



23 November 2021

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, on Wednesday 24 November 2021 commencing at **3:00pm**.

Greg Wood
Chief Executive Officer

AGENDA

1	ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER	4
2	APOLOGIES	4
3	DECLARATION OF INTERESTS	4
4	CONFIRMATION OF MINUTES	4
5	PUBLIC QUESTION AND SUBMISSION TIME	5
6	ACTIVITY REPORTS	5
7	CORRESPONDENCE	8
	7.1 GENERAL CORRESPONDENCE	8

8 PLANNING PERMITS

9

- 8.1 PLANNING PERMIT APPLICATION PA1727-2021 – USE AND DEVELOPMENT OF AN EMERGENCY SERVICES FACILITY (DIMBOOLA FIRE STATION), IN ADDITION TO EARTHWORKS, THE CONSTRUCTION OF FENCES AND ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AT 2-4 HIGH STREET, DIMBOOLA, VIC 3414 (PLAN OF CONSOLIDATION 377174Y) 9
- 8.2 AMENDED APPLICATION FOR PLANNING PERMIT PA1698-2020 – DEVELOPMENT OF THREE DWELLINGS AT THE REAR OF THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A FOUR LOT SUBDIVISION AT 32 ROCKLEY STREET, NHILL, VIC 3418 25
- 8.3 PLANNING PERMIT APPLICATION PA1718-2021 – DEVELOPMENT OF TWO DWELLINGS AT REAR OF THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE LOT SUBDIVISION AT 1 DIMBOOLA ROAD, NHILL, VIC 3418 39
- 8.4 PLANNING PERMIT APPLICATION 1723-2021 – USE AND DEVELOPMENT OF A DWELLING, DEVELOPMENT OF A DOMESTIC OUTBUILDING AND DEVELOPMENT OF AN AGRICULTURAL OUTBUILDING – 51-59 TOWNSEND STREET NHILL VIC 3418 65
- 8.5 PLANNING PERMIT APPLICATION PA1749-2021 – USE OF THE LAND FOR THE SALE AND CONSUMPTION OF LIQUOR ASSOCIATED WITH A FOOD AND DRINK PREMISES AND SHOP AT 7-9 LOCHIEL STREET, DIMBOOLA, VIC 3414 81

LATE REPORT

- 8.6 PLANNING PERMIT APPLICATION PA1730-2021 – USE AND DEVELOPMENT FOR A SECOND DWELLING AND SHED – 2657 DIMBOOLA-RAINBOW ROAD, TARRANYURK, VIC, 3414 90

9 REPORTS REQUIRING A DECISION

107

- 9.1 WASTE MANAGEMENT 107
- 9.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY 112
- 9.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 3 114
- 9.4 2021-2022 COUNTRY FOOTBALL NETBALL PROGRAM – ROUND 2 116
- 9.5 WIMMERA DEVELOPMENT ASSOCIATION (WDA) TRANSFORMATION TO A NEW ENTITY 119
- 9.6 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2021/22 ROUND 1 121

10 COUNCIL COMMITTEES

127

- 10.1 YURUNGA COMMITTEE OF MANAGEMENT 127
- 10.2 DIMBOOLA TOWN COMMITTEE 127

10.3 NHILL TOWN COMMITTEE	128
10.4 JEPARIT TOWN COMMITTEE	128

11 LATE REPORTS	129
------------------------	------------

12 NOTICES OF MOTION	129
-----------------------------	------------

13 OTHER BUSINESS	129
--------------------------	------------

14 CONFIDENTIAL REPORTS	129
--------------------------------	------------

- 14.1 REQUEST FOR QUOTE - AWARD FOR PURCHASE OF ONE (1) 3-AXLE TRUCK WITH TIPPING BODY AND ONE (1) 4-AXLE TRAILER WITH TIPPING BODY
- 14.2 REQUEST FOR QUOTE - AWARD FOR PURCHASE OF ONE (1) 3 AXLE PRIME MOVER
- 14.3 REGIONAL INFRASTRUCTURE FUND CARAVAN PARK ACCOMMODATION UPGRADES

15 MEETING CLOSE	130
-------------------------	------------

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

*We acknowledge the Shire's Indigenous community as the first owners of this country.
We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.*

Opening Prayer

*Dear Lord,
We humbly request your blessing upon this Council and welcome your guiding presence among us.*

May our decisions be taken wisely and in good faith, to your glory and the true welfare of the citizens of the Hindmarsh Shire.

