement and seal of Pullut West Rd at the access point. This must include a turning lane for vehicles entering the site and accommodate vehicles exiting the site. The design shall be submitted to council for approval.*
 - (d) Construct the design as per condition 6 (c), once approval has been given by council.*
 - (e) Install 'No Parking' signs on Pullut West Rd. Signage shall be installed so vehicles cannot park on either side of the road within a minimum of 180m either side of the radar location at the crest of the hill, with repeater signs every 75m. The lateral placement of the signs shall be a minimum of 600mm from the edge of pavement. The placement of these signs may be varied with the approval of council.*
- 7. All works conducted within the road reserve must not be undertaken until a 'consent to works within road reserve permit' has been issued by council. This can be applied for by contacting council's infrastructure services department.*

Amenity

- 8. The construction of the proposed facility 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.*
- 9. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.*
- 10. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.*
- 11. This permit will expire if one of the following circumstances applies:*
- (a) The use and development is not started within two years of the date of this permit;*

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

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Notes:

- (1) *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained should this be required.*
- (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 R Gersch/ R Lowe

That the Council approve an application to Use and Develop Land (including Buildings and Works) for a Weather Radar and associated ancillary buildings, on CA53 and CA54 Psh Pullut (Pullut West Road Rainbow), subject to the following conditions:

General

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.*
2. *The radar facility must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*
3. *The proposed weather radar and associated buildings on-site must be suitably treated and coloured in appropriate non-reflective muted tones (which will not nullify the effective operation of the radar) to the satisfaction of the responsible authority.*

Environmental Health

4. *The applicant is to provide a Land Capability Assessment demonstrating the land can contain effluent generated by the proposed development, in accordance with the EPA Code of Practice for Onsite Wastewater Management under the Environment Protection Act 1970, prior to the commencement of construction.*
5. *The wastewater from the proposed office/ equipment shelter must be*

connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

Engineering

- 6. The applicant shall, at their cost:**
- (a) Install a vehicle crossing as per the Infrastructure Design Manual (IDM) SD 255. This must be located on Pullut West Rd to the West of the radar site and at a position with a minimum sight distance of 250m in each direction. The width of the crossing must accommodate any construction related vehicle movements to site.**
 - (b) Construct an access track from the vehicle crossing to the radar site as per IDM SD 600 - TYPICAL ROAD PROFILES RURAL 'Typical cross section – Gravel Road' with council approved gravel.**
 - (c) Engage a Civil Engineer to design, to Austroads standards, widening of the pavement and seal of Pullut West Rd at the access point. This must include a turning lane for vehicles entering the site and accommodate vehicles exiting the site. The design shall be submitted to council for approval.**
 - (d) Construct the design as per condition 6 (c), once approval has been given by council.**
 - (e) Install 'No Parking' signs on Pullut West Rd. Signage shall be installed so vehicles cannot park on either side of the road within a minimum of 180m either side of the radar location at the crest of the hill, with repeater signs every 75m. The lateral placement of the signs shall be a minimum of 600mm from the edge of pavement. The placement of these signs may be varied with the approval of council.**
- 7. All works conducted within the road reserve must not be undertaken until a 'consent to works within road reserve permit' has been issued by council. This can be applied for by contacting council's infrastructure services department.**

Amenity

- 8. The construction of the proposed facility 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.**

9. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
10. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***
11. ***This permit will expire if one of the following circumstances applies:***
 - (a) ***The use and development is not started within two years of the date of this permit;***
 - (b) ***The development is not completed within four years of the date of this permit.***

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Notes:

- (1) ***This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained should this be required.***
- (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

Attachments: 5 & 6

11. REPORTS REQUIRING A DECISION

11.1 VILLAGE SETTLEMENT SCHOOL ROAD UPGRADE

Responsible Officer: Acting Director Infrastructure Services
Attachments: 7 & 8

Introduction:

Council received a report at its meeting 2 May 2018 to consider upgrade options for Village Settlement School Road, Dimboola.

