



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD
10 JULY 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 PA1627-2019 – Construction of a Dwelling and Shed on CP154120, Lawson Road Dimboola

- 10.2 Application for Planning Permit PA1631-2019 – Land Subject to Inundation Overlay on Lot 13 LP10602, 9 Moulder Street Dimboola
- 10.3 Amendment to Planning Permit Pa1617-2019 – CA11 Sec B, Tsh Rainbow (11 Rainbow Rises Rd Rainbow) And Various Locations – Place of Assembly - Rainbow Enduro Off-Road Racing Event (5 Years - 2019-2023 Inclusive)

11. Reports Requiring a Decision

- 11.1 Wimmera Integrated Relief and Recovery Plan 2017-2020 (Version 2.0)
- 11.2 Rainbow Recreation Reserve / Rainbow Caravan Park Master Plan

12. Special Committees

- 12.1 Dimboola Town Committee

13. Late Reports

No report

14. Other Business

15. Confidential Matters

No report

16. Meeting Close

Present:

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

Apologies:

Cr R Lowe (Deputy Mayor) – Leave of Absence, Mr Greg Wood (Chief Executive Officer)

In Attendance:

Ms Monica Revell (Acting Chief Executive Officer), Ms Angela Hoy (Director Infrastructure Services), Ms Sarah Dickinson (Executive Assistant), Mr Andre Dalton (Coordinator Planning and Development) (Items 1 to 10.3), Ms Lauren Kerber (Administration Assistant Infrastructure Services) (Items 1 to 16), Mr Phil King (Manager Economic and Community Development) (Items 11.2 to 11.2)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

Cr R Lowe (leave of absence), Mr Greg Wood (Chief Executive Officer)

RECOMMENDATION:

Cr R Lowe apology be accepted.

MOVED: Crs D Colbert/T Schneider

Cr R Lowe and Mr Greg Wood (CEO) apologies be accepted.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 26 June 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/D Colbert

That the Minutes of the Ordinary Council Meeting held on Wednesday 26 June 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

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

Direct; or

Indirect interest

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

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

None declared.

5. PUBLIC QUESTION TIME

No public questions, no public in attendance.

6. DEPUTATIONS

No deputations.

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: JUNE 2019

Cr ISMAY, MAYOR

Attended:

05/06/2019 Briefing meeting Nhill
05/06/2019 Council meeting Nhill
05/06/2019 Off Road Meeting Rainbow
06/06/2019 MAV conference Melbourne
10/06/2019 Discussions with various Enduro members
11/06/2019 Camp site tour with S Landrigan Rainbow
12/06/2019 Regional Roads Vic meeting Ballarat
14/06/2019 WHAG meeting Bacchus Marsh
17/06/2019 LGNGA Canberra
18/06/2019 LGNGA Canberra
19/06/2019 LGNGA Canberra
21/06/2019 Seasonal conditions meeting Horsham
21/06/2019 Mayoral gathering Horsham
21/06/2019 Parker Gould Grey Wolf Award Rainbow
24/06/2019 Rainbow town committee meeting
26/06/2019 MOU Discussion with senior exec staff (Vorra)
26/06/2019 Briefing meeting Nhill
26/06/2019 Council meeting Nhill
26/06/2019 Rainbow Lions club AGM
27/06/2019 Breakfast with Dipper Nhill
27/06/2019 Regional Tourism review Horsham

Cr LOWE, DEPUTY MAYOR

Attended:

05/06/2019 Briefing meeting Nhill
05/06/2019 Council meeting Nhill
11-30/06/2019 Leave of absence from Council

Cr GERSCH

Attended:

05/06/2019 Council briefing and meeting
09/06/2019 Attend Nhill Golf Tournament
09/06/2019 Jeparit Museum
11/06/2019 WDA board meeting
14/06/2019 RCV board meeting
17/06/2019 Present Youth Certificates at P12 College
18/06/2019 Visit small business van at Nhill
24/06/2019 Meeting with Greg and Monica re New Local Gov Bill
24/06/2019 Phone link up RCV board re New Local Gov Bill

26/06/2019 Council briefing and meeting

Cr COLBERT

Attended:

05/06/2019 Briefing meeting Nhill

05/06/2019 Council meeting Nhill

26/06/2019 Briefing meeting Nhill

26/06/2019 Council meeting Nhill

Cr NELSON

Attended:

03/06/2019 Town Committee meeting, Dimboola

05/06/2019 Briefing Meeting, Nhill

05/06/2019 Council Meeting Nhill

11/06/2019 Wimmera development Association meeting, Horsham

26/06/2019 Briefing Meeting, Nhill

26/06/2019 Council Meeting, Nhill

Cr SCHNEIDER

Attended:

05/06/2019 Briefing meeting Nhill

05/06/2019 Council meeting Nhill

26/06/2019 Briefing meeting Nhill

26/06/2019 Council meeting Nhill

SENIOR MANAGEMENT ACTIVITIES: JUNE 2019

GREG WOOD, Chief Executive Officer:

Attended:

05/06/2019 Mayor CEO meeting Nhill
05/06/2019 Councillor Briefing Nhill
05/06/2019 Council Meeting Nhill
06/06/2019 MAV Rural Councils Meeting, Melbourne
12/06/2019 Public Meeting – Rainbow Nhill Rd Bridge (Outlet Creek), Rainbow
13/06/2019 Horsham Magistrates Court re Bywaters
16-19/06/2019 National General Assembly (ALGA) Canberra
20/06/2019 Teleconference CEOs of successful RCTP applications
24/06/2019 Local Government Bill Review, Cr Gersch, Monica Revell, Nhill
26/06/2019 Meeting re Enduro Advisory Committee and Rainbow Town Committee
26/06/2019 Mayor CEO meeting Nhill
26/06/2019 Councillor Briefing Nhill
26/06/2019 Council Meeting Nhill
27/06/2019 Health and Wellness Expo, Nhill
27/06/2019 Wimmera Regional CEO Meeting Horsham
27/06/2019 Rural Council Transformation Project CEO Meeting Horsham

JANETTE FRITSCH, Acting Director Infrastructure Services:

Attended:

