



ATTACHMENTS

ITEM 4 CONFIRMATION OF MINUTES

- Item 4 Attachment 1 – Council Meeting Minutes 14 December 2022

ITEM 7 GENERAL CORRESPONDENCE

- Item 7.1 Attachment 2 – Letter from Anne Simms
- Item 7.1 Attachment 3 – Letter from Emma Kealy MP to Cr Ireland
- Item 7.1 Attachment 4 – Letter from Emma Kealy MP to Cr Albrecht
- Item 7.1 Attachment 5 – Letter from John Pesutto MP
- Item 7.1 Attachment 6 – Letter to Anne Simms
- Item 7.1 Attachment 7 – Letter to John Pesutto MP

ITEM 8 PLANNING PERMITS

- Item 8.2 Attachment 8 – PA1785-2022 Subdivision Plans

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- Item 9.1 Attachment 9 – Financial Hardship Policy
- Item 9.1 Attachment 10 – Domestic Animal Management Plan 2021-2025
- Item 9.1 Attachment 11 – Domestic Animal Management Plan Actions
- Item 9.2 Attachment 12 – Financial Report for Period Ending 31 December 2022

ITEM 10 COUNCIL COMMITTEES

- Item 10.1 Attachment 13 – Rainbow Town Committee Minutes 16 January 2023
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MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD WEDNESDAY 14 DECEMBER 2022 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET NHILL, COMMENCING AT 3:00PM.

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CENTRE

16 MEETING CLOSE

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CRS B Ireland (Mayor), M Albrecht (Deputy Mayor), R Ismay, D Nelson, W Bywaters, R Gersch.

In Attendance:

Mr Greg Wood (Chief Executive Officer) items 1 to 5, 6 (part), 8.4, 8.5 and items 9.1 to 16, Ms Jessie Holmes (Director Infrastructure Services) item 1 to 5, 6 (part), Ms Monica Revell (Director Corporate and Community Services), Ms Janette Fritsch (Manager Development) items 6 to 16, and Ms Shauna Johnson (Executive Assistant).

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2 APOLOGIES

No apologies.

3 DECLARATION OF INTERESTS

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

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

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

Cr M Albrecht declared a general conflict of interest in item 8.3 as West Wimmera Health Service is her employer and in item 14.4 confidential.

Cr B Ireland declared a general conflict of interest in item 8.4 as the lessee of the property is his employer.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 23 November 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Gersch/R Ismay

That the Minutes of the Ordinary Council Meeting held on Wednesday 23 November 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

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

T & B Pintarich, Nhill

Question 1:

How many completed developments have been checked that they comply with approved planning permits?

Question 2:

What is Hindmarsh Shire Council going to do/doing regarding the breach of planning permit PA1703-2021 for 10 Russell Street Nhill?

Response, Director Infrastructure Services:

Council generally enforces planning permit conditions in two ways:

1. If they receive complaints in relation to breaches to planning permit conditions; and
2. In relation to adhoc inspections to ensure compliance.

Council would predominately use the first instance of complaints against planning permit breaches to investigate. We would, on average, investigate between 10 and 15 breaches per annum.

In relation to planning permit 1703-2021, enforcement action is currently underway from a legal perspective, and I am unable to answer that question.

Stacy Whitehorse, Gerang Gerung

Submission to PA1792-2022:

Whilst I am not opposed to the feedlot expansion per se, I have asked that our town have a small upgrade to Albrechts road to counter the effects of extra heavy vehicular traffic that will be using the, currently, unsealed road. I have asked for a completion date for this work to be done and asked that a 6 month deadline be in place. I am told by council the work will be done but cannot commit to a completion date.

Please understand, this vehicular traffic has no other route to the feedlot other than to utilise our little town. As the feedlot people told us how great the extension to the business with be, all I want is something positive for our little town as recompense for the increased noise, dust, road destruction and other associated issues with increasing heavy vehicles using our town as a thoroughfare. Subsequently, all I ask is for a completion date for the approximately 300 m of road upgrade.

Gerang Gerung might be just a dot on the map for most, but it is our home and we would like it to be respected and not forgotten about by council or the feedlot operators.

Harmony Feedlot Services

Submission to their PA1792-2022:

Thank you for considering the Harmony Feedlot Services Pty Ltd proposal for the expansion of Dimboola Feedlot. The proposed expansion is an exciting time for the company and will also provide increased employment opportunities and an economic benefit for the Hindmarsh Shire. In preparing the application, Hindmarsh Shire and all relevant government agencies were consulted and their advice incorporated into the proposed design and management of the feedlot. As a result, the feedlot has been planned to meet the highest design and operational standards and the application has addressed all applicable planning matters.

Harmony Feedlot Services intends to be part of the local community and to operate in a way that benefits the community. The surrounding community was consulted prior to completion of the application. The feedback received was considered and mitigations factored into the proposal. Following a meeting with interested parties and council staff, dust from trucks was identified as an issue for those living in Gerang Gerung. It was suggested that this could be remedied by sealing a ~300m section of Albrecht Road from its intersection with Gerang-

Glenlee Road. Harmony Feedlot Services agreed to cover the cost of council providing this mitigation. We are confident that this will benefit the community and address the concern raised.

We look forward to operating a facility we can be proud of for many years into the future.

Cr B Ireland declared a general conflict of interest and left the room at 3:07pm.

Peter & Michelle Marshall spoke to their planning permit application in item 8.4.

Cr B Ireland returned to the room at 3:11pm.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 16 November – 6 December 2022

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
16/11/2022	Meeting with CEO and staff		
16/11/2022	Written interview with ABC re Allambie sent		
20/11/2022	Nhill Community Market		
23/11/2022	Council Briefing		
23/11/2022	Council Meeting		
24/11/2022	Yurunga meeting and Xmas dinner following		
24/11/2022	ABC radio interview re agenda and projects		
24/11/2022	Mayoral matters article for website and papers		
26/11/2022	Met with Leanne and John Pumpa and discussed reforming Friends of lake Hindmarsh committee		Public interest is quite high in reforming this group which does tree plantings, working bees and general maintenance.
28/11/2022	Emailed personally all 12 youth council		

	applicants congratulating them on their nominations		
29/11/2022	Inspected toilets at Schulzes beach		A group of farmers are keen to form a group revolving around waterskiing and have carried out some maintenance on water tank attached to toilets. This toilet block is under threat of demolition
01/12/2022	16 Days of Activism Brazen Hussies	NMCC	
02/12/2022	2 youth council interviews	Menzies Square Jeparit	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
21/11/2022	Nhill Town Committee Meeting	Nhill	Join us for the Nhill Christmas Carols on 17 December from 6pm at Jaypex Park, Nhill
23/11/2022	Council Briefing	Nhill	
23/11/2022	Council Meeting	Nhill	
29/11/2022	Wimmera Development Association (WDA) Board meeting	Horsham	Focus on legal issues with the Wimmera Housing Innovations Pty Ltd (WHIP) through presentation by Colin Biggers & Paisley law firm.
29/11/2022	Wimmera Development Association (WDA) Annual General Meeting	Horsham	Guest speaker Andrew Logie-Smith, Chair, National Trust of Australia (Victoria) Board of Directors presented on how heritage can be utilised in small communities.

Cr GERSCH

Date	Meeting	Location	Comments
23/11/2022	Council meeting		
25/11/2022	Wimmera regional roads meeting		
23/11/2022	RCV board meeting		
01/12/2022	Nhill late night shopping and Xmas		
01/12/2022	16 days of activism and movie		
01/12/2022	Xmas morning tea and thank you		
02/12/2022	RCV webinar on transport		
03/12/2022	Farewell for Max Cartland		

07/12/2022	Opening Rainbow lake		
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Cr ISMAY

Date	Meeting	Location	Comments
23/11/2022	Briefing meeting	Nhill	
23/11/2022	Council meeting	Nhill	
29/11/2022	WMT Meeting	Jeparit	

Cr NELSON

Date	Meeting	Location	Comments
16/11/2022	WSMLLEN finance meeting		
16/11/2022	Soundshell project meeting	Dimboola	
18/11/2022	Hindmarsh Landcare Network AGM		
22/11/2022	Mates Mentoring information session	Dimboola	
23/11/2022	Council briefing meeting	Nhill	
23/11/2022	Council meeting	Nhill	
23/11/2022	WSMLLEN committee of management meeting	Horsham	
25/11/2022	Working bee, Lloyd St Christmas decorations		
25/11/2022	Late night shopping	Dimboola	
26/11/2022	Town Committee working bee		
29/11/2022	Mates mentoring training session	Dimboola	
02/12/2022	Town Committee Christmas Carols event		
06/12/2022	Disability day	Dimboola Croquet Club	
06/12/2022	Town Committee meeting	Dimboola	

Cr BYWATERS

Date	Meeting	Location	Comments
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18/11/2022	Hindmarsh Landcare AGM and Thai dinner	Horsham	
19/11/2022	New House blessing and birthday celebrations- Karen Family	Nhill	
19/11/2022	Wimmera	Dimboola	
20/11/2022	Equestrian event was cancelled due to wet weather		
20/11/2022	Nhill Market	Goldsworthy Park Nhill	
22/11/2022	JP information Session	Online Zoom	
25/11/2022	Dimboola late night shopping	Dimboola	
26/11/2022	Karen Concert and Fundraiser	Nhill Memorial Community Centre	Venue sponsored by Hindmarsh Shire Council. Proceeds of funds for the Karen New Year in Horsham on the 10th of December 2022
01/12/2022	Hindmarsh tourist information Centre, morning tea	Lion's Den, Nhill	
01/12/2022	Christmas Late night shopping	Nhill	
01/12/2022	Wimmera Women Connect Dinner	Dimboola	
02/12/2022	Market, Christmas carols and concert	Dimboola	
06/12/2022	National Day for People with A Disability	Dimboola Croquet Club	

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 4

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 17/11/2022 – Congratulatory Letter from Bev McArthur to Mayor

- 17/11/2022 – Congratulatory Letter from Bev McArthur to Deputy Mayor
- 02/12/2022 – Congratulatory Letter from Dr Anne Webster to Mayor

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS M Albrecht/D Nelson

That Council notes the attached correspondence.

CARROED

Attachment Numbers: 2 – 4

8 PLANNING PERMITS

**8.1 PLANNING PERMIT APPLICATION PA1784-2022 – TWO LOT SUBDIVISION
(DWELLING LOT EXCISION) – 1451 JEPARIT-WARRACKNABEAL ROAD
JEPARIT (CROWN ALLOTMENT 28 PARISH OF BATYIK)**

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	72440
Application No.	PA1784-2022
SPEAR Ref. No.	S194609T
Applicant:	Matt Jackson, Hatch Planning Pty Ltd acting for Mr Mark Laney
Owner:	Mr Mark Laney
Subject Land:	1451 Jeparit-Warracknabeal Road Jeparit VIC 3423 (Crown Allotment 28 Parish of Batyik)
Proposal:	Two lot subdivision (dwelling lot excision)
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay Schedule 2 (ESO2) – part
Attachment Number:	5

Summary:

This report recommends that Council approve Planning Permit PA1784-2022 for a two lot subdivision (dwelling lot excision) on the subject land at 1451 Jeparit-Warracknabeal Road Jeparit VIC 3423 (Crown Allotment 28 Parish of Batyik), subject to standard conditions.

Background:

The site comprises one parcel of land where the eastern part has been used for productive agricultural purposes for some time and the western part contains farm sheds, an existing dwelling and outbuildings and native vegetation adjacent to the Pepper Plains Bushland Reserve.

Proposal Details:

The application proposes a two lot subdivision (dwelling lot excision). The subdivision consists of proposed Lot 1 with an area of 7.76ha and proposed Lot 2 with an area of 18.83ha.

The applicant has stated the following about the proposed subdivision:

‘The subject land is owned and occupied by our clients, with the land currently used for agricultural production, save for the western portion containing scattered native vegetation. The proposal seeks to subdivide the site, to provide a lot exclusively for the native vegetation and dwelling on the site, and a balance lot comprising exclusively land used for agricultural production.

The proposed subdivision comprises the following characteristics:

Lot 1 (dwelling lot)

- *Total area – 7.76 hectares.*

- *Contains the remnant vegetation and land west of the existing dam.*
- *Will contain the dwelling as described above with access to the Jeparit-Warracknabeal Road via the existing crossover.*

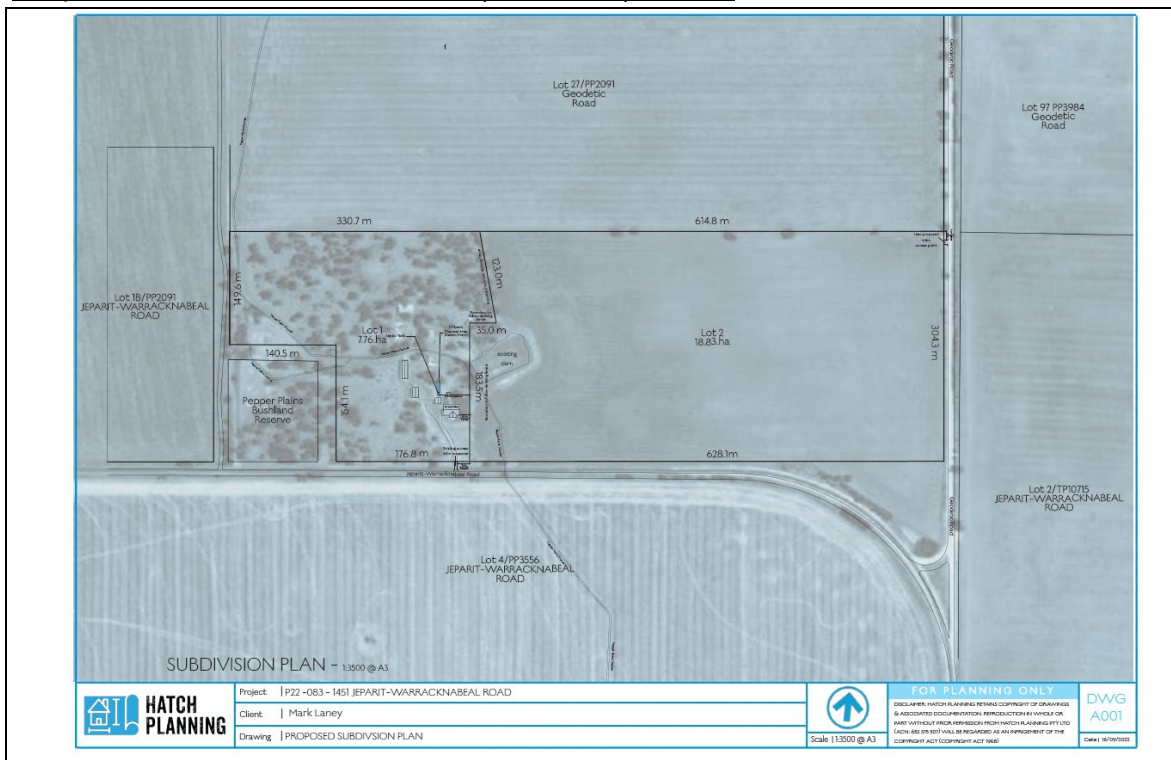
Lot 2 (agricultural lot)

- *Total area – 18.83 hectares;*
- *Comprises vacant agricultural land and the existing dam in a generally rectangular shape with access to Geodetic Road; and*
- *No buildings or works are proposed to occur on this property, with the intention that it be sold as an agricultural property.*

This application seeks to subdivide native vegetation from land that cannot be used for agriculture onto a separate holding, ensuring that all agricultural land is retained in one parcel, that can be separately sold unencumbered by dwellings and vegetation.

The existing dwelling is appropriately setback from proposed new boundaries to ensure no adverse impact from agricultural production.'

Proposed Plan for Endorsement (Version 2) below:



Requirement for Permit:

The subject land is located within the Farming Zone and is partly within the Environmental Significance Overlay Schedule 2 – Channel and Reservoir Protection.

A planning permit is required to subdivide land under Clause 35.07-3 Subdivision of the Farming Zone and to subdivide land under Clause 42.01-2 of the Environmental Significance Overlay Schedule 2.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018* as the site is not within an Aboriginal Cultural Heritage Sensitivity Area. A two lot rural subdivision is an exempt activity in any case.

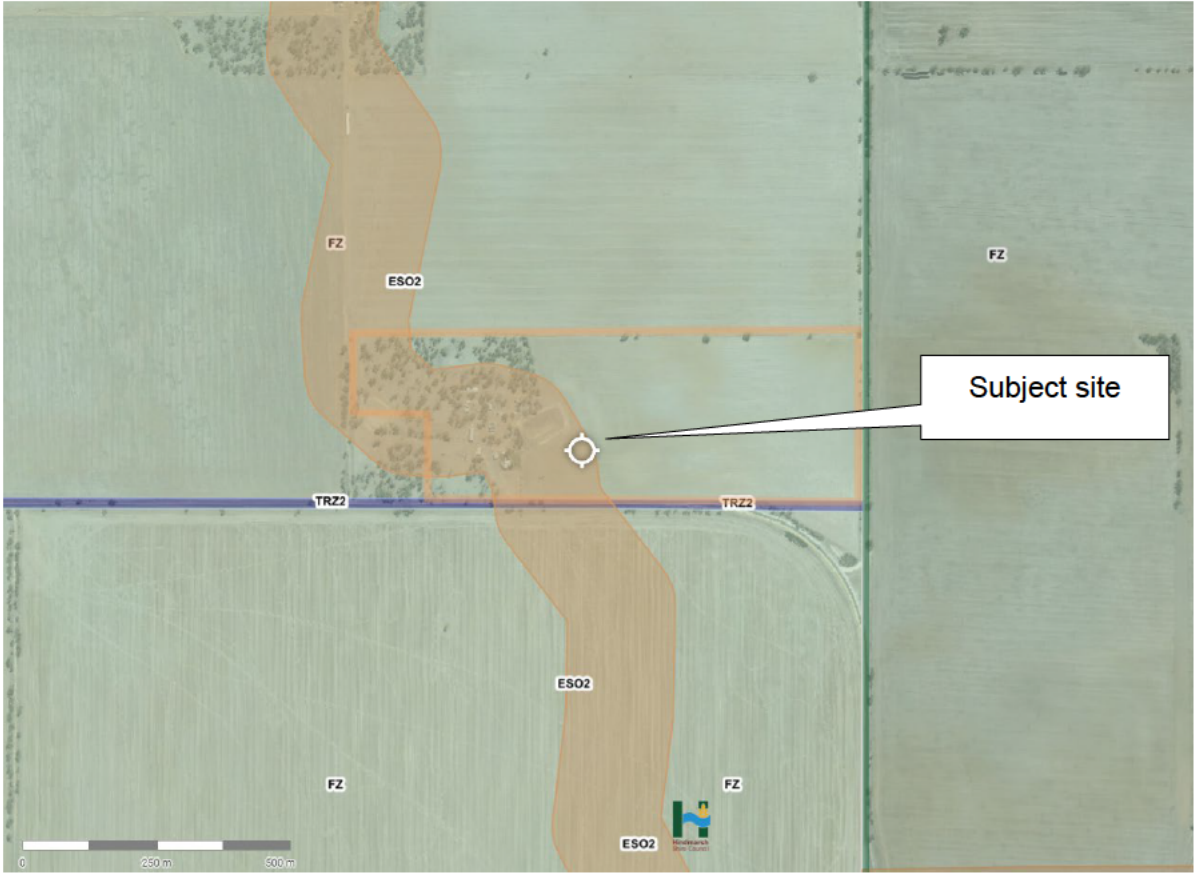
Subject site & locality:

The subject land is comprised of a parcel with a total area of 26.59ha that is located on the northern side of Jeparit-Warracknabeal Road, Jeparit. The subject land is generally rectangular in shape, except for the south-western corner adjacent to the Pepper Plains Bushland Reserve. The majority of the land is used for broad scale cropping, except for approximately 7.76 hectares of the land, which contains farm sheds, an existing dwelling, associated outbuildings and native vegetation. The subject land has access to reticulated power, telecommunications, potable water and an on site wastewater system for the existing dwelling. The site is not connected to reticulated water or sewer.

The land is located approximately 15km east of the Jeparit township and 24km north-west of the Warracknabeal township, with the municipal boundary of Yarriambiack Shire to the immediate east.

The surrounding area generally comprises a broad scale cropping agricultural area with limited development due to agricultural land use. There are scattered rural residential properties in the wider surrounding area, but this is generally where there is remnant native vegetation surrounded by dwellings that are used in conjunction with the agricultural activities in the surrounding land.

Aerial Photo of the site and surrounds with zone (FZ) and overlay (ESO6) below (POZI):



Photos of the existing dwelling and driveway below:



Consultation:

Consultation was undertaken and included:

- A request for further information was sent to the applicant via SPEAR on 21 July 2022.
- The further information response including amended plans were received in SPEAR on 18 September 2022.
- A subsequent further information request was sent to the applicant via SPEAR on 21 September 2022.
- The further information response including amended plans was received in SPEAR on 28 September 2022.

Section 52 Notice of application:

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

- Sending notices to the owners and occupiers of the adjoining and adjacent land.
- Placing a public notice on the road frontage of the site to Jeparit-Warracknabeal Road (carried out by Council on behalf of the applicant).
- Placing a public notice on Council's website.

The notification has been carried out correctly. Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

Nil – Standard Conditions required for a two lot subdivision in accordance with Clause 66.01.

Section 52 Referrals

GWM Water - No response received.

Internal Referrals:

Engineering

Comments provided – No Engineering requirements.

Environmental Health

Comments provided, and condition required as detailed below.

The permit will need to have a condition placed on it that the existing septic must be inspected by Council's EHO prior to Certification and Statement of Compliance.

When we inspect these types of subdivisions, we are looking at whether the system is in good condition and that there are no obvious signs of failure and to ensure that the septic tank and disposal area is within the boundary of the new allotments.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

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

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-4 Natural Resource Management

Clause 02.03-6 Economic Development

Planning Policy Framework (PPF)

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

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.01-1L Hindmarsh

Clause 11.03-6S Regional and local places

Clause 12.01-1S Protection of biodiversity

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

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2S Sustainable agricultural land use

Clause 14.02-1S Catchment planning and management

Clause 14.02-2S Water quality

Clause 14.03-2S Protection of declared irrigation districts

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The proposal will protect agricultural land by retaining existing agricultural activities on proposed Lot 2 and creating a separate lot for the existing dwelling and native vegetation on proposed Lot 1, which is unlikely to create any conflicts with the surrounding agricultural uses. The proposal will not impact the Pepper Plains Channel easement as this channel has been decommissioned due to the Wimmera-Mallee Pipeline that has been constructed underground, part of which extends underground along Jeparit-Warracknabeal Road adjacent to the site.

The proposal will be consistent with the relevant planning policies listed above relating to the protection of biodiversity, agriculture and catchment management. The proposal will therefore comply with the relevant provisions of the MPS and PPF.

Zoning Provisions

Clause 35.07 Farming Zone (FZ)

35.07-3 Subdivision

A permit is required to subdivide land.

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

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

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

35.07-6 Decision Guidelines

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

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

Schedule to the Farming Zone

1.0 Subdivision and other requirements (Permit triggers)

- Minimum subdivision area – All other land – 40 hectares.

Planning Response:

A permit is required for the subdivision to create a lot for the existing dwelling.

The proposed subdivision complies with the relevant decision guidelines in the zone for the following reasons (as listed under the relevant headings):

General issues

- The proposal will comply with the MPS and PPF as discussed above.
- The proposal will be consistent with the current Wimmera Regional Catchment Strategy 2021-2027.
- The subdivision will result in the existing dwelling and associated septic system to be well contained within the boundaries of proposed Lot 1. Environmental Health has required a condition for the septic system to be inspected for compliance before any Certification and Statement of Compliance, which will be included as a condition.
- The proposal will encourage sustainable land management by removing the existing dwelling and native vegetation onto a separate lot of 7.76ha and retaining the existing agricultural land on the balance lot of 18.83ha, which is likely to be used in conjunction with the adjacent agricultural activities and rural land holdings in the surrounding area.
- The proposal will be compatible with the adjoining and nearby agricultural land uses.
- The proposal will utilise an existing crossover and all-weather access from Jeparit-Warracknabeal Road to the dwelling on proposed Lot 1 and a rural crossover and access from Geodetic Road to proposed Lot 2. Engineering has no requirements for the subdivision. Standard conditions will be included for services to be connected as required by the relevant authorities in accordance with the mandatory conditions listed in Clause 66.01.

Agricultural issues and the impacts from non-agricultural uses

- The proposal will support and enhance agricultural production and, except for the farm sheds on proposed Lot 1, will not result in the loss of any current agricultural activities on the subject land.
- The proposal will not have any adverse effect on soil quality and will not permanently remove any land from agricultural production.
- The proposal will not limit the operation and expansion or adversely impact the adjacent agricultural uses.
- The existing uses of the land will not be altered. The capacity of the current agricultural use on proposed Lot 2 is unchanged.
- The rural infrastructure including farm sheds and access tracks is predominantly located on proposed Lot 1 for the dwelling and native vegetation. However, the existing cropping land on proposed Lot 2 is likely to continue to be used in conjunction with adjacent cropping land within the surrounding area where other rural infrastructure such as farm sheds will be accessible.

Accommodation issues

- The existing dwelling and surrounding native vegetation will be retained on one lot and there is no loss of agricultural land due to the subdivision.

Environmental issues

- The proposal is unlikely to have an adverse impact on soil and water quality and any other natural physical features and resources.
- The existing stands of native vegetation on proposed Lot 1 will be able to be retained and further vegetation removal would be subject to planning approval unless exemptions for fences including the existing fence line between proposed Lot 1 and Lot 2 are applied.
- The proposal will protect the flora and fauna on the site and in the locality.

Design and siting issues

- There are no proposed changes to the existing dwelling and other buildings on the land.
- The proposal will not affect the rural character and appearance of the surrounding area.
- The existing dwelling is connected to reticulated power, telecommunications, potable water and an existing septic system, which will need to be inspected by Environmental Health to ensure compliance with current standards. Standard conditions are required.
- There are no specific traffic management measures for access to the two proposed lots. The existing crossover and access to proposed Lot 1 from Jeparit-Warracknabeal Road will be retained and the 4.8m wide rural crossover will provide access to proposed Lot 2 from Geodetic Road.

Overlay Provisions

Clause 42.01-2 Environmental Significance Overlay (ESO2)

42.01-2 Permit requirement

A permit is required to:

- Subdivide land.

Schedule 2 to the Environmental Significance Overlay

Channel and Reservoir Protection

2.0 Environmental objective to be achieved

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

3.0 Decision guidelines (relevant to the application)

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

Planning Response:

The proposed subdivision will not affect the existing Pepper Plains Channel easement within the ESO2 as this channel has been decommissioned due to the construction of the Wimmera Mallee Pipeline. GWM Water did not provide any referral comments.

The proposal complies with the relevant decision guidelines in the overlay.

Particular Provisions

Clause 52.17 Native Vegetation

52.17-1 Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.

52.17-7 Table of exemptions

Fences

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:

the operation or maintenance of an existing fence; or

the construction of a boundary fence between properties in different ownership.

The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

Planning Response:

This Clause provides an exemption for vegetation removal to the minimum extent necessary to enable the operation or maintenance of an existing fence. This mirrors exemptions in Clause 52.12-2 of the Scheme for bushfire prone areas.

The proposed subdivision seeks to subdivide an existing dwelling and native vegetation onto a separate parcel of land. Given that the proposed lot boundary between Lot 1 and Lot 2 follows an existing fence line, there is no consequential loss of native vegetation, as the operation of the exemption at Clause 52.17-7 is applicable whether or not the land is to be subdivided.

Clause 52.29 Land Adjacent to the Principal Road Network

52.29-2 Permit requirement

A permit is required to create or alter or to alter access to a road in a Transport Zone 2 and to subdivide land adjacent to a road in a Transport Zone 2.

52.29-3 Permit not required (*relevant to the application*)

A permit is not required to:

- Subdivide land into two lots, provided no new access is required.

Planning Response:

Given that Proposed Lot 1 will utilise the existing crossover and access to the Jeparit-Warracknabeal Road in a Transport Zone 2 and proposed Lot 2 will have new access from Geodetic Road, which is not a road in a Transport Zone 2, no planning permit is required under this Clause.

General Provisions

Clause 63 Existing Uses

63.01 Extent of Existing Use Rights

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.

63.06 Expiration of Existing Use Rights

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.

63.11 Proof of Continuous Use

If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.

An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.

Planning Response:

The applicant has provided written evidence and photos demonstrating that the existing dwelling has been located on the subject land and used for that purpose for a continuous period of greater than 15 years without ceasing for any period of more than two years.

The existing dwelling on the land is therefore afforded existing use rights pursuant to this Clause.

Clause 65 - Decision Guidelines

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

65.01 Approval of an application or plan

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

65.02 Approval of an application to subdivide land

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

Planning Response:

The proposal complies with the MPS and PPF, having regard to the dwelling lot that has not been used for productive agriculture and the balance lot that will continue to be used for productive agricultural purposes for broad scale cropping. The proposal will protect native

vegetation and will not adversely impact the environment, human health and the amenity of the area. The proposal will enable the orderly planning of the area. The proposal complies with the relevant decision guidelines of Clause 65.

Discussion:

The proposed subdivision will create a new 7.76ha lot for the existing dwelling and native vegetation and a balance lot of 18.83 ha which will be retained for productive agricultural purposes and will most likely be used in conjunction with adjacent agricultural activities and nearby farming enterprises. The proposal will not result in the loss of any agricultural land as the dwelling lot has not been used for productive agricultural purposes due to the native vegetation coverage. The proposal is unlikely to cause land use conflicts with the adjacent agricultural land due to the setbacks of the dwelling from the lot boundaries and the native vegetation that provides some protection from views of the adjacent agricultural activities.

The proposal will comply with the planning policies in the MPS and PPF, the relevant decision guidelines of the Farming Zone and the Environmental Significance Overlay Schedule 2. The proposal will protect the environment and the amenity of the area and will enable the orderly planning of the area in accordance with Clause 65.

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework, the Farming Zone, the Environmental Significance Overlay Schedule 2 and Clause 65 Decision Guidelines.

Report to Council:

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

Processing Times:

17/06/2022 Application submitted in SPEAR
05/07/2022 Fee paid
21/07/2022 Further information requested
18/09/2022 Response to further information received and amended plans received
21/09/2022 Further information requested
28/09/2022 Response to further information received and amended plans received
03/11/2022 External S52 Referral sent to GWM Water and Internal referral sent to Engineering
09/11/2022 Advertising directions and letters sent
09/11/2022 Internal referral sent to Environmental Health at Horsham City Council (assisting Hindmarsh Shire Council)
15/11/2022 Public notices erected on site by Council on behalf of the applicant
18/11/2022 Response received from Environmental Health

29/11/2022 Notification period ended
30/11/2022 Response received from Engineering
14/12/2022 The report is being presented to Council at the meeting to be held on 14 December 2022 (57 statutory days)

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

Link to Council Plan:

N/A.

Financial Implications:

There are no financial implications to Council.

Risk Management Implications:

There are no risks to be managed by Council, except if the planning permit is not approved, Council could be seen to be holding up development within the municipality.

Conflict of Interest:

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the Planning Permit and endorse the plans if approved.

RECOMMENDATION:

That Council approves Planning Application PA1784-2022 for a Two lot subdivision (dwelling lot excision), on the subject land at 1451 Jeparit-Warracknabeal Road Jeparit VIC 3423 (Crown Allotment 28 Parish of Batyik), subject to the following conditions:

Conditions:

Endorsed Plans - Subdivision

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

Access

- 2. The crossovers and access to the two lots must be constructed and maintained to the satisfaction of the Responsible Authority.***

Environmental Health

- 3. Before the issue of a Statement of Compliance, the septic system for the existing dwelling must be inspected by Council's EHO or a plumber's report must be submitted to demonstrate how the system complies with the relevant EPA Protocols and the Environment Protection Act 2017, to the satisfaction of the Responsible Authority.***

Subdivision Conditions in Clause 66.01

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

Subdivision Expiry

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

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months of the permit expiry date.

MOVED: CRS R Ismay/W Bywaters

That Council approves Planning Application PA1784-2022 for a Two lot subdivision (dwelling lot excision), on the subject land at 1451 Jeparit-Warracknabeal Road Jeparit VIC 3423 (Crown Allotment 28 Parish of Batyik), subject to the following conditions:

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Access

- 2. The crossovers and access to the two lots must be constructed and maintained to the satisfaction of the Responsible Authority.***

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- 3. Before the issue of a Statement of Compliance, the septic system for the existing dwelling must be inspected by Council's EHO or a plumber's report must be submitted to demonstrate how the system complies with the relevant EPA Protocols and the Environment Protection Act 2017, to the satisfaction of the Responsible Authority.***

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- 5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
- 6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

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In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months of the permit expiry date.

CARRIED

Attachment Number: 5

8.2 APPLICATION FOR PLANNING PERMIT 1801-2022 – DEVELOPMENT OF TWO (2) ADDITIONAL DWELLINGS, SUBDIVISION OF LAND INTO THREE (3) LOTS, FENCING AND REMOVAL OF VEGETATION – 5 GLENFERNESS STREET NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	121620
Application Number:	PA1801-2022
Application Received:	12 October 2022 (19 October 2022 fee paid)
Applicant:	Hargreaves Design Group
Owner:	Sai Leela Investments No. 1 Pty Ltd
Subject Land:	5 Glenferness Street Nhill Vic 3418 (Lot 87 on Lodged Plan 11688)
Proposal:	Development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Number:	6

Summary:

This report recommends that Council approve Planning Permit PA1801-2022 for the development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation on the subject land known as 5 Glenferness Street Nhill Vic 3418 (Lot 87 on Lodged Plan 11688).

Background:

On 12 October 2022, Hargreaves Design Group on behalf of Sai Leela Investments No. 1 Pty Ltd lodged a planning application to the Responsible Authority for the development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation at 5 Glenferness Street Nhill.

Proposal Details:

The permit applicant, Hargreaves Design Group seeks approval for the development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation. The subject land contains an existing dwelling in the western half of the site which will remain on the land. The subdivision will create three lots, one of which will contain the existing dwelling (466.152m²) and the remaining two will each contain a new dwelling proposed as part of this application (244.612m² and 250.278m²). The proposed dwellings have an identical floor plan with a total floor area 127.60m² containing:

- Three bedrooms (master with walk in robe and ensuite);
- Open plan kitchen, dining and living area;
- Bathroom;
- Built in cupboard laundry; and
- Single garage.

The dwellings are single storey with a pitched roof and a gable front porch. External wall cladding consists of a mix of weatherboard and rendered cement sheet and the roof will consist of Colorbond sheeting.

To accommodate the development, two existing planted trees will be removed as well as two outbuildings associated with the existing dwelling. Dividing fencing is proposed between the existing and proposed dwellings.

A site plan and elevations of the proposed dwellings are contained within Figure 1 and 2 below and the plan of subdivision is contained within Figure 3.

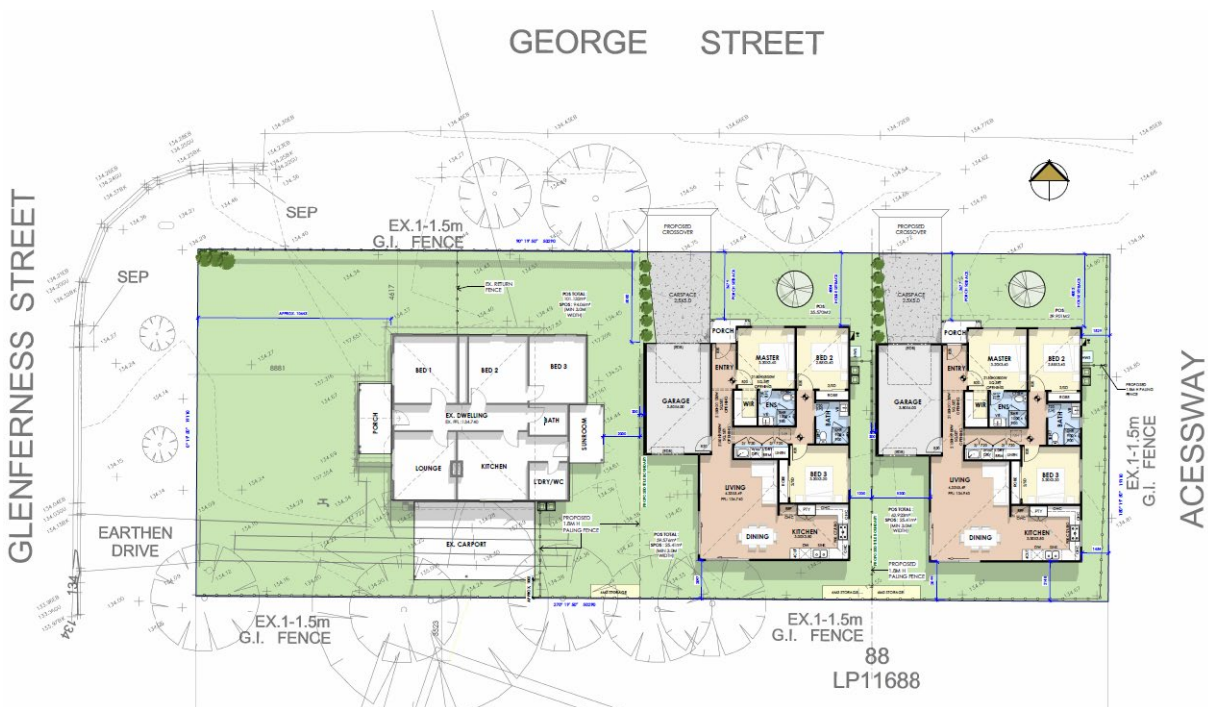


Figure 1 – Site Plan

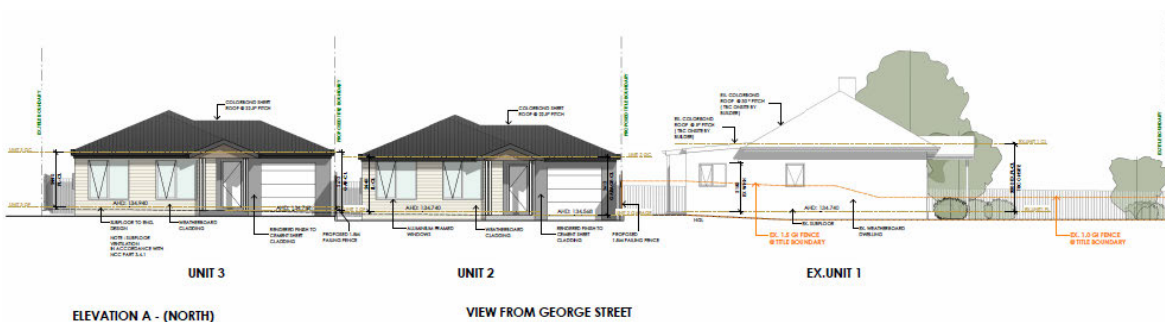


Figure 2 – Elevations

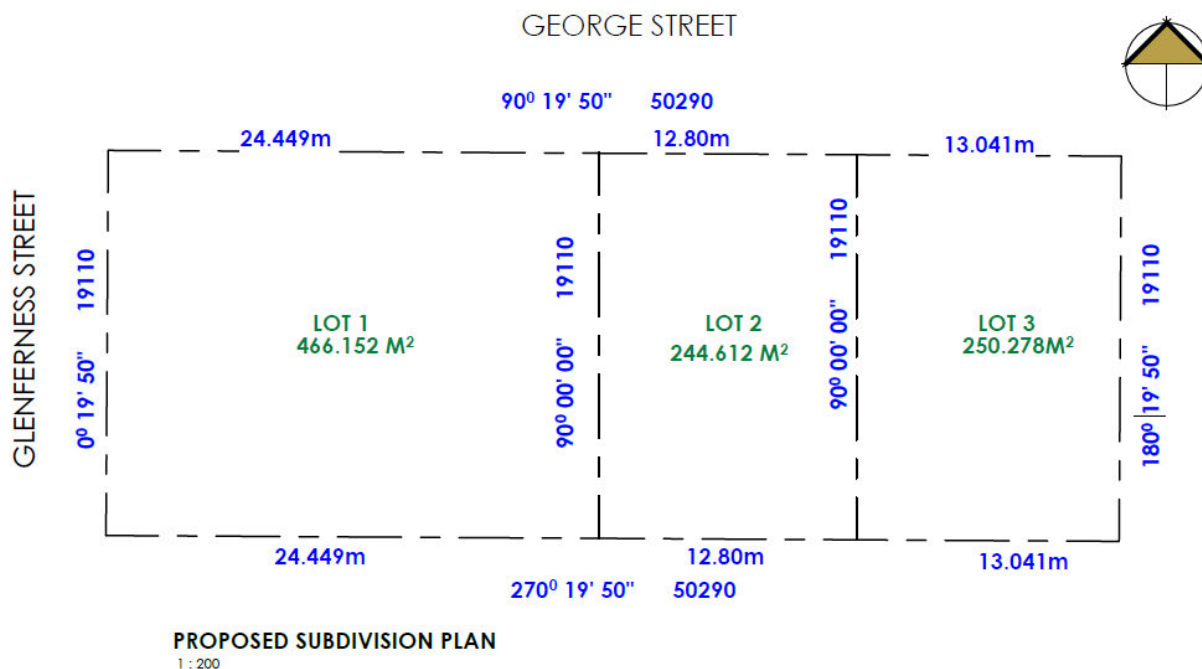


Figure 3 – Plan of proposed subdivision

Requirement for Permit:

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

- Clause 32.08-3 (General Residential Zone) – A permit is required to subdivide land.
- Clause 32.08-6 (General Residential Zone) – A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to construct a fence that may obstruct the flow of water.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required for vegetation removal.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to subdivide land.