By way of resolution, Council requested the Director Infrastructure Services and South Ward Councillors to meet with the property owner who had requested the upgrade. The intention of the meeting was to examine site conditions and discuss options for the potential upgrade options of Village Settlement School Road. No outcome has since been resolved.

This report seeks Council decision on its proffered option to upgrade Village Settlement School Road.

Discussion:

In December 2017, Council received a request from a property owner on Village Settlement School Road to have Village Settlement School Road and the road known as Road 277 A03, to be upgraded to all-weather access roads.

The request from the property owner was for Council to upgrade Village Settlement School Road and the road known as Road 277 A03 in Dimboola.

Village Settlement School Road (attachment 1) is a class 6 'formed only' road (no structural pavement) which has a classified level of service to provide paddock access to rural properties. Maintenance is performed on an ad-hoc basis usually in response to customer requests. The road is inspected once every three years to assess for defects that may pose a risk to road users.

Road 277 A03 is listed in the Hindmarsh Shire Council Public Roads Register as a 'paper road'. Paper roads are parcels of land that are reserved for government for purpose of roads if deemed required by the appropriate road authority. Paper roads are not managed in accordance with Council's Road Management Plan and therefore are not inspected or maintained.

The landowner seeking to have Village Settlement School Road and Road 277 A03 upgraded, has constructed a dwelling subject to a planning permit dating back to 2006.

The planning permit (1010/06) was conditioned with a requirement for the applicant to construct a road to the satisfaction of Hindmarsh Shire Council as the Road Authority for the purposes of providing all weather access to the landowner's property. Site inspections

confirm that no works have occurred in accordance with the permit.

Property owners intending to construct dwellings on rural properties where no all-weather access currently exists, are usually required by engineering conditions of the development application or planning permit to upgrade the access road to an all-weather standard. Council assumes maintenance responsibility of the road once construction is completed to the satisfaction of Council.

It is also understood that two other properties along Village Settlement School Road that have dwellings have not been through the planning permit process which would require property owners to contribute to the upgrade of the access road to a class 5 all-weather gravel pavement. This has no bearing however, on the responsibility of the owner to satisfy the requirements of their own permit.

The request for the upgrade of Road 277 A03 is to provide a through route to the Western Highway via Settlement Road. As shown in attachment 2, an existing link is currently provided via an all-weather class 5 road (Lawson Road) to the west of Village Settlement School Road. Lawson and Patterson Roads have recently undergone re-sheeting works. Officers therefore deem the upgrade of Road 277 A03 to be of a very low priority.

Options

Council can:

1. At its cost, can choose to upgrade Village Settlement Road to an all-weather road at a cost of approximately \$20,000;
2. Enforce compliance with condition 5.1 of planning permit 1010/06 and subsequent section 173 agreement for the upgrade of Village Settlement Road to an all-weather road at a cost of approximately \$20,000 at the applicants cost; or
3. Enter into a shared cost arrangement with the applicant of permit 1010/06 to upgrade Village Settlement Road to an all-weather road.

Link to Council Plan:

- 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements.
- 2.1.3 Develop and prioritise detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town.

Financial Implications:

Council manages over 2,800 kilometres of roads including over 1,400 earthen formed (dry weather only) roads.

There is a significant cost to upgrading earth roads to an all-weather gravel pavement. The magnitude of this cost is currently around \$35,000 per km.

The cost to upgrade Village Settlement Road to an all-weather road is approximately \$20,000

Classification 5R roads, are graded once per year and inspected annually. It is expected that the ongoing maintenance costs for Village Settlement Road would be \$400 p/annum.

It should be noted that existing vegetation (including threatened species) would pose difficulties in achieving sufficient road width required for a Class 5 standard road.

Risk Management Implications:

The current lack of all-weather access to properties with inhabited dwellings is outside Council's adopted service levels for residential access. Roads in these circumstances can have limitations for emergency service vehicles to have all year access to properties.

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 and Author Responsible – Shane Power, Director Infrastructure Services

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

Communications Strategy:

The property owner of 53 Village Settlement School Road will be informed of Council's decision.

Next Steps:

Officers to action Council's resolution accordingly.