03/06/2019 Wimmera CMA meeting
05/06/2019 Council Briefing Meeting, Nhill
05/06/2019 Council Meeting, Nhill
06/06/2019 Wimmera Emergency Management Steering Group Meeting
13/06/2019 Emergency Simulation Exercise Dimboola
18/06/2019 Wimmera CMA meeting – Flood Strategy
18/06/2019 Shared Building Services meeting – HRCC
20/06/2019 GWM Customer & Stakeholder Workshop
26/06/2019 Council Briefing Meeting, Nhill
26/06/2019 Council Meeting, Nhill

ANGELA HOY, Director Infrastructure Services:

26/06/2019 Council Briefing Meeting, Nhill
26/06/2019 Council Meeting, Nhill

MONICA REVELL, Director Corporate and Community Services:

Attended:

05/06/2019 Council Briefing
05/06/2019 Council Meeting
06/06/2019 CHSP Workshop Ballarat
11/06/2019 EBA Negotiations Nhill
12/06/2019 Rainbow Nhill Road Closure Public Meeting Rainbow

13/06/2019	Child Safeguarding Training Nhill
14/06/2019	WRLC Board Meeting
17/06/2019	EBA Negotiations Nhill
18/06/2019	CHSP Webinar
25/06/2019	West Wimmera Shire Council Audit Committee Meeting Kaniva
26/06/2019	Council Briefing
26/06/2019	Council Meeting
27/06/2019	All Right Doors Meeting Horsham
28/06/2019	Investigations in the Workplace Training Melbourne

Business Arising:

MOVED: Crs R Gersch/T Schneider

That the Councillors would like to acknowledge and thank Ms Janette Fritsch for the period in which she filled the Acting Director Infrastructure Services role.

CARRIED

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council,

Inwards:

- Nil

Outwards:

- Letter to Anne Webster congratulating her on successful election
- Letter to Bev Hoffman for receiving Order of Australia medal
- Letter to Victorian Grants Commission
- Letter to VicTrack regarding High Street Dimboola

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs T Schneider/R Gersch

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: Crs D Colbert/T Schneider

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT PA1627-2019 – CONSTRUCTION OF A DWELLING AND SHED ON CP154120, LAWSON ROAD DIMBOOLA

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200423
Applicant:	Ms Lily Mason – Central Vic Planning Consultants
Owner:	Lauren and Alistair McKinnon
Subject Land:	CP154120, Lawson Rd Dimboola
Proposal:	To use and develop land (including buildings and works) for the construction of a dwelling and shed
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value
Attachment:	4

Summary:

This report recommends that Council approve planning permit PA1627-2019 for the use and development of land (including buildings and works) for the construction of a dwelling and shed located at Lawson Road, Dimboola.

Background:

The proposal seeks a permit to use and develop land (including buildings and works) to construct a dwelling and shed on land 7.46 ha in area. The land is currently vacant, used for grazing and agriculture, and contains an existing shed on the north-eastern quadrant of the land, and small farm dam at the southern corner of the allotment.

Proposal Details:

The proposal is for the construction of a single storey, five bedroom brick veneer dwelling and associated shed at the eastern end of the allotment, with the proposed dwelling set back approximately 70 metres from Lawson Road. The property has no access to reticulated sewer or water so a waste and greywater management system will be installed to treat the wastewater from the dwelling. The stormwater system will be sealed to collect 100% of the water from the roof and connected to a water tank for household use and farm purposes. The applicants have submitted a farm management plan in support of this application, showing the proposed agricultural activities to be undertaken, including fruit and nut orchards, olive groves, and paddocks for sheep.

Requirement for Permit:

A Planning permit is triggered for this application pursuant to Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for the use and development of land (including buildings and works) for the construction of a dwelling and shed. As the dwelling is proposed on a lot under 40 hectares as specified within the scheme, the proposal is classified as a Section 2

use under the provisions of the Farming Zone.

A planning permit is required under the provisions of the ESO6 for the generation of wastewater (from the proposed septic system).

Definitions:

The proposal is for a dwelling, defined as “*A building used as a self-contained residence which must include:*

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

It includes out-buildings and works normal to a dwelling”.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The subject site is located within grazing and cropping land, in an area of similar sized allotments, approximately 3.9 kilometres south east of the Dimboola Post Office. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

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

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.*

Notification was given to adjoining landowners, with no objections raised to the proposal.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – no objection subject to the application of a note stating “*The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future*”.

Section 52 Notices: Adjoining Landowners.

Internal Referrals:

- Engineering: Condition to be applied.
- Environmental Health: Any septic tank is to be installed on site in accordance with Code of Practice: EPA Code of Practice Onsite Wastewater Management.
- Building: Building Permit required.
- Economic Development and Tourism: Not applicable.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11 - Settlement

Clause 11.01 - Victoria

Clause 11.01-1R - Settlement - Wimmera Southern Mallee

Clause 13.02 – Bushfire

Clause 14.01 - Agriculture

Clause 14.01-1S - Protection of agricultural land

Clause 14.01-2S - Sustainable agricultural land use

Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee (PDF 790.7 KB)

Clause 14.02-2S - Water quality

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 (FZ)

Overlay Provisions:

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

Particular Provisions:

None Applicable.

General Provisions:

Clause 65 - Decision Guidelines, states that:-

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

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

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

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

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 regard to the benefit the proposal will cause regarding appropriate use of land for agriculture.

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 65 the Responsible Authority must consider, as appropriate (as

outlined in detail within the Planning Scheme):

Decision Guidelines

General

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

The development and proposed use of this property is in keeping with the planning scheme, and is supported by state policy. The proposed use of the land is for a sheep farm, olive grove and fruit orchard.

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

The proposal will not compromise the quality of the water catchment from the allotment as the dwelling and wastewater disposal is over 60m from the closest waterways and dams.

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

The location of the development and effluent disposal is on a level section of the property with good drainage, therefore a septic system will perform satisfactorily on this site with low risk to the environment. Stormwater will be collected to be used on site. Diversion drains will be installed to divert any excess stormwater, and a condition will be applied requiring compliance with the EPA's Code of Practice for Septic Tanks.