2 APOLOGIES

3 DECLARATION 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.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 20 October 2021 via Zoom and the Minutes of the Annual Statutory Meeting held on Wednesday 10 November 2021 at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

Attachment Numbers: 1 and 2

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-ambles. Offensive, trivial and repetitive questions or questions, which have been recently answered, may be excluded at the discretion of the Mayor.

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

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: OCTOBER/NOVEMBER 2021

Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
18/10/2021	Nhill Town Committee	Zoom	The committee is looking forward to hosting the annual Christmas carols in Jaypex park.
03/11/2021	Councillor Development session	Nhill	
04/11/2021	Nhill Community Shop	Nhill	
09/11/2021	Wimmera Development Association Board Meeting	Zoom	The Board transformation process continues and is close to be adopted. Moving to a skills based Board with an Independent Chair will ensure WDA moves with best practice governance models.
10/11/2021	Annual Statutory meeting	Nhill	Thank you again for the opportunity to be Mayor of Hindmarsh for the year ahead.
11/11/2021	Nhill Community Shop	Phone	
12/11/2021	Meeting with real estate developers	Nhill	
15/11/2021	Nhill & District Sporting Club AGM	Nhill	
16/11/2021	Jeparit community consultation meeting – Jeparit Visitor Node	Jeparit	It was a great turn out of Jeparit residents to consult on the Jeparit Visitor Node and Swimming hole. The project concept plans showcase an engaged and inviting community and tourism space.

Cr IRELAND, DEPUTY MAYOR

Date	Meeting	Location	Comments
19/10/2021	WMPM Annual General Meeting		
20/10/2021	Council Briefing Meeting	Zoom	
20/10/2021	Council Meeting	Zoom	
03/11/2021	WMPM Meeting	Nhill	To discuss master plan and budget submissions
03/11/2021	Councillor Development Session		
08/11/2021	Jeparit Town Advisory Committee Meeting		
09/11/2021	Yurunga Homestead Meeting		
10/11/2021	Statutory Council Meeting	Nhill	
11/11/2021	Rainbow Trailblazers Meeting with DCCS from Shire		Meeting with members from trailblazer committee and Scouts committee re implementing bike tracks and trails into coming budgets. Council officer outlined best process to proceed with a staged plan of implementation.
16/11/2021	Meeting with President of Hindmarsh Tourism		Re Wimmera discovery trail and WMPM masterplan.
16/11/2021	Community Consultation Meeting	Jeparit Tennis Club	To view plans of new swimming hole and camp kitchen precinct.
16/11/2021	WMPM General Meeting		

Cr NELSON

Date	Meeting	Location	Comments
04/10/2021	Dimboola Town Committee	Microsoft Teams	
20/10/2021	Council Briefing Meeting	Zoom	
20/10/2021	Council Meeting	Zoom	
03/11/2021	Councillor Development	Nhill	
08/11/2021	Dimboola Town Committee		
10/11/2021	Pre Stat Meeting	Nhill	
10/11/2021	Statutory Meeting		

Cr BYWATERS

Date	Meeting	Location	Comments
14/10/2021	By Five: thriving kids – engaging with sport, the Arts and the community	Zoom	The webinar targeted at families, children, coaches, educators, and communities that support child focused activities. The panel (Dr Billy Garvey, Lucy Stephan, Mark Milligan, and