RECOMMENDATION:

That Council:

1. ***Officers write to the landowner of the property known as allotment 53 Village Settlement School Road Dimboola:***
 - (a) ***instructing compliance with condition 5.1 of planning permit 1010/06 and subsequent section 173 agreement for:***
 - i. ***The pavement on Village Settlement School Road shall be located and constructed of a 4 metre wide by 100mm consolidated depth gravel pavement to the satisfaction of the responsible authority, at the applicants cost; and***
 - (b) ***advising that the road known as Road 277 A03 will not be upgraded by Council.***

MOVED: Crs T Schneider/D Nelson

That Council refers \$20,000 for construction of the pavement on Village Settlement School Road to Councils 2019/2020 budget for consideration.

MOTION DEFEATED

MOVED: Crs R Lowe/R Gersch

That Council:

- 1. *Officers write to the landowner of the property known as allotment 53 Village Settlement School Road Dimboola:***
 - (a) *instructing compliance with condition 5.1 of planning permit 1010/06 and subsequent section 173 agreement for:***
 - i. The pavement on Village Settlement School Road shall be located and constructed of a 4 metre wide by 100mm consolidated depth gravel pavement to the satisfaction of the responsible authority, at the applicants cost; and***
 - (b) *advising that the road known as Road 277 A03 will not be upgraded by Council.***

CARRIED

Attachments: 7 & 8

11.2 DRAFT WIMMERA RIVER WATERWAY MANAGEMENT PLAN

Responsible Officer: Acting Director Infrastructure Services
Attachment: 9

Introduction:

Hindmarsh Shire Council is the declared waterway manager for the Wimmera River within the boundaries of the Hindmarsh Shire. To establish a balanced management approach to the river, a draft Wimmera River Waterway Management Plan has been developed.

This report seeks Council endorsement to commence a public consultation process for the draft Wimmera River Waterway Management Plan.

Discussion:

Concern by community members has been raised over many years with regard to the potential environmental impact of permitted activity on the Wimmera River within the Dimboola area.

As the declared waterway manager for the Wimmera River within the Hindmarsh Shire, as appointed by the Minister for Ports under *the Marine Safety Act 2010 (Vic)* (MSA), Council has powers and functions under the MSA relating to the safe operation of vessels in the waters under their control.

Council is also responsible for maintaining navigational aids and controlling the navigation of vessels, usually accomplished through the introduction of waterway rules.

While Council's remit with regard to the management of river in its entirety is limited, in an attempt to achieve stakeholder cohesion, Council established the Wimmera River Stakeholders Advisory Group (WRSAG). The membership of WRSAG comprises:

- Councillor of Hindmarsh Shire Council
- Wimmera Catchment Management Authority
- Dimboola Boat and Ski Club Inc.
- Dimboola Rowing Club
- Landowners who hold Stock and Domestic Water licenses
- Dimboola Angling Club
- Dimboola & District Historical Society
- Hindmarsh Landcare
- Barengi Gadjin Land Council
- Parks Victoria

The WRSAG has met on multiple occasions discussing issues and concerns held by each stakeholder group. In order to achieve an agreed approach and balance to river management, protection and use, a Waterway Management Plan has been drafted.

The purpose of the plan is to ensure the Wimmera River within the Dimboola locality is appropriately managed for the benefit of the environment, community, recreational users,

traditional and abutting landowners.

Specifically, the plan applies to the section of the Wimmera River located between Lochiel (where the river meets the A8) and the area known as Horseshoe Bend, and aims to:

- ensure the Wimmera River, is enjoyed by the local community and visitors alike;
- ensure the cultural heritage of the Wimmera River is respected and protected;
- protect and enhance the environmental value and health of the river;
- identify key stakeholders; and
- ensure key stakeholders are consulted in any decision making with relation to the development and/or use of the river (and immediate surrounds).

In developing the plan the following groups have been invited to contribute:

- Barengi Gadjin Land Council
- Wimmera Catchment Management Authority
- Hindmarsh Shire Council
- Department of Environment, Land, Water and Planning
- Parks Victoria
- Grampians Wimmera Mallee Water
- License holders of stock and domestic water rights
- Dimboola Historical Society
- Dimboola Boat & Ski Club
- Dimboola Rowing Club
- Dimboola Angling Club
- Wimmera River Advisory Group
- Transport Safety Victoria

To date, Council has received responses from all but two of the groups invited, with feedback having been incorporated into the draft Waterway Management Plan.