4. How the use or development relates to sustainable land management.

The design of the farm has taken into consideration the size of the allotment, which is quite small in farming terms. The proposal ensures that the farm is productive while remaining sustainable in its treatment of the soil and use of water.

5. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The surrounding farming zone allotments contain variously sized freehold farms with grazing or crop production. The proposed development and use is in keeping with the adjoining and nearby land uses as the property is to be used for grazing and crops.

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

The existing shed will be extended and used for storage of farm machinery, production of table olives and will provide meal room facilities for farm staff. A cool store will be installed. Other existing shedding will be used for storing farm machinery and feed.

Agricultural

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

The use of the land for sheep and crops with a residence will greatly enhance the agricultural use of this property. The property hasn't been well managed as productive farm land and the proposal will ensure that the land is maintained, with soil regeneration and revegetation.

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

A septic system will perform satisfactorily on this site with low risk to the environment. The proposed farm enterprise ensures agricultural use of the property.

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

This property is not adjacent to any large scale farms which may be seeking to expand.

4. The capacity of the site to sustain the agricultural use.

The soil is mostly made up of a silty loam on silty clay loam. The quality of this soil is good and will easily be able to support the proposed use.

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

The soil quality is good and is able to sustain the proposed uses. Water will be available from tanks and the existing dam. As part of the sustainable plan for this property all rainwater for the dwelling and sheds will be collected to be stored and used on the property for the dwelling and crops.

6. Any integrated land management plan prepared for the site.

An integrated land management plan has not been prepared for this site, and is not required in this instance.

Dwelling

1. Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

The dwelling will not affect the functionality of the farm and has been placed close to the existing shedding to avoid fragmentation of the paddocks.

2. 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.

The dwelling has sufficient set back and distance from the adjoining agricultural properties and therefore is unlikely to be negatively impacted.

3. Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

This property is not adjacent to any large scale farms which may be seeking to expand.

4. 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.

This property is in keeping with the area. The proposal will not lead to any further development in the area as the zoning would prohibit further subdivision or development.

Environmental

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

The proposed area for the dwelling is a relatively flat area covered by pasture. The construction of the dwelling will not adversely affect the physical features of the land or its flora and fauna. As part of the development there is a plan to revegetate areas of the property, which will protect the soil and potentially support local fauna. The soil and water quality will not be affected by the construction of the dwelling as the proposed septic system will process the effluent before it is released into the soil.

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

The proposed site for the dwelling doesn't contain any flora or fauna of note. Areas of native vegetation and animal habitats will not be affected by the proposed dwelling.

3. 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.

Existing vegetation on the property is to be retained. All farming practices will be in keeping with the natural environment as much as is possible.

4. The location of on-site effluent disposal areas to minimise the impact of nutrient loads

on waterways and native vegetation.

The proposed septic system will be located to the north east of the dwelling and will process wastewater on site, ensuring minimum impact on waterways and the surrounding environment.

Design and siting

1. 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.

There is no loss of productive land besides the footprint of the dwelling and shed.

2. 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 proposed development will not affect the natural environment, major roads or water features. The design of the house is in keeping with the rural environment. The materials used will not impact the natural environment, its flora, fauna or waterways.

3. 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.

Not applicable.

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

The property will be accessed via Lawson Road. This is an unsealed road located to the southeast of the proposed dwelling. There is access to reticulated water, telecommunications and electricity from the access road. Gas and sewerage are unavailable.

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

Not applicable.

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 30 April 2019. The report is being presented to Council at its meeting on the 10 July 2019 (65 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Author: Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves planning application PA1627-2019 for the use and development of land (including buildings and works) for the construction of a dwelling and shed on CP154120, Lawson Rd Dimboola, 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 construction of the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
 - (a) Transport of materials, goods or commodities to or from the land;***
 - (b) Appearance of any buildings, works or materials;***
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) Presence of vermin; or***
 - (e) In any other way.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the***

premises must occur on site.

General

5. *The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*

Environmental Health

6. *The wastewater from the dwelling 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

7. *The applicant shall at their cost, engage a suitably qualified contractor to construct a crossover in accordance with the Infrastructure Design Manual Standard Drawing 255. A consent to works permit must be obtained from council before commencement of works.*

Permit Lapse/Extension

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

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

Notes:

1. *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.*
2. *Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit, should this be required.*
3. *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.*

4. ***The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.***

MOVED: Crs T Schneider/D Nelson

That Council approves planning application PA1627-2019 for the use and development of land (including buildings and works) for the construction of a dwelling and shed on CP154120, Lawson Rd Dimboola, 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 construction of the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
- (a) ***Transport of materials, goods or commodities to or from the land;***
 - (b) ***Appearance of any buildings, works or materials;***
 - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) ***Presence of vermin; or***
 - (e) ***In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

General

5. ***The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***

Environmental Health

6. ***The wastewater from the dwelling 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.***

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- 3. 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.**
- 4. The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.**

CARRIED

Attachment: 4

10.2 APPLICATION FOR PLANNING PERMIT PA1631-2019 – LAND SUBJECT TO INUNDATION OVERLAY ON LOT 13 LP10602, 9 MOULDER STREET DIMBOOLA

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	86360
Applicant:	Melissa Varley
Owner:	Melissa Varley
Subject Land:	Lot 13 LP10602, 9 Moulder St Dimboola
Proposal:	Construction of 2 x sheds and attached carport on LSIO
Zoning & Overlays:	General Residential Zone Schedule 1 (GRZ1); Environmental Significance Overlay Schedule 6 (ESO6) – Catchments of Wetlands of Conservation Value; Floodway Overlay (FO); and Land Subject to Inundation Overlay (LSIO)
Attachment:	5

Summary

This report recommends that Council approve planning permit PA1631-2019 for the construction of 2 x sheds and attached carport located at 9 Moulder Street, Dimboola.

Background & Proposal Details

The proposal is for the construction of a single storey ‘busport’ (12m x 3.6m), a separate single storey three bay shed (9m x 6m) and a carport (5m x 3m) in association with an existing dwelling on the subject land. The shedding is located to the rear of the land on the north western corner of the allotment, and the land is currently occupied by a single storey weatherboard dwelling and associated shedding. The property has access to all reticulated services (sewer, water and electricity), and is surrounded by development of a similar type and style, typical of a residential neighbourhood.