Definitions:

Dwelling – 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 toilet and wash basin.

It includes outbuildings and works normal to a dwelling.

Restrictive Covenant or Section 173 Agreement:

The subject site is not affected by any Covenants or Section 173 Agreements.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity and is an exempt activity under Regulation 9 of the Regulations.

Subject site & locality:

The subject site is known as 5 Glenferness Street Nhill VIC 3418 (Lot 87 on Lodged Plan 11688), which comprises a single title of approximately 980m². The land is generally flat, with minimal fall across the site. The land currently contains an existing dwelling and two associated outbuildings with access from both Glenferness Street and George Street.

The subject site adjoins residential zoned land to the north, south and west, with land in the Farming Zone (FZ) to the east. Land within the General Residential Zone generally comprises lots of between 800-2,000m² allotments, with some larger land holdings with across multiple parcels evident. Immediately adjoining the subject land are single storey detached dwellings and broadacre farming land.

The site appears to have access to reticulated power, telecommunications, water and sewer.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners;
- Erection of a sign on site; and
- A notice in the ‘Nhill Free Press’

No objections or submissions have been received in relation to the application.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	<p>No objection subject to conditions listed below.</p> <ol style="list-style-type: none"> 1. Vegetation removal should not degrade the ecological condition of areas covered by ESO 5. 2. The material used in the construction of a fence should not act as a barrier that would redirect surface water flow. Any mounding of soil associated with the construction of a fence should not result in the redirection of surface water flow. <p>Response received 2 November 2022.</p>
Powercor	<p>No objection subject to conditions listed below.</p> <ol style="list-style-type: none"> 1. This letter shall be supplied to the applicant in its entirety. 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

	<p>3. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.</p> <p>4. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).</p> <p>Response received 17 November 2022.</p>
<p>Grampians Wimmera Mallee Water</p>	<p>No objection subject to conditions. Response received 06 December 2022.</p>

Section 52 and Internal Notices

<p>Engineering</p>	<p>No objection to the development subject to conditions:</p> <p>Access:</p> <ol style="list-style-type: none"> 1. Access to the existing dwelling (Lot 1) shall be from the existing entrance (see below). 2. Prior to issue of Statement of Compliance, a new crossover must be constructed, to each lot (lots 2 & 3) to have independent access as per IDM SD-255 standard (see attached) at the North side of the lots on George St - (refer below proposed plan) to the satisfaction of the Responsible Authority. 3. The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority. <p>Note: A consent to works within road reserve permission is required prior to construction if working in road reserve. https://www.hindmarsh.vic.gov.au/register-for-permits</p> <p>Drainage:</p> <ol style="list-style-type: none"> 4. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Northern side of the property to the table drain in the George Street road reserve to the satisfaction of the Responsible Authority. 5. LPD can be applied with the building permit application.
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Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11.01-1L Settlement – Hindmarsh
Clause 13.02-1S Bushfire planning
Clause 15.01-1S Urban design
Clause 15.01-2S Building design
Clause 15.01-3S Subdivision design
Clause 15.01-5S Neighbourhood character
Clause 16.01-1S Housing supply

Zoning Provisions:

Clause 32.08 – General Residential Zone (GRZ)

32.08-3 Subdivision

A permit is required to subdivide land.

32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

Planning Response:

The key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ and ResCode compliance, with the overwhelming policy direction being to intensify residential development in such areas in close proximity to jobs, transport and services.

When assessing the application against the state policies in the PPF, there is clear support for the proposed increase in density on the site as the site is well serviced by infrastructure and community services. This ensures efficient use of infrastructure and supports the usual preference that established residential areas experience residual increase in population and density. State policy also encourages new medium density housing to respect neighbourhood character, to which the proposal responds satisfactorily encouraging housing diversity in established areas with access to services.

The built form of the development will achieve architectural and urban design outcomes that contribute positively to the local urban character as required by Clause 15.01-1S of the Scheme given scale, bulk and mass in relation to the adjoining sites. The built form of the dwellings and the area of secluded private open space for each dwelling is appropriate, there are ample landscaping opportunities within the site. The intensity of the development is consistent with relevant Planning Policy.

As a permit was not sought under Clause 32.08-5 (one dwelling on a lot less than 300m²), Conditions will be included on the planning permit to ensure that the dwellings are completed prior to the issue of Statement of Compliance.

The development achieves a garden area of 56.58%, well above the 35% required by Clause 32.08-4.

The proposal will not affect rooftop solar systems and meets the relevant objectives of Clause 55 as applicable to this proposal.

Overlay Provisions:

The subject land is encumbered by Clause 42.01 - Environmental Significance Overlay - Schedule 6 (ESO6). A permit is required for vegetation removal, including planted vegetation and fencing that may obstruct the flow of water and to subdivide land.

Planning Response:

It is considered that the proposed works and subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands.

The *Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines* provides Matrix and Criteria to establish if the proposed removal of vegetation is appropriate.

The below criteria has been identified as relevant to the proposal to remove vegetation:

Criteria for Matrix 2 ESO6:

Vegetation removal should not degrade the ecological condition of areas covered by ESO 5. Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high value wetland.

(Refer to Appendix 5, Table 3 of buffer distances applicable to vegetation removal).

The material used in the construction of a fence should not act as a barrier that would redirect surface water flow. Any mounding of soil associated with the construction of a fence should not result in the redirection of surface water flow.

The proposed development is situated approximately 850 metres from the Nhill Lake (closest point of the PPRZ boundary). Appendix 5, Table 3 outlines that the role of the vegetation to be removed contributes to protection from rising salinity (being greater than 250m but less than 2000m from the Nhill Lake). Based on this criteria, a desktop assessment has been undertaken to ascertain the level of risk likely to occur from the proposed development, including vegetation removal and boundary fencing.

Given the location of the subject land in the Nhill Urban Area, stormwater discharge from the site will be diverted to the existing table drain in George Street and into the Council drainage system. Similarly, wastewater will be directed to existing public sewerage infrastructure and will not be retained and treated on-site. The removal of two trees and solid boundary fencing may marginally alter stormwater flows off the site, however, any such increase is unlikely to result in adverse impacts to the water quality of the Nhill Lake. The subdivision has no effect on water flows or quality. The Wimmera CMA have reviewed the application and did not object to the granting of a permit subject to conditions.

On this basis, the proposal is considered to be acceptable.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06-5 – Number of Car Parking Spaces

Table 1 of this clause provides that two (2) car parking spaces are required for each dwelling having 3 or more bedrooms, one of which must be covered.

Planning Response:

The existing dwelling contains an existing carport and driveway which accommodates one covered car parking space and two uncovered car parking spaces. The proposed dwellings each contain a single garage and a tandem car parking space in front of the garage, achieving one covered car parking space and one uncovered car parking space for each dwelling. The tandem car parking space does not meet the minimum dimensions required by Design Standard 2 of Clause 52.06-9 (5.4m long x 2.6m wide). A condition will be added to any permit issued for amended plans to rectify this. As such, the proposal meets the requirements of the Scheme in relation to car parking numbers and design standards for car parking.

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Section 18(1) of the Subdivision Act 1988 states:

A Council acting as a responsible authority or a referral authority under the Planning and Environment Act 1987 may require the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision to—

- (a) set aside on the plan, for public open space, in a location satisfactory to the Council, a percentage of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*
- (b) pay or agree to pay to the Council a percentage of the site value of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or*
- (c) do a combination of (a) and (b) so that the total of the percentages required under (a) and (b) does not exceed 5 per cent of the site value of all the land in the subdivision.*

Further, Section (1A), of the Subdivision Act 1988 states:

The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to—

- (a) the existing and proposed use or development of the land;
- (b) any likelihood that existing open space will be more intensively used after than before the subdivision;
- (c) any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;
- (d) whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;
- (e) how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;
- (f) any policies of the Council concerning the provision of places of public resort and recreation

Planning Response:

The proposed subdivision does not provide any land for the purposes of public open space. As such, a public open space contribution is required to be paid in accordance with 18(1)(b) of the Subdivision Act 1988. The proposed subdivision creates an additional two lots within Nhill which places increased demand on existing public open spaces within the township. As such, the full 5% contribution will be required as per conditions.

Clause 55 – Two or more Dwellings on a lot and Residential Buildings

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot, in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Planning Response:

The development comprises the construction of two dwellings with at least one dwelling existing on the lot, and therefore the provisions of Clause 55 apply. An assessment against the relevant objectives and standards of Clause 55 is provided below.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE				
55.02-1 Neighbourhood Character	Met?	Standard B1	Met?	Comments
To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.	Yes	The design response must be appropriate to the neighbourhood and the site.	Yes	As discussed through this report, the character of the area primarily consists of single storey residences on typically 1,000sqm lots with various outbuildings and varied setbacks. Dwelling age, typology and form is also variable in the surrounding area.
		The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site	Yes	

<p><i>To ensure that development responds to the features of the site and the surrounding area</i></p>				<p>The proposal represents a small infill development of existing residential allotment, serviced for such purposes. The proposal provides for two new dwellings with conventional built form with appropriate setbacks to George Street, while retaining the existing dwelling fronting Glenferness Street. This development form is consistent with the broader character despite comprising smaller lots/open space than typically found in the streetscape.</p> <p>For these reasons, it is considered that the proposal is an appropriate intensification in the GRZ having regard to the context of the subject land and surrounding area.</p>
<p>55.02-2 Residential Policy</p>	<p>Met?</p>	<p>Standard B3</p>	<p>Met?</p>	<p>Comments</p>
<p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</i></p>	<p>Yes</p>	<p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	<p>Yes</p>	<p>A response to relevant Planning Policy has been provided with the application, and applicable policy has been assessed in this report.</p>
<p>55.02-3 Dwelling Diversity</p>	<p>Met?</p>	<p>Standard B3</p>	<p>Met?</p>	<p>Comments</p>
<p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i></p>	<p>N/A</p>	<p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> • <i>Dwellings with a different number of bedrooms.</i> • <i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and</i> 	<p>N/A</p>	<p>The development is for two (2) additional dwellings only.</p>

		<i>wash basin at ground floor level.</i>		
55.02-4 Infrastructure	Met?	Standard B4	Met?	Comments
<i>To ensure development is provided with appropriate utility services and infrastructure.</i> <i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	Yes	<i>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</i>	Yes	All reticulated services are available to the land and will be connected per the requirements of the relevant authority.
		<i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i>	Yes	The development will not unreasonably impact service capacity.
		<i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i>	Yes	As above.
55.02-5 Integration With The Street	Met?	Standard B5	Met?	Comments
<i>To integrate the layout of development with the street</i>	Yes	<i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i>	Yes	Each dwelling is provided with individual vehicular and pedestrian access.
		<i>Development should be oriented to front existing and proposed streets</i>	Yes	The existing dwelling is orientated to Glenferness Street and the two proposed dwellings are oriented to George Street.
		<i>High fencing in front of dwellings should be avoided if practicable</i>	N/A	No front fencing is proposed
		<i>Development next to existing public open space should be laid out to complement the open space.</i>	N/A	Not applicable.

55.03 SITE LAYOUT AND BUILDING MASSING				
55.03-1 Street Setback	Met?	Standard B6	Met?	Comments
<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</i>	Yes	<i>The site is on a corner.</i> <ul style="list-style-type: none"> <i>Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i> 	Yes	The proposed dwellings are setback 4m from the George Street boundary.
		<i>Porches, pergolas and verandahs that are < 3.6m high and eaves may</i>	Yes	The front porch of the proposed dwelling

		<i>encroach ≤ 2.5m into the setbacks of this standard</i>		encroaches 0.325m into the front setback.
55.03-2 Building Height	Met?	Standard B7	Met?	Comments
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i>	Yes	<i>The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i>	Yes	The dwellings are less than 9m in height.
		<i>Changes of building height between existing buildings and new buildings should be graduated.</i>	Yes	Both dwellings are single storey, consistent with the surrounding streetscape.
55.03-3 Site Coverage	Met?	Standard B8	Met?	Comments
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i>	Yes	<i>The site area covered by buildings should not exceed 60 per cent</i>	Yes	Building site coverage = 40.07%
55.03-4 Permeability	Met?	Standard B9	Met?	Comments
<i>To reduce the impact of increased stormwater run-off on the drainage system</i>	Yes	<i>The site area covered by the pervious surfaces should be at least 20% of the site</i>	Yes	Permeable area = 56.58%
<i>To facilitate on-site stormwater infiltration</i>		<i>The stormwater management system should be designed to:</i> <ul style="list-style-type: none"> • <i>Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i> • <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i> 	Yes	All stormwater will be directed to the existing table drain within George Street as per the referral response from the Engineering Department.
55.03-5 Energy Efficiency	Met?	Standard B10	Met?	Comments
<i>To achieve and protect energy efficient dwellings</i>	Yes	<i>Buildings should be:</i> <ul style="list-style-type: none"> • <i>Orientated to make appropriate use of solar energy</i> 	Yes	The existing dwelling orientation and solar access opportunities are not changing. The new

<p><i>and residential buildings</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i></p>		<ul style="list-style-type: none"> <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> <i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i> 		<p>dwellings have north, east and west facing windows to all habitable rooms to allow for appropriate solar access. The height and form of the new dwellings will not unreasonably affect solar access on other existing dwellings.</p>
		<p><i>Living areas and private open space should be located on the north side of the development if practicable</i></p>	Yes	<p>The SPOS for the proposed dwellings is located on the western side of the proposed dwellings but has a northerly aspect behind the garage.</p>
		<p><i>Developments should be designed so that solar access to north-facing windows is maximised</i></p>	Yes	<p>The proposed dwellings maximise the extent of north facing windows by providing two large windows on the front façade to two bedrooms.</p>
55.03-6 Open Space	Met?	Standard B11	Met?	Comments
<p><i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i></p>	N/A	<p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> <i>Be substantially fronted by dwellings, where appropriate</i> <i>Provide outlook for as many dwellings as practicable</i> <i>Be designed to protect any natural features on the site</i> <i>Be accessible and useable</i> 	N/A	N/A
55.03-7 Safety	Met?	Standard B12	Met?	Comments
<p><i>To ensure the layout of development provides for the safety and security of residents and property</i></p>	Yes	<p><i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i></p>	Yes	<p>The entrances to each dwelling are readily identifiable from the street.</p>
		<p><i>Planting which creates unsafe spaces along streets and accessways should be avoided</i></p>	Yes	<p>No such plantings proposed.</p>
		<p><i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i></p>	Yes	<p>Each car parking space is either contained within a secure garage or in front of the garage which is afforded good passive surveillance</p>

				from the dwellings and the public realm.
		<i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i>	Yes	The development does not present opportunity for inappropriate use as a public thoroughfare.
55.03-8 Landscaping	Met?	Standard B13	Met?	Comments
<p><i>To encourage development that respects the landscape character of the neighbourhood</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site</i></p>	Yes	<p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none"> • <i>Protect any predominant landscape features of the neighbourhood</i> • <i>Take into account the soil type and drainage patterns of the site</i> • <i>Allow for intended vegetation growth and structural protection of buildings</i> • <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i> • <i>Provide a safe, attractive and functional environment for residents</i> <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i></p>	Yes	A concept landscape plan is provided in the overall site plan, which shows that meaningful landscaping can be provided on site. A detailed landscaping plan will be required by conditions.
55.03-9 Access	Met?	Standard B14	Met?	Comments
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i>	Yes	<i>The width of accessways or car spaces should not exceed:</i>	Yes	Complies (less than 33%)
		<ul style="list-style-type: none"> • <i>33% of the street frontage, or</i> • <i>if the width of the street frontage is less than 20m, 40% of the street frontage</i> 		
		<i>No more than one single-width crossover should be provided for each dwelling fronting a street</i>		
		<i>The location of crossovers should maximize the retention of on-street car parking spaces</i>	Yes	Crossover locations are designed to minimise

				impacts on on-street car parking.
		<i>The number of access point to a road in a Transport Zone 2 should be minimised</i>	N/A	The site does not abut a Transport Zone 2.
		<i>Developments must provide access for service, emergency and delivery vehicles</i>	Yes	Easy access to each dwelling is provided from the street.
55.03-10 Parking Location	Met?	Standard B15	Met?	Comments
<i>To provide convenient parking for resident and visitor vehicles</i>	Yes	<i>Car parking facilities should:</i> <ul style="list-style-type: none"> • <i>Be reasonably close and convenient to dwellings and residential buildings</i> • <i>Be secure</i> • <i>Be well ventilated if enclosed</i> 	Yes	As above, car parking is provided within garages and in front of garages which is close, convenient and secure for future residents.
<i>To protect residents from vehicular noise within developments</i>		<i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway</i>	N/A	No shared accessways or car parking spaces are proposed.

55.04 AMENITY IMPACTS				
55.04-1 Side And Rear Setback	Met?	Standard B17	Met?	Comments
<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i>	Yes	<i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i>	Yes	The dwellings are setback a minimum distance of 1.4m from side boundaries.
		<i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5m into the setbacks of this standard</i>	N/A	None of these elements encroach within the setbacks required by this standard.
		<i>Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard</i>	N/A	No landings are proposed within the side setback area.
55.04-2 Wall On Boundaries	Met?	Standard B18	Met?	Comments
<i>To ensure that the location, length and height of a wall</i>	N/A	<i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on</i>	N/A	No walls on boundaries are proposed.

<p><i>on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i></p>		<p><i>or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</i></p> <ul style="list-style-type: none"> <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> <i>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i> 		
		<p><i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i></p>	N/A	N/A
		<p><i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i></p>	N/A	N/A
<p>55.04-3 Daylight To Existing Windows</p>	<p>Met?</p>	<p>Standard B19</p>	<p>Met?</p>	<p>Comments</p>
<p><i>To allow adequate daylight into existing habitable room windows</i></p>	<p>Yes</p>	<p><i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot</i></p>	<p>Yes</p>	<p>All existing habitable room windows will have access to the requisite light court.</p>
		<p><i>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window.</i></p>	<p>N/A</p>	<p>Not applicable to this development.</p>

		<p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</i></p> <p><i>Refer to Diagram B2</i></p>		
55.04-4 North Facing Windows	Met?	Standard B20	Met?	Comments
<i>To allow adequate solar access to existing north-facing habitable room windows</i>	Yes	<p><i>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window.</i></p> <p><i>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p><i>Refer to Diagram B3</i></p>	N/A	There are no north facing windows of existing dwellings within 3m of a boundary on an adjoining lot.
55.04-5 Overshadow Open Space	Met?	Standard B21	Met?	Comments
<i>To ensure buildings do not significantly overshadow existing secluded private open space</i>	Yes	<p><i>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September</i></p>	Yes	The proposed development will not result in any additional overshadowing to existing areas of private open space.
		<p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced</i></p>	N/A	Not applicable.
55.04-6 Overlooking	Met?	Standard B22	Met?	Comments
<i>To limit views into existing secluded private open space and habitable room windows</i>	Yes	<i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing</i>	Yes	As the dwellings are single storey and the land is relatively flat, overlooking will not occur from the proposed dwellings and will be suitably

		<p><i>dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i></p>		mitigated by existing and proposed boundary fencing.
		<p><i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i></p> <ul style="list-style-type: none"> <i>• offset a minimum of 1.5m from the edge of one window to the edge of the other</i> <i>• have sill heights of at least 1.7m above floor level</i> <i>• have fixed, obscure glazing in any part of the window below 1.7m above floor level</i> <i>• have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</i> 	N/A	As above.
		<p><i>Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard</i></p>	N/A	As above.
		<p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <i>• perforated panels or trellis with a maximum of 25% openings or solid translucent panels</i> <i>• permanent, fixed and durable</i> <i>• designed and coloured to blend with the development</i> 	N/A	As above.
55.04-7 Internal Views	Met?	Standard B23	Met?	Comments
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development</i>	Yes	<i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development</i>	Yes	As above, boundary fencing is proposed to limit internal views between dwellings.

55.04-8 Noise Impacts Objective	Met?	Standard B24	Met?	Comments
<i>To contain noise sources in developments that may affect existing dwellings</i>	Yes	<i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i>	Yes	Standard domestic equipment such as air conditioners and hot water tanks will be suitably located to minimise noise.
<i>To protect residents from external noise</i>		<i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties</i>	Yes	The site is located in a typical residential area with typical noise sources and emissions.
		<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	Yes	The subject land is not located near a busy road or industry.

55.05 ON-SITE AMENITY AND FACILITIES				
55.05-1 Accessibility	Met?	Standard B25	Met?	Comments
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	Yes	<i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i>	Yes	Each dwelling entry is at ground level and accessible to persons with limited mobility.
55.05-2 Dwelling Entry	Met?	Standard B26	Met?	Comments
<i>To provide each dwelling or residential building with its own sense of identity</i>	Yes	<i>Entries to dwellings and residential buildings should:</i> <ul style="list-style-type: none"> • <i>be visible and easily identifiable from streets and other public areas</i> • <i>provide shelter, a sense of personal address and a transitional space around the entry</i> 	Yes	Each entry is readily identifiable and visible from the street and provides a porch/verandah as a transitional space to same.
55.05-3 Daylight To New Windows	Met?	Standard B27	Met?	Comments
<i>To allow adequate daylight into new habitable room windows</i>	Yes	<i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none"> • <i>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i> • <i>a verandah provided it is open for at least one third its perimeter, or</i> • <i>a carport provided it has two or more open sides and is open</i> 	Yes	All new habitable room windows are provided with the requisite light courts.

		<i>for at least one third of its perimeter</i>		
55.05-4 Private Open Space	Met?	Standard B28	Met?	Comments
<i>To provide adequate private open space for the reasonable recreation and service needs of residents</i>	Yes	<p><i>A dwelling or residential building should have private open space:</i></p> <ul style="list-style-type: none"> <i>an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</i> <i>a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</i> <i>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</i> 	Yes	Each dwelling has a total POS area of 46m with SPOS equating to 25.4m ² with a minimum dimension of 3.2m and direct access from a living room.
55.05-5 Solar Access To Open Space	Met?	Standard B29	Met?	Comments
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings</i>	Yes	<i>The private open space should be located on the north side of the dwelling or residential buildings</i>	No	Whilst the area of SPOS is located to the west of the proposed dwellings, it still achieves a northerly aspect behind the garage. As the overshadowing diagrams demonstrate, the area of SPOS achieves direct sunlight between the hours of 11am to 3pm to varying degrees.
		<p><i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall</i></p> <p>Refer to Diagram B29</p>	Yes	Complies.
55.05-6 Storage	Met?	Standard B30	Met?	Comments
<i>To provide adequate storage facilities for each dwelling</i>	Yes	<i>Each dwelling should have convenient access to at least 6m³ of externally accessible, secure storage space</i>	Yes	Each dwelling is provided external storage of the requisite size.

55.06 DETAILED DESIGN

55.06-1 Design Detail	Met?	Standard B31	Met?	Comments
<i>To encourage design detail that respects the existing or</i>	Yes	<p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> <i>Facade articulation and detailing,</i> 	Yes	The existing and proposed dwelling are single storey, commensurate with the prevailing streetscape of a

<i>preferred neighbourhood character</i>		<ul style="list-style-type: none"> Window and door proportions, Roof form, and Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p>		scale and intensity appropriate for the location for the reasons discussed in this assessment.
		Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character	Yes	The garage for each dwelling integrates with the built form of the respective dwellings, and will not dominate the streetscape from George Street.
55.06-2 Front Fences	Met?	Standard B32	Met?	Comments
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	N/A	<i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i>	N/A	No front fencing proposed.
		<i>A front fence within 3m of a street should not exceed:</i> <ul style="list-style-type: none"> Streets in a Road Zone – 2m Other Streets – 1.5m 	N/A	No front fencing proposed.
55.06-3 Common Property	Met?	Standard B33	Met?	Comments
<i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i>	N/A	<i>Developments should clearly delineate public, communal and private areas</i>	N/A	No common property is proposed
		<i>Common property, should be functional and capable of efficient management</i>	N/A	No common property is proposed.
<i>To avoid future management difficulties in areas of common ownership</i>				
55.06-4 Site Service	Met?	Standard B34	Met?	Comments
<i>To ensure that site services can be installed and easily maintained</i>	Yes	<i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically</i>	Yes	The design of the dwellings provides sufficient space for all services to be accommodated and maintained efficiently and economically, including in easements if required.
		<i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development</i>	Yes	All such site facilities are of appropriate size, sited appropriately and integrate with the development.
<i>To ensure that site facilities are accessible, adequate and attractive</i>				

		<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	Bin storage is readily accommodated at the side of each dwelling, easily accessible and moveable to the street frontage and not visible from the street.
		<i>Mailboxes should be provided and located for convenient access</i>	Yes	Mailboxes are appropriately located, clearly identifiable for each dwelling and conveniently accessible.

Clause 56 – Residential Subdivision

Provisions in this clause apply to an application to subdivide land in a General Residential Zone.

These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Planning Response:

The proposed subdivision is sought in conjunction with an application for development where each lot will contain an existing or approved dwelling. As such, an assessment against Clause 56 is not required to be undertaken.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

Clause 65.02– Approval of an application to subdivide land

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. As explored through this report, the development provides for a diversity in housing types and housing options in an area well connected to private and public services. No natural hazards issues are identified in relation to the site and no staging is required. The application is therefore considered to be reflective of orderly planning.

Discussion:

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

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

Clause 32.08 General Residential Zone

The proposal complies with the purpose and decision guidelines of Clause 32.08 for the reasons outlined in the planning response to the zone as discussed above.

Clause 42.01 Environmental Significance Overlay – Schedule 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 for the reasons outlined in the planning response to the overlay as discussed above.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposal complies with the relevant objectives and decision guidelines of Clause 55 for the reasons outlined in the planning response to this clause as discussed above.

Clause 65 Decision Guidelines

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the General Residential Zone, Environmental Significance Overlay – Schedule 6 and Clause 55 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

12/10/2022 The application was received.

19/10/2022 The fee was paid.

24/10/2022 Application referred to Wimmera CMA, GMW Water, Powercor and Engineering.

26/10/2022 The application was notified.

10/11/2022 Notification of the application was completed.

2/11/2022 Wimmera CMA referral response received.

17/11/2022 Powercor referral response received.
24/11/2022 Engineering referral response received.
14/12/2022 The report is being presented to Council at the meeting held 14 December 2022 (39 days).

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

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Author – Ebony Cetinich, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.
In providing this advice as the Author, I have no interests to disclose.

Link to Council Plan:

Support healthy living and provide services and activities for people of all ages and abilities. Develop and promote local tourist opportunities that attract visitation.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Planning Permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1801-2022 for the Development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation on the subject land known as 5 Glenferness Street Nhill Vic 3418 (Lot 87 on Lodged Plan 11688), subject to the following conditions:

Amended Plans Required

- 1. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988***

(whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the plans submitted but modified to show:

- (a) The tandem car parking space for unit 2 and unit 3 having minimum dimensions of 5.4m long and 2.6m wide in accordance with Design Standard 2 of Clause 52.06-9 of the Hindmarsh Planning Scheme.*
- (b) In addressing point (a), secluded private open space must meet Standard B28 of Clause 55.05-4 of the Hindmarsh Planning Scheme.*
- (c) Amended landscaping in accordance with Condition 3 of this permit.*

Endorsed Plans

- 2. The development and subdivision 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.*

Landscaping

- 3. Concurrent with the plans required by Condition 1 of this permit, an amended landscaping plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.*

The plan must be drawn to scale and must show the following:

- (a) Details of surface finishes of pathways and driveways;*
 - (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;*
 - (c) Landscaping within all open areas of the site to the satisfaction of the Responsible Authority;*
 - (d) Pot sizes to be a minimum of 250mm for canopy trees and 200mm for shrubs; and*
 - (e) Installed height of canopy trees to be at least 1.5 metres.*
- 4. All landscaping shown on the endorsed plans must be established on the site prior to the occupation of the development.*

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.

Development Conditions

5. ***Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.***
6. ***Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.***
7. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
8. ***The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

Subdivision Conditions

9. ***Before the issue of Statement of Compliance, the construction of the dwellings approved under this permit (PA1801-2022) must be substantially commenced to the satisfaction of the Responsible Authority.***
10. ***Before the issue of a Statement of Compliance, the permit holder must pay a public open space contribution of 5 per cent of the site value of all of the land in the subdivision intended to be used for residential purposes, in accordance with Section 18 of the Subdivision Act 1988.***
11. ***The owner of the land must enter into an agreement with:***
 - (a) ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- (c) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- (d) ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Engineering Conditions

12. *Prior to the issue of a Statement of Compliance, a new crossover must be constructed, to each new lot (lots 2 & 3) as per IDM SD-255 standard drawing at the North side of the lots on George Street to the satisfaction of the Responsible Authority.*

The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

Note: A consent to works within road reserve permission is required prior to construction if working in road reserve.

<https://www.hindmarsh.vic.gov.au/register-for-permits>

13. *All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Northern side of the property to the table drain in the George Street road reserve to the satisfaction of the Responsible Authority.*

Wimmera Catchment Management Authority

14. *Vegetation removal should not degrade the ecological condition of areas covered by ESO 5.*
15. *The material used in the construction of a fence should not act as a barrier that would redirect surface water flow. Any mounding of soil associated with the construction of a fence should not result in the redirection of surface water flow.*

Powercor

16. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*
17. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*
18. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*

GMMWater

19. *The owner/applicant must enter into a Developer Agreement with GMMWater for the supply of sewerage to each lot of the subdivision.*
20. *The owner/ applicant must provide individually metered water services to each dwelling in accordance with GMMWater's requirements.*

21. ***The owner/applicant must install sewerage mains and associated works to individually serve each lot/dwelling of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements.***
22. ***The owner/applicant must provide individual sewer services to each lot/dwelling in accordance with GMMWater's requirements.***
23. ***The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.***
24. ***The owner/ applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GMMWater's approval.***
25. ***The owner/applicant must pay to GMMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GMMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision***
26. ***The owner/applicant must provide three metre wide easements in favour of GMMWater over all existing and proposed sewers located within private land.***
27. ***The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff.***
28. ***The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GMMWater standards. This includes compaction, air and hydrostatic pressure testing as directed by GMMWater.***
29. ***The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GMMWater's asset register for all sewerage works upon completion.***
30. ***The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act.***
31. ***The owner/applicant must provide GMMWater with an updated drainage plan for each lot/dwelling submitted by a qualified plumber.***
32. ***The owner/applicant must ensure any existing water or sewer services and GMMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GMMWater's standards.***

Time Limit

33. ***The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:***
- (a) The development is not started within two (2) years of the date of this permit; or***
 - (b) The development is not completed within four (4) years of the date of this permit.***

The above-mentioned planning permit as it relates to subdivision will expire if either of the following circumstances arise:

- (c) The plan of subdivision is not certified within two (2) years of the date of this permit; or***
- (d) The subdivision is not completed within five (5) years of the date of certification.***

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987

MOVED: CRS M Albrecht/R Ismay

That Council approves planning application PA1801-2022 for the Development of two (2) additional dwellings, subdivision of land into three (3) lots, fencing and removal of vegetation on the subject land known as 5 Glenferness Street Nhill Vic 3418 (Lot 87 on Lodged Plan 11688), subject to the following conditions:

Amended Plans Required

- 1. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.***

The plans must be generally in accordance with the plans submitted but modified to show:

- (a) The tandem car parking space for unit 2 and unit 3 having minimum dimensions of 5.4m long and 2.6m wide in accordance with Design Standard 2 of Clause 52.06-9 of the Hindmarsh Planning Scheme.***
- (b) In addressing point (a), secluded private open space must meet Standard B28 of Clause 55.05-4 of the Hindmarsh Planning Scheme.***
- (c) Amended landscaping in accordance with Condition 3 of this permit.***

Endorsed Plans

- 2. The development and subdivision 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.

Landscaping

3. *Concurrent with the plans required by Condition 1 of this permit, an amended landscaping plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.*

The plan must be drawn to scale and must show the following:

- (a) Details of surface finishes of pathways and driveways;*
 - (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;*
 - (c) Landscaping within all open areas of the site to the satisfaction of the Responsible Authority;*
 - (d) Pot sizes to be a minimum of 250mm for canopy trees and 200mm for shrubs; and*
 - (e) Installed height of canopy trees to be at least 1.5 metres.*
4. *All landscaping shown on the endorsed plans must be established on the site prior to the occupation of the development.*

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.

Development Conditions

5. *Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.*
6. *Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.*
7. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
8. *The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.*

Subdivision Conditions

9. *Before the issue of Statement of Compliance, the construction of the dwellings approved under this permit (PA1801-2022) must be substantially commenced to the satisfaction of the Responsible Authority.*

10. ***Before the issue of a Statement of Compliance, the permit holder must pay a public open space contribution of 5 per cent of the site value of all of the land in the subdivision intended to be used for residential purposes, in accordance with Section 18 of the Subdivision Act 1988.***
11. ***The owner of the land must enter into an agreement with:***
- (a) ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- (c) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
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Engineering Conditions

13. ***Prior to the issue of a Statement of Compliance, a new crossover must be constructed, to each new lot (lots 2 & 3) as per IDM SD-255 standard drawing at the North side of the lots on George Street to the satisfaction of the Responsible Authority.***

The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

Note: A consent to works within road reserve permission is required prior to construction if working in road reserve.

<https://www.hindmarsh.vic.gov.au/register-for-permits>

13. ***All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the***

Northern side of the property to the table drain in the George Street road reserve to the satisfaction of the Responsible Authority.

Wimmera Catchment Management Authority

- 14. Vegetation removal should not degrade the ecological condition of areas covered by ESO 5.***
- 19. The material used in the construction of a fence should not act as a barrier that would redirect surface water flow. Any mounding of soil associated with the construction of a fence should not result in the redirection of surface water flow.***

Powercor

- 20. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.***
- 21. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.***
- 22. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).***

GMMWater

- 19 The owner/applicant must enter into a Developer Agreement with GMMWater for the supply of sewerage to each lot of the subdivision.***
- 20. The owner/ applicant must provide individually metered water services to each dwelling in accordance with GMMWater's requirements.***
- 21. The owner/applicant must install sewerage mains and associated works to individually serve each lot/dwelling of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements.***
- 22. The owner/applicant must provide individual sewer services to each lot/dwelling in accordance with GMMWater's requirements.***
- 23. The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.***
- 24. The owner/ applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GMMWater's approval.***
- 25. The owner/applicant must pay to GMMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GMMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision***
- 26. The owner/applicant must provide three metre wide easements in favour of GMMWater over all existing and proposed sewers located within private land.***
- 27. The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff.***

28. ***The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GMMWater standards. This includes compaction, air and hydrostatic pressure testing as directed by GMMWater.***
29. ***The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GMMWater's asset register for all sewerage works upon completion.***
30. ***The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act.***
31. ***The owner/applicant must provide GMMWater with an updated drainage plan for each lot/dwelling submitted by a qualified plumber.***
32. ***The owner/applicant must ensure any existing water or sewer services and GMMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GMMWater's standards.***

Time Limit

33. ***The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:***
 - (a) ***The development is not started within two (2) years of the date of this permit; or***
 - (b) ***The development is not completed within four (4) years of the date of this permit.***

The above-mentioned planning permit as it relates to subdivision will expire if either of the following circumstances arise:

- (c) ***The plan of subdivision is not certified within two (2) years of the date of this permit; or***
- (d) ***The subdivision is not completed within five (5) years of the date of certification.***

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987

CARRIED

Attachment Number: 6

Cr M Albrecht declared a general conflict of interest and left the room at 3:33pm.

8.3 APPLICATION FOR PLANNING PERMIT 1805-2022 – USE OF LAND FOR A PLACE OF ASSEMBLY (PARENTING CENTRE) AND ALTERATION OF ACCESS TO A ROAD IN A TRANSPORT ZONE 2 – 79 VICTORIA STREET NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	130620
Application Number:	PA1805-2022
Application Received:	2 November 2022 (Paid 06 December 2022)
Applicant:	West Wimmera Health Service
Owner:	West Wimmera Health Service
Subject Land:	79 Victoria Street Nhill Vic 3418 (Crown Allotment 9, Section 9, Township of Nhill, Parish of Balrootan)
Proposal:	Use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6) Bushfire Management Overlay (BMO)
Attachment Number:	7

Summary:

This report recommends that Council approve Planning Permit PA1805-2022 for the use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2 on the subject land known as 79 Victoria Street Nhill Vic 3418 (Crown Allotment 9, Section 9, Township of Nhill, Parish of Balrootan).