The draft Waterway Management Plan was considered by WRSAG at its meeting 28 November 2018 where it was agreed to seek Council endorsement to place the plan on public exhibition for a minimum period of 28 days.

Options

Council can choose to:

1. Exhibit the draft Wimmera Waterway Management Plan for public comment for a period of 28 days as presented; or
2. Exhibit the draft Wimmera Waterway Management Plan for public comment for a period of 28 days with changes;
3. Not progress the draft Wimmera Waterway Management Plan.

Link to Council Plan:

- 2.1.4 Enhance river and lakes environment to support informal recreation and social interaction (subject to funding).

Financial Implications:

The only expenses incurred by Council to date has been that associated with officer time.

Risk Management Implications:

The Waterway Management Plan enhances environmental, cultural and heritage protection of the river while meeting the needs of recreational users and license holders of private and stock water.

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 and Author Responsible – Shane Power, Director Infrastructure Services

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

Communications Strategy:

Invite the community to make comment on the draft Waterway Management Plan via Council's website, Facebook page and through placing advertisements and/or media releases in local papers.

Make available the draft Waterway Management Plan for download from Council's website and for viewing at Council's customer service centres.

Next Steps:

Pending Council approval, commence the communications strategy and exhibition period. Present to the Wimmera River Stakeholders Advisory Group and to Council, any feedback received during the consultation period for consideration prior to adopting a final version of the plan.

RECOMMENDATION:

That Council approves the exhibition of the draft Wimmera River Waterway Management Plan

MOVED: Crs D Colbert/ D Nelson

That Council approves the exhibition of the draft Wimmera River Waterway Management Plan

CARRIED

Attachment: 9

11.3 DRAFT NHILL AERODROME MASTER PLAN

Responsible Officer: Acting Director Infrastructure Services
Attachment: 10

Introduction:

This report seeks Council endorsement to commence a public consultation process for the draft of the revised Nhill Aerodrome Master Plan.

Discussion:

The Nhill Aerodrome is owned and operated by Hindmarsh Shire Council. The Nhill Aerodrome was bequeathed to Council from the Federal Government after a significant number of years' service to both civil aviation and military service. The need for a master plan was an initiative of both Nhill Aviation Heritage Centre (NAHC Inc) and the Hindmarsh Shire Council identified through a community consultation process that commenced in May 2010.

The Nhill Aerodrome Master Plan was originally developed in 2011 in consultation with the Nhill Aerodrome Master Plan Advisory Committee, and was formally adopted by Council at its meeting 21 March 2012.

Council was approached in November 2017 by an interested party seeking to build a shed for the purposes of a private aircraft hangar. The application suggested a site that was reserved for aerodrome storage purposes in the Nhill Aerodrome Master Plan. As the master plan did not explicitly provide for private hangars, a meeting was convened with relevant stakeholders of the site including representatives from:

- Nhill Aerodrome Master Plan Advisory Committee
- Ambulance Victoria
- Nhill Aero Club
- Nhill Historical Society
- Nhill Aviation Heritage Centre Incorporated
- Department of Environment, Land, Water and Planning
- Hindmarsh Shire Council

Members of the meeting raised concerns that the proposed site may conflict with emergency services activities and that a public consultation process would be beneficial to gauge interests of other potential aviation enthusiasts. The members of the meeting thus resolved:

"That Council revise the Nhill Aerodrome Master Plan to reflect current and future use of facilities, including emergency services and stakeholder needs and present to Council for budget consideration".

To relieve concerns from the applicant and the Nhill Aerodrome Master Plan Advisory Committee relating to duration of the review of the plan, officers sought and received approval from Council at its 23 May 2018 meeting, to allocate \$10,000 from the \$50,000 2017/2018 budget for Precinct and Recreation Plan Projects Funding for the purposes of revising the Nhill Aerodrome Master Plan.