Requirement for Permit

A Planning permit is triggered for this application pursuant to Clause 44.04-2 – Buildings and works within the Land Subject to Inundation Overlay (LSIO) of the Hindmarsh Planning Scheme to construct a building or to construct or carry out works. No permit is triggered under the provisions of the General Residential Zone (GRZ1), or any other overlays.

Definitions

The proposal is for the construction of 1x busport, 1 x 3 bay shed, and 1 x attached carport (domestic and vehicle storage), which is ancillary to an existing dwelling, defined as “A *building used as a self-contained residence which must include:*

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

It includes out-buildings and works normal to a dwelling”.

Restrictive Covenant or Section 173 Agreement

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

Cultural Heritage Management Plan (CHMP)

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

Subject site & locality

The subject site is located within a residential area within Dimboola, in an area of similar sized allotments, approximately 700 metres north east of the Dimboola Post Office. The area is primarily residential in nature, located on the north eastern periphery of the town of Dimboola proper, between the Wimmera River, and the Nhill Road. The subject land is approximately 200 metres from the Dimboola Hospital and Warner’s Service Station.

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

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.*

Notification was not required to be given to adjoining landowners, as Clause 44.04-6 of the LSIO - Exemption from notice and review, states “An application under this overlay is 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.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Wimmera Catchment Management Authority (WCMA) – no objection subject to the application of conditions.

Section 52 Notices: Not required.

Internal Referrals:

- Engineering: Not required.

- Environmental Health: Not required.
- Building: Building Permit required.
- Economic Development and Tourism: Not applicable.

Planning Assessment

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 - Settlement

Clause 11.01 - Victoria

Clause 11.01-1R - Settlement - Wimmera Southern Mallee

Clause 13.03-1S - Floodplain management

Clause 14.02-1S - Catchment planning and management

Clause 14.02-2S - Water quality

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Clause 22.03 – Floodplain Management

Zoning Provisions

Clause 32.08 – General Residential Zone Schedule 1 (GRZ1)

Overlay Provisions

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

Clause 44.04 – Land Subject to Inundation Overlay

Clause 44.03 – Flood Overlay

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 regard to the overall purpose of the residentially zoned land.

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.

Decision Guidelines – Clause 44.04-8 Land Subject to Inundation Overlay

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

- The Municipal Planning Strategy and the Planning Policy Framework.

The development and proposed use of this property is in keeping with the planning scheme, and is supported by state policy. The current use of the land is for residential purposes, with the proposed works being ancillary to the use of land for a dwelling.

- Any local floodplain development plan.

Not applicable.

- Any comments from the relevant floodplain management authority.

The application was referred to the Wimmera Catchment Management Authority (WCAM) who responded with conditions and an advice note – to be included on any permit granted.

- The existing use and development of the land.

The proposed construction works are ancillary to the existing use of the land for a dwelling.

- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

Not applicable. No part of the subject land is flood free.

- The susceptibility of the development to flooding and flood damage.

The proposed sheds and carport are non-habitable structures, with conditions applied by the WCMA to mitigate risk associated with flooding.

- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:

- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

It is considered that the risk to life, health and safety associated with the proposed development is negligible, given the proposed structures are non-habitable, and that the WCMA has conditionally agreed to the proposal.

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 27 May 2019. The report is being presented to Council at its meeting on the 10 July 2019 (45 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

Conflict of Interest

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Author: Andre Dalton, Coordinator Planning and Development

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

RECOMMENDATION:

That Council approves planning application PA1631-2019 for the construction of 2 sheds and attached carport on Lot 13, LP10602, 9 Moulder Street Dimboola, 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 construction of the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
 - (a) Transport of materials, goods or commodities to or from the land;***
 - (b) Appearance of any buildings, works or materials;***
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) Presence of vermin; or***
 - (e) In any other way.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not***

prejudicially affect the amenity of the area.

4. *All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.*

Wimmera Catchment Management Authority

5. *Finished floor levels of the garage must be constructed no lower than 101.99 metres Australian Height Datum (AHD).*

Prior to the issue of an Occupancy Permit, an as constructed finish floor level plan must be submitted to Wimmera CMA to demonstrate that the floor levels have been constructed in accordance with Wimmera CMA requirements.

6. *No earthen landfill is to be introduced on the allotment other than that required to achieve condition 5 above.*

Permit Lapse/Extension:

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

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

Notes:

1. *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.*
2. *Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit, should this be required.*
3. *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.*

4. ***The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future***

MOVED: Crs R Gersch/D Colbert

That Council approves planning application PA1631-2019 for the construction of 2 sheds and attached carport on Lot 13, LP10602, 9 Moulder Street Dimboola, 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 construction of the dwelling must be managed so that the amenity of the area is not detrimentally affected through the:***
- (a) Transport of materials, goods or commodities to or from the land;***
 - (b) Appearance of any buildings, works or materials;***
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
 - (d) Presence of vermin; or***
 - (e) In any other way.***
3. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
4. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

Wimmera Catchment Management Authority

5. ***Finished floor levels of the garage must be constructed no lower than 101.99 metres Australian Height Datum (AHD).***

Prior to the issue of an Occupancy Permit, an as constructed finish floor level plan must be submitted to Wimmera CMA to demonstrate that the floor levels have been constructed in accordance with Wimmera CMA requirements.