Background:

On 2 November 2022, West Wimmera Health Service lodged a planning application to the Responsible Authority for the use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2 at 79 Victoria Street Nhill.

Proposal Details:

The permit applicant, West Wimmera Health Service seeks approval for the use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2.

The subject land contains an existing dwelling which was previously used for accommodation purposes by West Wimmera Health Service to house student nurses. The building is proposed to be used to provide parenting services to the local community. The program aims to address the following:

- Child parent-attachment
- Settling
- Routines
- Nutrition

- Positive parenting
- Social connection
- Self-care
- Exercise
- Reduced family stress – child abuse – domestic violence
- Specialist health support.

The operating hours are proposed to be 9am to 4pm weekdays, consisting of a maximum of one staff member and 6 patrons from one family per day. No alterations are proposed to the building other than the installation of fencing and a pedestrian access ramp, which does not trigger a permit as the fencing is of an open nature and won't obstruct the flow of water and the new pedestrian access ramp is for the purpose of disabled access (exempt under Clause 62.02). No physical changes are proposed to the existing vehicle access point, however, given that the proposed land use is likely to change the nature of movement through the existing access point, it triggers a permit under Clause 52.29. No signage is proposed.

A site plan is contained within Figure 1 below.

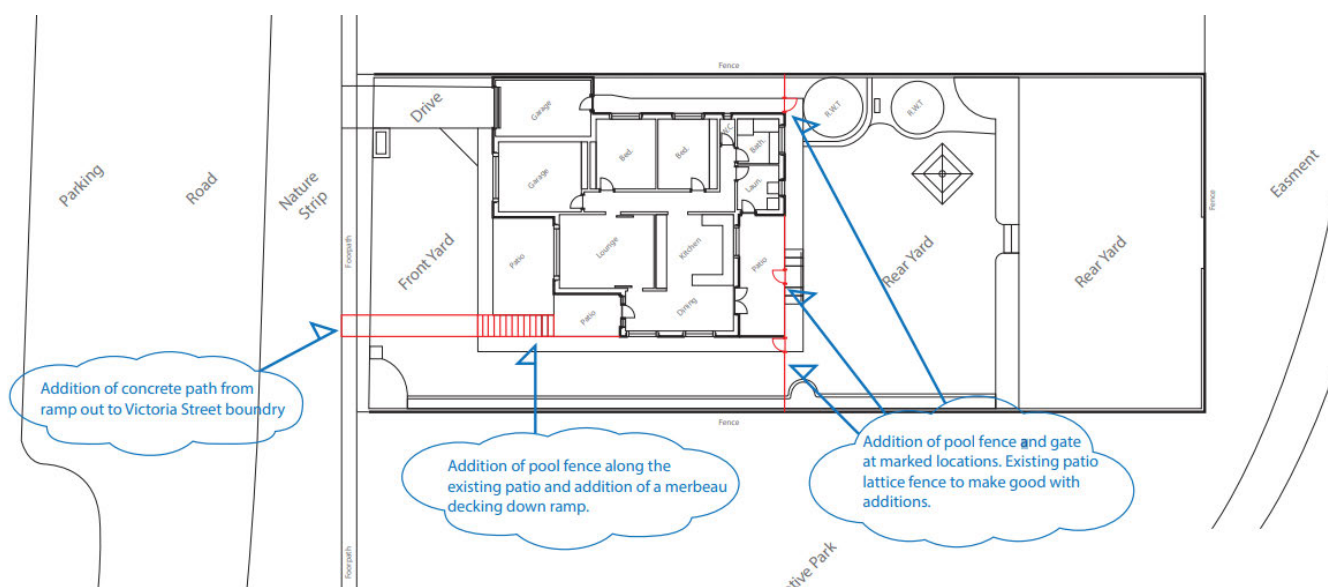


Figure 1 – Site Plan

Requirement for Permit:

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

- Clause 32.08-2 (General Residential Zone) – A permit is required to use the land for a Place of Assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship).

Definitions:

Place of assembly - *Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.*

Restrictive Covenant or Section 173 Agreement:

The subject site is not affected by any Covenants or Section 173 Agreements.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is identified as an exempt activity under Regulation 14 of the Regulations.

Subject site & locality:

The subject site is known as 79 Victoria Street Nhill Vic 3418 (Crown Allotment 9, Section 9, Township of Nhill, Parish of Balrootan) which comprises a single title of approximately 966m². The land is generally flat, with minimal fall across the site. The land currently contains an existing building used for accommodation purposes and an existing vehicle access point to Victoria Street at the northern end of the lot. The site appears to have access to reticulated power, telecommunications, water and sewer.

The subject site is surrounded by dwellings on similar sized allotments to the north east, Jaypex Park to the north west and further recreation land to the south, including the Nhill Lake Reserve.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners; and
- Erection of a sign on site.

No objections or submissions have been received in relation to the application.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Department of Transport	No objection or conditions. Response received 15 November 2022 .

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 11.01-1S Settlement
- Clause 11.01-1L Settlement – Hindmarsh
- Clause 13.02-1S Bushfire planning
- Clause 13.07-1S Land use compatibility
- Clause 18.02-4S Roads
- Clause 19.02-4S Health facilities

Zoning Provisions:

Clause 32.08 – General Residential Zone (GRZ)

Clause 32.08-2 Table of uses

A permit is required to use the land for a Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)

Planning Response:

The key considerations applying to this application and the application of policy relate to the appropriateness of the proposed land use in the GRZ in terms of land use compatibility and amenity impacts. There is clear support within the provisions of the GRZ and the PPF for small scale non-residential uses that serve local community needs to be appropriately located within the Zone.

It is evident that the proposed land use serves the needs of the local community by providing parental education services that are often lacking in small regional towns. The site is ideally positioned on a main road and is predominantly surrounded by recreation land except for the adjoining allotment to the northeast which contains an existing dwelling. The proposed land use is relatively minor in scale, has standard weekday operating hours and is unlikely to result in unreasonable noise emissions. As such, the proposed place of assembly is considered to be compatible with surrounding land uses and unlikely to impact the amenity of existing dwellings within the surrounding area.

The existing built form will remain largely intact with only fencing, paths and an access ramp proposed to be constructed. As such, the proposed place of assembly will not impact the existing character of the surrounding area and will appear as a dwelling from the public realm. No changes are proposed to existing access arrangements which has the support of the Department of Transport and the small-scale nature of the land use ensures that traffic levels will be kept to a minimum. Areas of landscaping will remain unaltered with the exception of new paths and the existing carport and driveway will be used for on-site car parking which will be discussed further below. The scale and type of land use is unlikely to warrant any additional waste storage and collection arrangement other than those already in place for the existing dwelling.

Conditions will be included on the planning permit to restrict operating hours and maximum patron numbers to ensure that the land use does not bring rise to amenity or road safety concerns.

Clause 13.02-1S requires consideration as the site is within a Bushfire Prone Area and involves the use of the land for a place of assembly. Particular bushfire protection measures are not considered to be required for this application due to the small scale nature of the land use and a permit is not triggered under the BMO for any buildings and works (exempt under Clause 62.02). The proposed place of assembly will have a maximum of 7 people on site at any given time which is comparable to the number of people which would have been on site when the building was used for accommodation purposes.

Overlay Provisions:

Not applicable. A permit is not triggered for any buildings and works under the BMO or ESO.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06-5 – Number of Car Parking Spaces

Table 1 of this clause provides that 0.3 car parking spaces are required for each patron permitted.

Planning Response:

A maximum number of seven patrons will be permitted on site (one staff member and six family members) at any given time. As such, the proposal generates a car parking demand of two on-site spaces. The existing dwelling contains an existing carport and driveway which accommodates two car parking spaces. As such, the requirements of the Scheme in relation to car parking numbers has been met.

Clause 52.29 – Land Adjacent to the Principal Road Network

Clause 52.29-2 – Permit Requirement

A permit is required to create or alter access to a road in a Transport Zone 2.

Planning Response:

No physical changes are proposed to the existing vehicle access point, however, given that the proposed land use is likely to change the nature of movement through the existing access point, it triggers a permit under Clause 52.29. The scale of the proposed land use is relatively minor with only one staff member and one family attending the premises per day. As such, the proposal is unlikely to impact the operation of Victoria Street and public safety. The Department of Transport have reviewed the application and did not object or have any Conditions to add.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

Planning Response:

The proposal is appropriate, taking into account the matters set out in Section 60 of the Planning and Environment Act 1987. Namely, the proposal satisfies the relevant provisions of the Hindmarsh Planning Scheme, notification and referrals were undertaken, no issues were raised, and there are no significant environmental, social or economic effects.

The Municipal Planning Strategy and Planning Policy Framework have been addressed in the body of the report. The land is appropriately zoned for a small scale non-residential land use that serves the local community. The proposed land use provides essential parental services to support the community of Nhill and surrounding towns.

The proposal respects the existing neighborhood character and is unlikely to result in any unreasonable amenity issues. The site is situated within the BMO, however, a permit is not triggered for the proposal under the Overlay. Bushfire risk has been addressed earlier in this report. The site is not prone to any other natural hazards and does not contain any native vegetation or other environmental constraints. The site is within an area of Aboriginal Cultural Sensitivity but a CHMP is not required. The proposal will not cause or contribute to land degradation, salinity or reduced water quality, no changes are proposed to existing servicing arrangements. As discussed in detail above, the proposal is unlikely to impact the future development and operation of the transport system.

Discussion:

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

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

Clause 32.08 General Residential Zone

The proposal complies with the purpose and decision guidelines of Clause 32.08 for the reasons outlined in the planning response to the zone as discussed above.

Clause 52.29 Land Adjacent to the Principal Road Network

The proposal complies with the purpose and decision guidelines of Clause 52.29 for the reasons outlined in the planning response under the Particular Provisions as discussed above.

Clause 65 Decision Guidelines

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the General Residential Zone, Environmental Significance Overlay – Schedule 6 and Clause 55 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

02/11/2022 The application was received.
09/11/2022 Application referred to Department of Transport.
10/11/2022 The application was notified.
29/11/2022 Notification of the application was completed.
15/11/2022 Department of Transport referral response received.
06/12/2022 The fee was paid.
14/12/2022 The report is being presented to Council at the meeting held 14 December 2022 (8 days).

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

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Author – Ebony Cetinich, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.
In providing this advice as the Author, I have no interests to disclose.

Link to Council Plan:

Support healthy living and provide services and activities for people of all ages and abilities.

Develop and promote local tourist opportunities that attract visitation.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Planning Permit and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1805-2022 for the use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2 on the subject land known as 79 Victoria Street Nhill Vic 3418 (Crown Allotment 9, Section 9, Township of Nhill, Parish of Balrootan), 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.***

Land Use Conditions

- 2. Except with the written consent of the Responsible Authority, the number of people (staff and patrons) utilising the place of assembly must not exceed 7 at any given time.***
- 3. Except with the written consent of the Responsible Authority, the place of assembly must only operate between the following hours:***
 - (a) Monday to Friday - 9a.m. to 4p.m. inclusive***

Time Limit

- 4. The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:***
 - (a) The use is not started within two (2) years of the date of this permit; or***
 - (b) The use is discontinued for a period of two (2) years or more.***

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987

MOVED: CRS R Gersch/W Bywaters

That Council approves planning application PA1805-2022 for the use of land for a place of assembly (parenting centre) and alteration of access to a road in a Transport Zone 2 on the subject land known as 79 Victoria Street Nhill Vic 3418 (Crown Allotment 9, Section 9, Township of Nhill, Parish of Balrootan), 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.***

Land Use Conditions

- 2. Except with the written consent of the Responsible Authority, the number of people (staff and patrons) utilising the place of assembly must not exceed 7 at any given time.***
- 3. Except with the written consent of the Responsible Authority, the place of assembly must only operate between the following hours:***
 - (a) Monday to Friday - 8:30am to 5:00pm inclusive***

Time Limit

- 4. The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:***
 - (a) The use is not started within two (2) years of the date of this permit; or***
 - (b) The use is discontinued for a period of two (2) years or more.***

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987

Attachment Number: 7

Cr M Albrecht returned to the room at 3:37pm.

Cr B Ireland declared a general conflict of interest and left the room at 3:38pm.

8.4 APPLICATION FOR PLANNING PERMIT 1770-2022 – SUBDIVISION OF LAND INTO TWO (2) LOTS – 240 MARSHALLS ROAD NETHERBY VIC 3418

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 72380
Application Number: **PA1770-2022**
Application Received: 21 February 2022 (Fee paid 22 February 2022)
Applicant: Angela Plazzer - Ferguson Perry Surveying Pty Ltd
Owner: Peter Marshall
Subject Land: 240 Marshalls Road Netherby VIC 3418 (Lot 1 318702G Parish of Lorquon)
Proposal: Subdivision of land into two (2) lots
Zoning & Overlays: Farming Zone (FZ)
Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Numbers: 8 – 10

Summary:

This report recommends that Council refuse Planning Permit PA1770-2022 for the subdivision of land into two (2) lots on the subject land known as 240 Marshalls Road, Netherby VIC 3418 (Lot 1 318702G Parish of Lorquon) for the reasons discussed in this report.

Background:

On 21 February 2022, Ferguson Perry Surveying Pty Ltd on behalf of Mr Peter Marshall lodged a planning application to the Responsible Authority for the subdivision of land into two (2) lots at 240 Marshalls Road, Netherby.

Proposal Details:

The permit applicant, Ferguson Perry Surveying Pty Ltd seeks approval for the subdivision of land into two (2) lots on the subject land at 240 Marshalls Road, Netherby. The subject land comprises a broadacre cropping allotment with an area of approximately 470.4 hectares and is currently improved by an existing residential dwelling setback approximately 350 metres from the Marshalls Road boundary. Save for 3 large patches of scattered vegetation and smaller scattered trees, the balance of the site is used for broadacre cropping.

It is proposed to excise the existing dwelling from the land, and retain a balance agricultural parcel. A domestic curtilage area and vegetation patch is delineated in aerial imagery around the existing dwelling, of which 2.9 hectares is proposed to be excised into the proposed house lot. The balance lot will retain the vegetation stands and cropping land on the site.

Proposed Lot 1 (the house lot) will be approximately 2.9ha in area, and contain the dwelling and scattered domestic outbuildings. Proposed Lot 2 (the balance lot) will comprise agricultural outbuildings, vegetation patches and cropping land. Access to each lot will be maintained by the existing access to Marshalls Road, which is proposed to have a carriageway easement created to allow shared access.

Plans of the proposed subdivision are provided below:



Image 1: Proposed plan of subdivision. Source: Application documents.



Image 2: Proposed house lot. Source: Application documents.

Requirement for Permit:

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

- Clause 35.07-3 (Farming Zone) – A permit is required to subdivide land.
- Clause 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required to subdivide land.

Definitions:

No relevant definitions are identified.

Restrictive Covenant or Section 173 Agreement:

The subject site is not affected by any Covenants or Section 173 Agreements.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity and is an exempt activity under Regulation 9 of the Regulations.

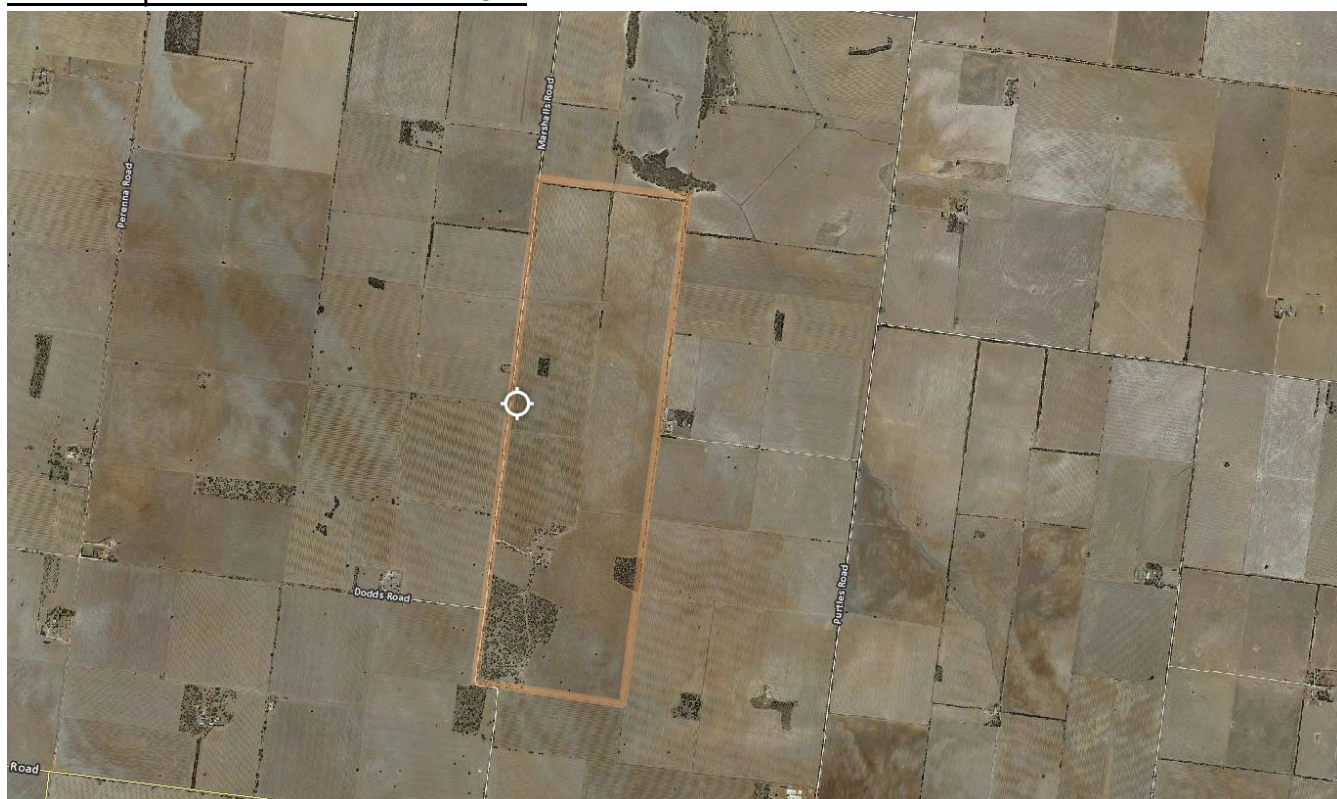
Subject site & locality:

The subject site is known as 240 Marshalls Road, Netherby (Lot 1 318702G Parish of Lorquon), which comprises a single title of approximately 470.4 hectares bounded by Marshalls Road on the western boundary (and a small portion of the southern boundary), with other abuttals comprising broadacre cropping land. The land is generally flat, with minimal fall across the site. The land is currently improved by an existing dwelling centrally sited and accessed from Marshalls Road, which is proposed to be excised onto a separate lot under this application. The dwelling is setback approximately 355 metres from the Marshalls Road Road Reserve at its closest point (as the crow flies).

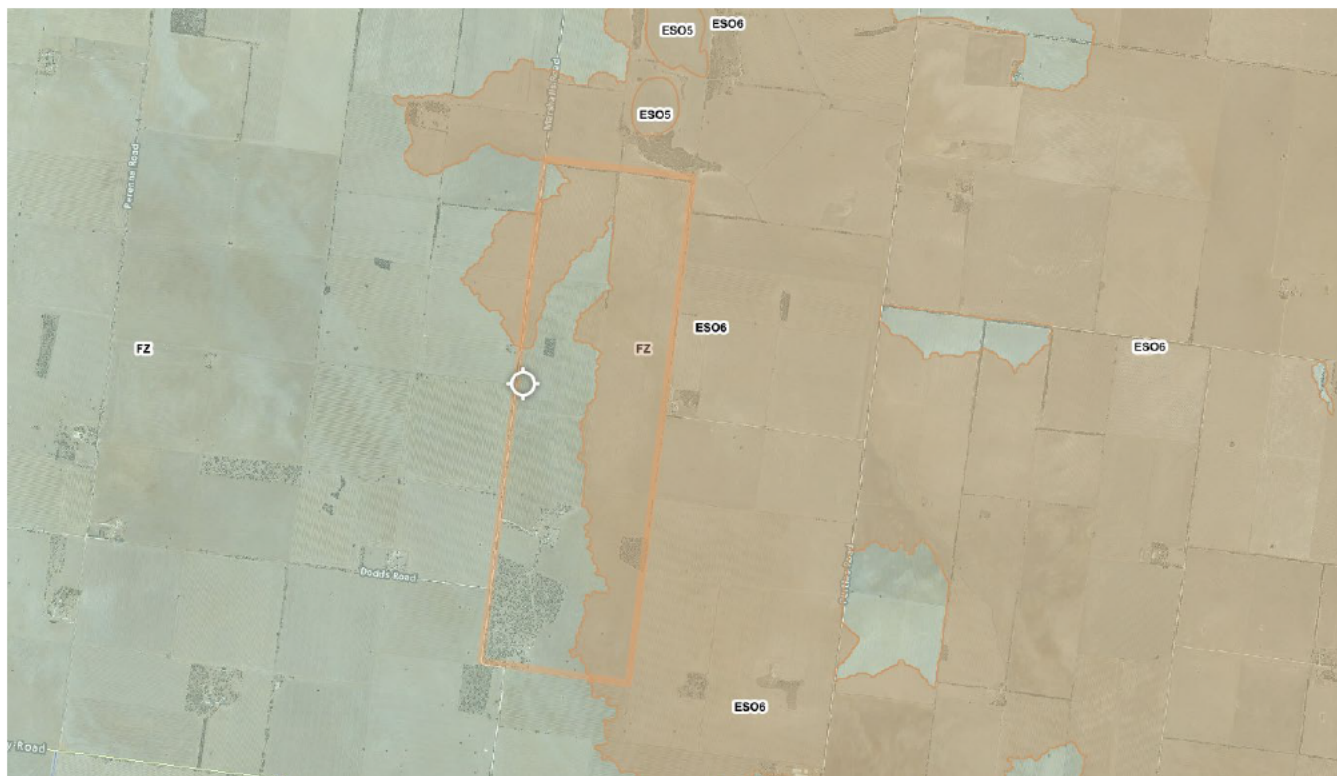
The subject site adjoins farming zoned land in all directions, and is approximately 23km west of the Jeparit Town Centre and 27km north of the Nhill town centre. Land in the surrounding area comprises a large amount of broadacre farming activities, with minimal /no land fragmentation or rural lifestyle lots evident. Immediately adjoining the subject land are farming blocks of a similar size and configuration to the subject land.

The site appears to have access to reticulated power and telecommunications, but not water and sewer.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners.

No objections or submissions have been received to the proposal.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	Consent, no conditions. Response received 24 February 2022 . Response received 22 August 2022 .

Section 52 and Internal Notices	
Engineering	Conditional consent. Response received 18 August 2022 .

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 02.03-4 Natural resource management
 Clause 11.01-1L Settlement – Hindmarsh

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2S Sustainable agricultural land use

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

Clause 35.07-3 Subdivision

A permit is required to subdivide land. Clause 35.07-3 provides that a permit may be applied for to create 1 lot smaller than the minimum lot size (40 hectares) if it is to create a smaller lot for an existing dwelling and the subdivision is a 2 lot subdivision.

Clause 35.07-6 Decision Guidelines

The following decision guidelines are relevant to the assessment of this application.

General issues

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

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Accommodation 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.*

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 site is zoned Farming Zone (FZ). The purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

As noted above, the decision guidelines of the Zone (Clause 35.07-6) require consideration of a number of matters.

These matters are now considered (as applicable) in turn.

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

The consideration of such matters is aided by relevant State and Local Planning Policy. Relevant policies relating to agricultural land emphasise the need to protect agricultural land from loss due to permanent changes in land use, in large part by limiting the use and development of non-agricultural uses in rural areas and the creation of rural-residential activities with no connection to agriculture (Clause 02.03-4, Clause 14.01-1S and Clause 14.01-2S). This is encapsulated by the decision guidelines of the Farming Zone and the elevated weight that agricultural factors carry in deciding on an application. The planning scheme is unequivocal in ensuring that productive agricultural land is protected from continued encroachment of non-agricultural uses.

The underlying (and explicit) point of the Farming Zone and associated planning policy is to ensure that such land is available for agricultural use for those who wish to conduct such an activity. Introducing non-agricultural land uses to such land defeats this purpose.

The issue of non-agricultural land use in the Farming Zone has been well agitated at the Victorian Civil and Administrative Tribunal (VCAT) previously. In matters with issues comparable to this application¹, the Tribunal has consistently applied relevant state and local planning policy as described earlier, and the decision guidelines of the Farming Zone in finding such proposals unacceptable.

In the VCAT decision of *Alford v Corangamite SC*, the Tribunal found in relation to a 3.1ha house lot excision on a 289.7ha allotment the following:

23. *The proposal will create a small lot within a Broadacre farming area. The larger Lot 2 will comprise the farming activity, while the dwelling is excised. While the land is north of the area identified in the Shire's framework plan as the most significant agricultural land, the area forms part of the rural assets of the Shire as well as part of the lakes landscape.*
24. **I accept that the land uses that presently exist will not alter on the land because of this subdivision. I also find that the dwelling is habitable, waste water can be managed and the lot is close to the preferred size set out in the local policy. I also accept that the excision will not necessarily lead to a proliferation of dwellings in the area and there is no existing clustering of dwellings**, although I note that there is a small title associated with a former school site opposite the review site.
25. **These positive aspects must be weighed against the overall objectives of policy and the zone to protect agricultural land and to prevent land use conflict. I find that the proposal is not supported by the State and local policy relating to agriculture or the objectives of the Farming Zone as set out below.**
26. **At the outset, I do not consider the personal circumstances of the applicant are a relevant planning consideration.** While the sale of the dwelling may be more convenient than continuing the leasing arrangement, it is not a key planning consideration. This may allow the applicant to focus on their main business of farming but I am not persuaded that this is a reason to support a dwelling excision in a broadacre rural area. **The excision is not required to support the existing farming operation and merely allows the sale of a separate asset.** As set out by the Tribunal in *Widdicombe v Colac Otway SC [2010] VCAT 1595*:

Applicants no longer wish to have what they submitted was the problems associated with non-farm related tenants in the dwelling on the subject land. Their solution to that problem is the excision of the dwelling. It is a poor response to policy.

¹ Such as *Alford v Corangamite SC [2018] VCAT 853* (12 June 2018) and *Rossi v South Gippsland SC [2019] VCAT 964* (1 July 2019)

27. **Council and the applicant submit that the proposal will provide accommodation for agricultural workers within the farming area as the review site is some distance from Camperdown. As set out in present policy and outlined in the policy basis as proposed for C45, the excision of dwellings can result in land use conflicts. While the present tenant (a rural contractor) may be familiar with the potential land use conflicts, there is no certainty that the purchaser would be the current tenant, or that the land would not be subsequently on-sold in the future to an occupant who was not so familiar with the rural environment.**
28. **I find that the excision does create the potential for land use conflict. The dwelling, while close to Steeles Road is surrounded by Lot 2 and is only about 65 metres from the larger shed and other agricultural assets to be retained on the farming lot.** I am not persuaded that Council's conditions reconfiguring the allotment and placing the larger shed with the dwelling is the solution which will protect a dwelling from the activities that may occur within this farming zone. In addition, the reconfiguration would remove the southern existing vegetation buffer.
29. The solution proposed by Council removes assets including the yards and staging area from the broader agricultural land holding. This would potentially reduce the viability of the larger holding or result in such facilities needing to be replicated. No consideration in this application has been given to the provision of access to the larger holding or these sheds. **The permit application as lodged with Council says that the existing access through the dwelling site would be used.** This is not provided for in the plan of subdivision, **nor would it be sustainable in the longer term.**
30. **The proposal also allows for the construction of a new dwelling on the remnant larger lot, potentially without planning approval.** The Section 173 requirement is intended to prevent further dwelling excisions from this larger lot in the future, but **the proposal would still allow an increase in the number of dwellings on the land. While the permit applicant indicated that their intention was not to construct a new dwelling but to continue farming as at present, there is nothing to require this.**

[emphasis added]

The above Tribunal decision is quite analogous to this application, in that:

- It represented the excision of approximately 3ha of land in a broadacre agricultural area from a large cropping property;
- The site was removed from township areas and was well into the rural environment;
- Shared access between the house lot and farming lot was proposed;
- The proposal is not advanced to support agriculture and it is stated that the owners are *not interested in maintaining the dwelling as a rental*. As extracted at paragraph 27 of the above decision, this is a poor response to policy.

There are no factors at play in this application, that warrant a different decision being reached to the one that VCAT made in Alford.

It is noted that the application has not been supported by an agricultural assessment which demonstrates that the land is not productive agricultural land. This would appear to be acknowledging, on any objective basis, the subject land is productive agricultural land (and indeed the applicant states that it is). The relevance of land being productive agricultural land was discussed in the Tribunal's decision in Rossi, where SM Hewet relevantly stated:

20. **Significantly, I have not been presented with any information that demonstrates to my satisfaction that the review site and the surrounding area is not productive agricultural land. I am entitled to infer therefore that the land and the surrounding area is productive. The facts appear to support the inference I have drawn. I was advised that the land was until very recently and in conjunction with abutting land intensively farmed for snow pea production. The Applicant advised that the land had not been cropped for twelve months although the circumstances surrounding the cessation of the cropping were not provided to me.**
21. **My conclusion about the productive capacity of the land is especially relevant because the zone purpose and the applicable policy framework is primarily concerned with the protection of productive agricultural land.**
22. *To some extent the Applicant's submission recognised the shortcomings in the application because it submits that permit conditions can reasonably be applied to require the submission of a farm management plan that is to the satisfaction of the responsible authority.*
23. *This is not a case in which the shortcomings of the application can be appropriately addressed by permit conditions. **The consideration of the supporting documentation is most appropriately undertaken as part of the decision as to whether a permit should be issued in the first instance.***

[emphasis added]

A significant part of the agricultural and economic base of the Hindmarsh Shire is agricultural production. Planning recognises that the trend of agriculture (particularly broadacre agriculture) is that farm expansions are required to provide competitive economic units of production, and provides tools to facilitate this (such as excisions). However, based on the applicants own submissions, this is not an application made in pursuit of agricultural expansion; but rather one that simply seeks to achieve a financial gain by disposing of the dwelling with no agricultural benefit.

It is noted the applicant has resisted any potential for an agreement on title for no dwelling to be constructed on the balance lot in the event a permit were granted, which suggests that there is an actual need for a dwelling to be placed on the land, either now or in the future. It

is counter productive to suggest that a dwelling is not required for agriculture, but to create future 'as of right' opportunities for a new dwelling to be created later (as recognised by the Tribunal in Alford). Were this logic to be applied generally to the Farming Zone, the provisions of the zone seeking to avoid dwelling proliferation and land use conflict would be unachievable.

Finally, the permit applicant submits that the proposal will assist in addressing a housing shortage. Planning Policy and the scheme directs housing growth to townships/established residential areas, and in the context of rural housing options, directs them to rural living zones which have been identified as suitable for rural-residential use and development without an agricultural connection. Hindmarsh Shire contains ample vacant Rural Living Zone lots around Nhill and Dimboola, which are located to provide good access to townships and not impact on agricultural activity. The planning scheme specifically seeks to discourage dwellings in the Farming Zone with no agricultural connection, as the Farming Zone is not a residential zone and should not be used exclusively for residential purposes. This argument is considered to have no support in the Hindmarsh Planning Scheme and as discussed, if accepted, would ultimately undermine the purpose of the zone and agricultural activity in the area.

For these reasons, it is considered that the proposal is contrary to the purpose and decision guidelines of the Farming Zone, and should be refused on this basis.

Design and siting issues

The subject land is located in an active, working Farming Zone area, with agriculture being the primary land use activity in the surrounding area. There is minimal land fragmentation in the surrounding area and virtually no 'rural living' type dwellings within the surrounding context.

The proposal is challenged by the location of the existing dwelling. At 350+ metres from the frontage with Marshalls Road, there is no 'clean' way to seek to excise the dwelling without creating in effect, an 'island lot'² on the site.

It is acknowledged that the applicant has attempted to shape the lot around existing domestic curtilage and infrastructure, and to attempt to provide a buffer from the surrounding balance farm lot. However, given the nature of the agricultural use occurring on the farm (and other agricultural uses that may reasonably occur in future), noise, odour and dust emissions are a pertinent consideration when considering the excision, as discussed in the agricultural response above. The poor original siting of the dwelling compounds any potential for a 'clean' excision that may, with appropriate justification, provide reasonable buffers without removing substantive agricultural land. Suffice to say however, that the justification provided here is still considered insufficient given the reasons provided.

² In this context, being a lot which is surrounded by agriculture and not having direct abuttal to a road.

It is considered that the proposal, for the above reasons will not support or enhance agricultural production (as sought by the Farming Zone and Planning Policy), will create a rural-residential property in an isolated rural area contrary to Planning Policy direction for such activities, and despite the submissions of the permit applicant, creates a real potential for land use conflict that that Farming Zone seeks to avoid. The subdivision is therefore not an appropriate outcome for the subject land and should be refused.

Overlay Provisions:

Clause 42.01 – Environmental Significance Overlay – Schedule 6 (ESO6)

Clause 42.01-2 Subdivision

A permit is required to subdivide land.

Clause 5.0 to Schedule 6 of Clause 42.01-2 Decision guidelines (relevant to the application)

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- The Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines.

Planning Response:

It is considered that the proposed subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands. The proposal does not include any works elements; rather it creates a new lot located outside of the ESO6 area. Any future works that trigger permits under these Clauses will be assessed on their merits at the appropriate time.

Particular Provisions:

No relevant Particular Provisions are identified.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.

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

Clause 65.02– Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas

Planning Response:

As previously discussed, it is considered that the proposal is not supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. As explored through this report, the subdivision seeks to excise a dwelling in circumstances where there is no agricultural benefit resulting from the excision, where a new dwelling could be constructed as of right, and where the creation of a rural residential lot (where none

currently exist for some distance) all are likely to undermine the purpose and intent of the Farming Zone in the surrounding area. As a result, the proposal is not considered to be orderly planning.

Discussion:

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

The proposal does not meet the objectives of the relevant provisions of the PPF and MPS for the reasons discussed earlier in this report.

Clause 35.07 Farming Zone

The proposal does not comply with the purpose and decision guidelines of Clause 35.07 for the reasons outlined in the planning response as discussed above.

Clause 42.01 Environmental Significance Overlay Schedule and 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 (Schedule 6) for the reasons outlined in the planning response as discussed above.

Clause 65 Decision Guidelines

The proposal does not comply with the relevant decision guidelines of Clause 65 as discussed above.

Strategic, Statutory and Procedural Requirements:

The proposal is inconsistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Farming Zone of the Hindmarsh Planning Scheme. The proposal is consistent with the Environmental Significance Overlay – Schedule 6.

Report to Council:

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

Processing Times:

21/02/2022 The application was received.
22/02/2022 The fee was paid.
22/02/2022 The application was referred.
24/02/2022 Referral response received from Wimmera CMA
23/03/2022 Further information was requested from the applicant.
06/04/2022 Further information was received.
01/07/2022 The application was amended by the applicant.
04/08/2022 The application was notified.
08/08/2022 Amended Planning Report received from the applicant.
11/08/2022 Amended application re-referred to WCMA
18/08/2022 Engineering referral response received.
22/08/2022 Amended WCMA referral response received.
23/08/2022 Applicant request for assessment to be held pending further discussions with their clients.

28/09/2022 Application amended to change plan of subdivision
12/10/2022 The application was amended by the applicant.
24/11/2022 Meeting held on-site with Applicant and Owners.
30/11/2022 The application was amended by the applicant
14/12/2022 The report is being presented to Council at the meeting held 14 December 2022 (14 days).

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

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

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

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

Link to Council Plan:

N/A.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Notice of Refusal to the permit applicant.

RECOMMENDATION:

That Council issues a Notice of Refusal to Grant a Permit in relation to planning application PA1770-2022 for the subdivision of land into two (2) lots on the subject land known as 240 Marshalls Road Netherby VIC 3418 (Lot 1 on Title Plan 318702G Parish of Lorquon), for the following reasons:

- 1. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural subdivision and development, specifically Clauses***

14.01-1S and 14.01-2S, which aim to manage development in rural areas to protect and enhance agriculture. The proposed subdivision provides no agricultural benefit to the Hindmarsh Shire, creates potential for dwelling proliferation by creating as-of right dwelling opportunities on the balance lot and introduces potential for land use conflict between rural-residential use of the house lot and agricultural use of the balance lot that can not be appropriately mitigated.

- 2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to protect and diversify agricultural activity in Hindmarsh Shire and prevent inappropriate small lot subdivisions. The proposed subdivision creates a small rural-residential lot in an active agricultural area, surrounded by actively used productive agricultural land with minimal opportunity to provide an appropriate buffer to prevent land use conflict without removing unreasonable amounts of agricultural land from production.**
- 3. The proposal is inconsistent with the objectives and decision guidelines of the Farming Zone, which seek to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture. The proposal would result in the creation of a rural residential dwelling lot in an active working agricultural area and could constrain adjoining and nearby agricultural activities due to land use conflict resulting from its creation.**

MOVED: CRS R Gersch/W Bywaters

That Council approves planning application PA1770-2022 for the subdivision of land into two (2) lots on the subject land known as 240 Marshalls Road Netherby VIC 3418 (Lot 1 on Title Plan 318702G Parish of Lorquon), subject to the following conditions:

Endorsed Plans

- 1. The subdivision 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.**

Subdivision Conditions

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

1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Environmental Health Conditions

- 5. Prior to the issue of a Statement of Compliance for the subdivision hereby approved, the permit holder must demonstrate that the wastewater system associated with the existing dwelling complies with the relevant EPA Code of Practice for On-site Wastewater Management.**

If the system is found to be non-compliant, a compliant system must be installed to the satisfaction of the Responsible Authority.

Time Limit

- 6. The above-mentioned planning permit will expire if either of the following circumstances arise:**
- (a) The plan of subdivision is not certified within two (2) years of the date of this permit; or**
 - (b) The subdivision is not completed within five (5) years of the date of certification.**

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

CARRIED

Attachment Numbers: 8 – 10

Cr B Ireland returned to the room at 3:48pm.