On 8 June 2018 officers invited submissions by way of a request for quote process, to a number of aviation consultants for the revision of the Nhill Aerodrome Master Plan, awarding to To70 a multinational firm specializing in aviation planning and operations.

The master plan has been revised in consultation with the Nhill Aerodrome Masterplan Advisory Committee and Council officers and aims to:

- Promote the orderly future planning for the aerodrome site for the next 10 years;
- Provide a vehicle for all interested parties to document, prioritise and implement their respective objectives for the development of the site;
- Provide a timeframe, cost estimate and responsibility for key activities identified through the plan;
- Ensure the master plan for the aerodrome has due consideration to regulatory requirements;
- Promote the aerodrome as an important transport facility in the Hindmarsh Shire and its relationship to the region;
- Provide for aviation based recreational pursuits including hangars;
- Explore tourism opportunities; and
- Encourage light industry.

The revised master plan is now considered ready for public exhibition.

Options

Council can choose to:

1. Exhibit the draft revision of Nhill Aerodrome Master Plan for public comment for a period of 28 days as presented; or
2. Exhibit the draft revision of Nhill Aerodrome Master Plan for public comment for a period of 28 days with changes;
3. Not progress the draft revision of Nhill Aerodrome Master Plan.

Link to Council Plan:

- 1.1 An actively engaged community.
- 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
- 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs.
- 3.1 A strong rural economy and thriving towns.

Financial Implications:

Council at its meeting 23 May 2018, approved to allocate \$10,000 from the \$50,000 2017/2018 budget for Precinct and Recreation Plan Projects Funding for the purposes of revising the Nhill Aerodrome Master Plan.

Risk Management Implications:

The Nhill Aerodrome Master Plan aims to adequately provide for growth of the site for a diverse range of existing and future users without compromising airfield operations.

The master plan recognizes and makes provision for the use of the site by emergency services.

The final master plan should be incorporated in the Hindmarsh Planning Scheme to ensure appropriate land use and controls are in place to avoid encroachment to the airfield and potential conflict between competing land use.

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 and Author Responsible – Shane Power, Director Infrastructure Services

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

Communications Strategy:

Invite the community to make comment on the draft revised Nhill Aerodrome Master Plan via Council's website, Facebook page and through placing advertisements and/or media releases in local papers.

Make available the draft revised Nhill Aerodrome Maser Plan for download from Council's website and for viewing at Council's customer service centres.

Next Steps:

Pending Council approval, commence the communications strategy and exhibition period. Present to the Nhill Aerodrome Master Plan Advisory Group and to Council, any feedback received during the consultation period for consideration prior to adopting a final version of the plan.

RECOMMENDATION:

That Council approves the exhibition of the draft revision of Nhill Aerodrome Master Plan (attachment 10) for public comment for a period of 28 days

MOVED: Crs D Colbert/R Lowe

That Council approves the exhibition of the draft revision of Nhill Aerodrome Master Plan (attachment 10) for public comment for a period of 28 days.

CARRIED

Attachment: 10

12. SPECIAL COMMITTEES

12.1 CIVIC CENTRE MANAGEMENT COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 11

Introduction:

The Civic Centre Management Committee held its annual general meeting on 28 November 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:

1. ***That Council notes the minutes of the Civic Centre Management Committee annual general meeting held on 28 November 2018.***
2. ***That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Civic Centre Management Committee:***
 - ***Bill Hutson (Chair Person)***
 - ***Kate Hutson***
 - ***Graham Petschel***
 - ***Ross Heinrich***
 - ***Trish Snell***
 - ***Rob Koning***
 - ***Michael Sullivan***
 - ***Shirley Petschel (Secretary)***

MOVED: Crs R Lowe/D Colbert

1. ***That Council notes the minutes of the Civic Centre Management Committee annual general meeting held on 28 November 2018.***
2. ***That, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council appoints as members of the Civic Centre Management Committee:***
 - ***Bill Hutson (Chair Person)***
 - ***Kate Hutson***
 - ***Graham Petschel***
 - ***Ross Heinrich***
 - ***Trish Snell***
 - ***Rob Koning***
 - ***Michael Sullivan***
 - ***Shirley Petschel (Secretary)***

CARRIED

Attachment: 11

12.2 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 12

Introduction:

The Nhill Town Committee held its meeting on 17 December 2018. The purpose of this report is to note the minutes from these meetings. 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 17 December 2018.