6. ***No earthen landfill is to be introduced on the allotment other than that required to achieve condition 5 above.***

Permit Lapse/Extension:

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

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

Notes:

- 1. *This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.*
- 2. *Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit, should this be required.*
- 3. *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.*
- 4. *The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future*

CARRIED

Attachment: 5

10.3 AMENDMENT TO PLANNING PERMIT PA1617-2019 – CA11 SEC B, TSH RAINBOW (11 RAINBOW RISES RD RAINBOW) AND VARIOUS LOCATIONS – PLACE OF ASSEMBLY - RAINBOW ENDURO OFF-ROAD RACING EVENT (5 YEARS - 2019-2023 INCLUSIVE)

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	Various
Applicant:	Mr Simon Landrigan c/- Victorian Off Road Racing Association
Owner:	Various
Subject Land:	Various private owners, DELWP, Parks Victoria
Proposal:	Place of Assembly – Rainbow Enduro Off-Road Racing Event (5 years - 2019 – 2023 inclusive)
Zoning & Overlays:	Farming Zone (FZ) Public Parks and Recreation Zone (PPRZ) Public Conservation and Resource Zone (PCRZ) Bushfire Management Overlay (BMO) Environmental Significance Overlay Schedule (ESO 2) – Channel and Reservoir Protection Environmental Significance Overlay Schedule (ESO 3) – Wimmera River Protection Environmental Significance Overlay Schedule (ESO 5) – Wetlands of Conservation Value Environmental Significance Overlay Schedule (ESO 6) – Wetlands of Conservation Value Land Subject to Inundation Overlay (LSIO)
Attachments:	6 & 7

Summary:

This report recommends that Council amend planning permit PA1617-2019 to add conditions requested by the Department of Environment, Land, Water and Planning (DELWP). The permit was granted by Council at its meeting on the 5 June 2019 to allow a 'place of assembly' for the Rainbow Enduro off-road car racing event to be held for 5 years, 5 events, commencing in 2019, and finishing in 2023.

Background, proposal details, subject site & locality:

Planning permit application PA1617-2019 was lodged with Council on 14 February 2019 for the purposes of a 'place of assembly' for the Rainbow Enduro off-road car racing event.

On the 30 April 2019, the planning permit application was referred to the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 52(1)(c) of the Planning and Environment Act 1987.

Correspondence received from DELWP on the 17 June 2019, noted that "Sections of the 78 Km long race track go through the Wimmera River Heritage Area Park in two locations,

Albacutya Bushland Reserve and Big Desert State forest. These are Crown Land respectively managed by Parks Victoria and DELWP.”

In addition, DELWP requested the following conditions be applied:

“Public Land Manager Consent from DELWP (FFR):

1. *A copy of this Permit, together with any notice giving exemption from the law, is available at the event location throughout the event. These documents must be produced on request to any member of the Victoria Police or to any person who is an authorised officer under section 71 of the Road Management Act 2004.*
2. *Public liability insurance cover for the event has been procured, with an indemnity of not less than twenty million dollars (\$20,000,000) and noting DELWP as an interested party to whom the benefit of the insurance extends.*
3. *If traffic will be impacted by the event, a pre-qualified traffic management company must control and supervise the traffic. All traffic management activities must be conducted safely, in accordance with section 99A of the Road Safety Act 1986.*
4. *All traffic management is in accordance with the Traffic Management Plan and the Road Management Act 2004 Worksite Safety – Traffic Management Code of Practice. (The Code of Practice is to be applied as if the Event Organiser is a 'works manager', the event is 'short term works' and the relevant roads are a 'worksite').*
5. *The approved location, time and nature of the event are not changed unless directed by a member of Victoria Police, or the change is approved by an authorised officer of the coordinating road authority for the relevant section of road.*
6. *Signs warning of the event and any detour(s) are erected and maintained before and during the event, ensuring any detour is clearly signed at each intersection. Signage must be adjusted in compliance with any direction from Victoria Police, a relevant road authority or a FFMV/DELWP authorised officer.*
7. *No structures are permitted on State Forest.*
8. *No native vegetation disturbance or removal is permitted.*
9. *At the end of the event, all displays and promotional material, rubbish, hazards and other equipment associated with the staging of the event are removed, and the area is left in a clean and tidy condition, including all road surfaces. This must be completed within 14 days of the completion of the event.*
10. *The Crown Land must be rehabilitated to the satisfaction of DELWP (For further information, contact Scott McLean Ph.: 03 5051 4362)*

Land Owner Consent:

DELWP considers the proposed use and development of the Crown Land is consistent to the Crown Land reservation purpose. As landowner, DELWP grants Land Owner Consent for use and development of Crown Land with the following conditions:

- 1. The permit applicant must obtain a licence from DELWP for the use of Crown land.*
- 2. All temporary infrastructure, signs and barriers are removed from the reserve within 14 days of the event.*
- 3. The track location and set out on the reserve is agreed upon by the Rainbow Plantation Timber and Water Supply Reserve Committee.*
- 4. All competition, recovery and officials' cars must remain clear of areas with sensitive vegetation.*
- 5. All disturbed soil is restored to the satisfaction of the Rainbow Plantation Timber and Water Supply Reserve Committee.*
- 6. After each event, and before September 30 of that year, the area is inspected by representatives of the Rainbow Plantation Timber and Water Supply Reserve Committee and the Victorian Off-Road Racing Association, to develop and document any required remedial actions.*
- 7. A second joint inspection needs to be held by 28 February of the following year to confirm completion.*
- 8. All activities, works and site remediation associated with the event must be completed to the satisfaction of the Regional Director of DELWP Grampians Region.*

Please note DELWP reserves the right to withdraw this consent and any licence if these conditions are not fully complied with".

Other conditions requested by DELWP include:

1. Except with the written consent of the Hindmarsh Shire Council and/or DELWP, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Vehicular or pedestrian access
 - b) Trenching or soil excavation
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) Entry and exit pits for the provision of underground services

e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

2. The track route along the 3-chain road on the western edge of the site, off Rainbow Rises Road, be confined to the existing vehicle track.

3. Enough buffer between racing activity areas and native vegetation should be allocated to protect tree root zones. The plan must also consider potential impact on native vegetation due to parking arrangements, service and logistics supporting the event and access for emergency support agencies.

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.

Conflict of Interest:

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

In providing this advice as the Officer Responsible, I have no 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 amend Permit PA1617-2019 for a Place of Assembly – Rainbow Enduro – 5 year event from 2019 to 2023 inclusive, to include Department of Environment, Land, Water and Planning conditions 6 to 26, as shown below.