8.5 APPLICATION FOR PLANNING PERMIT 1792-2022 – USE AND DEVELOPMENT OF LAND FOR A 10,000 HEAD CATTLE FEEDLOT AND ASSOCIATED BUILDINGS AND WORKS – 277 ALBRECHT ROAD, GERANG GERUNG VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	91600
Application Number:	PA1792-2022
Application Received:	17 August 2022 (Amended application)
Applicant:	Anthony Fellows - Harmony Feedlot Services Pty Ltd
Owner:	Harmony Feedlot Services Pty Ltd
Subject Land:	277 Albrecht Road, Gerang Gerung Vic 3418 (CA90, Parish of Gerang Gerung)
Proposal:	Use and development of land for a 10,000 head cattle feedlot and associated buildings and works
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Numbers:	11 – 12

Summary:

This report recommends that Council issue a Notice of Decision to Grant a Permit in relation to PA1792-2022 for the use and development of land for a 10,000 head cattle feedlot and associated buildings and works on the subject land known as 277 Albrecht Road, Gerang Gerung Vic 3418 (CA90, Parish of Gerang Gerung).

Background:

On 6 June 2007, a planning permit was issued for the use and development of a 4999 head cattle beef feedlot on the subject land (PA1079/06). Only two of the four rows of pens were constructed and as a result, the permit expired. There have been a number of pens constructed in the northern portion of the site without a valid planning permit.

On 17 August 2022, Harmony Feedlot Services Pty Ltd lodged a planning permit application to the Responsible Authority for the use and development of land for a 10,000 head cattle feedlot and associated buildings and works on the subject land to remedy the unauthorised works to bring the site into compliance and also expand the capacity of the feedlot previously authorised.

Proposal Details:

The permit applicant, Harmony Feedlot Services Pty Ltd seeks approval for the use and development of land for a 10,000 head cattle feedlot and associated buildings and works.

As mentioned above, the application seeks to remedy unauthorised works previously undertaken on the site and expand the capacity of the feedlot to 10,000 standard cattle units (SCU), with three additional rows of pens proposed to the east of the existing feedlot pens. The applicant advised that some of the backgrounding pens are not constructed to the

relevant standards and will be replaced with properly constructed feedlot pens. Specific details of the proposed feedlot are contained below:

- A block of six rows of production pens on the southern side (existing feedlot extended by the addition of three rows to the east of the existing rows) and a block of six rows of production pens on the northern side of the existing pens (replacing the existing backgrounding pens). The total pen area will be 254,281m². Hence, with 10,000 SCU capacity, the space provided is ~ 25.4m²/SCU.
- Manure composting pad (existing) to the east of the northern block of pens.
- Sedimentation basins and effluent holding ponds: existing system to south of southern block of pens to be expanded, new sedimentation pond on northern end of northern pens, holding pond on eastern side of northern pens.
- Existing stock handling / induction facilities.
- Existing commodities shed, mill, grain storage and silage bunk.
- Horse yards.

A site layout plan is contained within Figure 1 on the following page.

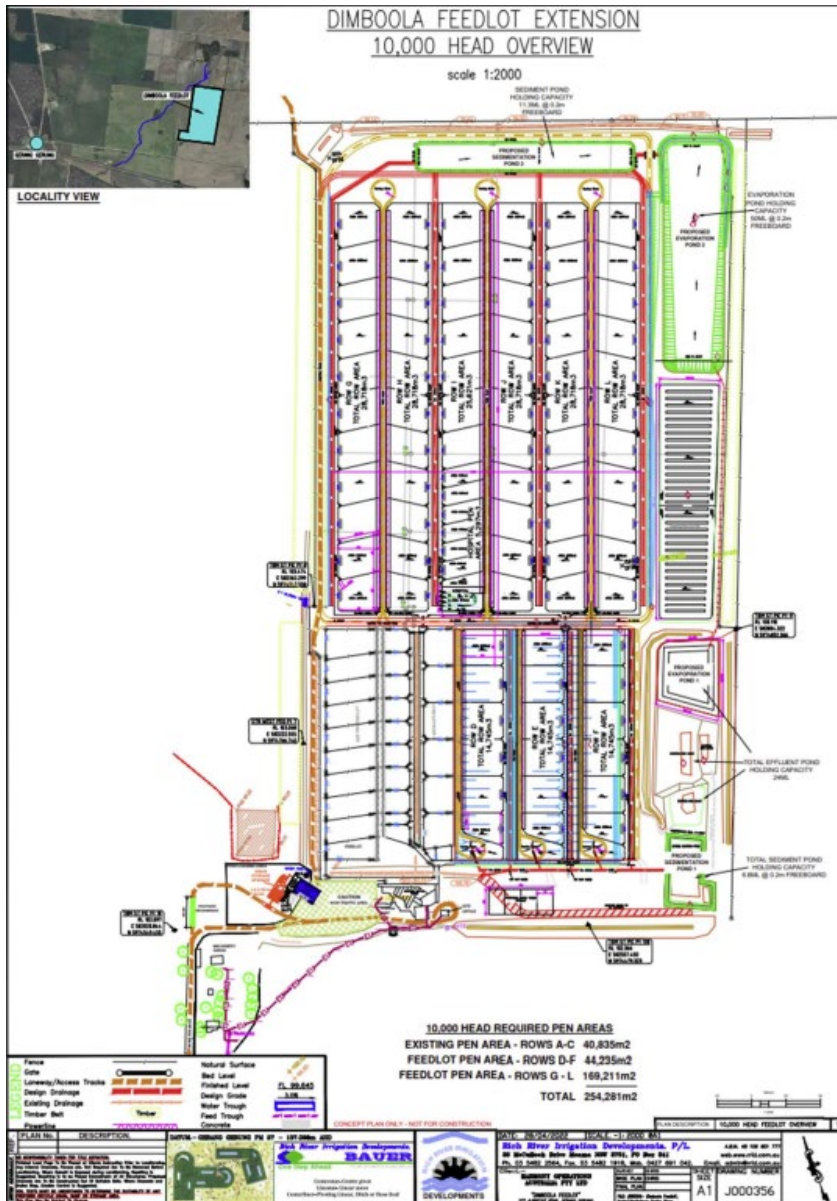


Figure 1 – Site Layout Plan

Requirement for Permit:

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

- Clause 35.07-1 – A permit is required to use the land for a Section 2 Use (Cattle Feedlot).
- Clause 35.07-4 – A permit is required for buildings and works associated with a Section 2 Use (Cattle Feedlot).
- Clause 42.01-2 – A permit is required to construct or carry out works.

Definitions:

Cattle feedlot - *Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.*

Restrictive Covenant or Section 173 Agreement:

The subject site is not affected by any Covenants or Section 173 Agreements.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the subject site is not within an area of Cultural Heritage Sensitivity.

Subject site & locality:

The subject site is known as 277 Albrecht Road, Gerang Gerung Vic 3418 (CA90, Parish of Gerang Gerung) which comprises a single title of approximately 255 hectares. The site is relatively flat, sloping gradually down towards the east. The land currently contains a cattle feedlot with associated buildings and infrastructure and vacant land for grazing. There is one primary vehicle access point to Albrecht Road, approximately 425m from the western boundary of the site. The entire property has been fully cleared of native vegetation to allow for cropping and the development of the feedlot and backgrounding pens.

The subject site is situated approximately 2km to the east of the Gerang Gerang township and 13 km to the north-west of Dimboola. The site is surrounded by rural land used for dryland farming with sporadic pockets of native vegetation. The nearest dwelling is situated approximately 1.5km to the south of the site, on the opposite side of the Western Highway.

An aerial map and a zoning map is contained within Figure 2 and 3 on the following page.

Figure 2 - Aerial Map below – Metromap



Figure 3 - Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners;
- Displaying a sign on site; and
- A notice in the 'Nhill Free Press' and the 'Dimboola Banner'.

Two (2) objections to the application were received. The objections raise the following concerns:

- Dust and noise from trucks;
- Destruction of road surface from trucks;
- Soil and groundwater pollution;
- Odour from cattle; and
- Disease spread from cattle.

A mediation meeting was held on 11 October 2022 between Council and the objectors. Subsequently, one objection was withdrawn on 16 November 2022.

The concerns raised by the objectors will be discussed further in the assessment below.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Minister for Agriculture	No objection subject to the following conditions: <ol style="list-style-type: none"> 1. <i>Prior to the use and development for the cattle feedlot, the applicant must provide to the satisfaction of the responsible authority:</i> <ol style="list-style-type: none"> a) <i>An amended response to Element 1 to show compliance with AM 1 Separation Distance of the Victorian Code for Cattle Feedlots – August 1995.</i> 2. <i>The use and development of the cattle feedlot must comply with the Victorian Code for Cattle Feedlots – August 1995 to the satisfaction of the responsible authority.</i> <p>Response received 12 October 2022.</p>
Environment Protection Authority	No objection or conditions. Response received 12 July 2022 .
Wimmera Catchment Management Authority	No objection or conditions. Response received 21 September 2022 .

Section 52 Notices and Internal Referrals	
Agriculture Victoria	No objection or conditions. <i>The application provides a detailed assessment of the proposed cattle feedlot expansion and how the operation would address Class A standards for design, construction and management outlined in the Code. The application needs to demonstrate compliance with the Code through meeting the Approved Measures (deemed to comply provisions) or the provision of</i>

	<p><i>suitable Alternative Solutions that can achieve the Objectives and Approved Standards.</i></p> <p><i>Agriculture Victoria, in reviewing the feedlot proposal documentation, considers that the application demonstrates conditional compliance with the Code regards Elements 1, 2, 3, 4, 5, and 8, subject to amendment of the response to Element 1. Agriculture Victoria recommends that Council assess and determine compliance with Elements 6 – Traffic and parking and Element 7 – Landscaping.</i></p> <p><i>This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority.</i></p> <p>Response received 30 September 2022.</p>
<p>Department of Transport</p>	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> <i>1. The main access route for trucks or heavy vehicles from Western Freeway shall be from Glenlee-Gerang Road/ Western Fwy intersection.</i> <p>Response received 21 September 2022.</p>
<p>Grampians Wimmera Mallee Water</p>	<p>No objection or conditions.</p> <p>Response received 29 September 2022.</p>
<p>Engineering</p>	<p><i>The following conditions need to be applied to the permit:</i></p> <p>Access:</p> <ul style="list-style-type: none"> <i>• Access to the Proposed development shall be from the existing entrance of the property.</i> <i>• Damage to existing Council infrastructure is to be minimised during construction of the Proposed development.</i> <i>• Any damage to Council infrastructure must be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.</i> <p>Road Access:</p> <ul style="list-style-type: none"> <i>• All vehicles that attend the Business premise must be via Albrecht Road from the Gerang - Glenlee Road to the entrance of property / business and depart the premise via the reversal.</i> <i>• Prior to the commencement of the proposed development, the section of limestone road - from the edge of seal at</i>

Gerang - Glenlee Road must be upgraded and pavement sealed for a distance of 300m to Council standard at the Applicant's cost (see below).

*Note: A consent to works within road reserve permission is required prior to construction if working in road reserve.
<https://www.hindmarsh.vic.gov.au/register-for-permits>*



Signage:

- *New signage "TRUCKS AVOID USING ENGINE BRAKES" to be installed prior to entering residential township area on Albrecht Road and Gerang – Glenlee Road (location to be determined by Council) and to Council standard at the Applicant's cost.*

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 11.01-1L Settlement – Hindmarsh
- Clause 13.05-1S Noise Management
- Clause 13.06-1S Air Quality Management
- Clause 13.07-1S Land Use Compatibility
- 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
- Clause 17.01-1S Diversified Economy
- Clause 17.01-1R Diversified Economy – Wimmera Southern Mallee
- Clause 18.02-4S Roads
- Clause 19.03-3S Integrated Water Management

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

Clause 35.07-1 Table of uses

A permit is required to use the land for a section 2 use (Cattle Feedlot)

Clause 35.07-4 Buildings and works

A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1.

Planning Response:

The key considerations applying to this application and the application of policy relate to the sustainable agricultural land use, environmental impacts and off-site amenity impacts. There is clear support within the provisions of the FZ and the PPF for agricultural land uses, such as the proposed cattle feedlot, provided that they are operated in a controlled and sustainable manner.

The proposal is for the use and development of a cattle feedlot, with capacity for up to 10,000 SCU. A cattle feedlot is a form of agricultural land use which is sought within the Farming Zone. Small scale feedlots typically do not require a planning permit within the Farming Zone (less than 1000 SCU). Larger scale feedlots, such as the proposal, have the potential to bring rise to social and environmental implications and require important consideration. *The Victorian Code for Cattle Feedlots - August 1995* applies to this application and aims to assist in the orderly development of a cattle feedlot industry in Victoria and provide a set of standards that are compatible with the economic operation of the industry as well as ensuring that community expectations of environmental protection are achieved.

The application is accompanied by a detailed and thorough report which examines all facets of the proposed cattle feedlot ranging from wastewater management and soil quality to odour, noise and operational management. This report provides a response to the *Victorian Code for Cattle Feedlots - August 1995* and offers confidence that the proposed cattle feed lot will be operated in an environmentally sustainable manner with measures in place to minimise amenity impacts such as odour and noise. The *Victorian Code for Cattle Feedlots - August 1995* will be discussed further under a separate subheading below.

The proposal is considered to be compatible with surrounding land uses, typically being use for dryland agriculture. There are a number of dwellings scattered within the broader region, with the nearest dwelling situated approximately 1.5km to the south of the proposed cattle feed lot. It is considered that the report provided by the applicant suitably addresses the potential amenity impacts resulting from the proposed cattle feedlot and conditions will be placed on any permit issued to reinforce the mitigation methods specified within the report.

To ensure the longevity of the public road network and to reduce amenity impacts associated with noise and dust from trucks, Councils engineering department have requested that a

portion of Albrecht Road within the Gerang Gerung township be upgraded to Council's standards.

The proposal will not notably alter existing built elements on the land other than the establishment of an additional three rows of holding pens which will be situated approximately 740m from the eastern property boundary and 470m from the southern property boundary (public road interfaces). Due to the separation distance, topography of the land and an existing landscape buffer, the additional works will not be notably visible from the public realm or adjoining properties. The site is not located in area identified as being of special landscape value (i.e. through application of a Significant Landscape Overlay, Design and Development Overlay or the like) that would warrant specific visual considerations.

As discussed above, environmental issues that may arise from the works will be managed by the detailed report provided by the applicant; and no vegetation will be removed to accommodate the proposal.

Based on the above factors, the proposal is considered to be acceptable and will facilitate a suitable agricultural land use within the Farming Zone.

Overlay Provisions:

The subject land is partially encumbered by Clause 42.01 - Environmental Significance Overlay - Schedule 6 (ESO6). A permit is required to construct a building or construct or carry out works.

Planning Response:

It is considered that the proposed works would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands.

The Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines provides Matrix and Criteria to establish if the proposal is appropriate in the context of ESO6.

The below criteria has been identified as relevant to the proposal:

Criteria for Matrix 2 ESO6:

- Waste water must be treated such that nutrients and pollutants do not enter areas covered by ESO 6.

On-site wastewater and stormwater retention is proposed. The applicant has provided a detailed report which addresses matters relating to wastewater and stormwater management which includes extensive soil testing to establish the most suitable methods/locations of on-site retention and effluent ponds. Wastewater and stormwater management is also regulated by the *Victorian Code for Cattle Feedlots - August 1995* which the proposed cattle feedlot must adhere to at all times (as per Conditions).

The Wimmera CMA have reviewed the application and did not object to the granting of a permit or have any conditions to add.

On this basis, the proposal is considered to be acceptable in light of the ESO6.

Particular Provisions:

Clause 53.08 Cattle Feedlot

Purpose

To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met

- *All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.*
- *The Code must be complied with to the satisfaction of the responsible authority.*

Planning Response:

The Code consists of eight key elements for which Objectives, Accepted Standards and Approved Measures are specified. The elements are explored below.

1. Location and Size

Cattle feedlots must be located in a way and be of a size that takes into account the location of existing housing, other sensitive uses and land zoned for residential or urban purposes. Criteria have been determined, based on potential odour production, which relate the size of feedlot, cattle density and the class of feedlot to the distance to all sensitive uses.

The objective of this element is:

The development of feedlots on appropriate sites having regard to existing and foreseeable residential development and urban communities.

The applicant has provided calculations (in consultation with Agriculture Victoria) to establish the separation distances required based on this proposed development to houses as follows:

- *Minimum separation distance to houses: 800m required*
The proposed feedlot is located 1500m from the nearest dwelling, therefore exceeding the minimum separation distance required.

The applicant has provided calculations (in consultation with Agriculture Victoria) to establish the separation distances required based on this proposed development to the closest township (Gerang Gerung) as follows:

- *Minimum separation distance to Gerang Gerung: 2160m required (Agriculture Victoria recommends a separation distance of 2400m)*

The proposed feedlot is located approximately 2490m from the Gerang Gerung township, therefore exceeding the minimum separation distance required by the Code.

2. Design and Construction

The design should provide the optimal layout in response to the site conditions.

The objective to this element is:

A coherent layout that provides an efficient design which minimises the impact on the environment, and allows the collection and treatment of all wastes in a manner that does not give rise to any off-site detriment.

The applicant provided a detailed response to the Approved Measures under this element including pen floor management, external surface runoff control, laneways, cattle handling facilities, water supply, internal pen drainage control, feed troughs, water troughs, fencing, aprons, drains and surface roads. This demonstrates compliance with the objective and standards of this element, as supported by Agriculture Victoria.

3. Odour;

Feedlots must be designed and operated so as not to produce any odour which gives rise to material detriment to any person {i.e. so as not to interfere with the normal use and enjoyment of life and property to an extent which is more than of a trivial or minor nature}.

The relevant objectives include:

- *Protection from amenity-reducing off-site odour effects of cattle feedlots by recognising the need for a buffer separation.*
- *Best practice emission control technology is used to ensure that routine emissions satisfy the requirements of State Environment Protection Policy - The Air Environment.*

The proposal meets the separation distance under Element 1 and as such, the objective and standards of this element has been met.

4. Noise

Noise is unlikely to be a major problem except for residents nearby and in relation to truck movements.

The objective to this element is:

Noise levels generated by the feedlot do not cause any material detriment to nearby residents or persons affected by transport of cattle and feed associated with the operation of the feedlot.

The applicant addressed the Approved Measures by restricting hours of operation for feed processing, mixing, feeding and on-site plant operation. Further, exhaust mufflers will be fitted to all on-site machinery as well as vehicles operated by contract drivers. The separation distance between the access point to the site and the nearest dwelling is greater than 250m. As such, Element 4 has been satisfied.

5. Waste Storage, Treatment and Reuse

Feedlots produce large quantities of liquid and solid by-products through runoff from the feedlot area and manure from the cattle. These by-products must be disposed of and used in a manner that will not cause contamination of land and surface or underground water supplies nor cause offence to people. They can most beneficially be used in a manner that obtains the maximum benefit from the nutrients they contain.

The waste system should be designed to be simple and require minimal maintenance input. It shall be an integral part of the feedlot complex.

The objectives to this element include:

- *No liquid or solid wastes from the feedlot shall be allowed to enter into any stream or watercourse, ground water or to contaminate any land so as to render it unfit for future farming activities.*
- *The waste treatment system is designed and operated in such a manner as to minimise the likelihood of odour and to allow the maximum recovery of material from the waste stream.*
- *Waste products are incorporated into a crop production system so that a balance between nutrients applied and nutrients removed through the crop is achieved.*

The applicant provided a response to this element including an analysis and modelling of soil condition, anticipated rainfall and run off, anticipated manure loads, basin volumes, manure, irrigation and crops for waste and water re-use to inform a detailed waste management plan (Section 8 of the report). Matters such as soil contamination, salinity and disposal of animal carcasses was also addressed.

Agriculture Victoria are supportive of the alternative solution proposed in AM3 and considers that the application demonstrates compliance with Element 5.

6. Traffic and Parking

This element covers vehicle movement to and from the site and the provision of accommodation for stationary vehicles on site. Access to the site must be designed so that there is no interference with the function of State Highways and Main Roads and so that there is minimal off-site impact on adjoining residents.

The objectives to this element are:

- *Efficient operation and function of arterial and local roads and appropriate access to the site.*
- *Sufficient and convenient parking for employees, visitors, delivery and service vehicles.*
- *Sufficient area set aside within the site to accommodate all vehicle movements associated with the delivery of cattle and goods to and from the premises.*
- *Detrimental impacts of vehicle accommodation and access on the amenity of nearby residents and population centres is minimised.*

The applicant has addressed on-site parking, access and transport routes, expected vehicle movements, internal driveways and access roads, maintenance, loading ramps and surface treatment within their report.

There is ample space on-site to accommodate parking for employees as well as truck loading, unloading and parking. Access routes will be restricted as per the DOT conditions and a condition will be added to any permit issued to ensure that land is available for employee and truck parking at all times in accordance with AM5 of the Code. As such, the proposal demonstrates suitable compliance with this element.

7. Landscaping

Landscaping plays an important part in softening the visual impact of the feedlot. Belts of landscaping should be provided around the entire area which is used for the feedlot with a mixture of local species being selected to provide a heavy visual screen and inclusion of species which will mature into taller trees where the feedlot works area is visible from roads, other public areas and adjoining properties

The objectives to this element include:

- *A visual screen to the major buildings, handling area and pens from surrounding properties and roads.*
- *Assistance with the takeup of any waterborne nutrients that have escaped from the waste system.*

There are some existing landscaping buffers surrounding the existing cattle pens. Indigenous tree plantings are proposed along the eastern boundary of the farm and the eastern section of the southern boundary (see image below). Existing trees, including those planted along the western side of the access road, will be retained. The proposed plantings are considered to be suitable taking into account the central location of the proposed feedlot and the location of public roads and the nearest dwellings. Conditions will be included on any permit issued to provide a timeframe for planting and ongoing maintenance of the landscape buffer.



8. Operations and Management

The operation and management of a cattle feedlot has a critical bearing on whether or not environmental problems arise.

The objectives to this element are:

- *Circumstances leading to odour production and other detriment due to the operation of the feedlot are avoided.*
- *Appropriate operations and maintenance related to the class of feedlot.*

The applicant provides a detailed response to feeding and watering, routine cleaning and maintenance, mounding, pack removal, pad renovation, manure stockpile, run off and manure disposal, vermin and weed control and cessation of operations addressing the Approved Measures of this element. Agriculture Victoria advised that all feedlots are required to provide independent audit statements which verify compliance with the construction and operational requirements of the Code to ensure that the approved standards are maintained. The following was recommended should a planning permit be granted:

- *Agriculture Victoria could complete the pre-operational audit to confirm compliance with the Code's design and construction standards related to the feedlot works area.*

- *A copy of the annual National Feedlot Accreditation Scheme audit should be provided to responsible authority and Agriculture Victoria to satisfy the Code's requirement for an annual audit.*

Appropriate conditions will be included on any permit issued.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

Planning Response:

The proposal is appropriate, taking into account the matters set out in Section 60 of the Planning and Environment Act 1987. Namely, the proposal satisfies the relevant provisions of the Hindmarsh Planning Scheme, referrals were undertaken, no issues were raised, and there are no significant environmental, social or economic effects. Two objections (one

withdrawn) were received during the notification process. The issues raised in the objection has been addressed throughout the assessment as well as specifically below.

The Municipal Planning Strategy and Planning Policy Framework have been addressed in the body of the report. The land is appropriately zoned for an agricultural use of this nature which supports the local economy. Detailed information was provided by the applicant in relation to the operation of the cattle feedlot and compliance with *the Victorian Code for Cattle Feedlots - August 1995*. Provided that the feedlot is operated in accordance with the applicant's submission and *the Victorian Code for Cattle Feedlots - August 1995*, environmental issues and unreasonable amenity impacts are unlikely to arise.

The site is not subject to any natural hazards or cultural sensitivities and no vegetation is required to be removed to accommodate the proposal. The proposal is unlikely to impact the future development and operation of the transport system with the appropriate conditions being included on any permit issued for road upgrades and select transport routes to be utilised.

Based on the assessment above, the proposal is considered to be an example of orderly planning.

Response to Objections:

(Objection in italics, response in standard text)

Dust and noise from trucks;

Response: A portion of Albrecht Road will be required to be upgraded within the Gerang Gerang township to minimise dust created by trucks associated with the proposed cattle feedlot. Engine break signage is required to be installed to reduce noise created by trucks travelling through the Gerang Gerang township.

Destruction of road surface from trucks;

Response: A portion of Albrecht Road will be required to be upgraded within the Gerang Gerang township to minimise the destruction of road surface by trucks associated with the proposed cattle feedlot.

Soil and groundwater pollution;

Response: As discussed under Clause 53.08 above, waste, wastewater and stormwater run off will be suitably managed and reused on-site. Conditions will be included on any permit issued to ensure that the use operates in accordance with the *Victorian Code for Cattle Feedlots - August 1995* and applicants detailed submission to ensure that the likelihood of soil and groundwater pollution is kept to a minimum.

Odour from cattle

Response: As discussed under Clause 53.08 above, the proposed cattle feedlot meets the minimum separation distance from houses to allow for the dispersion of odour. Conditions will be included on any permit issued to ensure that the use operates in accordance with the

Victorian Code for Cattle Feedlots - August 1995 and applicants detailed submission to ensure that odour is minimised.

Disease spread from cattle.

Response: Provided that the use operates in accordance with the *Victorian Code for Cattle Feedlots - August 1995* and applicants detailed submission, the likelihood of disease spread to humans in the local area is unlikely. The applicant addresses matters such as general cleaning, removal of waste feed, removal of animal carcasses, pest control and the like to assist in the control any potential disease outbreaks.

Discussion:

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

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

Clause 35.07 - Farming Zone

The proposal complies with the purpose and decision guidelines of Clause 35.07 for the reasons outlined in the planning response to the zone as discussed above.

Clause 42.01 – Environmental Significance Overlay Schedule 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 (ESO6) for the reasons outlined in the planning response to the overlay as discussed above.

Clause 53.08 – Cattle Feedlot

The proposal complies with the purpose and decision guidelines of Clause 53.08 for the reasons outlined in the planning response under the Particular Provisions as discussed above.

Clause 65 Decision Guidelines

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Farming Zone, Environmental Significance Overlay – Schedule 6, Clause 53.08 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

17/08/2022 The application was received.

21/07/2022 The fee was paid (transferred from earlier application).

03/09/2022 The application was notified.

15/09/2022 Application referred to internal and external authorities.
15/09/2022 Objection Received.
16/09/2022 Objection Received.
17/09/2022 Notification of the application was completed.
21/09/2022 28/11/2022 - Referral responses received.
11/10/2022 Mediation meeting held.
16/11/2022 One objection withdrawn.
14/12/2022 The report is being presented to Council at the meeting held 14 December 2022 (102 days).

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

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Author – Ebony Cetinich, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

Link to Council Plan:

Support healthy living and provide services and activities for people of all ages and abilities. Develop and promote local tourist opportunities that attract visitation.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Notice of Decision to grant a Planning Permit if approved by Council.

RECOMMENDATION:

That Council issues a Notice of Decision to grant a Planning Permit in relation to planning application PA1792-2022 for the use and development of land for a 10,000

head cattle feedlot and associated buildings and works on the subject land known as 277 Albrecht Road, Gerang Gerung Vic 3418 (CA90, Parish of Gerang Gerung), subject to the following conditions:

Endorsed Plans

- 1. The use and 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.**

Land Use

- 2. The use authorised by this permit must at all times operate in accordance with the endorsed report prepared by LEAP Livestock Environmental and Planning (Dated 28 April 2022), to the satisfaction of the Responsible Authority.**

Landscaping

- 3. Within three months of the issue date of this permit, all trees within the landscape buffer along the eastern boundary and the eastern section of the southern boundary must be planted to the satisfaction of the Responsible Authority, in accordance with Figure 20 contained within the endorsed report prepared by LEAP Livestock Environmental and Planning (Dated 28 April 2022).**
- 4. All landscaping within designated landscape buffers must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.**

Car Parking

- 5. On-site parking must be provided in accordance with Approved Measure 5 of the Victorian Code for Cattle Feedlots (August 1995), with at a rate of:
 - (a) one car space per employee plus three visitor car spaces;**
 - (b) one truck loading bay;**
 - (c) one truck parking space plus one truck parking space per 5000 SCU for cattle trucks; and**
 - (d) one truck parking space for feed trucks;**to the satisfaction of the responsible Authority.**
- 6. On-site parking must be provided on-site at all times, in accordance with the Design Standards listed under Clause 52.06-9 of the Hindmarsh Planning Scheme and must not be used for any other purpose.**

Lighting:

- 7. All external lighting installed on the site shall be fitted with suitable shields and baffles so that no direct light is omitted which causes a nuisance to adjoining properties, to the satisfaction of the Responsible Authority.**

Engineering Department

8. ***Access to the proposed development must be from the existing entrance of the property.***
9. ***Any damage to Council infrastructure must be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.***
10. ***Within 12 months of the issue date of this permit, the section of limestone road - from the edge of seal at Gerang - Glenlee Road must be upgraded and pavement sealed for a distance of 300m to Council standards at the full cost of the permit holder.***

Note: A consent to works within road reserve permission is required prior to construction if working in road reserve.

<https://www.hindmarsh.vic.gov.au/register-for-permits>

11. ***Within three months of the issue date of this permit, "TRUCKS AVOID USING ENGINE BRAKES" signage must be installed prior to entering residential township area on Albrecht Road and Gerang – Glenlee Road (location to be determined by Council) and to Council standard at the Applicant's cost.***

Agriculture Victoria

12. ***Within three months of the completion of the development authorised by this permit, an independent audit statement which verifies compliance with the construction and operational requirements of the Victorian Code for Cattle Feedlots – August 1995 (the Code) must be provided to the Responsible Authority and Agriculture Victoria.***
13. ***Twelve months after the issue date of this permit and on an annual basis thereafter, a copy of the annual National Feedlot Accreditation Scheme audit must be provided to Responsible Authority and Agriculture Victoria to satisfy the Code's requirement for an annual audit.***

Head, Transport for Victoria

14. ***The main access route for trucks or heavy vehicles from Western Freeway shall be from Glenlee-Gerang Road/ Western Fwy intersection.***

Minister for Agriculture

15. ***Prior to the use and development for the cattle feedlot, the applicant must provide to the satisfaction of the responsible authority:***
 - (a) ***An amended response to Element 1 to show compliance with AM 1 Separation Distance of the Victorian Code for Cattle Feedlots – August 1995.***
16. ***The use and development of the cattle feedlot must comply with the Victorian Code for Cattle Feedlots – August 1995 to the satisfaction of the responsible authority.***

Time Limit

17. ***This permit will expire if one of the following circumstances applies:***

- (a) The development is not started within two (2) years of the date of this permit;*
 - (b) The development is not completed within four (4) years of the date of this permit;*
 - (c) The use is not started within two (2) years after the completion of the development; or*
 - (d) The use is discontinued for a period of two (2) or more years.*
- The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.*

MOVED: CRS R Ismay/W Bywaters

That Council issues a Notice of Decision to grant a Planning Permit in relation to planning application PA1792-2022 for the use and development of land for a 10,000 head cattle feedlot and associated buildings and works on the subject land known as 277 Albrecht Road, Gerang Gerung Vic 3418 (CA90, Parish of Gerang Gerung), subject to the following conditions:

Endorsed Plans

- 1. The use and 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.*

Land Use

- 2. The use authorised by this permit must at all times operate in accordance with the endorsed report prepared by LEAP Livestock Environmental and Planning (Dated 28 April 2022), to the satisfaction of the Responsible Authority.*

Landscaping

- 3. Within three months of the issue date of this permit, all trees within the landscape buffer along the eastern boundary and the eastern section of the southern boundary must be planted to the satisfaction of the Responsible Authority, in accordance with Figure 20 contained within the endorsed report prepared by LEAP Livestock Environmental and Planning (Dated 28 April 2022).*
- 4. All landscaping within designated landscape buffers must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.*

Car Parking

- 5. On-site parking must be provided in accordance with Approved Measure 5 of the Victorian Code for Cattle Feedlots (August 1995), with at a rate of:
 - (a) one car space per employee plus three visitor car spaces;**

- (b) one truck loading bay;*
 - (c) one truck parking space plus one truck parking space per 5000 SCU for cattle trucks; and*
 - (d) one truck parking space for feed trucks;*
- to the satisfaction of the responsible Authority.*

- 6. On-site parking must be provided on-site at all times, in accordance with the Design Standards listed under Clause 52.06-9 of the Hindmarsh Planning Scheme and must not be used for any other purpose.**

Lighting:

- 7. All external lighting installed on the site shall be fitted with suitable shields and baffles so that no direct light is omitted which causes a nuisance to adjoining properties, to the satisfaction of the Responsible Authority.**

Engineering Department

- 8. Access to the proposed development must be from the existing entrance of the property.**
- 9. Any damage to Council infrastructure must be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.**
- 10. Within 12 months of the issue date of this permit, the section of limestone road - from the edge of seal at Gerang - Glenlee Road must be upgraded and pavement sealed for a distance of 300m to Council standards at the full cost of the permit holder.**

Note: A consent to works within road reserve permission is required prior to construction if working in road reserve.

<https://www.hindmarsh.vic.gov.au/register-for-permits>

- 11. Within three months of the issue date of this permit, "TRUCKS AVOID USING ENGINE BRAKES" signage must be installed prior to entering residential township area on Albrecht Road and Gerang – Glenlee Road (location to be determined by Council) and to Council standard at the Applicant's cost.**

Agriculture Victoria

- 12. Within three months of the completion of the development authorised by this permit, an independent audit statement which verifies compliance with the construction and operational requirements of the Victorian Code for Cattle Feedlots – August 1995 (the Code) must be provided to the Responsible Authority and Agriculture Victoria.**
- 13. Twelve months after the issue date of this permit and on an annual basis thereafter, a copy of the annual National Feedlot Accreditation Scheme audit must be provided to Responsible Authority and Agriculture Victoria to satisfy the Code's requirement for an annual audit.**

Head, Transport for Victoria

- 14. The main access route for trucks or heavy vehicles from Western Freeway shall**

be from Glenlee-Gerang Road/ Western Fwy intersection.

Minister for Agriculture

15. Prior to the use and development for the cattle feedlot, the applicant must provide to the satisfaction of the responsible authority:

- (a) An amended response to Element 1 to show compliance with AM 1 Separation Distance of the Victorian Code for Cattle Feedlots – August 1995.**

16. The use and development of the cattle feedlot must comply with the Victorian Code for Cattle Feedlots – August 1995 to the satisfaction of the responsible authority.

Time Limit

17. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this permit;**
- (b) The development is not completed within four (4) years of the date of this permit;**
- (c) The use is not started within two (2) years after the completion of the development; or**
- (d) The use is discontinued for a period of two (2) or more years.**

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

CARRIED

Attachment Numbers: 11 – 12

9 REPORTS REQUIRING A DECISION

9.1 DECLARATION OF SEVERAL ROADS IN THE EASTERN AREA OF THE NHILL TOWNSHIP TO BE PUBLIC HIGHWAYS TO BE OPEN TO THE PUBLIC AND TRANSFERRED INTO COUNCIL OWNERSHIP

Responsible Officer: Director Infrastructure Services

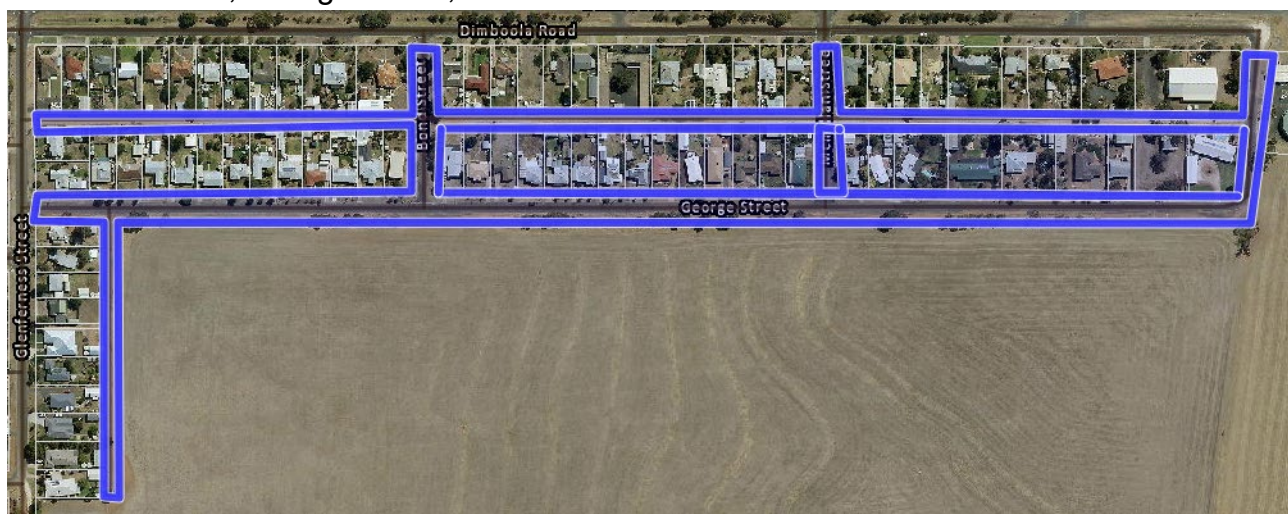
Introduction:

This report seeks approval from Council to declare several road reserves in Nhill as Public Highways that are reasonably required for public traffic under the *Local Government Act 1989* and transfer the road reserves to Council.

Discussion:

Council has been approached by two property ownership groups seeking the transfer of road reserves from their Property Titles to Council.

The first property is Road Reserve 2 on Plan of Subdivision 011688 known as Bond Street, McMillan Street, George Street, D'Alton Land and Unnamed Lane as show below:



Bond Street, McMillan Street and George Street are all currently listed on Councils road register as Class 5 Residential Primary Access category roads.

D'Alton Lane is currently listed on Councils Road Register as Class 6 Property Secondary Access category Road.

The land at the rear of the properties on the eastern side of Glenferness Street (George Lane) is listed on Council's Road register but without a classification attached. This report recommends it be registered as Class 6 Property Secondary Access category.

The second property is made up of two parcels – The first parcel is Road Reserve 1 on Lodged Plan 11688 known as:

- Bone Lane (portion between Nairn and William Streets) which is currently listed on

Councils Road Register as a Class 5 Residential Primary Access Road; and

- Bone Lane Ext (portion between William and Glenferness Streets) which is currently listed on Council's Road Register as an 8 (Paper Road).

These road reserves are shown below:



The second parcel is known as Reserve 1 on Lodged Plan 11688 and shown on Council's Road Register as:

- Nairn Street – Nhill Pt 2 for 60m at the north end and is a Class 5 Residential Primary Access Road; and
- Nairn Lane Ext for the last 89m at the south end and is classified as a Paper Road (Class 8).

The road reserve is shown below:



It is recommended that Reserve 1 on Lodged Plan 11688 be split to allow for the first length

of 70 meters south of Townsend Street to be declared a road that is reasonable required for public use and to maintain road access to Lot 1 of Title Plan 336757 – being the vacant land behind 43,45 and 47 Townsend Street.

It is proposed that the area shown in green below be consolidated into Lot 2 of Plan of Subdivision 905903 so that it can continue to be utilised as farming land and Council will not need to enter into a lease for its ongoing use.