MOVED: Crs D Colbert/R Lowe

That Council notes the minutes of the Nhill Town Committee meeting held on 17 December 2018.

CARRIED

Attachment: 12

13. LATE REPORTS

13.1 REFURBISHMENT OF THE JEPARIT SKATEPARK

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks approval to refurbish the Jeparit Skatepark.

Over the past 18 months new skateparks have been jointly funded by Council and Sport and Recreation Victoria at both Dimboola and Rainbow. A joint funded project for construction of a new skatepark will also soon commence in Nhill. The Jeparit Skatepark was constructed in 2008 and consists of a concrete slab with various metal ramps and elements bolted to the slab.

Discussion:

Council's financial contribution to the three skatepark projects in Dimboola, Rainbow and Nhill totals approximately \$425,000.

This project proposes that some of the metal ramps and other elements that are no longer in use in the other towns be relocated to the Jeparit Skatepark to provide the local youth with an improved recreational experience. Once relocated these ramps and elements, along with the existing infrastructure at Jeparit, will have their undersides treated with specialized sound deadening skate tape, whilst the riding surface will be treated with skate paint. Further detail on the works to be undertaken is provided below.

Project Scope:

INSTALLATION OF SOUND DAMPENING TO MODULAR SKATE ELEMENTS AT THE JEPARIT SKATEPARK:

- Site mobilisation and de-mobilisation – including WH&S requirements
- Supply travel, accommodation, work vehicle and sundries for 2-3 days of installation
- Supply and undertake inspections of all modular steel ramps to ensure structural integrity of riding surface
- Supply smallest skip bin hire (3m) as required
- Supply and install specialized adhesive bituminous vibration & sound dampening skate-tape to underside of modular ramps
- Supply and install enclosures to modular ramps where required
- Supply plant and labour to install crack repair and "Abelfex" at modular ramp toe plates where required
- Supply and install "sikaflex" joint sealant where required
- Supply, prepare and apply custom ordered and specialized riding surface skate-paint to steel ramps
- Supply labour and materials to clean-up, reinstate grass areas if required and make good at the end of job as required

The estimated cost of this project is \$12,000 ex GST, of which \$7,928.00 will be used for the treatment of the ramps and elements, with the remainder to be allocated towards the relocation and installation of the additional ramps and elements.

Should this proposal be approved, Trinity Skateparks would undertake this work whilst in the Shire to construct the Nhill Skatepark. The surplus ramps would be relocated to the Jeparit Depot for treatment prior to installation at the skatepark.

According to the 2016 Census, Jeparit has a population of 477 with 76 of these residents

aged between 4 and 25. A refurbished skatepark will provide a much needed recreational outlet for the youth of Jeparit.

Whilst the Jeparit Skatepark is not receiving any grant funding for the proposed refurbishment as outlined in this report, it is recommended that the refurbishment should be included within the broader Skatepark development projects that have occurred across the shire over the past 18 months. Council has received \$300,000 of grant funding from Sport & Recreation Victoria towards these projects

Link to Council & Community Plans:

The refurbishment will 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.

The refurbishment of the Jeparit Skatepark aligns with objectives identified in the Hindmarsh Shire Sport and Recreation Strategy:

Jeparit 9.2.3 Strategic Directions - Resources should concentrate on opportunities that support informal recreation activities (and) retention of a core suite of recreational activities including the skatepark.

This project also aligns with the objectives of the Jeparit Community Plan 2016-2019 Landscape and amenities improvements to Broadway Park precinct (including) skatepark improvements: sound dampening: more components to skatepark.