			Nyadol Nyuon) shared stories, experiences and practical strategies to inspire and encourage (re)engaging with sporting, artistic and community activities that bring joy, social connections and self-worth following a prolonged period of lost opportunities.
17/10/2021	Nhill Town Committee, Music performance	Nhill	Held at Jaypex Park Soundshell
20/10/2021	Council briefing meeting and council meeting	Zoom	
21/10/2021	Wimmera Discussion, Gender Equity and Cultural Change with Dr Niki Vincent, Victorian Gender Equity Commissioner	Zoom	
29/10/2021	Hindmarsh visitor information Centre, volunteer	Nhill	
03/11/2021	Councillor development session with Joy Humphreys	Nhill	
10/11/2021	Annual statutory meeting	Nhill	Congratulations to Mayor Melanie Albrecht and Deputy Mayor Brett Ireland. Nhill Community Centre. Exciting times ahead. We also appointed delegates to council committees and external organisations. I'm pleased to advise that I am the Councillor delegate for the Nhill Aerodrome master plan advisory committee and the Hindmarsh Landcare Network.
12/11/2021	Meeting with property investors	Nhill Community Centre	
13/11/2021	Wimmera Book launch and signing	Dimboola	It was wonderful to see Dimboola buzzing with people, businesses with their doors open, including new shops reinventing Dimboola, and pop up shops. A delicious Devonshire morning tea was served by the Dimboola Country Women's Association.
16/11/2021	Jeparit community meeting	Jeparit	Meeting for Wimmera River discovery Trail Jeparit visitor node.

Cr GERSCH

Date	Meeting	Location	Comments
29/09/2021	RCV Meeting	Zoom	

01/10/2021	RCV Meeting	Zoom	
01/10/2021	Meeting with Mark Shearwood	Zoom	
20/10/2021	RCV Meeting	Zoom	
20/10/2021	Council Meeting	Zoom	
22/10/2021	Waste Meeting		
29/10/2021	RCV AGM		
29/10/2021	RCV Board Meeting		
03/11/2021	Rail Working Group Meeting	Zoom	
03/11/2021	Meeting with Joy, Consultant		
10/11/2021	Council Statutory Meeting	Nhill	
11/11/2021	RSL Remembrance Day Service		
12/11/2021	Wimmera Regional Roads Meeting	Zoom	
12/11/2021	RCV Board Meeting		
12/11/2021	Meeting with Mark Shearwood	Nhill	
15/11/2021	AGM Nhill Sporting Club		

Cr ISMAY

Date	Meeting	Location	Comments
06/10/2021	Council Briefing	Nhill	
06/10/2021	Council Meeting	Nhill	
19/10/2021	WMT Meeting	Charlton	
03/11/2021	Council Workshop	Nhill	
10/11/2021	Statutory Meeting	Nhill	
15/11/2021	Rainbow Town Committee Meeting		
16/11/2021	WMT Meeting	Dimboola	
16/11/2021	Jeparit River Precinct Meeting	Jeparit	

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 3 – 6

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 25/10/2021 – Letter from Geelong Corio Bay Lions Club RE Tree Planting Request in Memory of Kiara Drendel
- 06/11/2021 – Letter from Carol Paech to Councillor Ron Ismay

Outwards:

- 22/10/2021 – Council Response Letter to Ali Cuppa RE Sustainable Rate Support
- 01/11/2021 – Council Response Letter to Geelong Corio Bay Lions Club RE Tree Planting Request

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Numbers: 3 – 6

8 PLANNING PERMITS

8.1 PLANNING PERMIT APPLICATION PA1727-2021 – USE AND DEVELOPMENT OF AN EMERGENCY SERVICES FACILITY (DIMBOOLA FIRE STATION), IN ADDITION TO EARTHWORKS, THE CONSTRUCTION OF FENCES AND ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AT 2-4 HIGH STREET, DIMBOOLA, VIC 3414 (PLAN OF CONSOLIDATION 377174Y)

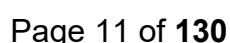
Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 023340
Application No: PA1727-2021
Applicant: Mr Leonnard Lawrence, Leonnard Lawrence Architect
Owner: Country Fire Authority (CFA)
Subject land: 2-4 High Street Dimboola VIC 3414 (Plan of Consolidation 377174Y)
Proposal: Use and development of an Emergency Services Facility (Dimboola Fire Station), in addition to earthworks, the construction of fences and alter access to a Road Zone Category 1
Zoning and Overlays: General Residential Zone Schedule 1 (GRZ1)
Environmental Significance Overlay Schedule 6 (ESO6)
Adjoins a Road Zone Category 1 (RDZ1)

- Clause 32.08-1 of the GRZ – Use for Emergency Services Facility – Section 2 Use (non specified use)
- Clause 32.08-9 of the GRZ – Construct Buildings and Works for Section 2 Use
- Clause 42.01-2 of the ESO and Schedule 6 – Earthworks and Construct Fences
- Clause 52.29 Alter Access to a Road Zone Category 1

Attachment Numbers: 7 – 8

Summary

Page 10 of 130



the road reserve along McDonald Street to the south. The site is within a residential area to the south of the commercial centre of Dimboola.