The *Local Government Act 1989*, Section 204 allows for Council to declare a road to be a public highway or open to the public.

Part 2 of section 204 provides that ‘A Council may, by, resolution, declare that a road is reasonably required for public use to be open to the public’ without declaring it a public highway.

Section 205 provides that ‘A Council has the care and management of (b) all roads that are the subject of a declaration under Section 204 (2).

This report recommends that for clarity, the road reserves be declared Public Highways under Section 205 of the *Local Government Act 1989*.

The current title owners of the Road reserves and Reserve 1 have both lodged written requests to Council for the land to be transferred into Council ownership by agreement at an agreed consideration of \$1.00 with legal costs borne by Council.

Options:

1. Council declares the roads to be a public highway or to be open to the public and transfers the road reserves into their ownership.

2. Council does not make a declaration on the reserves and does not accept the transfer of the relevant reserves into their ownership.

Link to Council Plan:

Built and Natural Environment – *Well maintained assets and infrastructure:*

- Regularly review Councils Asset Plans and Asset Registers

Financial Implications:

Initial quotes for the conveyancing process are between \$7,000- 9,000 with the adopted Council budget making provision for legal costs associated with Asset Management. Currently that advice is based on surveying not being required- should the Victorian Surveyor Generals office determine surveying is required – an additional fee of \$1,400 will apply

Risk Management Implications:

The land referred to in this report is currently on property titles in private ownership however as the land was never vested or transferred into Council ownership at the time of subdivision in 1962. Despite this the land is being used as a public highway and open to public traffic.

Council has the majority of the land referred to in this report on their road register and it is reasonably required for public use.

The insurance implications for incidents that occur on the land referred to in this report for both Council and the current title owners is complicated by the status of the land. This report recommends making the necessary administrative changes to provide clarity and reduce the risk of future joined claims should any event occur on the road reserves.

Relevant legislation:

Local Government Act 1989

Community engagement:

There has been no community engagement undertaken as the request is administrative in nature and does not prohibit the continued use of the roads for the purpose of public traffic- it only seeks to ensure that Council has the care and management of the roads as Council owned land.

Gender equality implications:

There are no gender equality implications for public traffic continuity.

Confidential Declaration (where applicable):

This Council report does not consider confidential information as defined by section 3 (1) of the *Local Government Act 2020*.

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services

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

Communications Strategy:

Council will liaise with the relevant property owners who have requested the transfer of the road reserves to Council.

Next Steps:

If Council approves the declaration of several road reserves in Nhill reasonably required for public traffic under the *Local Government Act 1989* and transfer the road reserves into Council ownership, then Council staff will engage lawyers to undertake the necessary conveyancing.

RECOMMENDATION:

- 1) ***That Council approves the declaration of:***
 - (a) ***Road Reserve 2 on Plan of Subdivision 011688 known as:***
 - ***Bond Street, McMillan Street and George Street, Nhill as a Public Highway and open to the public at a Classification 5 (Residential Primary Access Road) and;***
 - ***D’Alton Lane and George Lane at the rear of properties on the east side of Glenferness Street as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)***
 - (b) ***Road Reserve 1 on Lodged Plan 11688 known as Bone Lane and Bone Lane Ext Nhill as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)***
 - (c) ***Reserve 1 on Lodged Plan 11688 (Immediately East of 43 Townsend Street, Nhill) for a length of 70 meters as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)***
 - (d) ***Reserve 1 on Lodged Plan 11688 remaining length of 75 meters to be consolidated into Lot 2 of Plan of Subdivision 905903L, and that***
- 2) ***Council authorises the above Public Highways to be transferred into its ownership, for the purchase fee of \$1.00.***

MOVED: CRS R Gersch/W Bywaters

- 1) ***That Council approves the declaration of:***
 - (a) ***Road Reserve 2 on Plan of Subdivision 011688 known as:***
 - ***Bond Street, McMillan Street and George Street, Nhill as a Public Highway and open to the public at a Classification 5 (Residential Primary Access Road) and;***

- *D'Alton Lane and George Lane at the rear of properties on the east side of Glenferness Street as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)*
 - (b) *Road Reserve 1 on Lodged Plan 11688 known as Bone Lane and Bone Lane Ext Nhill as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)*
 - (c) *Reserve 1 on Lodged Plan 11688 (Immediately East of 43 Townsend Street, Nhill) for a length of 70 meters as a Public Highway and open to the public at a Classification 6 (Property Secondary Access)*
 - (d) *Reserve 1 on Lodged Plan 11688 remaining length of 75 meters to be consolidated into Lot 2 of Plan of Subdivision 905903L, and that*
- 2) *Council authorises the above Public Highways to be transferred into its ownership, for the purchase fee of \$1.00.*

CARRIED

9.2 DIMBOOLA-MINYIP ROAD HEAVY VEHICLE SAFETY AND PRODUCTIVITY PROGRAM GRANT APPLICATION

Responsible Officer: Director Infrastructure Services
Attachment Number: 13

Introduction:

This report seeks Council approval to apply for a Heavy Vehicle Safety and Productivity (HVSP) grant for the Dimboola-Minyip Road, and refer \$343,650 for a 30% council contribution for consideration in the 2023/24 budget towards the project should the grant application be successful.

Discussion:

Above average rainfall in 2022 has significantly deteriorated Dimboola-Minyip Road resulting in potholing, polishing, pavement deformation in outer wheel paths, areas of minimal cross fall, seal degradation, large drop offs from the edge of seal and pavement failure. An engineering report has been produced, with results showing at least 2.5km requires full reconstruction at an estimated cost of \$1,145,500 exc. GST.

Officers have investigated funding options to rectify these issues. The HVSP from the Australian Government is open for applications, accepting proposals up to \$5,000,000 with a maximum 80% government contribution.

Should Council resolve to apply for the grant, in order to maximize the chances of being successful, a 30% Council contribution of \$343,650 would likely be seen by the grant body as that the project is being taken seriously, and may increase the chances of success with funding.

Options:

1. Council makes amendments to the Officers recommendation for the Dimboola-Minyip Road HVSP application.
2. Council does not approve the Officers recommendation for the Dimboola-Minyip Road HVSP application.

Link to Council Plan:

Well-maintained physical assets and infrastructure to meet community and organisational needs: Maintain the condition of our existing local road network prioritising capital works investment into renewal on roads and road related infrastructure

Financial Implications:

This proposal requires Council to contribute \$343,650 from the 2023/24 capital works budget towards the project in order to achieve a 30% contribution.

Risk Management Implications:

Without directing funding to the Dimboola-Minyip Road, the condition will deteriorate further.

Relevant legislation:

Road Management Act 2004

Local Government Act 1989

Community engagement:

The Dimboola-Minyip Road has been identified by assessments undertaken by staff, professional engineering reporting and information gathered by conversations had with community members.

Gender equality implications:

There are no gender equality implications for the grant application and commitment to the capital works program.

Confidential Declaration:

This Council report does not consider confidential information as defined by section 3 (1) of the *Local Government Act 2020*.

Conflict of Interest:

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

Officer Responsible – Jessie Holmes, Director Infrastructure Services

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

Author – Daniel Griffiths, Manager Capital Works

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

Communications Strategy:

Council officers will liaise with the grant body and prepare an application for submission.

Next Steps:

If Council approves the recommendation, Council officers will submit an application for the reconstruction of a section of Dimboola-Minyip Road through the HVSPG grant program and report back to Council the outcome of the application.

RECOMMENDATION:

That Council approves an application for the HVSPG grant for the Dimboola-Minyip Road, and refers a \$343,650 council contribution for consideration in the 2023/24 budget towards the project should the grant application be successful.

MOVED: CRS D Nelson/W Bywaters

That Council approves an application for the HVSP grant for the Dimboola-Minyip Road, and refers a \$343,650 council contribution for consideration in the 2023/24 budget towards the project should the grant application be successful.

CARRIED

Attachment Number: 13

9.3 PROPOSED AMENDMENTS TO THE ADOPTED 2022-2023 BUDGET CAPITAL WORKS PROGRAM

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks approval from Council to amend the capital works program that was adopted in the 2022-2023 Hindmarsh Shire Council Budget to account for the impact of the flood and storm damage that occurred throughout October and November 2022.

Discussion:

The 2022-2023 Budget was adopted by Council at a meeting on 29 June 2022 and included a Capital Works Program in Roads, Footpaths, Bridges and Drainage of \$ 2,320,487 with carry forwards of \$2,183,380

Reseals:

Reseals – Inroads are preparing a quotation to assist Council with patching for the reseal contract so that internal staff do not need to be allocating to preparatory works and staff are expecting inflation on materials used by Inroads.

Current budget with carry forward \$ 639,000

New proposed budget: \$ 899,000

Sealed Reconstruction:

Current budget with carry forward \$ 893,000

New proposed budget: \$ 633,000

The sealed reconstruction saving is achieved by rescheduling Woorak Ni Ni Lorquon Road for future budget consideration as the allocation of \$ 260,716 in the 22/23 adopted budget was earmarked for a 20% contribution towards federal heavy vehicle funding program and Council has been advised they were not successful in this round.

Based on current deliverables, Councils infrastructure team is forecasting completion of 14 of the 15 carry forward jobs – with Livingston Road reseal needing to be programmed into future works programs following kerb and channel repairs.

Of the 37 jobs in this year's program, Councils Infrastructure team is forecasting completion of 33 jobs with the two Nhill Diapur Road Major Culverts heavily dependent on the moisture of the soils following the recent rain events. Woorak Ni Ni Lorquon Road will be referred for future budget considerations.

Options:

1. Council makes amendments to the Officers recommendation and adopt and amended capital works program.
2. Council does not approve the Officers recommendation for amending the capital works program.

Link to Council Plan:

Built and Natural Environment – *Well maintained assets and infrastructure:*

Financial Implications:

This proposal is a costs neutral amendment to the adopted Capital Works Budget.

Risk Management Implications:

The current adopted Capital Works Program was set in early 2022 based on 2021 condition assessments. Subsequent to the adoption of the budget, significant flood, storm and rain events have impacted on Council infrastructure significantly as well as impacting on staff availability to complete particular works.

Relevant legislation:

Local Government Act 1989

Community engagement:

The changes reflect condition assessments undertaken by staff alongside information gathered from Customer Action Requests which have been lodged by community members with Council.

The only capital works job being deferred from this financial year is Woorak Ni Ni Lorquon Road as a result of Council being unsuccessful with a federal grant for that section of road and Dimboola-Minyip Road becoming a higher priority due to recent condition deterioration.

Gender equality implications:

There are no gender equality implications for the amendment of the capital works program.

Conflict of Interest:

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

Author and Officer Responsible – Jessie Holmes, Director Infrastructure Services

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

Next Steps:

If Council approves the amendments to the adopted 2022-2023 Budget Capital Works Program, Infrastructure staff will act on the changes immediately.

RECOMMENDATION:

That Council approves the following amendments to the adopted 2022-2023 Budget Capital Works Program:

- 1) The reseal budget increased from \$639,000 to \$899,000***
- 2) The sealed reconstruction budget decreased from \$893,000 to \$633,000 and refer Woorak Ni Ni Lorquon Road for future budget consideration.***

MOVED: CRS M Albrecht/R Ismay

That Council approves the following amendments to the adopted 2022-2023 Budget Capital Works Program:

- 1) The reseal budget increased from \$639,000 to \$899,000***
- 2) The sealed reconstruction budget decreased from \$893,000 to \$633,000 and refer Woorak Ni Ni Lorquon Road for future budget consideration.***

CARRIED

9.4 COUNCIL MEETING DATES 2023

Responsible Officer: Chief Executive Officer

Introduction:

This report seeks approval from Council for the 2023 meeting dates and their advertisement in the local media.

Discussion:

Each year Council advertises the meeting dates for the upcoming 12 months in the local newspapers. The advertised dates are for the Council meetings and the Annual Statutory Meeting.

It is proposed that Council hold one meeting per month, commencing at 3:00pm, except for May having two meetings due to legislative requirements to advertise and adopt the annual budget.

Council will continue to live stream Council meetings throughout 2023, which will mean that all meetings will need to be held in Nhill.

It is proposed that in keeping with practice of other councils around the state, Council does not meet in January.

It is the officers' recommendation to hold Briefing meetings prior to the ordinary Council meetings, commencing at 1:00pm.

The proposed dates below have also taken into consideration external organisations conferences and forums such as Municipal Association of Victoria conferences, Rural Council Victoria conferences, National General Assembly conference and LGPro conferences, to avoid clashes where possible.

Options:

Council may choose to adopt the recommended timing and location for Ordinary Council Meetings and Council Briefings or select alternative dates, times, or locations to hold its meetings.

Link to Council Plan:

Strong governance practices.

Financial Implications:

Nil

Risk Management Implications:

Not applicable

Relevant legislation:

Local Government Act 2020

Community engagement:

Council will continue to livestream meetings to allow community members who are unable to attend in person the opportunity to view Council meetings.

Gender equality implications:

A gender assessment was completed for the 2023 Council meetings.

Conflict of Interest:

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

Officer Responsible – Greg Wood, Chief Executive Officer

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

Author – Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

Council meeting dates will be published in local newspapers, on Council's website and through Council's social media platforms.

RECOMMENDATION:

That Council holds Council meetings at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill and sets the following times and dates for 2023:

<i>WEDNESDAY</i>	<i>TIME</i>
<i>1 February 2023</i>	<i>3:00pm</i>
<i>1 March 2023</i>	<i>3:00pm</i>
<i>5 April 2023</i>	<i>3:00pm</i>
<i>3 May 2023</i>	<i>3:00pm</i>
<i>31 May 2023</i>	<i>3:00pm</i>
<i>28 June 2023</i>	<i>3:00pm</i>
<i>26 July 2023</i>	<i>3:00pm</i>
<i>30 August 2023</i>	<i>3:00pm</i>
<i>27 September 2023</i>	<i>3:00pm</i>
<i>25 October 2023</i>	<i>3:00pm</i>
<i>8 November 2023 (Annual Statutory Meeting)</i>	<i>6:00pm</i>
<i>22 November 2023</i>	<i>3:00pm</i>
<i>13 December 2023</i>	<i>3:00pm</i>

MOVED: CRS D Nelson/M Albrecht

That Council holds Council meetings at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill and sets the following times and dates for 2023:

WEDNESDAY	TIME
1 February 2023	3:00pm
1 March 2023	3:00pm
5 April 2023	3:00pm
3 May 2023	3:00pm
31 May 2023	3:00pm
28 June 2023	3:00pm
26 July 2023	3:00pm
30 August 2023	3:00pm
27 September 2023	3:00pm
25 October 2023	3:00pm
8 November 2023 (Annual Statutory Meeting)	6:00pm
22 November 2023	3:00pm
13 December 2023	3:00pm

CARRIED

10 COUNCIL COMMITTEES

10.1 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 14

Introduction:

The Dimboola Township Advisory Committee held a meeting on 6 October 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Dimboola Township Advisory Committee meeting held on 6 October 2022;**
- 2. notes and accepts the resignation of Bill Eldridge from the Committee; and**
- 3. conditionally endorses Chan Uoy as a new member of the Committee.**

MOVED: CRS D Nelson/W Bywaters

That Council:

- 1. notes the minutes of the Dimboola Township Advisory Committee meeting held on 6 October 2022;**
- 2. notes and accepts the resignation of Bill Eldridge from the Committee; and**
- 3. conditionally endorses Chan Uoy as a new member of the Committee.**

CARRIED

Attachment Number: 14

10.2 JEPARIT TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 15

Introduction:

The Jeparit Township Advisory Committee held a meeting on 14 November 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Jeparit Township Advisory Committee meeting held on 14 November 2022.

MOVED: CRS M Albrecht/R Gersch

That Council notes the minutes of the Jeparit Township Advisory Committee meeting held on 14 November 2022.

CARRIED

Attachment Number: 15

10.3 RAINBOW TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 16

Introduction:

The Rainbow Township Advisory Committee held a meeting on 21 November 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Township Advisory Committee meeting held on 21 November 2022.

MOVED: CRS R Ismay/D Nelson

That Council notes the minutes of the Rainbow Township Advisory Committee meeting held on 21 November 2022.

CARRIED

Attachment Number: 16

11 LATE REPORTS

No late reports.

12 NOTICES OF MOTION

No notices of motions.

13 OTHER BUSINESS

MOVED: CRS R Gersch/R Ismay

That Council acknowledges the passing of the late George Henry Bennett AM, known as George, who was a Lowan Shire Councillor for many years. He was Shire President, MAV President and, along with his wife Joan, became a Councillor for the Hindmarsh Shire. As noted on the funeral notice in the newspaper, it states 'A life committed to his family, farming and the community'.

CARRIED

Hindmarsh Shire Council will fly their flags at half-mast on Friday 16 December 2022 in honour of George Henry Bennett AM.

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

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

- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989

RECOMMENDATION:

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

- 14.1 CONTRACT NO 2022-23-01 DEMOLITION AND CONSTRUCTION OF RETAINING WALL AND VIEWING DECK AT JEPARIT SWIMMING HOLE - VARIATION REQUEST – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 14.2 HARDSHIP APPLICATION – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;**
- 14.3 2023 HINDMARSH YOUTH COUNCIL NOMINATIONS – this report contains “personal information, being information that which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;**
- 14.4 AUSTRALIA DAY AWARDS 2023 – this report contains “personal information, being information that which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters; and**
- 15.1 TENDER FOR CONTRACT 2022-2023-013 CONSTRUCTION OF ACCESS ROAD AND PIT / HARDSTAND AREA FOR THE RAINBOW RISES EVENTS CENTRE – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

MOVED: CRS M Albrecht/D Nelson

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

- 14.1 CONTRACT NO 2022-23-01 DEMOLITION AND CONSTRUCTION OF RETAINING WALL AND VIEWING DECK AT JEPARIT SWIMMING HOLE - VARIATION REQUEST – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 14.2 HARDSHIP APPLICATION – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;**
- 14.3 2023 HINDMARSH YOUTH COUNCIL NOMINATIONS – this report contains “personal information, being information that which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;**
- 14.4 AUSTRALIA DAY AWARDS 2023 – this report contains “personal information, being information that which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters; and**
- 15.1 TENDER FOR CONTRACT 2022-2023-013 CONSTRUCTION OF ACCESS ROAD AND PIT / HARDSTAND AREA FOR THE RAINBOW RISES EVENTS CENTRE – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

CARRIED

15 LATE CONFIDENTIAL REPORTS

16 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 4:56pm.

██████████
RAINBOW 3424

6.12.22

Hindmarsh Shire Council

NHILL.

to all Councillors,

I refer to my previous letter to be read and discussed at the Council meeting of 28.9.2022 to which I have not had the courtesy of a reply and was of course not obliged.

I realise it is too much for my letters to be read out and discussed at a council meeting as requested, as my correspondence seems not to be as important as that of other correspondents- no matter what the subject such letters contain, so where is the transparency the shire notes itself on?

So I will ask again that this letter be read and discussed openly at the next Council meeting.

I of course refer to the counters put down outside of 55 Taverner Street- and also at Winifred St area during the period of of January to April 2022 - but not at the P12 site which is the only 40 zone in Taverner Street . These figures will show the extent of movement of the B Doubles and heavy vehicles in Taverner Street during the above period, which causes so much stress and ire to the residents of Taverner street.

I trust the Council will see fit to send me all this information by return mail.

Council and Vicroads have stated they are working together to come up with a solution to the problem before this next carting season which will commence in

about 5 weeks, so may I ask, exactly what progress you have come up with in the last 12 months.

The local Member of Parliament Emma Kealy has been in contact with the Minister for the Department of Transport since April this year with out any success, and she also received the same put off from Vic roads representative for this area Michael Bailey. So how is Council doing? Apart from the question of money what have you achieved for the ratepayers of Hindmarsh. With all the concern over this issue which will not go away - why hasn't Council applied for funding from both governments so a detour could be built which would alleviate the situation. Please explain.

Vic roads may be responsible for Taverner street, but Hindmarsh Shire is responsible for the well being of its ratepayers.

What has the Shire ever done about obtaining a crossing in Taverner St from Federal St for the Kindergarten. Why has there never been flashing lights there - why no 40 zone? Children have to cross Taverner street to get to the Kindergarten. It is noted there is the 40 zone and a flashing light in Nhill and has been for quite some years. Why are the children in Rainbow treated any differently. In an issue of the Rainbow Argus the a member of the Kindergarten Committee expressed her concern and also received the same adhoc response from Mr Bailey of Vicroads.

With the reported comment from Vicroads that they found the 40km/h speed zone to be appropriate and consistent - obviously Mr Bailey isnt familiar with Taverner Sreet and Rainbow, as there is no 40 Zone at the Kindergarten area.

There has been plenty of money for the Albacutya road primarily for the benefit of the B doubles, it appears not just the approach to the new bridge but for some kilometers further on. So money was forthcoming for this project - why not a grant for a detour.

I await further advice from Council on the subjects raised in this letter, and the requests contained within.

As a matter of interest, when does council envisage a footpath will be sealed in King St, from Federal Street north. This footpath is in the centre of the town and was one of the first streets in Rainbow - it is now 126 years on - its time.

Yours faithfully,

Anne Simms

Ratepayer.

Emma KEALY

MEMBER FOR LOWAN
DEPUTY LEADER OF THE NATIONALS

34 Firebrace St, Horsham VIC 3400
PO Box 41, Horsham VIC 3402
Horsham 5382 0097 Hamilton 5571 9800
emma.kealy@parliament.vic.gov.au
www.emmakealy.com.au

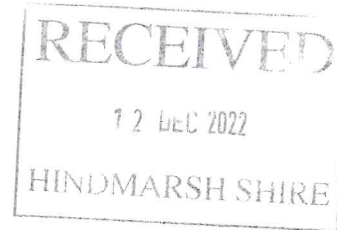


LO151056

Doc ID: 379351

30 November 2022

Cr Brett Ireland
Mayor
Hindmarsh Shire Council
PO Box 250
NHILL VIC 3418



Dear Brett,

Congratulations on your election as the Mayor of Hindmarsh Shire Council.

I am sure that your unique knowledge, skills, and experience will prove to be of enormous benefit to Council in this position.

Like you, I am passionate about making our exceptional region the best place it can possibly be to live and work.

Please feel free to contact me on 0448 316 521 if you have any ideas or concerns that I may be able to assist you and your Council with.

I look forward to working closely with you over the next twelve months for the future benefit of our fabulous local residents.

Yours sincerely,


Emma Kealy MP
Member for Lowan
Deputy Leader of The Nationals

Emma KEALY

MEMBER FOR LOWAN
DEPUTY LEADER OF THE NATIONALS

34 Firebrace St, Horsham VIC 3400
PO Box 41, Horsham VIC 3402
Horsham 5382 0097 Hamilton 5571 9800
emma.kealy@parliament.vic.gov.au
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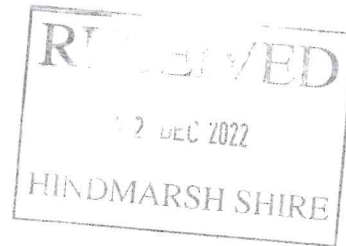


LO151056

DOC ID: 379357

30 November 2022

Cr Melanie Albrecht
Deputy Mayor
Hindmarsh Shire Council
PO Box 250
NHILL VIC 3418



Dear Melanie,

Congratulations on your election as the Deputy Mayor of Hindmarsh Shire Council.

I am sure that your unique knowledge, skills, and experience will prove to be of enormous benefit to Council in this position.

Like you, I am passionate about making our exceptional region the best place it can possibly be to live and work.

Please feel free to contact me on 0448 316 521 if you have any ideas or concerns that I may be able to assist you and your Council with.

I look forward to working closely with you over the next twelve months for the future benefit of our fabulous local residents.

Yours sincerely,

Emma Kealy MP
Member for Lowan
Deputy Leader of The Nationals

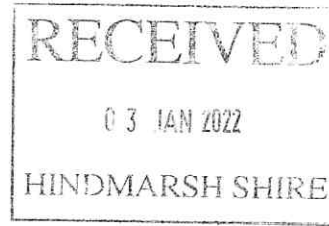


John Pesutto MP

Leader of the Opposition
Victorian Liberal Leader

JohnPesutto.com.au

Mr Greg Wood
CEO
Hindmarsh Shire Council
92 Nelson Street
Nhill VIC 3418



Dear Mr Wood,

Following the November 2022 Victorian State Election, the Liberal Party gave me the honour of electing me as its leader. This presents a significant opportunity for a fresh start for the Liberal Party and for Victoria.

From my childhood growing up in Traralgon as the son of Italian migrants, later settling in Hawthorn with my wife Betty, I have been proud to call this great state home.

As a state, we face significant challenges including unsustainable debt, a health system which is not functioning as it should, increasing cost of living pressures, and an integrity system in need of reform.

I want to lead a party that is broad, consultative, forward-looking, in touch with Victorians, and able to meet these challenges. The values of the Liberal Party are strong and enduring. Our challenge is to translate these values into policies that are relevant to Victorians.

I want to improve the tone of politics in Victoria and lead a constructive Opposition. Where the Government does the right thing, we will provide support. When they don't, we will provide scrutiny and a viable alternative. We will work hard to ensure we are a strong presence across the city, suburbs, and regional areas.

I would appreciate the opportunity to meet with you to share views on the challenges facing Victoria now and into the future, and discuss the priorities you would like to advocate for in the period ahead.

Please feel free to contact my office on (03) 9651 6719 or via email on leader@opposition.vic.gov.au to arrange a meeting at a mutually convenient time.

Kind regards,

JOHN PESUTTO MP
Leader of the Opposition
Victorian Liberal Leader
Shadow Minister for Multicultural Affairs

20/12/2022

John Pesutto MP | Leader of the Opposition | Victorian Liberal Leader

1/157 Spring Street, Melbourne Victoria 3000 03 9651 6701

leader@opposition.vic.gov.au JohnPesutto

Victorian Liberal and Nationals Shadow Cabinet (December 2022)

John Pesutto MP (Hawthorn)

Leader of the Opposition
Leader of the Liberal Party
Leader of the Liberal and Nationals Coalition
Shadow Minister for Multicultural Affairs

Peter Walsh MP (Murray Plains)

Leader of The Nationals
Deputy Leader of the Liberal and Nationals Coalition
Shadow Minister for Regional Development
Shadow Minister for Local Government
Shadow Minister for Aboriginal Affairs

David Southwick MP (Caulfield)

Deputy Leader of the Opposition
Deputy Leader of the Liberal Party
Shadow Minister for Major Projects
Shadow Minister for Transport Infrastructure
Shadow Minister for Trade and Investment
Shadow Minister for the Commonwealth Games

Emma Kealy MP (Lowan)

Deputy Leader of The Nationals
Shadow Minister for Agriculture
Shadow Minister for Mental Health

Georgie Crozier MP (Southern Metropolitan Region)

Leader of the Opposition in the Legislative Council
Leader of the Liberal Party in the Legislative Council
Shadow Minister for Health
Shadow Minister for Ambulance Services

Dr Matt Bach MP (North-Eastern Metropolitan Region)

Deputy Leader of the Opposition in the Legislative Council
Deputy Leader of the Liberal Party in the Legislative Council
Shadow Minister for Education
Shadow Minister for Child Protection

Brad Battin MP (Berwick)

Shadow Minister for Police
Shadow Minister for Youth Justice
Shadow Minister for Crime Prevention
Shadow Minister for Criminal Justice Reform
Shadow Minister for Corrections

Roma Britnell MP (South-West Coast)

Shadow Minister for Ports and Freight
Shadow Minister for Boating and Fishing

Tim Bull MP (Gippsland East)

Shadow Minister for Disability, Ageing and Carers
Shadow Minister for Racing
Shadow Minister for Veterans Affairs

David Davis MP (Southern Metropolitan Region)

Shadow Special Minister of State
Shadow Minister for the Arts and Creative Industries

Sam Groth MP (Nepean)

Shadow Minister for Tourism, Sport and Events
Shadow Minister for Youth

Ann-Marie Hermans MP (South-Eastern Metropolitan Region)

Shadow Minister for Emergency Services
Shadow Minister for WorkSafe and TAC

David Hodgett MP (Croydon)

Shadow Minister for Energy and Resources
Shadow Minister for Planning

Tim McCurdy MP (Ovens Valley)

Shadow Minister for Water
Shadow Minister for Consumer Affairs

Cindy McLeish MP (Eildon)

Shadow Minister for Women
Shadow Minister for the Prevention of Family Violence
Shadow Minister for Small Business

James Newbury MP (Brighton)

Manager of Opposition Business
Shadow Minister for Environment and Climate Change
Shadow Minister for Equality

Danny O'Brien MP (Gippsland South)

Shadow Minister for Casino, Gaming and Liquor Regulation
Shadow Minister for Roads and Road Safety

Michael O'Brien MP (Malvern)

Shadow Attorney-General

Richard Riordan MP (Polwarth)

Shadow Minister for Public Transport

Shadow Minister for Housing

Brad Rowsell MP (Sandringham)

Shadow Treasurer

Jess Wilson MP (Kew)

Shadow Minister for Finance

Shadow Minister for Economic Reform and Regulation

Shadow Minister for Home Ownership and Housing Affordability

Bridget Vallence MP (Evelyn)

Shadow Minister for Industry and Innovation

Shadow Minister for Manufacturing

Shadow Minister for Skills and Training

Shadow Minister for Employment and Industrial Relations

Evan Mulholland MP (Northern Metropolitan Region)

Shadow Cabinet Secretary

Victorian Liberals and Nationals Shadow Assistant Ministry

Melina Bath MP (Eastern Victoria Region)

Shadow Parliamentary Secretary for Education, Volunteers and Public Land

Martin Cameron MP (Morwell)

Shadow Parliamentary Secretary for Energy, Renewables and the SEC

Shadow Parliamentary Secretary for Small Business

Annabelle Cleeland MP (Euroa)

Shadow Parliamentary Secretary for Health

Chris Crewther MP (Mornington)

Shadow Parliamentary Secretary for Justice and Corrections

Trung Luu MP (Western Metropolitan Region)

Shadow Parliamentary Secretary for Multicultural Affairs

Beverley McArthur MP (Western Victoria Region)

Shadow Parliamentary Secretary for Roads and Road Safety

Joe McCracken MP (Western Victoria Region)

Shadow Parliamentary Secretary for Regional Economic Development

Nick McGowan MP (North-Eastern Metropolitan Region)

Shadow Parliamentary Secretary for Scrutiny of Government



Hindmarsh
Shire Council

**Administration
Centre**

PO Box 250
92 Nelson Street
Nhill VIC 3418
Ph: (03) 5391 4444
Fax: (03) 5391 1376

email:
info@hindmarsh.vic.gov.au

website:
www.hindmarsh.vic.gov.au

ABN 26 550 541 746

**Customer Service
Centres**

Jeparit
10 Roy Street
JEPARIT VIC 3423
Ph: (03) 5391 4450
Fax: (03) 5397 2263

Dimboola
101 Lloyd Street
DIMBOOLA VIC 3414
Ph: (03) 5391 4452
Fax: (03) 5389 1734

Rainbow
15 Federal Street
RAINBOW VIC 3424
Ph: (03) 5391 4451
Fax: (03) 5395 1436

13 January 2023

Ms Anne Simms

RAINBOW VIC 3424

Dear Ms Simms,

Re: Rainbow Matters

This letter is to acknowledge the letter received by you on 6 December 2022 – requesting that your letter be tabled at the next available Council Meeting. The letter will be tabled at the February 1, 2023 Ordinary Council meeting.

Many of the matters raised in your letter have been addressed previously by Council staff, Department of Transport staff and Council – I appreciate that the responses may not have been received by yourself as satisfactory, however they have been discussed and acknowledged.

In relation to the detour of heavy vehicle in Rainbow – the costs associated with a detour would be extraordinarily prohibitive given the low volume of traffic on the C Class road in comparison to other C Class roads across the state. Should Council wish to pursue advocacy for funding on a detour, we would need support from the State Road authority which would not be forthcoming. Vicroads have investigated the type and frequency of traffic and there is no justification to take the desktop analysis on further to a business case on route development scenarios.

The matter of an appropriate crossing on Taverner Street to service the Kindergarten and P-12 College is a relevant and appropriate request of Council. Staff will raise this with Emerge, the Early Years Provider and the College and if there is support for a single crossing point that benefits both education facilities, that does not require ongoing costs, - such as an unmanned crossing with illuminated signage then Council can pursue funding for such a suitable crossing.

Council advocated for several years to seek funding for the Albacutya bridge, and this was a significant safety and economic development project with a strong business case. The funding was provided from Federal and State governments who understood the need for the replacement bridge to ensure connectivity for the community and agricultural enterprises.



Council has a Footpath Management Plan which requires key pedestrian routes identified to have a concrete path on one side of the street. King

Street, north of Federal Street as a concrete footpath on one side and a non sealed path on the other side – this is above the adopted service level standard of a key pedestrian route.

If you have any questions about this letter, please feel free to contact Council.

Warm Regards,

A handwritten signature in cursive script that reads 'Jessie Holmes'.

Jessie Holmes

Director Infrastructure Services



Hindmarsh
Shire Council

**Administration
Centre**

PO Box 250
92 Nelson Street
Nhill VIC 3418
Ph: (03) 5391 4444
Fax: (03) 5391 1376

email:
info@hindmarsh.vic.gov.au

website:
www.hindmarsh.vic.gov.au

ABN 26 550 541 746

**Customer Service
Centres**

Jeparit

10 Roy Street
JEPARIT VIC 3423
Ph: (03) 5391 4450
Fax: (03) 5397 2263

Dimboola

101 Lloyd Street
DIMBOOLA VIC 3414
Ph: (03) 5391 4452
Fax: (03) 5389 1734

Rainbow

15 Federal Street
RAINBOW VIC 3424
Ph: (03) 5391 4451
Fax: (03) 5395 1436

20 January 2023

Mr John Pesutto MP
Leader of the Opposition
1/157 Spring Street
MELBOURNE VIC 3000
Email: john.pesutto@parliament.vic.gov.au

Dear John

Re: Meeting with Hindmarsh Shire Council

I refer to your letter dated 20 December 2022.

On behalf of Hindmarsh Shire Council, I would like to congratulate you on your recent election as Leader of the Victorian Parliamentary Liberal Party and Leader of the Opposition.

Hindmarsh Shire is located in the Wimmera region in western Victoria, situated on the Western Highway, 375km west of Melbourne and 350km east of Adelaide, bound by two National Parks, the Little Desert in the South and Wyperfeld in the North. Hindmarsh covers an area of 7,527km² and includes the rural townships of Nhill, Dimboola, Rainbow and Jeparit.

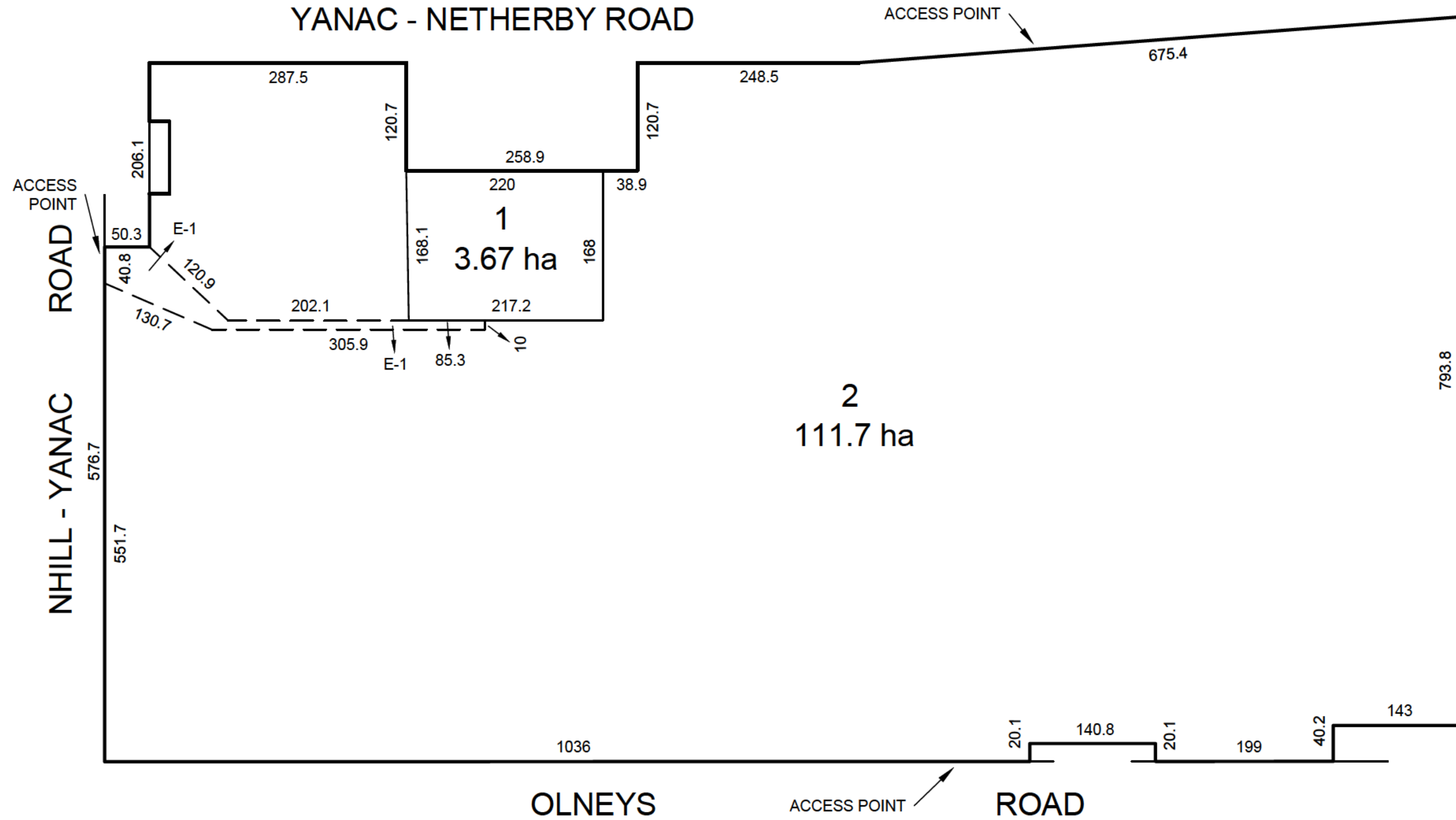
Thank you for your invitation to meet, and I would be happy to meet with you when you next visit the Wimmera. Hindmarsh Shire is a beautiful part of Victoria and worth a visit, and I would appreciate the opportunity to share with you first-hand the challenges we face as a small rural council.

If you would like to discuss any matters with me directly, please contact me on [REDACTED] or email gwood@hindmarsh.vic.gov.au.