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.***

Site reinstatement

5. ***The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to each annual event being conducted to the satisfaction of the Responsible Authority.***

Department of Environment, Land, Water and Planning

Public Land Manager Consent from DELWP (FFR):

6. ***A copy of this Permit, together with any notice giving exemption from the law, is available at the event location throughout the event. These documents must be produced on request to any member of the Victoria Police or to any person who is an authorised officer under section 71 of the Road Management Act 2004.***
7. ***Public liability insurance cover for the event has been procured, with an indemnity of not less than twenty million dollars (\$20,000,000) and noting DELWP as an interested party to whom the benefit of the insurance extends.***
8. ***If traffic will be impacted by the event, a pre-qualified traffic management company must control and supervise the traffic. All traffic management activities must be conducted safely, in accordance with section 99A of the Road Safety Act 1986.***
9. ***All traffic management is in accordance with the Traffic Management Plan and the Road Management Act 2004 Worksite Safety – Traffic Management Code of Practice. (The Code of Practice is to be applied as if the Event Organiser is a 'works manager', the event is 'short term works' and the relevant roads are a***

'worksite').

- 10. The approved location, time and nature of the event are not changed unless directed by a member of Victoria Police, or the change is approved by an authorised officer of the coordinating road authority for the relevant section of road.*
- 11. Signs warning of the event and any detour(s) are erected and maintained before and during the event, ensuring any detour is clearly signed at each intersection. Signage must be adjusted in compliance with any direction from Victoria Police, a relevant road authority or a FFMV/DELWP authorised officer.*
- 12. No structures are permitted on State Forest.*
- 13. No native vegetation disturbance or removal is permitted.*
- 14. At the end of the event, all displays and promotional material, rubbish, hazards and other equipment associated with the staging of the event are removed, and the area is left in a clean and tidy condition, including all road surfaces. This must be completed within 14 days of the completion of the event.*
- 15. The Crown Land must be rehabilitated to the satisfaction of DELWP (For further information, contact Scott McLean Ph.: 03 5051 4362)*

Land Owner Consent:

- 16. The permit applicant must obtain a licence from DELWP for the use of Crown land.*
- 17. All temporary infrastructure, signs and barriers are removed from the reserve within 14 days of the event.*
- 18. The track location and set out on the reserve is agreed upon by the Rainbow Plantation Timber and Water Supply Reserve Committee.*
- 19. All competition, recovery and officials' cars must remain clear of areas with sensitive vegetation.*
- 20. All disturbed soil is restored to the satisfaction of the Rainbow Plantation Timber and Water Supply Reserve Committee.*
- 21. After each event, and before September 30 of that year, the area is inspected by representatives of the Rainbow Plantation Timber and Water Supply Reserve Committee and the Victorian Off-Road Racing Association to develop and document any required remedial actions.*

22. *A second joint inspection needs to be held by 28 February of the following year to confirm completion.*
23. *All activities, works and site remediation associated with the event must be completed to the satisfaction of the Regional Director of DELWP Grampians Region.*
24. *Except with the written consent of the Hindmarsh Shire Council and/or DELWP, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:*
 - a) *Vehicular or pedestrian access*
 - b) *Trenching or soil excavation*
 - c) *Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products*
 - d) *Entry and exit pits for the provision of underground services*
 - e) *Any other actions or activities that may result in adverse impacts to retained native vegetation.*
25. *The track route along the 3-chain road on the western edge of the site, off Rainbow Rises Road, be confined to the existing vehicle track.*
26. *Enough buffer between racing activity areas and native vegetation should be allocated to protect tree root zones. The plan must also consider potential impact on native vegetation due to parking arrangements, service and logistics supporting the event and access for emergency support agencies.*

Permit Lapse/ Extension

27. *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 the 30th September 2023.*

Notes:

Wimmera Catchment Management Authority

Consideration should be made to the condition of waterway crossings on the race route. Following the event, the crossings should be examined and any damage to crossing condition repaired to ensure additional sediment is not washed into waterways during rainfall.

DELWP

The Department of Environment, Land, Water and Planning reserves the right to withdraw their consent and any licence if their conditions are not fully complied with.

CFA Recommendations

1. Emergency Management Planning (Fire Management Plan)

CFA recommends that event operators develop an emergency management plan to the satisfaction of CFA and CAMS. The emergency plan should include:

- **Emergency prevention, preparedness and mitigation activities;**
- **Activities for preparing for, and prevention of emergencies (e.g., training and maintenance);**
- **Control and coordination arrangements for emergency response (e.g., evacuation procedures, emergency Assembly Areas and procedures for response to hazards); and**
- **The agreed roles and responsibilities of on-site personnel (e.g., equipment isolation, fire brigade liaison, evacuation management).**

To facilitate fire brigade response, CFA's expectation is that the emergency management plan includes:

- **Event description, including infrastructure details, activities and operating hours;**
- **A site plan containing infrastructure (pit area, food vendors, race control, parking etc), site entrances, exits and internal roads, fire services (trucks, water tanks, extinguishers etc), and neighbouring properties;**
- **Contact details of site personnel, and any relevant off-site personnel that could provide technical support during an emergency;**
- **A manifest of dangerous goods (if required under the Dangerous Goods (Storage and Handling) Regulations 2012);**
- **Emergency procedures for credible hazards and risks, including fire;**
- **Procedures for notifying the emergency services; and**
- **Procedures for evacuating personnel.**
- **A Fire Management Plan includes all of the fire mitigation measures that will be implemented to reduce the risk of fire, established through a risk management process. A Fire Management Plan can specifically address:
*risk management measures specific to fire (as above).**

CFA's expectation is that the Fire Management Plan forms part of the Emergency Management Plan; where the hazards/risks and controls are identified and implemented to ensure fire risk is managed so far as is reasonably practicable.

2. Fuel Storage

CFA recommends that event operators develop a policy in regards to the storage of fuels when onsite, to the satisfaction of the CFA. The policy should include:

- ***The type of fuels onsite;***
- ***The amount of fuel to be contained onsite (both individual quantities & total event quantity);***
- ***Stipulate where the fuel is to be kept/stored when onsite;***
- ***Where and when refueling is to occur***
- ***How spills will be dealt with and with what (eg: spill kits, sand etc); and***
- ***Procedures on eliminating ignition sources.***

3. Other Requirements

***Fire protection measures to mitigate the associated risk of fire to the complex.
No fires are to be permitted without the written consent of CFA.***

MOVED: Crs T Schneider/D Colbert

That the Council amend Permit PA1617-2019 for a Place of Assembly – Rainbow Enduro – 5 year event from 2019 to 2023 inclusive, to include Department of Environment, Land, Water and Planning conditions 6 to 26, as shown below.