Aerial Photo below (Hindmarsh POZI)



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 as the proposal is not within land affected by Aboriginal Cultural Heritage Sensitivity pursuant to the *Aboriginal Heritage Regulations 2018*.

Advertising

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing one public notice on site fronting High Street and one public notice on the rear boundary to the road reserve on McDonald Street for a period of 14 days.
- Placing the public notice in the local newspaper, The Dimboola Banner.
- The application being made available for public viewing on Council's website.

A statutory declaration was received from the applicant. The notification has been carried out correctly by the applicant.

Council has not received any objections to date.

A written submission was received from a neighbour bringing to Council's attention the significance of the plantation and vegetation corridor to the south of the proposed construction site along McDonald Street, but this submission was not an objection to the proposal.

The application, as it relates to altering access to the Road Zone Category 1, is technically exempt from notice pursuant to Clause 52.29-5 of the Hindmarsh Planning Scheme.

Referrals

External Referrals

Section 55

Head, Transport Victoria (Department of Transport):

In principle no objection to the proposal, but requires the following condition:

- Any redundant vehicle crossings must be removed and the area reinstated to match the adjoining area, to the satisfaction of and at no cost to the Head, Transport for Victoria.

Wimmera Catchment Management Authority (WCMA):

Does not object to the granting of a permit to the proposal as submitted.

Section 52

Nil

Internal Referrals

The application was referred internally to the following Departments:

Engineering

Comments provided and conditions required as follows:

1. Proposed New Accesses:

- 2x new crossovers shall be constructed as per IDM-250 standard (attached) and at a location and of a size as per site plan - TP02-B 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.
- Any redundant crossovers shall be removed and kerb and channel reinstated to the Responsible Authority satisfaction.

Condition of permit - a consent to works within road reserve permission is required prior to construction of crossover.

2. Drainage:

- The LPD is to be made at the Northern side of the property into the existing kerb and channel of the High Street road reserve.
- Council has responded to an LPD request applied for previously.

3. Tree Removal:

- All requests for tree removal associated with new crossovers are assessed in accordance with Council's adopted Hindmarsh Tree Technical Guidelines.
- We have assessed the proposal and will allow construction of the New Crossovers and the removal of 1x tree and bollard.
- It has been identified that one tree will be lost (this includes any tree within 4m of the edge of any new crossover).
- Compensation costs to be borne by the applicant include:
Total cost of tree removal (x 1) including the tree inspection and stump grinding.
The tree to be compensated is calculated from the height of the tree to be removed / considered lost.
- Please contact Council to arrange a suitable time for the tree to be removed.
- An invoice for the removal and compensation costs will be sent following the removal.
- Please do not undertake any works until the above is provided and an approval letter is granted.

Building

Comments provided

- A Building Permit is required for the proposed development.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Dimboola is located on the Wimmera River and the Melbourne to Adelaide Railway passes through the town.

Council's strategic directions for settlement includes to:

- *Promote and enhance the role of Dimboola as a key service and tourist centre in the Shire.*

Clause 02.03-5 Building Environment and heritage

Council's strategic directions for built environment and heritage includes the need to:

- *Promote urban design and architecture that reflects the characteristics, aspirations and cultural identity of the community.*

Clause 02.03-6 Economic Development

Council's strategic directions for economic development include to:

- *Facilitate increased employment opportunities within and adjacent to the towns.*

Clause 02.03-8 Infrastructure

The Shire is served by a range of community services that are integral to maintaining the communities.