Yours sincerely

Greg Wood
Chief Executive Officer

YANAC - NETHERBY ROAD



SCALE 1:5000
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 LENGTHS ARE IN METRES

Ferguson Perry Surveying Pty Ltd
 62 McLachlan Street Horsham,
 Victoria 3400
 ABN 76126 194 483

T (03) 5382 2023
 F (03) 5381 1544
 E admin@fergusonperry.com.au

A member of Alexander Symonds Group

+ Property + Land Development +
 + Construction + Mining +
 + Spatial Information Management +



SURVEYORS REF.

21H0039

03/08/2021
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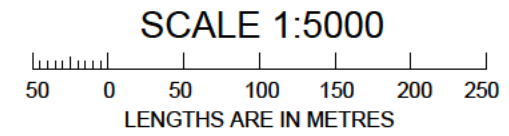
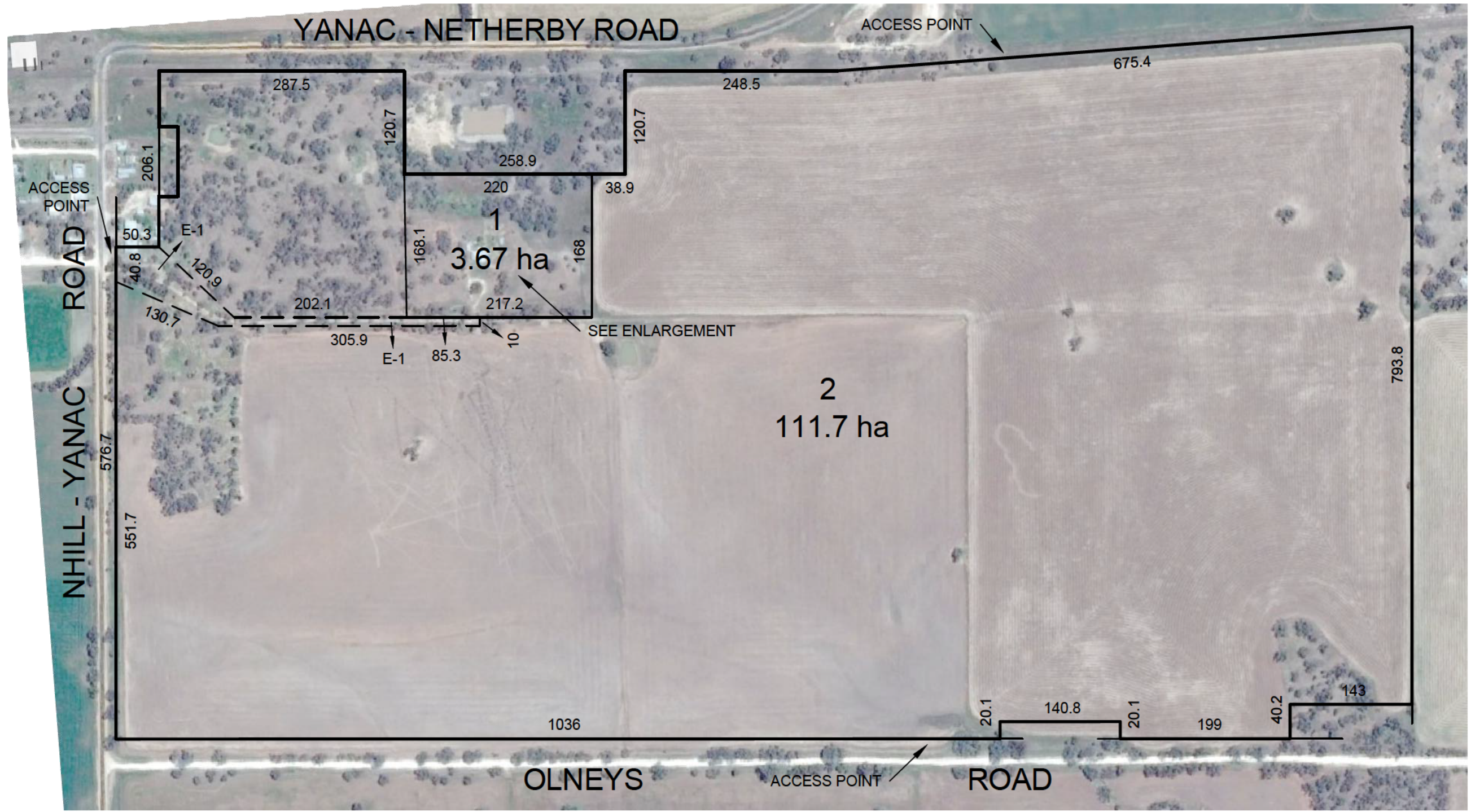
NOTATIONS

THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE
 AND ARE SUBJECT TO SURVEY.

E - 1 CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 1

PLAN OF PROPOSED SUBDIVISION

3320 NHILL - YANAC ROAD, YANAC
 PARISH OF YANAC-A-YANAC
 LOT 1 ON TP812048F



Ferguson Perry Surveying Pty Ltd
 62 McLachlan Street Horsham,
 Victoria 3400
 ABN 76126 194 483

T (03) 5382 2023
 F (03) 5381 1544
 E admin@fergusonperry.com.au

A member of Alexander Symonds Group

+ Property + Land Development +
 + Construction + Mining +
 + Spatial Information Management +



SURVEYORS REF.
21H0039
 03/08/2021
 DRAWN BY: LJM

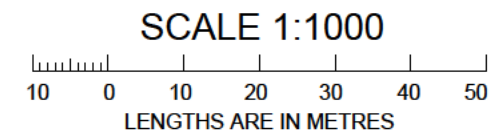
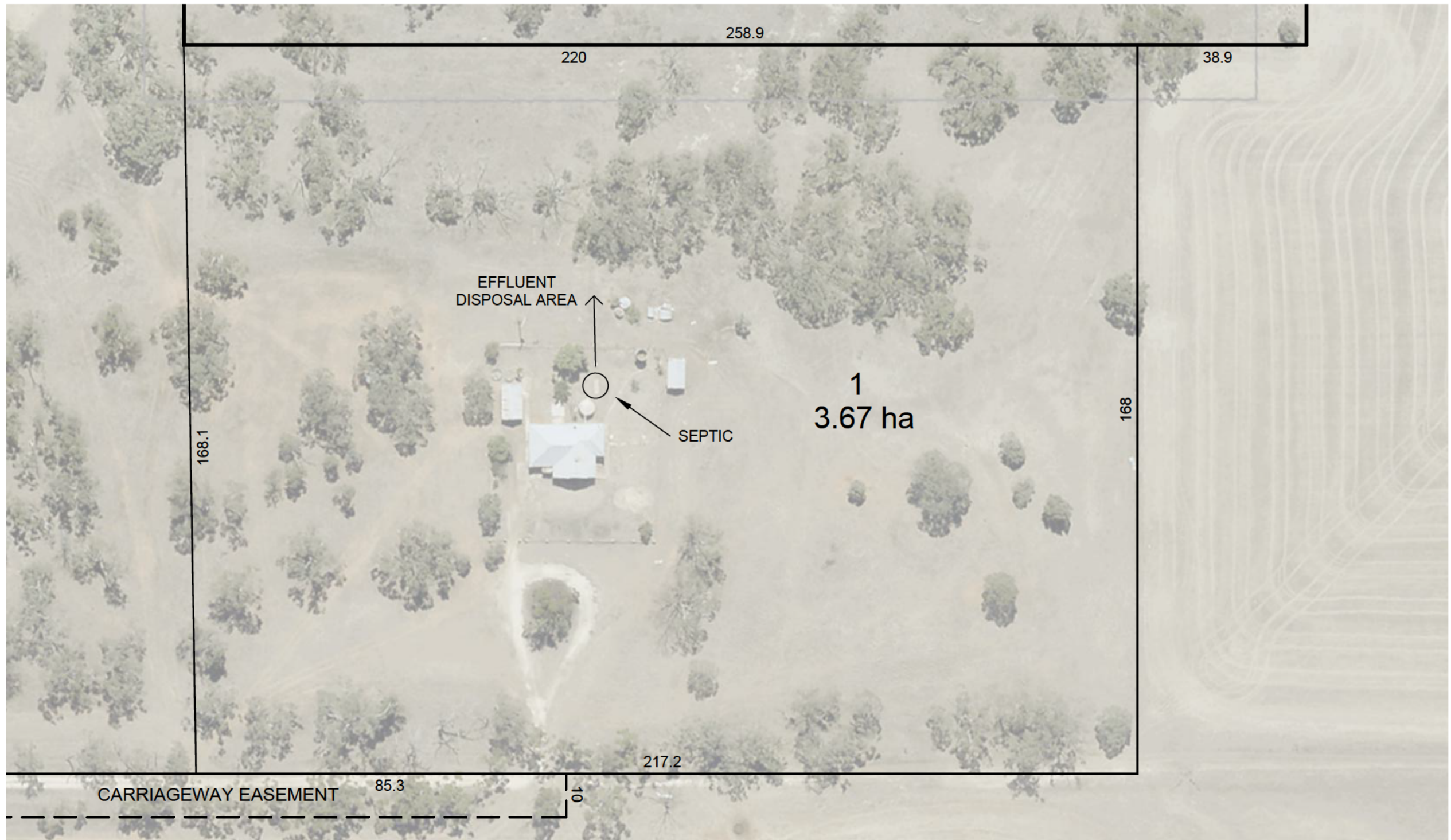
NOTATIONS

THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO SURVEY.

E - 1 CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 1

PLAN OF PROPOSED SUBDIVISION
 SHOWING EXISTING FEATURES

3320 NHILL - YANAC ROAD, YANAC
 PARISH OF YANAC-A-YANAC
 LOT 1 ON TP812048F



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NOTATIONS

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**PLAN OF PROPOSED SUBDIVISION
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3320 NHILL - YANAC ROAD, YANAC
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POLICY

Financial Hardship Policy

1 Purpose

The purpose of this Financial Hardship Policy is to provide Council with a policy framework setting out the process of providing financial relief to individuals and businesses requiring assistance in the payment of rates and charges on the grounds of financial hardship.

The policy also aims to provide a clear understanding of the options and assistance available to property owners and ratepayers who are experiencing financial hardship and assist them in managing the payment of rates in a manner that is acceptable to both the Council and the property owner.

2 Scope

The policy applies to property owners and ratepayers within Hindmarsh Shire Council in accordance with sections 170, 171 and 171A of the *Local Government Act 1989* and well as the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*.

This policy shall apply to revenue included on the rates notice, such as rates, waste charges, interest and other relevant charges. It is important to note that this policy does not apply to fines issued under Council's Local Laws or any other Act.

Where financial hardship cannot be established, Council may avail itself of the collection options under Sections 180 and 181 of the Local Government Act 1989, to recover overdue amounts. These recovery methods include legal action and, in extreme circumstances, the sale of the property. In the implementation of this policy, due consideration will be given to determining the type of payment arrangement that is best suited to each property owner's individual circumstance and the need to observe compassion, respect and transparency in the assessment of financial hardship applications.

3 Definitions

CEO	means Chief Executive Officer of Hindmarsh Shire Council
Council	means the Hindmarsh Shire Council
Employee	means a person employed by Council, including the Chief Executive Officer, Directors, Managers, and any person engaged as a short term Employee or a contractor undertaking duties on behalf of Council.
Ratepayer	means any person, corporation, business or other entity owing money to Council in respect of rates and charges. This includes those who may not legally own a property, but who are required to pay rates and charges such as those determined by lease agreements.

4 Policy Statement

4.1 General Principles

Council will enforce the legislative powers available under the *Local Government Act 1989 (Act)* in the pursuit of outstanding rates and charges debts.

Council is committed to:

- Assisting Ratepayers who are experiencing financial difficulty;
- Ensuring that the collection process is transparent;
- Treating everyone fairly, consistently, respectfully and with sensitivity;
- Ensuring all Council Employees have the training and resources necessary to effectively and consistently manage ratepayer hardship; and
- Ensuring all applications and their subsequent determination and handling are strictly confidential.

Where Council Employees have identified that a ratepayer is experiencing financial hardship, outstanding rates and charges owed to the municipality shall be pursued in accordance with this policy.

Council will not use debt collectors or pursue legal action unless ratepayers refuse to engage and all other options have been exhausted.

4.2 Genuine Financial Hardship

Genuine Financial Hardship refers to a situation where a property owner is reasonably unable to discharge their financial obligations due to compassionate grounds or necessitous circumstances such as illness, unemployment, impacts of natural disaster, or other reasonable cause. Financial hardship involves an inability of the property owner to meet their financial commitments (bills), rather than an unwillingness to do so. Customer hardship can arise from a variety of situations. Common causes of hardship may include, but are not limited to:

- Loss of employment of the property owner or family member;
- Family violence;
- Family breakdown;
- Illness, including physical incapacity, hospitalisation, or mental illness of the property owner or family member;
- A death in the family; or

Other factors resulting in unforeseen change in the property owner's capacity to meet their payment obligations, whether through a reduction in income or through an increase in non-discretionary expenditure.

4.3 Applications for Hardship

A formal application for financial hardship must be completed and signed in front of a Justice of the Peace or other authorised officer and forwarded to Council's rates department.

Pursuant to Sections 170, 171 and 171A of the *Local Government Act 1989*, property owners may apply for the following:

- Deferral of rates and charges;
- Waiver of interest and legal charges invoiced to date; or
- Waiver of rates and charges.

The Rates Coordinator may make decisions pertaining to payment arrangements with ratepayers to assist with their financial obligations. However, the Chief Executive Officer will consider requests for interest to be held or waived. All applications requesting to have their rates and charges waived partially or in full will be referred to Council and considered in a closed Council meeting.

Any applications made under this policy and the associated procedure will be considered, however applications will only be granted where there is genuine financial hardship. Council generally does not waive rates, as this ensures that financial hardship assistance granted to one does not have a distributional effect on the rate base.

Council will take into consideration whether the applicant is seeking professional assistance for their financial hardship when making its decision.

Applicants will be formally notified of the decision as soon as is practically possible.

In addition to hardship, this policy will also cover compassionate grounds. This generally relates to immediate family illness or death up can also include:

- A sudden death in the family;
- Family violence;
- A life threatening illness or injury, acute or chronic pain or acute or chronic illness;
- Modifications to the home or vehicle to accommodate their needs or their dependents to accommodate a severe disability;
- The need to pay for palliative care for themselves or a dependent with a terminal medical condition;
- Expenses associated with a dependents death, funeral or burial; and
- Unable to work due to a medical condition and the support of Government assistance to pay living expenses.

4.4 Deferral of Rates and Charges

Under Section 170 of the *Local Government Act 1989*, Council may allow partial or full deferral of rates where they consider that paying rates and charges would create financial hardship for the applicant.

Deferral of rates and charges is made available to all property owners and ratepayers who satisfy the financial hardship eligibility criteria under this policy and will be granted based on the following conditions:

- The deferral ceases and the deferred rates and accrued interest rate are immediately payable if the property owners or ratepayer ceases to own or occupy the property on which the rates are imposed; and
- The deferral will be reviewed each year within one month of the issue of the annual 'Valuation and Rate Notice'; and
- An increase in the valuation of a property and a subsequent increase in rates cannot be considered grounds for a deferred payment of rates of their own accord.

4.5 Waiver of Rates and Charges

Under Section 171 of the *Local Government Act 1989*, property owners and ratepayers may apply for a full or partial waiver of rates and charges subject to Council confirmation of the following conditions:

- Waiver of rates and charges is only available to individuals experiencing financial hardship with regard to the rates on their primary or principal place of residence; and

- The applicant can provide a financial plan to show intent to pay future rates and charges; and
- The applicant is able to substantiate they are experiencing financial hardship and able to provide verifiable information to prove hardship on a needs basis, e.g. certified Statement of Financial Position from a qualified accountant or financial counsellor; and
- Waivers (excluding interest) must be recommended by an independent financial counsellor and applicant is able to provide documented support for a waiver from the financial counsellor or a welfare agency or government agency.

Council Officers will consider an application for a waiver or partial waiver of rates and charges where genuine financial hardship can be demonstrated and if granted, the waiver will apply only for the rating year in which the application was made and the previous financial year. Retrospective applications for a waiver of unpaid Rates and Charges greater than two years will be presented to Council for resolution. The application will be assessed by Council officers on the grounds of genuine financial hardship only and approved by Council resolution.

4.6 Waiver of Interest and Legal Charges

Under Section 171A of the *Local Government Act 1989*, property owners and ratepayers may have interest charges and legal charges, or part thereof, waived where they have demonstrated financial hardship, subject to compliance with the following conditions and approval by Council Officers:

Waiver will be granted only to:

- Property owners and ratepayers whose property is the sole or principal place of residence and is used exclusively for residential purposes;
- Farm land which is the sole or principal place of residence of the applicant;
- Commercial/industrial land owned and operated by the applicant.

An application for a waiver of interest charges will be considered where genuine financial hardship can be demonstrated and if granted, the waiver will be reassessed by officers bi-annually.

The Rates Officer will review applications in accordance with this policy and approve within financial delegations. The property owners and ratepayer will be advised in writing of the outcome of the application.

4.7 Payment Plans

On the application of a person, Council may enter into a plan with the person for the payment of a rate or charge which has not been paid by the date specified for payment. This can be for an unpaid rate or charge that is being paid in instalments, for which payment was deferred under section 170, that was waived in part under section 171 or 171A.

Council may determine:

- a. the duration of the payment plan; and
- b. the amount of each payment plan instalment; and
- c. the frequency of payment plan instalments; and
- d. any other terms.

The payment plan must be compliant with all provisions with relevant legislation.

The Council may cancel a payment plan at any time if the person is not complying with the terms of the plan. If a payment plan is cancelled, the amount owing becomes due and payable and may be recovered by the Council in accordance with section 180 of the *Local Government Act 1989*.

4.8 Discontinuation of Financial Hardship Assistance

Under Section 170(3) of the *Local Government Act 1989*, Councils can require repayments of deferred amounts if they consider that payment would no longer cause hardship, or if the land changes hands. Despite any payment agreement in place, outstanding rates and charges become immediately payable in the following circumstances:

1. In the case of a person, the property owner and/or ratepayer ceases to occupy the property applicable to the agreement.
2. In the case of a business, the property owner and/or ratepayer enters into administration or liquidation.
3. The applicable property is sold or transferred to another person or entity.
4. There is a material alteration to the ratepayer's circumstances and making the payment would no longer cause financial hardship to the person.

4.9 Defaults

Where payment arrangements have been made and the ratepayer has not followed the agreement without prior conveying of their circumstances to the rates department, this will be seen as a default.

The rates department will make reasonable attempts to contact the ratepayer to resolve the situation, as per the *Local Government Act 1989* and the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*.

4.10 Commencing Proceedings for Recovery of Unpaid Rates and Charges Debts

Council will not commence a proceeding under section 180(1) for an unpaid rate or charge that has not been deferred under section 170 or has not been the subject of a payment plan unless—

- (a) the Council, in writing—
 - a. notifies the person liable to pay the rate or charge of the arrears; and
 - b. advises the person of the payment options available including deferrals and payment plans; and
- (b) it has been at least 24 months since the person was notified and advised and the person has not deferred payment, entered into a payment plan or used any other available payment option.

Council will not commence a proceeding under section 180(1) for an unpaid rate or charge that has been deferred under section 170 unless—

- (a) the Council has sent a notice under section 170(3); and
- (b) the person has failed to make payment as required by the notice.

Council will not commence a proceeding under section 180(1) for an unpaid rate or charge that is subject to a payment plan.

Council will commence a proceeding under section 180(1) for an unpaid rate or charge that was subject to a payment plan unless it has been at least 24 months since the plan was cancelled.

4.11 Rate Recovery Sales

In accordance with s181 of the Act, a property may be sold to recover unpaid rates and charges where all other measures to collect the debt have been unsuccessful and all provisions of the Act have been satisfied. Any proposed sales must be endorsed by Council.

4.12 Financial Counselling

Council may recommend support services from the Financial & Consumer Rights Council of Victoria (FCRC) National Debt Helpline or other providers. The FCRC can help affected persons find a financial counsellor. The National Debt Helpline is a not-for-profit service that helps people in Australia tackle their debt problems. This is a Government service providing free, confidential counselling for people experiencing financial difficulty.

4.13 Conflict of Interest

All decisions, recommendations and approvals in this policy are subject to the conflict of interest provisions in the Staff Code of Conduct.

4.14 Appeal

Where an applicant for financial hardship is dissatisfied with the outcome of their application, they may request a review of the decision by outlining the grounds for the review. The request for a review of the decision must be in writing and addressed to the Chief Executive Officer.

If the applicant is still aggrieved by the decision of the Chief Executive Officer they may refer the matter to the Victorian Ombudsman.

5 Communication

This policy will be published on Council's website and made available at Council's Customer Service Centres for public access.

6 Charter of Human Rights

This policy does not unreasonably infringe any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

7 Responsibility

Policy Owner: CEO

8 Supporting Documents

Council Documents
Hindmarsh Shire Council Financial Hardship Application Form Hindmarsh Shire Council Annual Budget (including Fees & Charges, Rating Strategy) Hindmarsh Shire Council Councillor Code of Conduct Hindmarsh Shire Council Staff Code of Conduct Hindmarsh Shire Council Instrument of Delegated Staff Purchasing Authorities
Legislation
<i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Local Government Legislation Amendment (Rating and Other Matters) Act 2022</i> <i>Family Violence Protection Act 2008</i>

<i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>
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9 Document control

Financial Hardship Policy		Policy Category	Council
Version Number	1.02	Policy Status	APPROVED
Approved/Adopted By	Council	Approved/Adopted on:	24 July 2019
Responsible Officer	Director Corporate and Community Services		
Version History	Date	Version	Description
	June 2016	1.01	Original Policy
	March 2019	1.02	Update to format of Policy. Change in approval requirements for interest waiver.
	October 2022	1.03	Update format of Policy, increased clarity across implementation areas.



Hindmarsh Shire Council

Domestic Animal Management Plan

2021 – 2025

1 INTRODUCTION

1.1 Purpose of Domestic Animal Management Plan

The Domestic Animals Act 1994 (the Act) requires council to prepare a Domestic Animal Management Plan (**plan**) every four years.

The plan must set out a method for evaluating whether the animal management services provided by council are adequate to give effect to requirements of the Act and the *Domestic Animal Regulations 2015*.

The plan must also outline programs for the training of authorised officers along with programs, services and strategies to:

- ensure that people comply with the Act, the regulations and any related legislation; and
- minimise the risk of attacks by dogs on people and animals; and
- address any over-population and high euthanasia rates for dogs and cats; and
- encourage the registration and identification of dogs and cats; and
- minimise the potential for dogs and cats to create a nuisance; and
- effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Council is also required to review and where appropriate amend the plan and publish an evaluation of the implementation of the plan in the Council annual report.

1.2 Process applied in developing the plan

This plan has been developed in reference to the relevant legislation and regulations and Council's Domestic Animal Management Plan 2017 – 2021.

Council made the draft plan available to the Hindmarsh community, inviting submissions, from 5 August 2021 until 6 September 2021.

Council did not receive any submissions from the community.

1.3 Overarching objectives

The overarching objectives of this plan are to:



- 1. Promote and encourage responsible pet ownership in the Hindmarsh Shire Community***
- 2. Contribute to the health and wellbeing of pets and people in the Hindmarsh Shire Community***
- 3. Reduce domestic animal nuisance issues and dog attacks***

The Plan is based on the follow strategic directions for the delivery of Council's animal management services:

- Training of authorised officers
- Promoting and educating people about responsible pet ownership
- Addressing overpopulation
- Registration and identification
- Nuisance
- Dog attacks
- Dangerous, menacing and restricted dogs
- Domestic animal businesses

1.4 Demographic and profile of Shire

The Shire of Hindmarsh is located in the Wimmera Region halfway between Melbourne and Adelaide and comprises 7,500 square kilometers and a population of 5,700. Our four main towns (Dimboola, Jeparit, Nhill and Rainbow) are attractive and have a rich history dating back to the 19th century. The Shire shares its boundaries with West Wimmera Shire Council, Yarriambiack Shire Council, Horsham Rural City Council and Mildura Rural City Council.

Recent years have seen an increase in residents from a culturally and linguistically diverse background, particularly in Nhill. Approximately 180 Karen have made their home in Nhill since Luv-a-duck initiated employment of five migrants in 2010.

On census night 2021, there were 5,698 people in the Shire. There were 91 people of Indigenous origin. The median age in Hindmarsh is 50 years compared with Australia's median of 38 years.

82.6% stated that they were Australian-born. English was the only language spoken in 86.0% of homes. Of the other languages spoken at home, the most common were Karen (3.7% or 213 people), Tagalog (0.3%), Malayalam (0.3%), Filipino and Vietnamese (both 0.2%).

1.5 Context and current situation

Description of current animal management and responsible pet ownership programs and services.

Programs / service	Service level
<i>Identification and registration</i>	Approximately 1,500 dogs and cats registered each year
<i>Identification and registration – door knock campaigns</i>	Hindmarsh Shire Council conducts a doorknocking campaign to identify animals that have not been registered.
<i>Domestic animal complaints</i>	A response will be provided within 2 days
<i>Dangerous dog complaints</i>	Same day response
<i>Routine street patrols</i>	Council routinely patrols the streets in Nhill, Jeparit, Rainbow and Dimboola
<i>Pound</i>	Council has a domestic animal pound
<i>After hours emergency service</i>	Council provides after hours emergency service 24/7.

1.6 Domestic animal statistics

	2017/2018	2018/2019	2019/2020	2021/2022
<i>Dogs registered</i>	1189	1187	1012	1023
<i>Cats registered</i>	420	402	366	350
<i>Dogs impounded</i>	35	17	21	17
<i>Dogs euthanised</i>	2%	0%	9%	0%
<i>Cats impounded</i>	98	152	67	123
<i>Cats euthanised</i>	86%	85%	37%	91%
<i>Number of declared dogs</i>	1 menacing	1 menacing	1 menacing	1 menacing 2 dangerous
<i>Number of animals seized / surrendered</i>	133	152	88	141
<i>Number of animals reclaimed/transferred for adoption.</i>				11 cats 17 dogs
<i>Number of prosecutions</i>	0	0	0	1
<i>Number of complaints relating to dogs and cats</i>	297	351	397	453

2 TRAINING OF AUTHORISED OFFICERS

Local Laws Officers undertake training to ensure they comply with all requirements as per their position description. This section of the plan outlines the programs for the training of Local Laws officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district. Recurring training should include;

- Animal behaviour management
 - Dog behaviour and body language
 - Working with fearful/aggressive dogs

- Dog handling equipment
- Defensive dog handling skills
- Investigations and Prosecutions
- Dealing with difficult and vexatious customers
- Pound maintenance and compliance
- Records management
- Prevention of family violence and responding to disclosures

As well as ad-hoc training regarding legislative changes, regulatory requirements and other education and enforcement-related areas.

2.1 Context and current situation

All Animal Management Officers receive ongoing on-the-job training and are encouraged to have or attain the Certificate IV in Animal Control and Regulation. Council's annual performance reviews include a review of the staff members' skills and training undertaken in the last year.

Council currently has **two full time Local Laws officers** whose responsibilities include enforcing a wide range of legislation. Domestic animal management services form only a part of each role.

2.1.1 Organisational structure



2.2 Our plans

Objective 1: develop a training plan that clearly identifies minimum training requirements and any additional training opportunities that should be undertaken by animal management officers.			
ACTION	EVALUATION	WHO	WHEN
Identify minimum training requirements for Council's Animal Management staff	Training Plan for Council's Animal Management staff finalised and approved	HR	2021/2022
Review staff qualifications	Staff have the relevant training	HR	Annual
Identify additional training opportunities by consulting with relevant staff and management	Annual performance reviews include review of skills	Management HR	Annual
Objective 2: Council will encourage officers to undergo further study to obtain higher animal management, welfare qualifications and, where practical, to attend relevant conferences and seminars.			
ACTION	EVALUATION	WHO	WHEN
Identify additional training opportunities eg, prosecutions training, conflict management, communication / education technique, networking opportunities and conferences	Annually review what training officers undertook that was in addition to their minimum requirements. Meet the objective of providing at least 2 additional training opportunities annually.	Management HR	Annual

3 PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION

Council plays an important leadership role in supporting and promoting responsible pet ownership. This section outlines how council promotes and encourages responsible pet ownership and compliance with legislation.

3.1 Context and current situation

Council provides information to pet owners within the Shire to encourage responsible pet ownership. Council also makes use of social media and newsletters to promote and encourage responsible pet ownership and compliance with legislation. Council provides information packs to all educational facilities and community groups to encourage the education of Responsible Pet Ownership for Children, which will focus on the following priorities:

- Registration and microchipping of dogs and cats;
- Desexing of dogs and cats; and
- Confinement of dogs and cats. Council will annually undertake regular doorknocks to identify unregistered dogs and cats.

3.2 Our Orders, Local Laws, Council Policies and Procedures

Council's Municipal Local Law provides that a person must obtain a permit if they wish to keep more than:

- Two (2) dogs over three (3) months of age; or
- Two (2) cats over three (3) months of age; or
- Two (2) dogs over three (3) months of age and two (2) cats over three (3) months of age.

Council's Municipal Local Law also provides that it is an offence for a dog or cat to roam at large between dusk and dawn in a residential area.

Both provisions are in place to encourage responsible pet ownership.

Council has an Enforcement Policy in place which guides Council's approach in enforcement action.

3.3 Our plan

Objective 1: Reduce the number of pecuniary compliance actions by educating the community about their legislative obligations.			
ACTION	EVALUATION	WHO	WHEN
Review fact sheets and web content regarding legislative obligations to ensure that it is relevant, engaging and accessible	Reduce infringements issued	Management	Annually
Objective 2: promote 'Safe Cat, Safe Wildlife' messaging among residents.			
ACTION	EVALUATION	WHO	WHEN
Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum	Local Law Officers	Annually in March

4 PROGRAMS TO ADDRESS OVER POPULATION RATES AND ANY HIGH EUTHANASIA RATES

This section outlines how Council addresses over population and high euthanasia rates in dogs and cats.

4.1 Context and current situation

Council's pound and euthanasia policies are guided by the *Domestic Animal Act* 1994. Council operates under its own pound and policies and procedures in accordance with the *Domestic Animals Act* 1994 and code of practice for shelters and pounds.

Council's Municipal Local Law provides that a person must obtain a permit if they wish to keep more than:

- Two (2) dogs over three (3) months of age; or
- Two (2) cats over three (3) months of age; or

- Two (2) dogs over three (3) months of age and two (2) cats over three (3) months of age.

Council has cat cages which can be hired out to community members to assist with trapping nuisance cats.

Council currently undertakes the following compliance activities in support of increasing registration and reducing euthanasia rates:

- Renewal follow-ups for registration and identification for domestic dogs and cats;
- Vehicle patrols;
- Nuisance complaint response;
- Compulsory registration of animal released from the pound;
- Enforcement where required.

<i>Euthanasia Rates</i>				
	2017/2018	2018/2019	2019/2020	2021/2022
<i>Dogs euthanised</i>	1	0	2	0
<i>Cats euthanised</i>	85	129	25	112

4.2 Our Plan

Objective 1: To provide readily accessible information to the public in relation to overpopulation and high euthanasia rates			
ACTION	EVALUATION	WHO	WHEN
Promote confinement of animals to owner's premises to prevent stray cats and dogs and possible euthanasia if the animal is not microchipped and registered.	Promote compliance and the importance of registration	Local Law Officers	Ongoing
Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum	Local Law Officers	Annually in March
Objective 2: Reduce the number of cats and dogs euthanised			
ACTION	EVALUATION	WHO	WHEN
Investigation of the suitability of entering into section 84Y agreements with animal welfare, re-housing and adoption groups. A section 84Y agreement can allow for a person or body to seize, retain or dispose of cats or dogs.	This can be evaluated against figures for euthanasia after the program is up and running.	Manager	Ongoing
Objective 3: Apply for government grant funding to support delivery of a low cost (or free) cat desexing program.			
ACTION	EVALUATION	WHO	WHEN
Implement the Hindmarsh Shire Council Cat Desexing Program, as funded through the Animal Welfare Grants Program.	Number of cats desexed by the end of the desexing program.	Manager	December 2023.

5 REGISTRATION AND IDENTIFICATION

Registration and identification of domestic animals is considered to be a core task for animal management. It is the basis for distinguishing between owned and unowned animals, returning lost pets to their owners, identifying offending animals etcetera. This section of the plan outlines the programs services and strategies to encourage the registration and identification of dogs and cats.

All newly registered dogs and cats now need to be microchipped before they can be registered. Council recognises that this is difficult in isolated areas with few veterinarians.

5.1 Context and current situation

Hindmarsh Shire Council's current identification and registration activities include:

- Publishing regular articles in Council's community newsletter and social media promoting the need for residents to register their pets and to keep their pets contained to their property.
- Increased application of Infringement Notices to owners of unregistered animals.
- Providing a 'free ride home' for registered dogs found wandering at large and not causing a nuisance provided it is not a repeat offence or an ongoing concern.
- Conducting door knocking campaigns to identify unregistered pets.

	2017/2018	2018/2019	2019/2020	2021/2022
<i>Dogs registered</i>	1189	1187	1012	1023
<i>Cats registered</i>	420	402	366	350

5.2 Our Orders, Local Laws and Policies

Council has no Orders or Local Laws relevant to the registration of cats and dogs, however, Council's Municipal Local Law does require a person to have an excess animal permit if they have more than two dogs or two cats (or a combination of both). Council's main controls relating to registration of animals come from the *Domestic Animal Act 1994*. Council currently provides:

- Registration and identification for dogs and cats, including renewal and follow-ups and doorknocks;
- Registration and identification of dangerous, menacing and restricted breed dogs;
- Regular animal registration updates via our website and social media.

Council's current compliance activities are:

- Issuing registration notices annually;
- Following up non-renewals with phone calls and door knocks;
- Conducting random door knocking each year to check for unregistered cats and dogs
- Requiring that all seized and impounded animals are registered and microchipped prior to their release;
- Patrolling public places, such as streets, reserves and parks to check that dogs are registered;
- Issuing notices to comply, infringements where required and prosecution of owners with unregistered dogs and cats.

5.3 Our plan

Objective 1: Increase the number of dog and cat registrations by conducting door knocks and educating residents in relation to their legislative obligations			
ACTION	EVALUATION	WHO	WHEN
Increase registration by conducting annual door knocks throughout the municipality to ensure dogs and cats are registered	Demonstrate increase in numbers of pets registered with Council following annual door knocks	Local Law Officers	Annually
Advertise pet registration renewals – webpage, entry points of Council and social media posts	Increase in numbers of pets registered with Council	Local Law Officers	Annually

6 NUISANCE

Nuisance complaints received by Council are generally related to barking dogs, dogs at large, dog attacks and feral cats. This section outlines the programs and services in place to minimise the potential for dogs and cats to create a nuisance.

6.1 Context and current situation

Council's response to barking complaints is to encourage the complainant to discuss the problem with their neighbour. If this course of action fails, Council will inform the dog owner of the problem and provide them an opportunity to rectify it. Council employs investigation, negotiation, communication and education strategies to resolve most nuisance issues. If legal action is identified as being required, it is necessary for the complainant to become involved and provide much of the evidence.

Council provides a dog seizure and impoundment service to help prevent dogs found at large from being harmed or becoming a nuisance. Registered dogs found at large are returned to their owners who are informed of their obligation to keep their dog contained. Unregistered dogs at large are delivered to the pound and penalties applied.

Council has for many years made up to ten cat traps available for hire by residents. These traps are continually out for hire with on-going demand reflected in a waiting list of residents seeking to access the cat trapping program in order to alleviate their cat related problem.

6.2 Our orders, local laws, Council policies and procedures

Council's Municipal Local Law contains provisions to mitigate domestic animals causing a nuisance including:

- A person must obtain a permit if they wish to keep more than:
 - Two (2) dogs over three (3) months of age; or
 - Two (2) cats over three (3) months of age; or
 - Two (2) dogs over three (3) months of age and two (2) cats over three (3) months of age.

- A person must not allow any dog or cat to be in or on any road, public place or Council land unless the dog or cat is under effective control.
- A person must not, in a residential area, release a dog or cat so as to enable that dog or cat to attack or endanger any person or animal.
- A person in charge of a dog that defecates in a public place must immediately remove the faeces.

Council responds effectively to nuisance complaints relating domestic animals.

6.3 Our plan

Objective 1: Reduce cat nuisance complaints			
ACTION	EVALUATION	WHO	WHEN
Provide education material about cat enclosures	Increased use of cat enclosures	Local Law Officers	March 2022
Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum.	Local Law Officers	Annually in March

7 DOG ATTACKS

Whilst the number of dog attacks is not high in the Hindmarsh Shire, managing them is a critical animal management role. This section outlines the programs, services and strategies Council has in place to minimise the risk of attacks by dogs on people and animals.

7.1 Context and current situation

All dogs are required to be confined to their property. This is a requirement under the Act and Council will continue to place importance on the need for dogs to be confined. Council will also continue to place importance on the need for cats to be confined. Council will encourage people to have their dogs and cats de-sexed. This can help to reduce aggressive tendencies.

Council believes the State Government's state-wide schools visitation program is an excellent means for educating children in how to behave around dogs.

Council currently investigates reported dog attacks and where a serious attack has been substantiated, endeavours to have the dog(s) responsibly euthanized. If an owner refuses to surrender a dog for euthanization, Council will investigate the matter with intention of prosecuting, provided there is adequate evidence to support a successful prosecution.

Infringements are issued for minor attacks and articles are routinely published in local media alerting residents to the potential consequences of allowing their dog to wander at large.

	2017/2018	2018/2019	2019/2020	2021/2022
<i>Number of declared dogs</i>	1 menacing	1 menacing	1 menacing	1 menacing 2 dangerous
<i>Number of prosecutions</i>	0	0	0	1

7.2 Our orders, local laws, Council policies and procedures

Council follows the requirements set out in the *Domestic Animal Act 1994*. Council's Municipal Local Law additionally provides that a person must not, in a residential area, release a dog or cat so as to enable that dog or cat to attack or endanger any person or animal.

Council has a Dog Attack Procedure which outlines the process that should be undertaken in the event of a Dog Attack.

7.3 Our plan

Objective 1: Increase reporting of dog attacks in the community			
ACTION	EVALUATION	WHO	WHEN
Improve public awareness of what a dog attack is and how to report it	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign. Meet objective of increasing reports by (number) % Could also consider doing a community survey to measure awareness of dog attacks and how to report them, before and after the campaign.	Local Law Officers	Ongoing
Review Council's dog attack procedure	Improve investigation process	Management	January 2023
Develop information pack for owner of attacking dog and owners of attacked animal	Ensure dog attacks are being reported	Local Law Officers	July 2023

8 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

This section outlines how Council effectively identifies all dangerous dogs, menacing dogs and restricted breed dogs in the Shire and ensures those dogs are kept in a way which complies with the *Domestic Animal Act 1994* and the regulations.

8.1 Context and current situation

Very few dogs are declared in Hindmarsh Shire Council as owners of dogs that are involved in serious attacks are encouraged to surrender their dog to council to be euthanised if the attack is proven.