Financial Implications:

The Budget for 20797 Skatepark Facilities in 2018/19 is \$250,000 (including Sport & Recreation Victoria's contribution of \$100,000) The budgeted cost of the Nhill Skatepark is \$236,000 including site preparation, skatepark construction, planting of trees and a \$10,000 contingency. This leaves \$14,000 in 20797 Skatepark Facilities available for further skatepark improvements.

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 at the skatepark.

Communications Strategy

Media release detailing project and outcomes.

Options:

1. Council can decide to allocate \$12,000 from 20797 – Skatepark Facilities for the refurbishment of the Jeparit Skatepark.
2. Council can decide not to fund the refurbishment of the Jeparit Skatepark and refer the matter to the next budget.

RECOMMENDATION:

That Council allocates \$12,000 from 20797 Skatepark Facilities for the refurbishment of the Jeparit Skatepark.

MOVED: Crs D Nelson/R Lowe

That Council allocates \$12,000 from 20797 Skatepark Facilities for the refurbishment of the Jeparit Skatepark.

CARRIED

Cr R Ismay declared a conflict of interest in item 13.2 because of indirect interest – conflicting duty as he is a member of the Enduro sub-committee. Cr Ismay left the room at 3:40pm, Cr R Lowe assumed chair for the meeting.

13.2 APPLICATION FOR PLANNING PERMIT 1620-2019 – CA9 SEC B & CA11 SEC B TOWNSHIP OF RAINBOW (RAINBOW RISES RD RAINBOW)

Responsible Officer: Acting Director Infrastructure Services
File: Planning – Applications
Assessment: 200143
Applicant: Mr Simon Landrigan on behalf of Victorian Off Road Racing Association
Owner: Graincorp Pty Ltd / DELWP (Department of Environment, Land, Water and Planning)
Subject Land: CA11 Sec B Township of Rainbow (Rainbow Rises Rd Rainbow)
Proposal: Place of assembly – Rainbow Rises car racing event

Zoning & Overlays:

- Farming Zone (FZ)
- Public Parks and Recreation Zone (PPRZ)
- Environmental Significance Overlay Schedule (ESO 1) – Sewerage Treatment Plant Buffer Area
- Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value

Attachments: 18 & 19

Summary:

This report recommends that Council approve planning permit 1620-2019 for a 'place of assembly' for the 'Rainbow Rises 240' car racing event.

Background:

On the 31 January 2019, Simon Landrigan (Council's Community Development Coordinator) on behalf of the Victorian Off-Road Racing Association lodged a planning application for the 'Rainbow Rises 240' event (place of assembly), consisting of the primary staging area, associated car parking area and a track, approximately 8.7 kilometres in length, utilising existing tracks on DELWP land to race off-road racing vehicles. The event is to occur on the 10 March 2019.

Proposal Details:

The proposal is to conduct the Rainbow Rises 240 event on two parcels of land within Rainbow, utilising existing tracks on public land. Associated with the proposal is the main staging area located on Graincorp land as well as associated staging area facilities, including a car parking area, pit area, canteens and sign-in, spectator area, race control, first aid area, and temporary toilets. The event is to be attended by 30-40 competition vehicles, 200 personnel, and 500 spectators.

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.

Requirement for Permit:

A planning permit is required for the car parking and staging area (Crown Allotment 11) under Clause 35.07 – Farming Zone (FZ) of the Hindmarsh Planning Scheme for 'place of assembly', which is a Section 2 use in the zone. A 'place of assembly' is defined under the scheme as "land where people congregate for religious or cultural activities, entertainment, or meetings".

A planning permit is not required for the racing component of this event on public land (Crown Allotment 9), zoned "Public Parks and Recreation (PPRZ)", as Clause 62.03 of the Hindmarsh Planning Scheme – "Events on Public Land", states:

"Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- *an event on public land; or*
- *temporary buildings or works required for the event;*

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site".

Subject site & locality:

The carparking and staging area subject site is located at Crown Allotment 11 Section B, Township of Rainbow, (Rainbow Rises Road Rainbow) and is owned by Graincorp. The subject site (staging area) is located approximately 1 km west of Rainbow. The course of the race will use existing tracks, over public land known as the 'Rainbow Common' State Forest. Consent has been granted by DELWP to undertake the proposed race over this site, thus gaining exemption under Clause 62.03 for Crown Allotment CA9 (Rainbow Common State Forest).