Clause 02.04 Strategic Framework Plans

- *Dimboola Framework Plan*

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement- Wimmera Southern Mallee

Clause 15.01 Built Environment

Clause 15.01-2S Building Design

Objective - *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S Neighbourhood character

Objective - *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 19.03-2S Infrastructure design and provision

Clause 19.03-3S Integrated water management

Planning Response:

The proposed redevelopment of the site for the new Dimboola Fire Station will enhance the existing fire services and community facilities provided within the town and will encourage further employment and opportunities, which is supported by the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Economic Development and Infrastructure.

In particular, the proposal will provide a new Fire Station for Dimboola and the surrounding region that will upgrade this community service to benefit the broader community in accordance with Clause 02.03-8 of the MPS.

The proposal complies with the relevant policies in the MPS and PPF.

Clause 32.08 – General Residential Zone

32.08-1 Table of uses

Section 2 - Permit required

- Emergency Services Facility (any other use not in Section 1 or Section 3)

32.08-9 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a Section 2 Use

32.08-13 Decision guidelines (relevant to the application)

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone. Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs. The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works. The proposed landscaping.
- The provision of car and bicycle parking and associated accessways. Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-14 Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The site is within the General Residential Zone (GRZ) and the proposed non-residential use will serve the local community and the broader area, which is consistent with the relevant purpose of the zone.

The proposed use and development will not adversely impact on the residential area. The proposed use for an Emergency Services Facility for the new Dimboola Fire Station will service the community needs. The scale, design, height, setbacks and appearance of the development is appropriate within the site context and will respect the character of the surrounding area.

There is landscaping proposed on site and the removal of one street tree is acceptable. There will be adequate provision for car parking, bicycle parking, loading and refuse collection facilities on the site.

The Head, Transport for Victoria, has advised they have no objections to the proposal subject to a condition requiring that any redundant vehicle crossings must be removed and the area reinstated to match the adjoining area to their satisfaction. This condition will be included on any permit issued. There will be no adverse safety, efficiency and amenity effects of traffic generated by the proposal.

The proposal will therefore comply with the purpose and decision guidelines of the zone.

Clause 42.01 Environmental Significance Overlay Schedule 6

42.01-2 Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.

42.01-5 Decision guidelines

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

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value

2.0 Environmental objective to be achieved (relevant to application)

- To ensure that land use and development within the primary catchment areas (ESO6) of wetlands of conservation value (ESO5), does not impact on the ecological condition of these wetlands.
- To prevent waste discharge, nutrients, other pollutants and increased turbidity of water within the primary catchment areas (ESO6) from degrading the ecological condition of wetlands of conservation value (ESO5).
- To ensure that changes to the biological, physical and chemical quality and quantity of water entering wetlands of conservation value (ESO5) from the primary catchment area (ESO6) does not degrade its ecological condition.
- To ensure that the increase or decrease of surface runoff or concentration of surface water runoff from primary catchment areas (ESO6) does not lead to erosion and siltation of conservation value wetlands (ESO5).
- To prevent changes in surface water flow within primary catchment areas (ESO6) from degrading the ecological condition of wetlands of conservation value (ESO5).
- To ensure that any land use and development within a primary catchment area (ESO6) is consistent with maintaining the existing ecological condition of the wetlands of conservation value (ESO5).

3.0 Permit requirement (relevant to application)

A permit is required for:

- Earthworks.
- Construction of a fence that may obstruct the flow of water.

A permit is not required for:

- Construction of a building
- Vegetation removal.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

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

Planning Response:

The street tree to be removed was planted in the nature strip and meets the 'planted' exemption in the table of exemptions in Clause 42.01-3 of the ESO.

The earthworks for the construction of the building and car parking areas are appropriate for the type of community facility proposed and will not adversely impact on the nearby wetlands of conservation value within the ESO6.

The construction of the three Colorbond boundary fences along the west, south and east title boundaries will not adversely impact on the flow of water into the water catchment within the area.

The Wimmera CMA has also advised they have no objections to the proposal.

The proposal therefore complies with the decision guidelines of the ESO and Schedule 6 of the ESO.

Particular Provisions

Clause 52.05 Signs

52.05-10 Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- *A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.*

Planning Response:

The proposed sign for the CFA at the front of the site does not technically require a planning permit as it is exempt under Clause 52.05-10 in accordance with the exemption listed above. A note will be placed on any permit issued to confirm this exemption.