Council's approach will continue to involve removing dangerous or restricted breed dogs with consent of owners from within the community. In any situation where an owner refuses to surrender their dog, Council will investigate the matter with a view to prosecute. Council will continue to respond to reports of Restricted Breed Dogs as per requirements of the Act.

8.2 Our policies and procedures

Dangerous, menacing and restricted breed dogs are controlled by the *Domestic Animal Act 1994*.

Council provides the community with information regarding declared dogs. Council treats all dangerous, menacing and restricted breed dogs very seriously and undertakes the following compliance activities:

- Declaration of dogs in appropriate situations;
- Registration and identification of dangerous, menacing and restricted breed dogs; and
- Updating the declared dog database.

Objective 1: Developing a policy to assist in deciding whether or not to declare a dog dangerous, menacing or restricted breed dog provides assurance to local residents the decision making is fair and nonbiased.

ACTION	EVALUATION	WHO	WHEN
Develop a policy to assist decision making regarding the declaration process	Policy implemented	Management	January 2023

Objective 2: Ensure declared dogs are compliant to relevant legislation and regulations

ACTION	EVALUATION	WHO	WHEN
Conduct random property inspections of declared dogs to ensure compliance	Compliance with declared dog requirements	Local Law Officers	Ad hoc

9 DOMESTIC ANIMAL BUSINESSES

This section outlines programs, services and strategies Council has in place or plans to have in place to ensure that people comply with the Act, regulations and relevant legislation regarding domestic animal businesses.

9.1 Context and current situation

Hindmarsh Shire Council does not have many domestic animal businesses. However, Council does provide information and guidance to people who want to start a domestic animal business. There are approved Codes of Practice for the operation of breeding and rearing establishments, boarding establishments and shelters and pounds. Council ensures that relevant organisations are aware of and comply with the relevant code of practice.

9.2 Current policies and procedures

Domestic animal business registration is controlled by the *Domestic Animal Act 1994*.

9.3 Our plan

Objective: identify and register all Domestic Animal Businesses in the municipality

ACTION	EVALUATION	WHO	WHEN
Identify all businesses that should be registered DABs in the municipality, including businesses selling pets / pet products / services in the municipality. Follow up to determine whether they	Compare number of registered DABs before and after activity.	Local Law Officers	Annually

are and should be registered with council.			
Inspect properties with excess animal permits to ensure they are not a breeding business	Identify domestic animal businesses	Local Law Officers	Annually

10 ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

The *Domestic Animal Act* 1994 requires that a Council must review its domestic animal management plan annually, and if appropriate, amend the plan. This plan will be reviewed on an annual basis by the Manager Governance and Human Services in conjunction with council officers and key stakeholders. A report will be presented to Council and any amendments made to the plan will be forwarded the secretary.

Council Officers will also ensure that the outcomes of this Plan are reported in the Hindmarsh Shire Council Annual Report to the Auditor General.

Domestic Animal Management Plan 2021-2025 Action List

Council will implement the following Action Plan over the next 4 years to achieve its goals and objectives. The Action Plan is based on the objectives developed in Sections 2 through 9 of the Domestic Animal Management Plan 2021-2025.

1. TRAINING OF AUTHORISED OFFICERS				
OBJECTIVE: <ul style="list-style-type: none"> Develop a training plan that clearly identifies minimum training requirements and any additional training opportunities that should be undertaken by animal management officers. 				
ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
1.1 Identify minimum training requirements for Council's Animal Management staff	Training Plan for Council's Animal Management staff finalised and approved	HR	Annually	Review of position descriptions to identify minimum training requirements. Training plan identified in annual staff review
1.2 Review staff qualifications	Staff have the relevant training	HR	Annually	As per position description and annual staff review
1.3 Identify additional training opportunities by consulting with relevant staff and management	Annual performance reviews include review of skills	Management HR	Annual	Completed at annual review for relevant staff

OBJECTIVE:

- *Council will encourage officers to undergo further study to obtain higher animal management, welfare qualifications and, where practical, to attend relevant conferences and seminars.*

1.4 Identify additional training opportunities, e.g., prosecutions training, conflict management, communication / education technique, networking opportunities and conference	Annually review what training officers undertook that was in addition to their minimum requirements. Meet the objective of providing at least 2 additional training opportunities annually.	Management HR	Annually	LLO officer and MGHS undertook Difficult Conversations training, prosecutions training scheduled for early 2023.
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2. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION

OBJECTIVE:

- *Reduce the number of pecuniary compliance actions by educating the community about their legislative obligations.*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
2.1 Develop fact sheets and web content regarding legislative obligations to ensure that it is relevant, engaging and accessible.	Reduce infringements issued	Management	March 2022	Information developed for new Council website. Fact sheets regarding pet ownership, dangerous dog declarations, firewood collection etc available from Customer Service Centres Updated to annually to ensure ongoing review

OBJECTIVE:

- *Promote 'Safe Cat, Safe Wildlife' messaging among residents.*

2.2 Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum	Local Laws	Annually in March	Ongoing Information posted on Council's social media pages and included in Council newsletters
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3. PROGRAMS TO ADDRESS OVER POPULATION RATES AND ANY HIGH EUTHANASIA RATES

OBJECTIVE:

- *To provide readily accessible information to the public in relation to overpopulation and high euthanasia rates*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
3.1 Promote confinement of animals to owner's premises to prevent stray cats and dogs and possible euthanasia if the animal is not microchipped and registered.	Promote compliance and the importance of registration	Local Laws	Ongoing	Information posted on Council's social media pages and included in Council newsletters
3.2 Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum	Local Laws	Annually in March	Information posted on Council's social media pages and included in Council newsletters

OBJECTIVE:

- *Reduce the number of cats and dogs euthanised*

3.3 Investigation of the suitability of entering into section 84Y agreements with animal welfare, re-housing and adoption groups. A section 84Y agreement can allow for a person or body to	This can be evaluated against figures for euthanasia after the program is up and running	Manager Governance and Human Services	March 2022	Additional 84Y Agreement entered into with animal rescue organisation in Stawell. Amended to ongoing to encourage consistent review of Agreements
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seize, retain or dispose of cats or dogs.				
OBJECTIVE: <ul style="list-style-type: none"> • <i>Reduce the number of cats and dogs euthanised</i> 				
3.4 Complete and lodge a grant application to run a low-cost desexing program to support disadvantaged Victorian families within our municipality	Number of cats desexed by the end of the desexing program.	Manager Governance and Human Services	March 2022	Funding successfully received through the Animal Welfare Grants Program. Action updated to: Implement the Hindmarsh Shire Council Cat Desexing Program, as funded through the Animal Welfare Grants Program And due date amended to December 2023 for completion of the program.

4. REGISTRATION AND IDENTIFICATION

OBJECTIVE:

- *Increase the number of dog and cat registrations by conducting door knocks and educating residents in relation to their legislative obligations*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
4.1 Increase registration by conducting annual door knocks throughout the municipality to ensure dogs and cats are registered	Demonstrate increase in numbers of pets registered with Council following annual door knocks	Local Laws	Annually	Staffing limitations restricted the number of door knocks in 2022 Dog registrations have increased
4.2 Advertise pet registration renewals – webpage, entry points of Council and social media posts	Increase in numbers of pets registered with Council	Local Laws	Annually	Completed by Local Laws Officers and Customer Service Officers Dog registrations have increased

5. NUISANCE

OBJECTIVE:

- *Reduce cat nuisance complaints*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
5.1 Provide education material about cat enclosures	Increased use of cat enclosures	Local Laws	March 2022	Information published on Council's website (www.hindmarsh.vic.gov.au/resources-for-pet-owners).
5.2 Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Less reports of wandering/nuisance cats per annum	Local Laws	Annually in March	Information posted on Council's social media pages and included in Council newsletters

6. DOG ATTACKS

OBJECTIVE:

- *Increase reporting of dog attacks in the community*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
6.1 Improve public awareness of what a dog attack is and how to report it	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign. Meet objective of increasing reports by (number) % Could also consider doing a community survey to measure awareness of dog attacks and how to report them, before and after the campaign.	Local Laws	Ongoing	Reporting information available on Council's website, including updated Dog Attack Procedure. Information scheduled to be published on social media and Council's newsletters.
6.2 Review Council's dog attack procedure	Improve investigation process	Management	October 2021	Reviewed January 2023.
6.3 Develop information pack for owner of attacking dog and owners of attacked animal	Ensure dog attacks are being reported	Local Laws	July 2022	In process - due date extended to July 2023. Information produced by Animal Welfare Victoria provided when Dangerous Dog Declaration is recommended after attack

7. DANGEROUS, MENACING AND RESTRICTED DOG BREEDS

OBJECTIVE:

- *Developing a policy to assist in deciding whether or not to declare a dog dangerous, menacing or restricted breed dog provides assurance to local residents the decision making is fair and nonbiased.*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
7.1 Develop a policy to assist decision making regarding the declaration process	Policy implemented	Management	October 2022	Completed January 2023

OBJECTIVE:

- *Ensure declared dogs are compliant to relevant legislation and regulations*

7.2 Conduct random property inspections of declared dogs to ensure compliance	Compliance with declared dog requirements	Local Laws	Ad hoc	No dangerous dogs held on private properties in 2022
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8. DOMESTIC ANIMAL BUSINESSES

OBJECTIVE:

- *Identify and register all Domestic Animal Businesses in the municipality*

ACTION	TASK COMPLETION INDICATORS	RESPONSIBILITY	TIMEFRAME	OUTCOME
8.1 Identify all businesses that should be registered DABs in the municipality, including businesses selling pets / pet products / services in the municipality. Follow up to determine whether they are and should be registered with council.	Compare number of registered DABs before and after activity.	Local Laws	Annually	Ongoing
8.2 Inspect properties with excess animal permits to ensure they are not a breeding business	Identify domestic animal businesses	Local Laws	Annually	Properties with permits were inspected in 2022 to ensure compliance and ascertain breeding business activity.



HINDMARSH SHIRE COUNCIL

FINANCIAL REPORT

**FOR THE PERIOD ENDING
31 DECEMBER 2022**

Hindmarsh Shire Council
Management Financial Report
For the period ending 31 December 2022

COMMENTARY

General

This report is for the period ending 31 December 2022

The Financial report provides financial reporting and variances against budget. This report incorporates Year to Date actual and variance figures for the six months up to 31 December 2022.

Dashboard

The Dashboard provides Council with a set of graphs detailing both financial and non-financial items. This will be available for distribution at the Council meeting.

Executive Summary & Ratios

The Executive Summary and ratios provides Council with a summary of financial items comparing year to date actuals against year to date budget.

Financials

Attached to this report are a set of financial statements consisting of an Income Statement, Balance Sheet, Cash Flow Statement, Capital Works Schedule and Detailed Program Expenditure. These statements are prepared in line with Australian Accounting Standards and the relevant regulations under the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2014*. The statements provide YTD Actual data with a comparison against YTD Budget figures.

A brief summary of the major budget variances is outlined on the following pages.

Comprehensive Income Statement

The Comprehensive Income Statement shows an operating surplus for the period 1 July 2022 to 31 December 2022 of \$6,248,590 compared to a budgeted surplus of \$5,624,154.

There are a number of items that make up the overall variances between actual and budget. Explanation of material variances have been detailed against the Comprehensive Income Statement report.

Balance Sheet and Cash Flow

Cash and cash equivalents at 31 December 2022 shows a balance of \$14,723,989

Capital Expenditure

This report shows Capital works expenditure for the period 1 July 2022 to 31 December 2022.

Local Government Performance Reporting

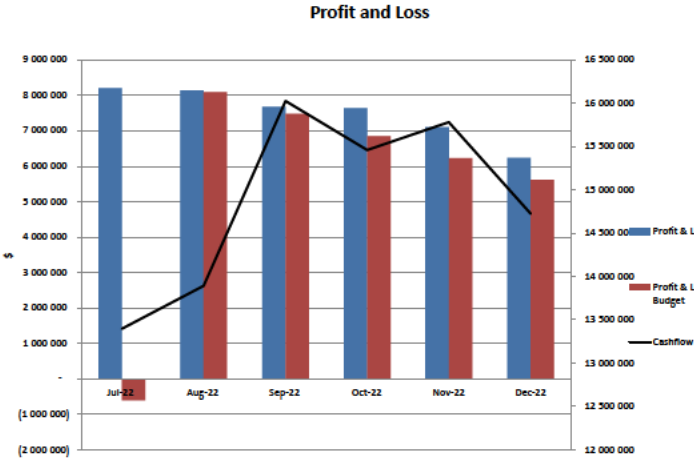
This report shows Councils results against the Local Government Performance Reporting Service Performance Measures, Sustainability Capacity Indicators and Financial Performance Indicators for the period 1 July to 31 December 2022. Explanations have been provided where necessary.

"The Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020* is of the opinion a revised budget is not required"



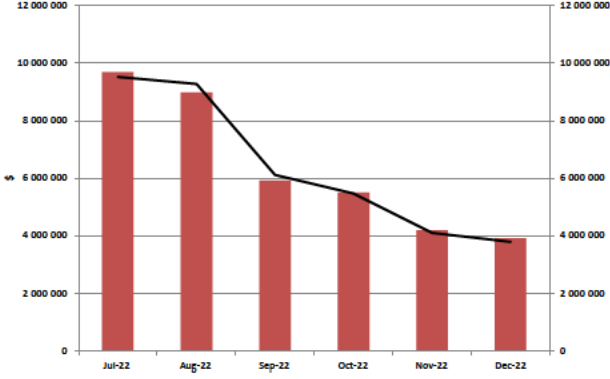
Hindmarsh Shire Council Performance Dashboard For the period ending 31 December 2022

Profit & Loss

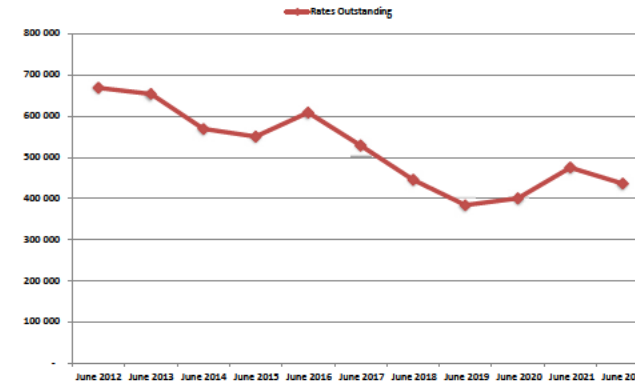


Outstanding Debtors, Rates & Infringements

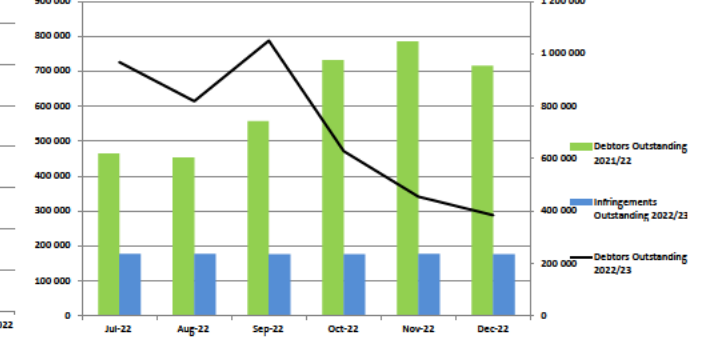
Rates Outstanding



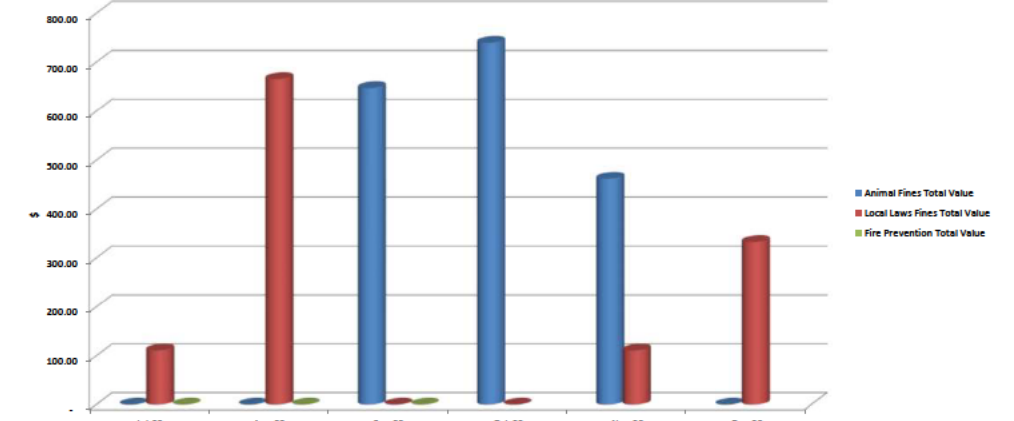
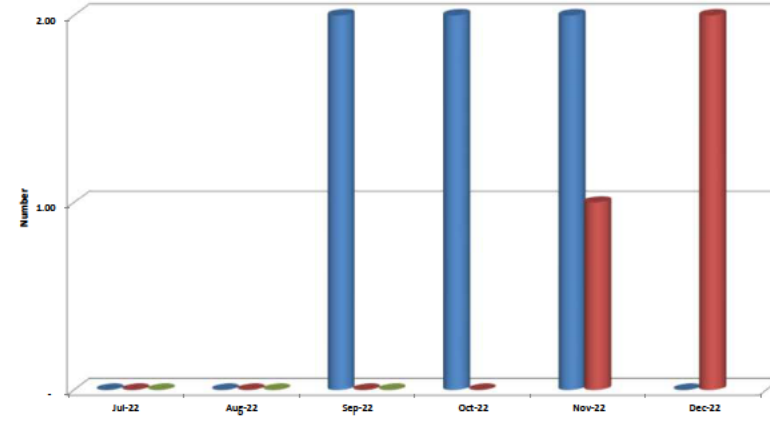
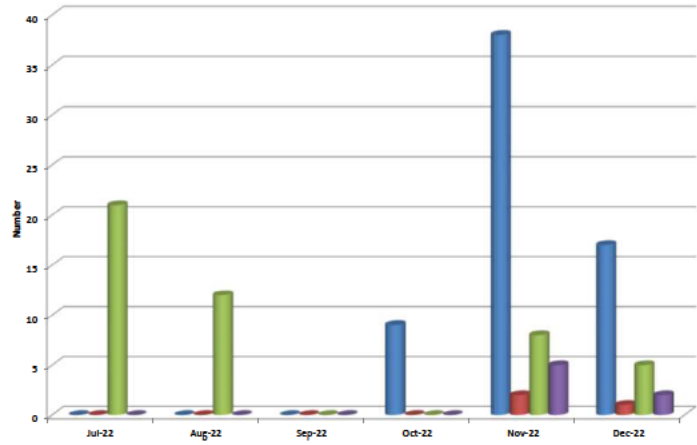
Rates Arrears



Debtors & Infringements

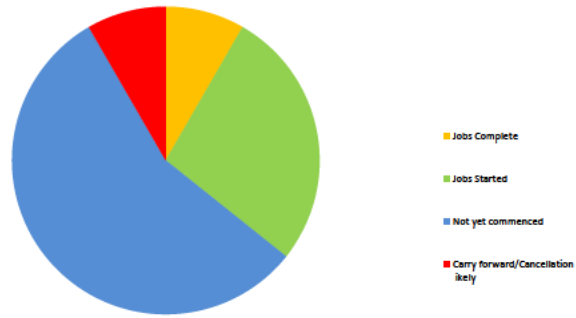


Local Laws



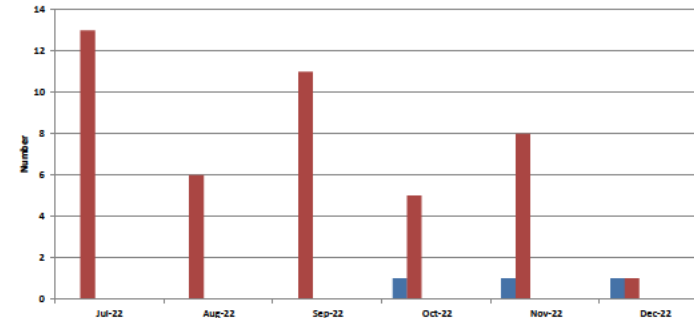
Capital Works

Capital Works

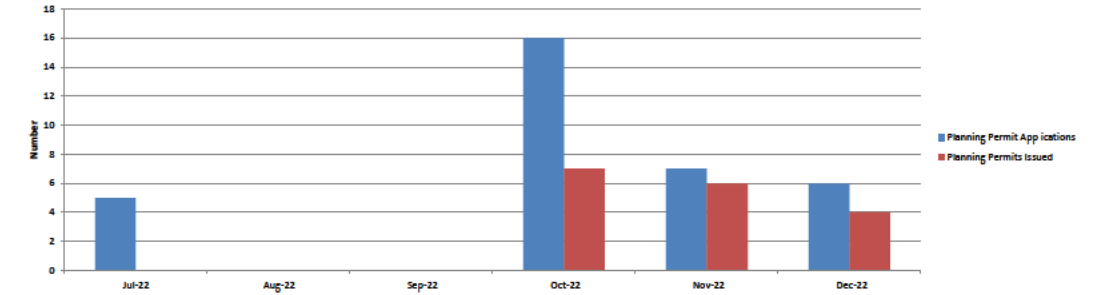


Building & Planning

Building



Planning

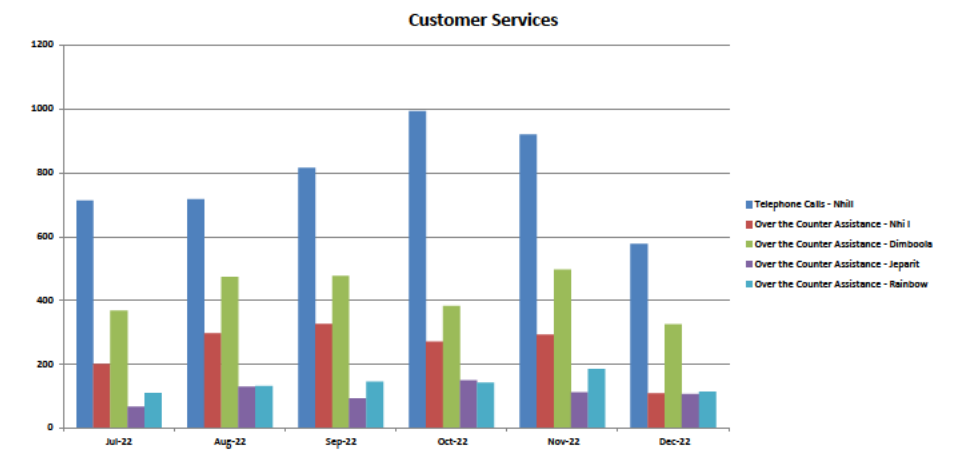
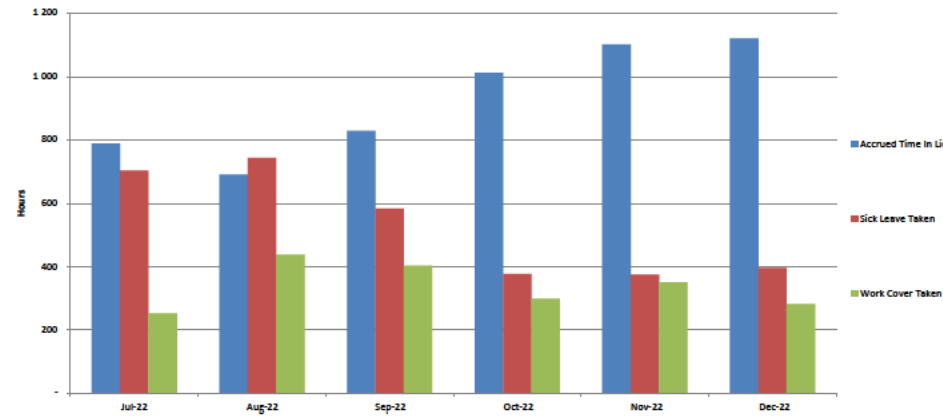
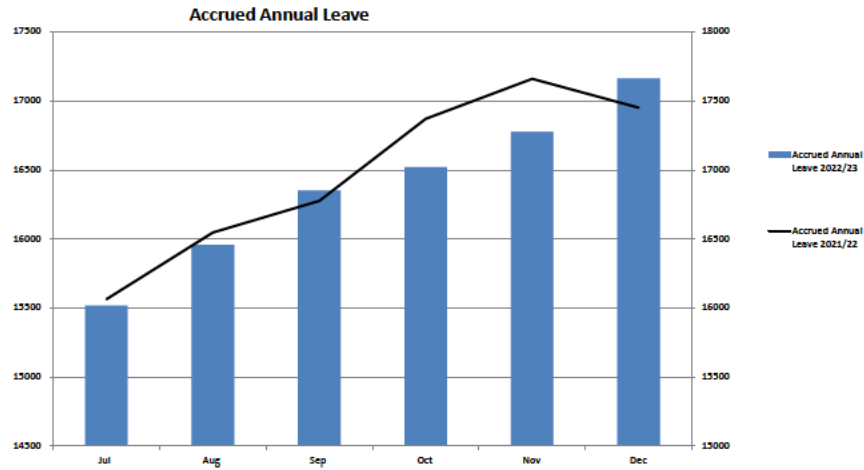




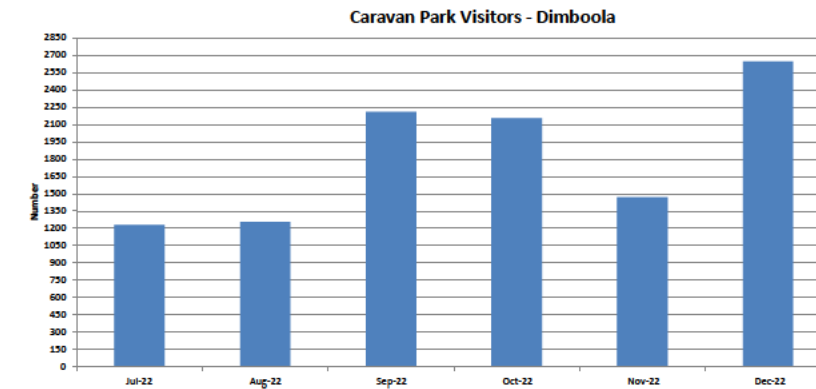
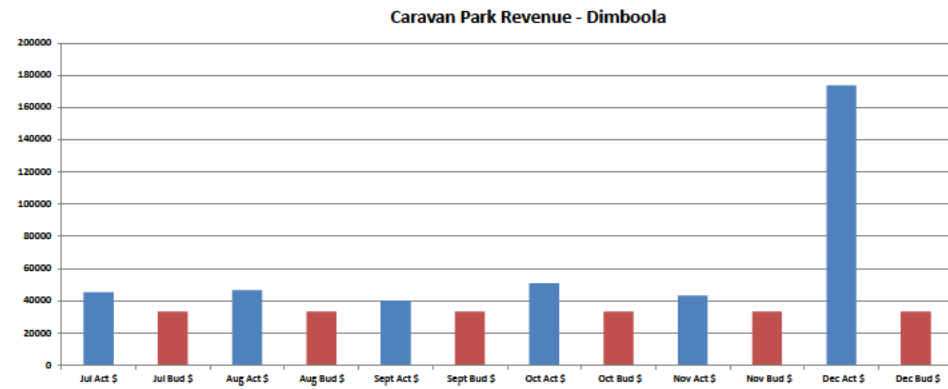
Hindmarsh Shire Council Performance Dashboard For the period ending 31 December 2022

Human Resources

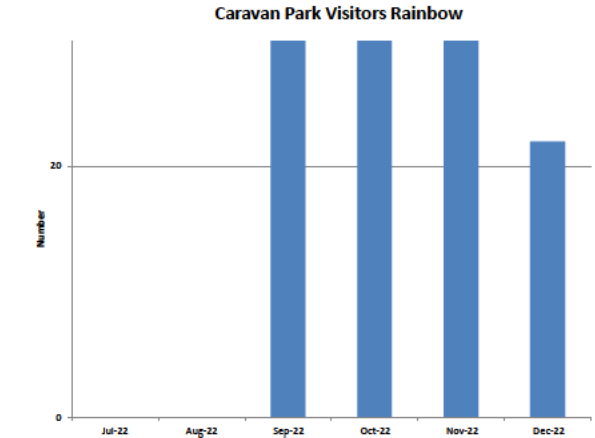
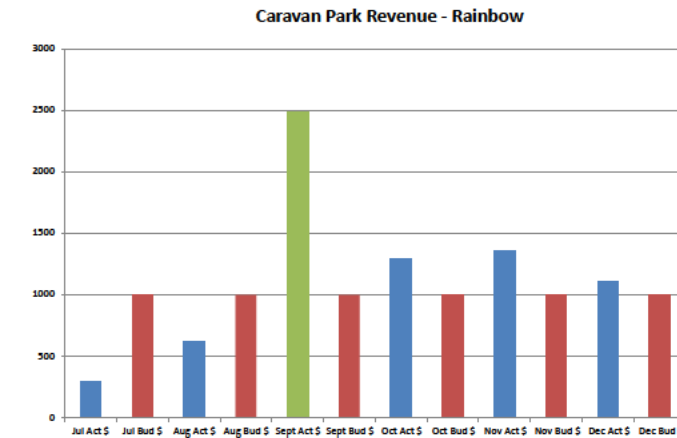
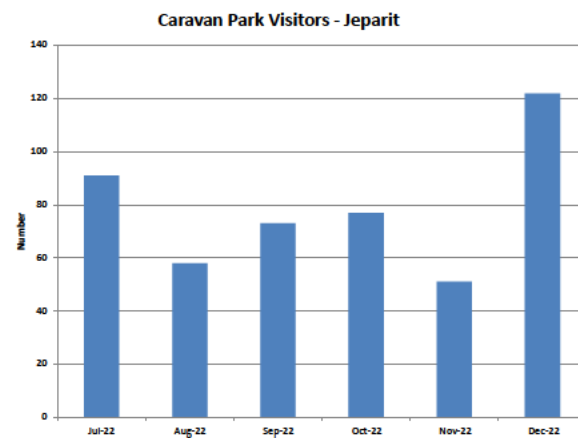
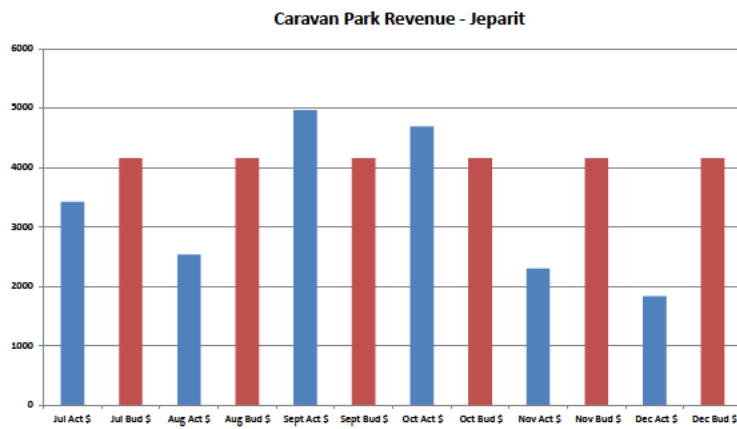
Customer Services



Caravan Park



Caravan Park



**Hindmarsh Shire Council
Executive Summary
As at 31 December 2022**

	Actual YTD December 2022	Budget YTD December 2022	Indicator
Rates & Charges Collected	5,871,812	4,690,074	
Income Statement Operating Surplus/(Deficit)	6,248,590	5,624,154	
Adjusted Underlying Surplus/(Deficit)	3,005,462	3,253,302	
Cash & Investments	14,723,989		
Rates Debtors	3,881,167		
Sundry Debtors	383,214		
Infringement Debtors	175,889		
Balance Sheet Working Capital	17,415,916		
Total Operating Revenue	15,758,768	16,614,900	
Total Operating Expenditure	9,510,178	10,990,746	
Capital Works Expenditure	3,603,697	4,496,682	

Indicator Legend

	No action required
	Requires active monitoring
	Immediate action required

**Hindmarsh Shire Council
Ratio Summary
As at 31 December 2022**

	Actual YTD	Budget	Indicator
Working Capital (This ratio identifies if the Council has sufficient Current Assets to meet its due debts with a safety margin. A generally acceptable current ratio is 2 to 1.)	711%	107%	
Asset Renewal (This ratio identifies councils expenditure renewing assets compared to the depreciation of the asset)	58%	42%	
Own Source Revenue Coverage Ratio (This ratio is the measurement of a Council's ability to cover its costs through its own revenue efforts.)	117%	98%	
Operating Surplus Ratio (This ratio is a measure of a Council's ability to cover its operational costs and have revenues available for capital funding or other purposes.)	56%	52%	
Liquidity (This ratio is the measurement of a Council's current assets compared to current liabilities.)	517%	118%	
Unrestricted Cash (This ratio is the measurement of a Council's cash compared to current liabilities.)	413%	416%	
Indebtedness (This ratio is the measurement of a Council's non-current liabilities compared to own source revenue.)	2%	29%	
Rates Concentration (This ratio is the measurement of a Council's rate revenue compared to total revenue.)	59%	49%	
Cash Expense Ratio (months) (This ratio indicates (in months) how long Council can continue to undertake operations without any revenue being received.)	8.19		

Indicator Legend

	No action required
	Requires active monitoring
	Immediate action required

Hindmarsh Shire Council
Comprehensive Income Statement
For the period ending 31 December 2022

	YTD Actual \$	YTD Budget \$	YTD Variance \$	Ref
Income				
Rates and charges	9,348,014	9,380,148	(32,134)	1
Statutory fees and fines	3,665	20,994	(17,329)	
User fees & Reimbursements	1,068,933	825,012	243,921	2
Contributions - cash	42,257	6,000	36,257	3
Grants - operating (recurrent)	1,261,185	2,911,296	(1,650,111)	4
Grants - operating (non-recurrent)	40,883	34,488	6,395	
Grants - capital (recurrent)	41,302	540,180	(498,878)	5
Grants - capital (non-recurrent)	3,239,517	2,204,916	1,034,601	6
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	3,611	165,936	(162,325)	7
Interest	111,743	39,984	71,759	8
Other income	597,659	485,946	111,713	9
Total Income	<u>15,758,768</u>	<u>16,614,900</u>	<u>(856,132)</u>	
Expenses				
Employee costs	3,848,918	4,086,996	(238,078)	10
Materials and services	2,434,341	3,059,148	(624,807)	11
Depreciation	2,321,803	3,093,552	(771,749)	12
Other expenses	905,116	751,050	154,066	13
Total expenses	<u>9,510,178</u>	<u>10,990,746</u>	<u>(1,480,568)</u>	
Share of net profits/(losses) of associates and joint ventures accounted for by the equity method	-	-	-	
Surplus (deficit) for the year to date	<u>6,248,590</u>	<u>5,624,154</u>	<u>624,436</u>	
Net asset Revaluation increment / (decrement)	-	-	-	
Comprehensive result	<u><u>6,248,590</u></u>	<u><u>5,624,154</u></u>	<u><u>624,436</u></u>	

Comprehensive Income Statement
Explanation of material variations
For the period ending 31 December 2022

Variance		
Ref	Item	Explanation
1	Rates and Charges	Rates and Charges are below budget due to the second quarter Windfarm invoice not yet being raised.
2	User fees & Reimbursements	User fees and charges is above budget due to the timing of invoices raised for services such as aged care. Caravan park income is higher than budgeted for.
3	Contributions - cash	Contributions is higher than budget due to the timing for the contributions to the Town Committees.
4	Grants - operating (recurrent)	Recurrent operating grants are lower than budgeted due to 75% of the grants commission funding for this year received in April 2022.
5	Grants - capital (recurrent)	Grants - Capital (recurrent) is below budget as Council has yet to receive Roads to Recovery funding for 2022/2023.
6	Grants - Capital (non-recurrent)	Capital grants is higher than budgeted due to the recognition of funding received in 2021/2022 committed to capital projects.
7	Net gain/(loss) on disposal of property, infrastructure, plant and equipment	Plant and Equipment replacement, including sales, has commenced with replacement of vehicles to occur over the 2022/2023 financial year.
8	Interest	Council has received higher than budgeted income from interest on investments due to the rising interest rates.
9	Other Income	Other income is higher than budgeted due to internal charges for plant recovery.

Comprehensive Income Statement
Explanation of material variations
For the period ending 31 December 2022

10	Employee Costs	Employee costs are currently under budget due to staff vacancies .
11	Materials and services	Materials and services is below budget due to the timing of the budget in relation to expenses. Invoices have yet to be received for the Management of the swimming pools, waste collection and disposal as well as internal charges for quarry operations.
12	Depreciation	Depreciation for 2022/2023 will be reconciled at the end of the financial year.
13	Other Expenses	Other expenses are higher than budgeted due to the payment in full of insurances.

Hindmarsh Shire Council
Balance Sheet
As at 31 December 2022

	YTD Actual 2022/23 \$	Actual 2021/22 \$	Ref
Current assets			
Cash and cash equivalents	14,723,989	14,980,215	1
Rates and other receivables	4,968,687	1,902,961	2
Other assets & Inventories	571,797	587,151	
Total current assets	<u>20,264,473</u>	<u>17,470,327</u>	
Non-current assets			
Investments in associates by equity method	295,103	295,103	
Infrastructure, Property and Plant and Equipment	199,257,451	201,579,255	
Capital Expenditure 2022/23	3,603,697	0	3
Trade and other receivables	2,207	2,207	
Total non-current assets	<u>203,158,458</u>	<u>201,876,565</u>	
Total assets	<u>223,422,931</u>	<u>219,346,892</u>	
Current liabilities			
Trade and other payables	179,756	2,752,875	4
Trust Funds and Deposits	478,590	101,886	5
Provisions	2,190,211	2,166,346	6
Total current liabilities	<u>2,848,557</u>	<u>5,021,107</u>	
Non current liabilities			
Provisions	198,473	198,473	6
Total non-current liabilities	<u>198,473</u>	<u>198,473</u>	
Total liabilities	<u>3,047,030</u>	<u>5,219,581</u>	
Net assets	<u>220,375,901</u>	<u>214,127,311</u>	
Equity			
Accumulated surplus	79,882,824	71,533,642	
Surplus/(Deficit) for period	6,248,590	8,349,185	
Asset revaluation reserve	134,244,484	134,244,484	
Total equity	<u>220,375,899</u>	<u>214,127,311</u>	

Balance Sheet
Explanation of material variations
As at 31 December 2022

Variance		
Ref	Item	Explanation
1	Cash and Cash Equivalents	Cash and Cash Equivalents reflects the receipt of substantial grant funding late in the previous financial year that was carried forward for projects which are to commence in 2022/2023.
2	Rates and Other Receivables	Rates and other receivables recognise total rates raised for the 2022/2023 financial year. The second installment has closed.
3	Capital Expenditure	Capital Expenditure as at 31 December 2022 was \$3,603,697. Refer to the Capital Works report for further information.
4	Trade and Other Payables	Trade and Other Payables represents the amount outstanding to creditors as at 31 December 2022.
5	Trust Funds and Deposits	As at 31 December 2022 Council holds \$465,664 for the Fire Services Levy which will be remitted during the 2022/2023 financial year and \$12,926 in refundable deposits.
6	Provisions	Provisions represents the amount held for Long Service and Annual Leave as well as quarry and landfill restoration.