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.***

Site reinstatement

- 5. The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to each annual event being conducted to the satisfaction of the Responsible Authority.***

Department of Environment, Land, Water and Planning

Public Land Manager Consent from DELWP (FFR):

- 6. A copy of this Permit, together with any notice giving exemption from the law, is available at the event location throughout the event. These documents must be produced on request to any member of the Victoria Police or to any person who is an authorised officer under section 71 of the Road Management Act 2004.***
- 7. Public liability insurance cover for the event has been procured, with an indemnity of not less than twenty million dollars (\$20,000,000) and noting DELWP as an interested party to whom the benefit of the insurance extends.***
- 8. If traffic will be impacted by the event, a pre-qualified traffic management company must control and supervise the traffic. All traffic management activities must be conducted safely, in accordance with section 99A of the Road Safety Act 1986.***
- 9. All traffic management is in accordance with the Traffic Management Plan and the Road Management Act 2004 Worksite Safety – Traffic Management Code of Practice. (The Code of Practice is to be applied as if the Event Organiser is a 'works manager', the event is 'short term works' and the relevant roads are a 'worksite').***
- 10. The approved location, time and nature of the event are not changed unless directed by a member of Victoria Police, or the change is approved by an authorised officer of the coordinating road authority for the relevant section of road.***
- 11. Signs warning of the event and any detour(s) are erected and maintained before and during the event, ensuring any detour is clearly signed at each intersection. Signage must be adjusted in compliance with any direction from Victoria Police, a relevant road authority or a FFMV/DELWP authorised officer.***
- 12. No structures are permitted on State Forest.***
- 13. No native vegetation disturbance or removal is permitted.***
- 14. At the end of the event, all displays and promotional material, rubbish, hazards***

and other equipment associated with the staging of the event are removed, and the area is left in a clean and tidy condition, including all road surfaces. This must be completed within 14 days of the completion of the event.

- 15. The Crown Land must be rehabilitated to the satisfaction of DELWP (For further information, contact Scott McLean Ph.: 03 5051 4362)***

Land Owner Consent:

- 16. The permit applicant must obtain a licence from DELWP for the use of Crown land.***
- 17. All temporary infrastructure, signs and barriers are removed from the reserve within 14 days of the event.***
- 18. The track location and set out on the reserve is agreed upon by the Rainbow Plantation Timber and Water Supply Reserve Committee.***
- 19. All competition, recovery and officials' cars must remain clear of areas with sensitive vegetation.***
- 20. All disturbed soil is restored to the satisfaction of the Rainbow Plantation Timber and Water Supply Reserve Committee.***
- 21. After each event, and before September 30 of that year, the area is inspected by representatives of the Rainbow Plantation Timber and Water Supply Reserve Committee and the Victorian Off-Road Racing Association to develop and document any required remedial actions.***
- 22. A second joint inspection needs to be held by 28 February of the following year to confirm completion.***
- 23. All activities, works and site remediation associated with the event must be completed to the satisfaction of the Regional Director of DELWP Grampians Region.***
- 24. Except with the written consent of the Hindmarsh Shire Council and/or DELWP, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:***
- a) Vehicular or pedestrian access***
 - b) Trenching or soil excavation***
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products***
 - d) Entry and exit pits for the provision of underground services***

- e) ***Any other actions or activities that may result in adverse impacts to retained native vegetation.***
25. ***The track route along the 3-chain road on the western edge of the site, off Rainbow Rises Road, be confined to the existing vehicle track.***
26. ***Enough buffer between racing activity areas and native vegetation should be allocated to protect tree root zones. The plan must also consider potential impact on native vegetation due to parking arrangements, service and logistics supporting the event and access for emergency support agencies.***

Permit Lapse/ Extension

27. ***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 the 30th September 2023.***

Notes:

Wimmera Catchment Management Authority

Consideration should be made to the condition of waterway crossings on the race route. Following the event, the crossings should be examined and any damage to crossing condition repaired to ensure additional sediment is not washed into waterways during rainfall.

DELWP

The Department of Environment, Land, Water and Planning reserves the right to withdraw their consent and any licence if their conditions are not fully complied with.

CFA Recommendations

1. *Emergency Management Planning (Fire Management Plan)*

CFA recommends that event operators develop an emergency management plan to the satisfaction of CFA and CAMS. The emergency plan should include:

- ***Emergency prevention, preparedness and mitigation activities;***
- ***Activities for preparing for, and prevention of emergencies (e.g., training and maintenance);***
- ***Control and coordination arrangements for emergency response (e.g., evacuation procedures, emergency Assembly Areas and procedures for response to hazards); and***
- ***The agreed roles and responsibilities of on-site personnel (e.g., equipment isolation, fire brigade liaison, evacuation management).***

To facilitate fire brigade response, CFA's expectation is that the emergency management plan includes:

- **Event description, including infrastructure details, activities and operating hours;**
- **A site plan containing infrastructure (pit area, food vendors, race control, parking etc), site entrances, exits and internal roads, fire services (trucks, water tanks, extinguishers etc), and neighbouring properties;**
- **Contact details of site personnel, and any relevant off-site personnel that could provide technical support during an emergency;**
- **A manifest of dangerous goods (if required under the Dangerous Goods (Storage and Handling) Regulations 2012);**
- **Emergency procedures for credible hazards and risks, including fire;**
- **Procedures for notifying the emergency services; and**
- **Procedures for evacuating personnel.**
- **A Fire Management Plan includes all of the fire mitigation measures that will be implemented to reduce the risk of fire, established through a risk management process. A Fire Management Plan can specifically address:
*risk management measures specific to fire (as above).**

CFA's expectation is that the Fire Management Plan forms part of the Emergency Management Plan; where the hazards/risks and controls are identified and implemented to ensure fire risk is managed so far as is reasonably practicable.