Clause 52.06 Car Parking

52.06-5 Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

There is no set rate in the Table 1 for an Emergency Services Facility use. Hence, the car parking spaces for the use must be provided to the satisfaction of the Responsible Authority in accordance with Clause 52.06-6.

52.06-6 Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Planning Response:

The submitted plans show the provision of 16 car parking spaces on the site, which includes one designated visitor space and one accessible space adjacent to the front of the proposed building. The provision of car parking spaces on the site is sufficient to cater for the likely demand from staff and visitors. The proposal therefore complies with this Clause.

Clause 52.29 Land Adjacent to a Road Zone Category 1

Purpose

To ensure appropriate access to identified roads.

To ensure appropriate subdivision of land adjacent to identified roads

52.29-2 Permit requirement

A permit is required to:

- Create or alter access to:
 - A road in a Road Zone, Category 1.

52.29-4 Referral of applications

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be referred to the Head, Transport for Victoria under section 55 of the Act.

52.29-5 Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

52.29-6 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.

- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

Planning Response:

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework as discussed above.

The Head, Transport for Victoria has advised they have no objections to the proposal subject to a condition for redundant crossings to be removed and the area reinstated to match the adjoining area to their satisfaction. This condition will be included on any permit issued.

There will be no adverse effects of the proposal on the operation of the road and on public safety.

The proposal therefore complies with the decision guidelines of this Clause.

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 (relevant to the application)

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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Response:

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework, particularly having regard to the benefit the proposal will have to enhance the community services on the site and the potential employment opportunities.

The proposed development will not affect the environment and will not impact on the amenity of the area. The proposal will enable the orderly planning of the area. There is adequate space on the site for loading and unloading facilities. The existing crossovers will be removed and two new crossovers constructed to provide suitable vehicle access to the site, which will not create any traffic flow and road safety impacts.

The proposal therefore complies with the relevant decision guidelines of this Clause.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone, the Environmental Significance Overlay Schedule 6, Clause 52.05, Clause 52.06, Clause 52.29 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

25/06/2021	Application lodged
02/07/2021	Fee received
22/07/2021	Further information requested
17/08/2021	Response to further information and amended application form received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
01/09/2021	Further information outstanding letter sent to the applicant
03/09/2021	Response to further information and an amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
14/09/2021	External referrals and internal referrals sent
20/09/2021	Public Notice instructions sent to applicant and letters sent
23/09/2021	Advertising signs erected on site
11/10/2021	Statutory declaration for advertising received.
20/10/2021	Responses received to external referrals and internal referrals
24/11/2021	Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 November 2021 (61 statutory days).

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

Link to Council Plan:

A range of effective and accessible services to support the health and wellbeing of our community.

Financial Implications:

N/A.

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 – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

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

RECOMMENDATION:

That Planning Permit PA1727-2021 be approved, to allow the Use and development of an Emergency Services Facility (Dimboola Fire Station), in addition to earthworks, the construction of fences and alter access to a Road Zone Category 1, for the subject land at 2-4 High Street Dimboola VIC 3414 (Plan of Consolidation 377174Y), 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.***

General Requirements

- 2. The buildings and the site must be kept in an ordered and tidy state and its***

appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.

Amenity

- 3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - a) Transport of materials, goods or commodities to or from the land.***
 - b) Appearance of any building, works or materials.***
 - c) Artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.***
 - d) Presence of vermin.***
- 4. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***

Access and Car Parking

- 5. Car parking spaces must be provided on the site for the use including the provision of an adequate number of accessible car spaces with dimensions and layout to comply with the Australian Standards, to the satisfaction of the Responsible Authority.***
- 6. Before the use commences, the car parking spaces must be constructed on site, with all car parking, access lanes and driveways as shown on the plans to remain unobstructed and available for their intended use at all times, unless otherwise approved in writing by the Responsible Authority.***
- 7. Car spaces and parking areas, access lanes and driveways must be maintained in a good condition to the satisfaction of the Responsible Authority.***

Head, Transport for Victoria Condition

- 8. Any redundant vehicle crossings must be removed and the area reinstated to match the adjoining area, to the satisfaction of and at no cost to the Head, Transport for Victoria.***

Engineering Conditions

Access

Before the use and development commences, the two new crossovers must be constructed to the required to the satisfaction of the Responsible Authority. In this regard, a Consent to Works Within Road Reserve Permit must be approved before any construction of the crossovers.