Hindmarsh Shire Council
Statement of Cash Flows
For the period ending 31 December 2022

Cash Flows from Operating Activities

	Inflows/ (Outflows)
Receipts	
Rates & Charges	5,871,812
Statutory Fees and Fines	4,192
User Fees	1,749,979
Interest	111,743
Contributions - Cash	42,257
Grants - Recurrent	1,302,068
Net GST refund/(payment)	68,431
Grants - Non Recurrent	1,251,760
Trust	37,176
Other Revenue	597,659
Payments	
Employee Costs	(3,825,053)
Other Expenses	(973,567)
Suppliers	(2,894,596)
	3,343,860
Net cash inflow/(outflow) from operating activities	3,343,860

Cash Flows from Investing Activities

Payments for Property Plant and Equipment and Infrastructure	(3,603,697)
Proceeds from sale of Property Plant and Equipment	3,611
Net cash inflow (outflow) from investing activities	(3,600,086)

Cash flows from Financing activities

Net cash inflow (outflow) from financing activities	-
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Net increase/(decrease) in cash held	(256,226)
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Cash at beginning of the period	14,980,215
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Cash at end of the period	14,723,989
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Hindmarsh Shire Council
Capital Works
For the period ending 31 December 2022

	YTD Actual \$	YTD Budget \$	YTD Variance \$	Ref
Property				
Land	-	-	-	
Total Land	-	-	-	
Buildings	851,325	1,128,834	277,509	1
Total Buildings	851,325	1,128,834	(277,509)	
Total Property	851,325	1,128,834	(277,509)	
Plant and Equipment				
Plant, machinery and equipment	753,026	678,732	(74,294)	2
Fixtures, fittings and furniture	57,910	44,988	(12,922)	
Total Plant and Equipment	810,936	723,720	(87,216)	
Infrastructure				
Roads	1,074,140	1,173,390	99,250	3
Bridges	56,392	-	(56,392)	4
Footpaths and cycleways	93,123	98,136	5,013	
Drainage	259,547	83,088	(176,459)	5
Other infrastructure	458,234	1,289,514	831,280	6
Total Infrastructure	1,941,436	2,644,128	(702,692)	
Total Capital Works Expenditure	3,603,697	4,496,682	892,985	
Represented by:				
New asset expenditure	849,792	1,496,208	646,416	
Asset renewal expenditure	1,768,358	2,119,932	351,574	
Asset expansion expenditure	-	-	-	
Asset upgrade expenditure	985,547	880,542	(105,005)	
Total Capital Works Expenditure	3,603,697	4,496,682	892,985	

Capital Works
Explanation of material variations
For the period ending 31 December 2022

Variance Ref	Item	Explanation
1	Buildings	Purchase of the new Holiday Park cabins and the Jeparit Riverbank Precinct Amenities has yet to commence. Work has been undertaken on the Rainbow Rec Reserve change rooms and the WSM Caravan Park upgrades carried forward from 2021/22.
2	Plant, machinery and equipment	The purchase of plant and machinery is higher than budgeted as Council has received vehicles ordered in 2021/2022 as well as the purchase of the grant funded library van.
3	Roads	The shortfall in actual expenditure to budgeted is due to the phasing of the budgeted projects as well as delays to the completion of projects due to weather.
4	Bridges	The Albacutya Bridge construction was completed in 2022/2023.
5	Drainage	Drainage is over budget due to urgent work being undertaken to correct drainage issues in the Dimboola Recreation Reserve.
6	Other Infrastructure	The shortfall in actual expenditure to budget is due to the phasing of the budgeted projects, in particular the Silo Art trail and the transfer stations upgrades.

Hindmarsh Shire Council
Key Result Area Summary
For the period ending 31 December 2022

Service area	Description of services provided	2022/2023 YTD Actual \$	2022/2023 YTD Budget \$	2022/2023 Annual Budget \$	
Theme 1: Our Community					
Community Development	Councils community Development Team works with community groups, organisations and individuals to assist communities reach their aspirations and be healthy, active and engaged.	Operating Expenditure	122,794	121,932	213,909
		Operating Revenue	189,894	249,900	500,000
		NET Expenses (Revenue)	(67,100) -	127,968 -	286,091
		Capital Expenditure	5,499	312,378	625,000
Maternal and Child Health Centres	Maintain maternal and child health facilities in Dimboola and Nhill. Council provides support to early years' services through the Municipal Early Years Plan. Council does not provide Maternal and Child Health Services. This service is provided by West Wimmera Health Services in Dimboola, Jeparit, Nhill and Rainbow.	Operating Expenditure	2,362	8,742	17,497
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	2,362	8,742	17,497
		Capital Expenditure	-	-	-
Kindergarten Services	Provision of Kindergarten services in Dimboola, Jeparit, Nhill and Rainbow under contract with Horsham District Kindergarten Association. Council does not directly deliver Kindergarten Services.	Operating Expenditure	24,678	60,330	120,708
		Operating Revenue	47,249	15,996	32,000
		NET Expenses (Revenue)	- 22,570	44,334	88,708
		Capital Expenditure	-	-	-
Youth Services	Improve the wellbeing of and opportunities for youth within the Shire.	Operating Expenditure	62,418	79,452	158,950
		Operating Revenue	42,750	37,482	75,000
		NET Expenses (Revenue)	19,668	41,970	83,950
		Capital Expenditure	-	-	-
Aged & Disability Services	Council's Aged and Disability Services aim to support people in their own homes and communities by providing services that promote and maintain independence. The program assists frail older people, people with a disability and their carers. These services provide basic support and maintenance to people living at home or who are at risk of premature or inappropriate admission to long-term residential care.	Operating Expenditure	519,953	534,564	1,069,528
		Operating Revenue	607,527	496,590	993,566
		NET Expenses (Revenue)	(87,574)	37,974	75,962
		Capital Expenditure	5,793	-	-
Health Promotion	To protect and enhance the health of the community.	Operating Expenditure	80,045	61,500	123,045
		Operating Revenue	20,474	14,244	28,500
		NET Expenses (Revenue)	59,570	47,256	94,545
		Capital Expenditure	-	-	-

Service area	Description of services provided	2022/2023	2022/2023	2022/2023
		YTD Actual	YTD Budget	Annual Budget
		\$	\$	\$
Community Transport		Operating Expenditure	-	-
		Operating Revenue	-	-
		NET Expenses (Revenue)	-	-
		Capital Expenditure	-	-
Libraries	Provision of permanent library services in Dimboola and Nhill, and improving services to Jeparit and Rainbow.	Operating Expenditure	161,726	180,654
		Operating Revenue	377,964	61,596
		NET Expenses (Revenue)	(216,238)	119,058
		Capital Expenditure	44,211	32,490
Arts, Culture and Community Events	Promote and support activities relating to arts, culture and community events throughout the Shire.	Operating Expenditure	54,551	52,734
		Operating Revenue	700	-
		NET Expenses (Revenue)	53,851	52,734
		Capital Expenditure	-	-
Recreation Programs	Providing a range of recreation programs that encourage an active and healthy life.	Operating Expenditure	7,082	7,356
		Operating Revenue	-	-
		NET Expenses (Revenue)	7,082	7,356
		Capital Expenditure	-	-
Public Order & Safety	Educate the community about public order and safety and enforce Council's compliance with the local laws when required. Operate the school crossing on the Western Highway in Nhill and maintain school crossings throughout the Shire.	Operating Expenditure	102,648	116,208
		Operating Revenue	26,679	11,838
		NET Expenses (Revenue)	75,969	104,370
		Capital Expenditure	-	-
Early Years	Lead a joint effort that will give Hindmarsh children the best start in life, working collaboratively with community and early years providers.	Operating Expenditure	9,240	18,960
		Operating Revenue	-	-
		NET Expenses (Revenue)	9,240	18,960
		Capital Expenditure	-	-

Service area	Description of services provided	2022/2023	2022/2023	2022/2023	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
Theme 2: Built & Natural Environment					
Local Roads & Bridges	<p>Provide safe, all weather access to residences and allow for efficient transport of goods to and from the Shire.</p> <ul style="list-style-type: none"> The aim of the road network is to provide property access for local traffic. Council endeavours to provide all-weather access to existing residential homes and dry weather access roads to non-residential properties. Council's road network comprises 573 kilometres of sealed roads, 845 kilometres of gravel roads (all weather) and approximately 1470 kilometres of earth roads (dry weather only, some contain gravel sections, though not maintained to an all-weather standard). The network also comprises six bridges and a significant number of large culverts. VicRoads is responsible for main roads including highways and marked routes. Similarly, state government agencies are responsible for roads and tracks within declared parks such as the Little Desert, Big Desert and along the Wimmera River. 	Operating Expenditure	1,915,140	2,790,216	5,582,530
		Operating Revenue	533,214	540,180	1,080,798
		NET Expenses (Revenue)	1,381,926	2,250,036	4,501,732
		Capital Expenditure	1,130,533	1,173,390	2,347,731
Drainage Management	Well maintained, fit for purpose drainage systems within townships.	Operating Expenditure	261,092	329,490	659,221
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	261,092	329,490	659,221
		Capital Expenditure	61,632	83,088	166,233
Paths & Trails	Well maintained pedestrian access, including disabled access to critical and popular destinations around our townships.	Operating Expenditure	116,542	122,376	244,838
		Operating Revenue	300,000	-	-
		NET Expenses (Revenue)	(183,458)	122,376	244,838
		Capital Expenditure	93,123	98,136	196,350
Tree Management	Conduct maintenance, inspections and replanting works on Council road reserves, parks and gardens, and recreation reserves.	Operating Expenditure	150,405	178,908	357,940
		Operating Revenue	9,500	-	-
		NET Expenses (Revenue)	140,905	178,908	357,940
		Capital Expenditure	-	-	-

Service area	Description of services provided	2022/2023	2022/2023	2022/2023	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
Town Beautification	Maintain and redevelop public open spaces in Dimboola, Jeparit, Nhill and Rainbow.	Operating Expenditure	336,989	364,782	729,676
		Operating Revenue	5,000	-	-
		NET Expenses (Revenue)	331,989	364,782	729,676
		Capital Expenditure	32,524	74,976	150,000
Community Centres & Public Halls	Maintenance, renewal and upgrade of Council-owned and controlled community centres and halls, and support of communities that undertake these activities on behalf of Council. To protect and enhance the health of the community.	Operating Expenditure	106,363	124,926	249,940
		Operating Revenue	5,291	2,694	5,400
		NET Expenses (Revenue)	101,072	122,232	244,540
		Capital Expenditure	3,021	9,996	20,000
Recreation Facilities	Maintenance, renewal and upgrade of Council owned and controlled recreational land, buildings and facilities. Council also supports groups that undertake these activities on behalf of Council.	Operating Expenditure	279,481	491,844	983,940
		Operating Revenue	24,007	-	-
		NET Expenses (Revenue)	255,475	491,844	983,940
		Capital Expenditure	729,517	587,274	1,175,000
Waste Management	Management of Council's transfer stations and collection and disposal of domestic waste and recyclables across the Shire.	Operating Expenditure	688,887	710,766	1,421,969
		Operating Revenue	1,625,941	1,270,043	1,365,825
		NET Expenses (Revenue)	(937,054)	(559,277)	56,144
		Capital Expenditure	198,469	-	-
Quarry Operations	Management of Council-owned and controlled quarries and gravel pits for extraction of gravel for road making.	Operating Expenditure	122,708	316,770	633,788
		Operating Revenue	138,885	199,920	400,000
		NET Expenses (Revenue)	(16,177)	116,850	233,788
		Capital Expenditure	-	-	-
Waterway Management	Management of Council-controlled waterways including weir pools and lakes.	Operating Expenditure	55,740	38,556	77,142
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	55,740	38,556	77,142
		Capital Expenditure	-	-	-
Environmental Management	Manage, protect and enhance Council's natural assets in conjunction with Government departments and environmental groups.	Operating Expenditure	60,545	102,504	205,069
		Operating Revenue	75,000	37,482	75,000
		NET Expenses (Revenue)	(14,455)	65,022	130,069
		Capital Expenditure	-	-	-
Fire Prevention	Identification of potential fire hazards and prevention of loss of life and property caused by fire.	Operating Expenditure	49,262	77,820	155,677
		Operating Revenue	-	22,488	45,000
		NET Expenses (Revenue)	49,547	55,332	110,677
		Capital Expenditure	-	-	-

Service area	Description of services provided	2022/2023 YTD Actual \$	2022/2023 YTD Budget \$	2022/2023 Annual Budget \$	
Theme 3: Competitive and Innovative Economy					
Economic Development	Facilitate an environment that is conducive to a sustainable and growing local business sector and provides opportunities for residents to access employment.	Operating Expenditure	133,384	65,088	130,217
		Operating Revenue	6,064	3,750	7,500
		NET Expenses (Revenue)	127,320	61,338	122,717
		Capital Expenditure	-	24,990	50,000
Tourism	To develop a thriving Wimmera Mallee Tourism industry predominantly based on, but not limited to, the Shire's heritage and environmental assets.	Operating Expenditure	132,528	142,908	285,883
		Operating Revenue	1,497,511	349,860	700,000
		NET Expenses (Revenue)	(1,364,983)	(206,952)	(414,117)
		Capital Expenditure	169,781	359,856	720,000
Private Works	Provision of private civil works services. • Provide quotations for private works undertaken by Council's works department to residents, contractors and other authorities. • Potential private works include grading of farm driveways, grading of fence lines, construction of driveway cross-overs, and supply of labour, plant and materials. • Private works also include repair to Council's infrastructure caused by repair work to third party assets.	Operating Expenditure	147,435	229,380	458,905
		Operating Revenue	167,942	236,406	473,000
		NET Expenses (Revenue)	(20,507)	(7,026)	(14,095)
		Capital Expenditure	-	-	-
Caravan Parks and Camping Grounds	Maintenance, renewal and upgrade of Council Caravan Parks and Camping Grounds.	Operating Expenditure	288,178	281,448	563,051
		Operating Revenue	627,953	690,720	1,382,000
		NET Expenses (Revenue)	(339,776)	(409,272)	(818,949)
		Capital Expenditure	369,762	811,470	1,623,569
Land Use Planning	To ensure that any development that occurs in Hindmarsh Shire is carried out in accordance with relevant planning policies, principals and controls.	Operating Expenditure	123,108	147,738	295,601
		Operating Revenue	48,518	35,736	71,500
		NET Expenses (Revenue)	74,590	112,002	224,101
		Capital Expenditure	-	-	-
Building Control	To provide statutory and private building services to the community	Operating Expenditure	138,102	137,016	274,143
		Operating Revenue	19,690	24,504	49,000
		NET Expenses (Revenue)	118,412	112,512	225,143
		Capital Expenditure	-	-	-

Service area	Description of services provided	2022/2023	2022/2023	2022/2023	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
Aerodrome	Manage and maintain the Nhill Aerodrome	Operating Expenditure	35,168	59,850	119,768
		Operating Revenue	-	77,466	155,000
		NET Expenses (Revenue)	35,168	(17,616)	(35,232)
		Capital Expenditure	-	149,940	300,000
Theme 4: Good Governance & Financial Sustainability					
Civic Governance & Leadership	To ensure that Council provides effective leadership and that its decisions are transparent, inclusive and based on sound recommendations and advice.	Operating Expenditure	549,673	547,320	1,095,057
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	549,673	547,320	1,095,057
		Capital Expenditure	-	-	-
Customer Service Centres	Operation and maintenance of customer service centres to provide facilities from which Council can efficiently deliver services to the community. Provision of information to ratepayers and the general public on a broad range of services provided by Council and other government agencies.	Operating Expenditure	250,229	241,218	482,630
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	250,229	241,218	482,630
		Capital Expenditure	17,610	7,500	15,000
Council Elections	Efficient and effective running of Elections by the Victorian Electoral Commission on behalf of Council.	Operating Expenditure	-	-	-
		Operating Revenue	292	-	-
		NET Expenses (Revenue)	(292)	-	-
		Capital Expenditure	-	-	-
Financial Management	To ensure the efficient and effective allocation of resources through sound financial planning and management that secures the long term financial viability of the municipality.	Operating Expenditure	223,514	245,652	491,473
		Operating Revenue	746,863	3,776,790	7,556,589
		NET Expenses (Revenue)	(523,349)	(3,531,138)	(7,065,116)
		Capital Expenditure	-	-	-
Rating and Valuations	Management of Council's rating system, including valuation of properties and the levying of rates and charges.	Operating Expenditure	115,329	112,146	224,367
		Operating Revenue	8,259,246	8,195,533	8,239,051
		NET Expenses (Revenue)	(8,143,917)	(8,083,387)	(8,014,684)
		Capital Expenditure	-	-	-

Service area	Description of services provided	2022/2023	2022/2023	2022/2023	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
Records Management	Effective and efficient recording, storage, retrieval and disposal of records in line with the standards of the Public Records Office of Victoria.	Operating Expenditure	35,910	40,284	80,602
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	35,910	40,284	80,602
		Capital Expenditure	-	-	-
Information Technology	Using Information Technology as a tool to connect with the community and provide efficient and effective services.	Operating Expenditure	176,188	180,402	360,922
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	176,188	180,402	360,922
		Capital Expenditure	19,536	42,486	85,000
Risk Management	Monitor and manage Council's risks in relation to operations, employment and infrastructure.	Operating Expenditure	467,277	280,860	561,938
		Operating Revenue	23,691	-	-
		NET Expenses (Revenue)	443,586	280,860	561,938
		Capital Expenditure	-	-	-
Contract Management	Using Information Technology as a tool to connect with the community and provide efficient and effective services.	Operating Expenditure	105,060	95,322	190,725
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	105,060	95,322	190,725
		Capital Expenditure	-	-	-
Payroll and Human Resources Services	Provision of payroll services to Council employees and the provision of Human Resources services to management.	Operating Expenditure	150,317	183,792	367,708
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	150,317	183,792	367,708
		Capital Expenditure	-	-	-
Emergency Management	Provide support to the community in the areas of emergency preparedness, emergency response and emergency recovery.	Operating Expenditure	39,030	36,912	73,837
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	39,030	36,912	73,837
		Capital Expenditure	-	-	-
Depots & Workshops	Operation of Council's depots and workshops including the provision of heavy plant and equipment.	Operating Expenditure	610,537	553,890	1,108,139
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	610,537	553,890	1,108,139
		Capital Expenditure	445,416	557,280	1,115,000

Service area	Description of services provided	2022/2023	2022/2023	2022/2023	
		YTD Actual	YTD Budget	Annual Budget	
		\$	\$	\$	
Asset Management	Provision of skills, resources and systems to ensure the most efficient and effective management of Council's assets. • Ensure that Council targets the correct level of asset expenditure to achieve and maintain the desired levels of service into the foreseeable future. • Ensure that Council's asset renewal expenditure targets the most critical assets. • Provide regular condition and defect audits of Council's assets to ensure safety and levels of service are maintained. • Provide Council's asset valuations.	Operating Expenditure	82,277	126,324	252,736
		Operating Revenue	1,280	750	1,500
		NET Expenses (Revenue)	80,997	125,574	251,236
	Capital Expenditure	-	-	-	
Fleet Management	Ensure that Council's vehicle fleet is management, maintained and replaced in the most efficient and efficient way possible.	Operating Expenditure	109,172	140,448	281,051
		Operating Revenue	44,315	39,984	80,000
		NET Expenses (Revenue)	64,858	100,464	201,051
	Capital Expenditure	277,271	171,432	343,000	
Accounts Payable	Payment of invoices in an efficient and timely manner.	Operating Expenditure	15,636	19,206	38,428
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	15,636	19,206	38,428
	Capital Expenditure	-	-	-	
Accounts Receivable	Receival of payments from debtors in an efficient and timely manner.	Operating Expenditure	5,863	9,198	18,410
		Operating Revenue	-	-	-
		NET Expenses (Revenue)	5,863	9,198	18,410
	Capital Expenditure	-	-	-	

REPORT OF OPERATIONS					
Service Performance Indicators	Results	Results	Results	Results	Comments
Service / indicator / measure	2020	2021	2022	2023	
Aquatic Facilities					
Service standard					
<i>Health inspections of aquatic facilities</i>	2.00	1.50	1.00	0.00	
[Number of authorised officer inspections of Council aquatic facilities / Number of Council aquatic facilities]					
Utilisation					
<i>Utilisation of aquatic facilities</i>	2.92	2.14	2.08	0.20	This reflects the late start to the swimming season due to various issues at the swimming pools
[Number of visits to aquatic facilities / Municipal population]					
Service cost					
<i>Cost of aquatic facilities</i>	\$32.92	\$29.45	\$40.41	\$53.77	The pools are close from July to November. This cost reflects the direct costs associated with reopening the pools to the public.
[Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]					
Animal Management					
Timeliness					
<i>Time taken to action animal management requests</i>	1.00	1.00	1.00	1.00	Animal management requests are actioned within 1 day.
[Number of days between receipt and first response action for all animal management requests / Number of animal management requests]					
Service standard					
<i>Animals reclaimed</i>	18.60%	37.10%	40.54%	50.00%	
[Number of animals reclaimed / Number of animals collected] x100					
<i>Animals rehomed</i>	72.09%	54.84%	59.46%	33.33%	
[Number of animals rehomed / Number of animals collected] x100					
Service cost					
<i>Cost of animal management service per population</i>	\$35.06	\$42.05	\$44.81	\$15.84	2023 actuals for the period of 6 months only.
[Direct cost of the animal management service / Population]					
Health and safety					
<i>Animal management prosecutions</i>	0.00%	100.00%	100.00%	N/A	There were no animal prosecutions during 2022/23.
[Number of successful animal management prosecutions / Number of animal management prosecutions] x 100					
Food Safety					
Timeliness					
<i>Time taken to action food complaints</i>	1.00	0.00	1.00	1.00	There were 3 complaints made with regards to food safety. All were handled within one day.
[Number of days between receipt and first response action for all food complaints / Number of food complaints]					
Service standard					
<i>Food safety assessments</i>	84.09%	77.53%	73.27%	71.00%	
[Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the Food Act 1984 / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the Food Act 1984] x 100					
Service cost					
<i>Cost of food safety service</i>	\$984.15	\$884.78	\$762.91	\$476.56	2023 actuals for the period of 6 months only.
[Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]					
Health and safety					
<i>Critical and major non-compliance outcome notifications</i>	100.00%	0.00%	0.00%	0.00%	
[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x 100					

Service Performance Indicators Service / indicator / measure	Results 2020	Results 2021	Results 2022	Results 2023	Comments	
Governance						
Transparency						
<i>Council decisions made at meetings closed to the public</i>	15.97%	14.07%	15.35%	24.78%	Decisions made in closed council relate to personnel matters, contractual matters, hardship applications, and legal advice.	
[Number of Council resolutions made at meetings of Council, or at meetings of a delegated committee consisting only of Councillors, closed to the public / Number of Council resolutions made at meetings of Council or at meetings of a delegated committee consisting only of Councillors] x100						
Consultation and engagement						
<i>Satisfaction with community consultation and engagement</i>	59.00	56.00	55.00	55.00		
[Community satisfaction rating out of 100 with how Council has performed on community consultation and engagement]						
Attendance						
<i>Councillor attendance at council meetings</i>	97.92%	95.24%	98.81%	100.00%	2023 actuals for the period of 6 months only.	
[The sum of the number of Councillors who attended each Council meeting / (Number of Council meetings) x (Number of Councillors elected at the last Council general election)] x100						
Service cost						
<i>Cost of elected representation</i>	\$41,701.00	\$42,056.33	\$48,490.50	\$22,673.80		
[Direct cost of the governance service / Number of Councillors elected at the last Council general election]						
Satisfaction						
<i>Satisfaction with council decisions</i>	59.00	59.00	55.00	55.00		
[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]						
Libraries						
Utilisation						
<i>Physical library collection usage</i>	0.75	0.30	0.61	0.29	2023 actuals for the period of 6 months only.	
[Number of physical library collection item loans / Number of physical library collection items]						
Resource standard						
<i>Recently purchased library collection</i>	38.37%	39.10%	25.16%	31.72%		
[Number of library collection items purchased in the last 5 years / Number of library collection items] x100						
Participation						
<i>Active library borrowers in municipality</i>	6.81%	6.64%	6.50%	6.06%		
[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100						
Service cost						
<i>Cost of library service per population</i>	\$65.21	\$66.95	\$55.85	\$29.07		
[Direct cost of the library service / Population]						
Maternal and Child Health (MCH)						
Service standard						
<i>Infant enrolments in the MCH service</i>	0.00%	0.00%	0.00%	0.00%	Council does not deliver Maternal and Child Health Services	
[Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x100						
Service cost						
<i>Cost of the MCH service</i>	\$0.00	\$0.00	\$0.00	\$0.00		
[Cost of the MCH service / Hours worked by MCH nurses]						
Participation						
<i>Participation in the MCH service</i>	0.00%	0.00%	0.00%	0.00%		
[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100						
Participation						
<i>Participation in the MCH service by Aboriginal children</i>	0.00%	0.00%	0.00%	0.00%		
[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100						
Satisfaction						
<i>Participation in 4-week Key Age and Stage visit</i>	0.00%	0.00%	0.00%	0.00%		
[Number of 4-week key age and stage visits / Number of birth notifications received] x100						

Service Performance Indicators Service / indicator / measure	Results 2020	Results 2021	Results 2022	Results 2023	Comments
Roads					
<i>Satisfaction of use</i>					
<i>Sealed local road requests</i>	8.82	9.34	3.11	6.68	
[Number of sealed local road requests / Kilometres of sealed local roads] x100					
<i>Condition</i>					
<i>Sealed local roads maintained to condition standards</i>	99.83%	99.83%	99.83%	99.14%	
[Number of kilometres of sealed local roads below the renewal intervention level set by Council / Kilometres of sealed local roads] x100					
<i>Service cost</i>					
<i>Cost of sealed local road reconstruction</i>	\$30.74	\$20.77	\$34.22	\$0.00	Work to be undertaken on roads was affected by weather. It is expected that the work will be complete later in the financial year.
[Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]					
<i>Service Cost</i>					
<i>Cost of sealed local road resealing</i>	\$5.04	\$5.08	\$5.17	\$0.00	Work to be undertaken on roads was affected by weather. It is expected that the work will be complete later in the financial year.
[Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]					
<i>Satisfaction</i>					
<i>Satisfaction with sealed local roads</i>	50.00	53.00	55.00	55.00	
[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]					
Statutory Planning					
<i>Timeliness</i>					
<i>Time taken to decide planning applications</i>	43.00	43.00	69.00	90.00	There were several complex planning applications submitted for decisions.
[The median number of days between receipt of a planning application and a decision on the application]					
<i>Service standard</i>					
<i>Planning applications decided within required time frames</i>	80.49%	76.19%	90.16%	73.08%	
[(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x100					
<i>Service cost</i>					
<i>Cost of statutory planning service</i>	\$5,266.76	\$4,314.92	\$4,465.98	\$1,864.75	2023 actuals for the period of 6 months only.
[Direct cost of the statutory planning service / Number of planning applications received]					
<i>Decision making</i>					
<i>Council planning decisions upheld at VCAT</i>	0.00%	0.00%	0.00%	0.00%	
[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100					

Service Performance Indicators Service / indicator / measure	Results 2020	Results 2021	Results 2022	Results 2023	Comments	
Waste Collection						
Satisfaction						
<i>Kerbside bin collection requests</i>	14.76	25.72	41.74	2.11	Comments The majority of requests were in relation to broken bin lids or new bins.	
[Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1000						
Service standard						
<i>Kerbside collection bins missed</i>	0.66	0.09	0.18	0.00		
[Number of kerbside garbage and recycling collection bins missed / Number of scheduled kerbside garbage and recycling collection bin lifts] x10.000						
Service cost						
<i>Cost of kerbside garbage bin collection service</i>	\$196.46	\$198.18	\$212.62	\$40.34		
[Direct cost of the kerbside garbage bin collection service / Number of kerbside garbage collection bins]						
Service cost						
<i>Cost of kerbside recyclables collection service</i>	\$88.86	\$121.17	\$125.25	\$44.68		
[Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]						
Waste diversion						
<i>Kerbside collection waste diverted from landfill</i>	5.37%	30.10%	32.39%	29.59%		
[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100						



January 16th 2023

To Committee Members,

NOTICE is hereby given that a Rainbow Township Advisory Committee Meeting of the Hindmarsh Shire Council will be held at the Civic Centre Small Meeting Room on Monday January 16th commencing at 7.30pm.

AGENDA

1. Acknowledgement of the Indigenous Community

2. Attendance & Apologies

3. Disclosure by Committee members or Councillors or Council Officers of any interest or conflicts of interest in any item on the agenda

4. Confirmation of Minutes

5. Business Arising from the Minutes
Nil

6. Correspondence
a. Resignation letter – Max Clark 16-12-22
b. Resignation letter – Alison Ey 12-1-23

7. Events
See general business for Enduro (Big Desert 480) info

8. General business as notified to the Chair
a. Enduro Street Closure approval
b. Enduro – organisation of Street Stalls
c. Town Committee PO box
d. Christmas in Rainbow
e. Town signs...progress
f. Path to Rainbow Lake
g. Corellas
h. Pipeline work in main street coverage

9. Councillor Report

10. Officer Report

11. Urgent business

12. Finance report

[December report emailed out with agenda](#)

13. Decisions to be made

14. Meeting Closed

15. Council Officer Authorisation

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

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

2. ATTENDANCE & APOLOGIES

Greg Roberts, Bill Hutson, Graham Nuske, Allira Roberts, Belinda Eckermann, Ron Ismay, Colleen Petschel & Mick Henderson

Apologies :Alison Ey & Max Clark

M : Apologies be accepted. moved Allira Roberts/sec Graham Nuske AiF. C

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

Nil

4. CONFIRMATION OF MINUTES

That the Minutes of the RTAC Committee Meeting held on at the Civic Centre Meeting Room, circulated to Committee Members via email in December be taken as read and confirmed.

Motion moved Allira Roberts/sec Belinda Eckermann AiF. C

5. BUSINESS ARISING FROM THE MINUTES

Nil

6. CORRESPONDENCE

INWARD –

- a. Resignation letter – Max Clark 16-12-22
- b. Resignation letter – Alison Ey 12-1-23

OUTWARD - Nil

RECOMMENDATION

That the Outward Correspondence be approved and the Inward Correspondence noted.

Moved Bill Hutson

Seconded Allira Roberts AiF. C

7. EVENTS

See General Business for Enduro (Big Desert 480) information

Event:		Location:		Date	
<i>Relevant documents</i>					
	Responsibility	Due date	Status		
Risk assessment					
Food permit					
Local Law permit					

8. GENERAL BUSINESS AS NOTIFIED TO THE CHAIR

8.1 Enduro Street Closure Approval

- Bill has signed the necessary paperwork for this to occur.
- Moved that the RTC submit the documentation and get permission from the Shire to close Federal Street to traffic on Friday 10th March for the street stall and scrutineering to take place.
Graham Nuske/Belinda Eckermann AiF. C

8.2 Enduro Street stall organization

- Allira volunteered to give it a go (with help from other committee members)
- Discussed requirements including timing, Street-traders documentation and background music (a keeper)
- Potentially looking at up to 600 people
- Allira to put out EOI for stall holders on the rainbow community page
- Moved that Allira Roberts will be in charge of organising the street stalls for the Friday night.
Bill Hutson/Graham Nuske AiF. C

8.3 Town Committee PO Box

- The RTC was waiting to hear back from the Shire about the PO Box, Mick to look into.

8.4 Christmas in Rainbow

- Colleen Petschel mentioned that perhaps we could celebrate this a tad better as a town
- At the moment there is no real process or organization to putting up the decorations and trees
- Colleen mentioned that there are some community members who would be interested in setting up a sub committee to organise this
- Perhaps look at getting a town Christmas tree and having a lights ceremony
- Discussed the potential of linking this with carols and the town Christmas lights
- Also perhaps discussing with traders about kick starting the Christmas Street party
- Colleen to talk to Julie Mclean about the potential of a sub committee/working party
- Will also need to provide the group with a budget

8.5 Town Signs...progress

- Allira (via Alan) came up with an inspired piece of thinking...to use the structure of some existing welcome signs to put up a new design (mighty impressive idea!)
- We would use Ron's "thingymagiggy" to produce the signs (great to keep things local!)
- Mick Henderson will talk to VicRoads to inform them of the RTC progress
- Colleen to contact Ben gosling to get him to send through initial designs
- Moved that the RTC pursue the idea to revamp the existing town produced welcome signs and use the existing structure to affix new designs to.
Allira/Belinda AiF. C

8.6 Path to Rainbow Lake

- Colleen just wanted to document concerns and the need for some type of designated path from town to the Lake
- Mick mentioned that he is in the process of organizing an extension of the 80km sign to the Lake
- Mick also mentioned that there was potentially an offer of land on the other side of the road that could be used for a path
- Mick to raise our concerns at Shire level

8.7 Corellas!

- Bill and Graham have both made contact with the Shire to request the use of the scare guns
- The process is in motion to allow this to occur
- Mick to touch base with Steve, the by-laws officer to check on progress
- An animated discussion followed!

8.8 Pipeline work in Federal Street

- Greg raised concerns about how the recent pipe work in the main street had been covered over (a tad on the rough side)
- Mick explained that the Shire was waiting on GWM to sign off on the patch & reseal agreement and if the Shire moved prior to this they would be deemed responsible.
- During this discussion other issues were raised which included:
 - A patch of road near the old tennis courts
 - Visibility at the railway crossing (Floss Ampt)
 - When the Shire checks for visibility at intersections in town

8.9 Acceptance of resignation letters

- **Moved that RTC accept the resignation letters of Max Clark & Alison Ey.**
Graham Nuske/Colleen Petschel AiF. C
- **Moved that RTC advertise/ put a call out for some new members.**
Belinda Eckermann/ Greg Roberts AiF. C

9. COUNCILLOR REPORT

- Taverner street road works completed on Sunday 15th & Monday 16th

10. OFFICER REPORT

Rainbow Caravan Park

- The new acoustic fence has been constructed.
- The new power main has been laid to the caravan park but the contractors are still waiting on the new control boxes to fully complete the connections.
- Plumbing and sewer connections to the new cabin will begin within the next couple of weeks.
- Power, plumbing and sewer connections / services will be taking the two new cabins and the new amenities block into consideration as well so it will be an easy connection when they are installed.
- The two new cabins and the amenities block have been ordered with delivery expected mid-year.

Reconnecting communities through small events in Hindmarsh Shire.

- Council was planning to hold a free community concert on Friday 17 February but as this is the week before an Old School Session at the Oasis it has been decided to cancel that event.
- Discussed the potential of coinciding with the Town market that will be held on April first. This is an event organised by the rainbow P-12 College School for Student leadership group.
- Mick to look into the possibility of a band to play that night..he will get back to us if it gets the green light.

Rainbow Rises Events Centre

- Contract has been awarded for construction of entry road and pit area with works to commence as soon as possible.

New Rec Reserve Change Rooms

- Basically completed – waiting on installation of concrete slabs for installation of gas bottles for hot water and some finishing off on the building.
- Following a recent heavy rain storm soil has washed off the site so plans are underway to plant lawn on the area to prevent future soil wash away.

Other questions or issues

- Belinda asked about the potential refurbishment of the toilets in the main street. Mick shared the cost of repairs quote (\$300,000)...so looking at plan D now!
- Graham asked about the issue at the back of the Library..Mick said it was in the process of being fixed with the hand rails on order (Mick completed impressive interpretive name to explain hand rails!!)

11. URGENT BUSINESS
Nil

12. FINANCE REPORT

12.1 Summary of Balances in Finance Report.

RECOMMENDATION:

That the Finance Report **December** as provided with this Agenda via email be approved.

Moved Colleen/Allira AiF C

12.2 Purchase Orders to be raised - \$2,000 or less

RECOMMENDATION:

That the Council Officer raise the following Purchase Orders, being a value of \$2,000 or less.

*Moved Colleen
Seconded Allira*

Creditor	Value \$	Description of Goods or Services
Rainbow Civic Centre	\$90.00	Hire of supper rooms for RTC meetings in 2022
Greg Roberts	\$34.10	Reimbursement for stamps to post out invitations for new residents BBQ

12.3 Purchase Orders to be raised – Greater than \$2,000

RECOMMENDATION:

That the Council Officer, following approval by Council or the CEO, raise the following Purchase Orders greater than \$2,000.

Moved
Seconded

Creditor	Value \$ (> \$2,000)	Description of Goods or Services

13. DECISIONS TO BE MADE

The following decisions are recommendations to Council for endorsement:

ITEM NO.	DESCRIPTION	DECISION
4	Minutes	Confirmation of the Minutes
5	Business Arising from Minutes	
6	Correspondence	Approving the Outward Correspondence and Noting the Inward.
7	Events	
8	General Business as Notified to the Chair	
9	Councillor’s Report	
10	Officer’s Report	
11	Urgent Business	
12.1	Finance Report	That the Finance Report as provided with the Agenda be approved.
12.2	Purchase Orders to be Raised (\$2,000 or less)	That the Council Officer raise the Purchase Orders listed.
12.3	Purchase Orders to be Raised (above \$2,000)	That the Council Officer, following approval by Council or the CEO, raise the following Purchase Orders listed which are greater than \$2,000.

14. MEETING CLOSED

The meeting closed at 21:07

15. COUNCIL OFFICER AUTHORISATION

*to be completed by the Council Officer

I Michael Henderson accept the following recommendations made by the Rainbow Town Advisory Committee at this meeting held on 16 January 2023

ITEM NO.	DESCRIPTION	DECISION
4	Minutes	Confirmation of the Minutes
5	Business Arising from Minutes	
6	Correspondence	Approving the Outward Correspondence and Noting the Inward.
7	Events	
8	General Business as Notified to the Chair	
9	Councillor's Report	
10	Officer's Report	
11	Urgent Business	
12.1	Finance Report	That the Finance Report as provided with the Agenda be approved.
12.2	Purchase Orders to be Raised (\$2,000 or less)	That the Council Officer raise the Purchase Orders listed.

I _____ advise that the following items:

ITEM NO.	DESCRIPTION	DECISION
12.3	Purchase Orders to be Raised (above \$2,000)	That the Council Officer, following approval by Council or the CEO, raise the following Purchase Orders listed which are greater than \$2,000.

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- Need to be referred to a Council Meeting / CEO for a decision
- Require more Information
- Do No align with the Hindmarsh Shire Council Plan

SIGNED:



Dated: 17/01/2023