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

Public Notification

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

s52 Notice of application

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

- (c) *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 it is considered that no material detriment will be caused to any person, for the following reasons:

- The subject land is not in close proximity to any dwelling within the Rainbow Township, thus there is no concern relating to noise or detrimental impacts on amenity;
- The event proposed within this application is a 'one off' event only; and
- Previous events conducted on this site have enjoyed significant community support.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.
- Environmental Health: No objection. Appropriate food premises permits under the Environmental Health Act will be requested for the food premises.
- Building: Not required.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01 Victoria

Clause 12.03-01S River corridors, waterways, lakes and wetlands

Clause 12.05-02S Landscapes

Clause 12.05-1S Environmentally sensitive areas

Clause 17 Economic Development

Clause 17.01-01S Diversified economy
Clause 17.01-1R Diversified economy - Wimmera Southern Mallee
Clause 17.04 Tourism
Clause 17.04-01S Facilitating tourism
Clause 17.04-1R Tourism - Wimmera Southern Mallee

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 35.07 Farming Zone
Clause 36.02 Public Parks and Recreation Zone

Overlay Provisions

Clause 42.01 Environmental Significance Overlay Schedule 1 (ESO 1) – Sewerage Treatment Plant Buffer Area
Clause 42.01 Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value

Particular Provisions

None applicable.

Planning Comment:

The proposed off-road racing event aligns with the planning policy framework, having particular regard to policies surrounding tourism and economic development within the Rainbow area, with the event having delivered considerable economic benefit to the town and Shire in general, by attracting large numbers of tourists to the area.

Past events have not caused any detrimental impacts upon the natural environment.

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.

This clause does not apply to a VicSmart application.

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

Discussion:

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

No assessment against the provisions of the Public Parks and Recreation Zone (PPRZ) is required, as no permit is triggered under the provisions of this zone, or any overlays affecting the subject land.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 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 proposal 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 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 has little impact upon the continued agricultural viability of the land, being Graincorp land.

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 event 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.

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 considered lodged on 31 January 2019. The report is being presented to Council for approval on the 6 February 2019 (7 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible – 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 a planning permit for a place of public assembly on CA 11 Sec B Township of Rainbow (Rainbow Rises Rd 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 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;***
 - (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.***

Permit Lapse/ Extension

5. ***Except with the written consent of the responsible authority, the use of the land for the purpose of a place of assembly must cease on 11 March 2019.***

MOVED: Crs R Gersch/D Colbert

That Council approves an application for a planning permit for a place of public assembly on CA 11 Sec B Township of Rainbow (Rainbow Rises Rd 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 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;***
 - (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.***

Permit Lapse/ Extension

5. ***Except with the written consent of the responsible authority, the use of the land for the purpose of a place of assembly must cease on 11 March 2019.***

Attachments: 18 & 19

Cr R Ismay returned to the room at 3:42pm and resumed the chair.

14. OTHER BUSINESS

No 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.

RECOMMENDATION:

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

- 15.1 Tender for Supply and Construction of Dimboola Sports Stadium Roof Replacement***
- 15.2 North Ward Youth Council Vacancy***
- 15.3 Former Arkona Tennis Court Site***
- 15.4 Purchase of One Articulated Motor Grader***
- 15.5 Procurement of 3D Machine Control and GNSS Systems***

MOVED: Crs R Lowe/D Colbert

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

- 15.1 Tender for Supply and Construction of Dimboola Sports Stadium Roof Replacement***
- 15.2 North Ward Youth Council Vacancy***
- 15.3 Former Arkona Tennis Court Site***
- 15.4 Purchase of One Articulated Motor Grader***
- 15.5 Procurement of 3D Machine Control and GNSS Systems***
- 15.5.1 Supplementary Report: Procurement of 3D Machine Control and GNSS Systems***
- 15.6 Chief Executive Officer Appraisal 2017/18***

CARRIED

Council resumed in open session at 4:48pm.

16. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 4:49pm.