2. Fuel Storage

CFA recommends that event operators develop a policy in regards to the storage of fuels when onsite, to the satisfaction of the CFA. The policy should include:

- **The type of fuels onsite;**
- **The amount of fuel to be contained onsite (both individual quantities & total event quantity);**
- **Stipulate where the fuel is to be kept/stored when onsite;**
- **Where and when refueling is to occur**
- **How spills will be dealt with and with what (eg: spill kits, sand etc); and**
- **Procedures on eliminating ignition sources.**

3. Other Requirements

Fire protection measures to mitigate the associated risk of fire to the complex. No fires are to be permitted without the written consent of CFA.

CARRIED

Attachments: 6 & 7

11. REPORTS REQUIRING A DECISION

11.1 WIMMERA INTEGRATED RELIEF AND RECOVERY PLAN 2017-2020 (VERSION 2.0)

Responsible Officer: Director Corporate and Community Services

Attachment: 8 (Confidential)

Introduction:

Council has a lead role in relief and recovery as defined in the Emergency Management Manual Victoria (EMMV) Part 7: Emergency Management Agency Roles. As emergency relief and recovery arrangements for the four Wimmera Council are similar, an integrated document has been developed and reviewed.

The Wimmera Integrated Relief and Recovery Plan (2017-2021) version 2.0 has been presented to the Municipal Emergency Management Planning Committee (MEMPC) and endorsed for adoption by Council.

Discussion:

Traditionally, all information was contained within the Municipal Emergency Management Plan (MEMP) making this document large and hard to read.

Hindmarsh Shire together with Yarriambiack Shire Council, Horsham Rural City Council and West Wimmera Shire Council have developed the Wimmera Integrated Relief and Recovery Plan as a standalone plan specific to relief and recovery.

The plan outlines relief and recovery arrangements, council responsibilities and staff involvement, and emergency relief centre details. It also refers to social, built, natural and economic environments of a recovery program.

The document is a Hindmarsh Shire Council Emergency Management document and has to be referred together with the respective Municipal Emergency Management Plan (MEMP) in line with legislation.

The document has to be reviewed regularly with involvement of community and all stakeholders. The next review is expected by December 2020.

Options

1. Council can choose to adopt the Wimmera Integrated Relief & Recovery Plan.
2. Council can choose amend the Wimmera Integrated Relief & Recovery Plan prior to adoption.

Link to Council Plan:

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

Financial Implications:

Cost associated with relief provision are dependent upon the size of the event.

Risk Management Implications:

There could be financial risks, if major emergency hits regularly, though such situation is not expected.

The key risk is related to not adopting the plan. As most of the information in past MEMP is translated to this document, if the document is not adopted and made ready for use, the emergency relief and recovery process can go slower, which can affect council credibility and hamper community trust on the council.

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.

'No conflict of interest.'

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

Communications Strategy:

The document will be shared with Council's Emergency Management Team as a full version, a restricted public version will be made available by removing personal contact details within the plan.

RECOMMENDATION:

That Hindmarsh Council adopts the revised Wimmera Integrated Relief and Recovery Plan 2017-2020.

MOVED: Crs R Gersch/D Nelson

That Hindmarsh Council adopts the revised Wimmera Integrated Relief and Recovery Plan 2017-2020.

CARRIED

Attachment: 8 (Confidential)

11.2 RAINBOW RECREATION RESERVE / RAINBOW CARAVAN PARK MASTER PLAN

Responsible Officer: Director Corporate and Community Services

Attachments: 9 & 10

Introduction:

This report seeks support from Council to adopt the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan.

Discussion:

At its meeting on Wednesday 22 May 2019 Council endorsed the release of the draft Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan for public comment.

The draft plan was available for public comment from Friday 24 May 2019 until Friday 21 June 2019.

At the closing date for public comment, one response was received which has been forwarded to the Consultant, Richard Simon of Simon Leisure, who prepared the master plan.

The received response stated that the proposed new amenities building and camp kitchen should be located in a more central position of the caravan park.

This would be correct if the new amenities were for the caravan park only, but as the proposal is for a multi-use facility combining female change rooms for netball, the logical location is as shown on the master plan.

Link to Council Plan:

Strategic Objective 1.1: An actively engaged community.

Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of our community.

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

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

Strategic Objective 3.1: A strong rural economy and thriving towns.

Financial Implications:

Funding for the establishment of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan has been previously allocated and costs will be within the available budget.

Risk Management Implications:

There are no risk management implications.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any

interests, including the type of interest.

Author: Phil King, Economic and Community Development Manager

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

Stakeholders and the Rainbow community will be notified of Councils decision as soon as practical after the Council meeting via Social Media, Council's website, media release and direct notification.

Options:

1. Council can adopt the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan as per the draft plan.
2. Council can decide to defer the adoption of the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan subject to further amendments.

RECOMMENDATION:

That Council adopts the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan as per the attached draft plan.

MOVED: Crs R Gersch/D Nelson

That Council adopts the Rainbow Recreation Reserve and Rainbow Caravan Park Master Plan as per the attached draft plan.

CARRIED

Attachments: 9 & 10

12. SPECIAL COMMITTEES

12.1 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 11

Introduction:

The Dimboola Town Committee held its meeting on 1 July 2019. The purpose of this report is to note the minutes from the meeting. A copy of the minutes is included as an attachment for the information of Council.

The Dimboola Town Committee require approval for expenditure of \$5,000 including GST to engage a contractor to undertake concreting works at the Recreation Reserve and Weir rotunda. This work relates to approval provided at the meeting held on 26 June 2019 (item 12.5), Council resolved it **approves expenditure of up to \$3,096.50 for purchase of Lismore aluminium table and seating**. Under the delegation set by Council, Dimboola Town Committee cannot enter into purchases over \$2,000 without Council approval.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 1 July 2019, and approves expenditure of up to \$5,000 including GST for contractor to undertake concreting works at the Recreation Reserve and Weir rotunda.

MOVED: Crs T Schneider/R Gersch

That Council notes the minutes of the Dimboola Town Committee meeting held on 1 July 2019, and approves expenditure of up to \$5,000 including GST for contractor to undertake concreting works at the Recreation Reserve and Weir rotunda.

CARRIED

Attachment: 11

13. LATE REPORTS

No report.

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.

No confidential matters.

16. MEETING CLOSE

There being no further business Cr R Ismay declared the meeting closed at 3:47pm.