- 9. The vehicle crossovers must be constructed at the permit holder's expense to provide ingress and egress to the site, to the satisfaction of the Responsible Authority.***
- 10. Any redundant crossovers must be removed and the kerb and channel reinstated to the satisfaction of the Responsible Authority.***

Drainage

- 11. Stormwater drainage must be constructed and connected the Legal Point of***

Discharge to the satisfaction of the Responsible Authority.

Street tree

12. The existing street tree in the nature strip must be removed and replaced to the satisfaction of the Responsible Authority.

Waste Management

13. Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.

Permit Expiry

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

- a) The development is not started within two years of the date of this permit***
- b) The development is not completed and the use is not commenced within four years of the date of this permit.***

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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Notes:

Planning

- The proposed CFA sign is exempt from a planning permit under Clause 52.05-10 Signs Not Requiring a Permit, as the CFA is a public authority.***
- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site, so they are aware of the conditions to which this approval applies.***

Engineering

- The two new crossovers must be constructed as per IDM-250 standard and at a location and of a size as per site plan TP02-B.***
- The proposed crossovers must have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement of crossovers must be in accordance with the requirements of the relevant authority and must be at the permit holder's expense.***
- A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.***
- Standard designs / drawings of vehicle crossovers can be obtained from Council's Engineering Department.***
- The Legal Point of Discharge (LPD) is to be made at the Northern side of the property***

into the existing kerb and channel of the High Street road reserve.

- *Council has responded to an LPD request applied for previously.*
- *Street trees to be removed for proposed crossovers must be removed and replaced at the permit holder's expense in accordance with Council's Street and Reserve Tree Technical Guidelines.*
- *Compensation costs to be borne by the permit holder include:*
 - *Total cost of tree removal (x 1) including the tree inspection and stump grinding.*
 - *The tree to be compensated is calculated from the height of the tree to be removed / considered lost.*
 - *Please contact Council to arrange a suitable time for the tree to be removed.*
 - *An invoice for the removal and compensation costs will be sent following the removal.*
 - *Please do not undertake any works until the above is provided and an approval letter is granted.*

Building

- *This permit is not a Building Permit. A Building Permit is required for the proposed development. Please consult a Building Surveyor and ensure a Building Permit is obtained.*

Wimmera CMA

- *The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.*
- *Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00204 in your correspondence with us.*

Attachment Numbers: 7 – 8

8.2 AMENDED APPLICATION FOR PLANNING PERMIT PA1698-2020 – DEVELOPMENT OF THREE DWELLINGS AT THE REAR OF THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A FOUR LOT SUBDIVISION AT 32 ROCKLEY STREET, NHILL, VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	146960
Permit No:	PA1698-2020
Applicant:	Mr Daryl Hargreaves, Hargreaves Design Group
Owner:	Nicolas and Aisawan Morton
Subject land:	32 Rockley Street, Nhill, VIC 3418 (Lot 12 Section 25 Plan of Subdivision 008462)
Amended Proposal:	Amendment for Development of three dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and

- Zoning and Overlays:** a four lot subdivision
General Residential Zone Schedule 1 (GRZ1)
Environmental Significance Overlay Schedule 6 (ESO6)
- Clause 32.08-3 - Subdivision
 - Clause 32.08-6 - Building and Works associated with construction of three dwellings
 - Clause 42.01-2 - Subdivision
- Attachments Number:** 9

Summary

This report recommends that Council approve Amended Planning Permit PA1698-2020 and endorse the amended plans for the Development of three dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a four lot subdivision at 32 Rockley Street, Nhill VIC 3418 (Lot 12 Section 25 Plan of Subdivision 008462), subject to standard conditions.

Background

Planning Application PA1698-2020 was approved on 5 August 2021 for the 'Development of three dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a four lot subdivision'. Plans were endorsed under Condition 1 of the permit on 7 September 2021.

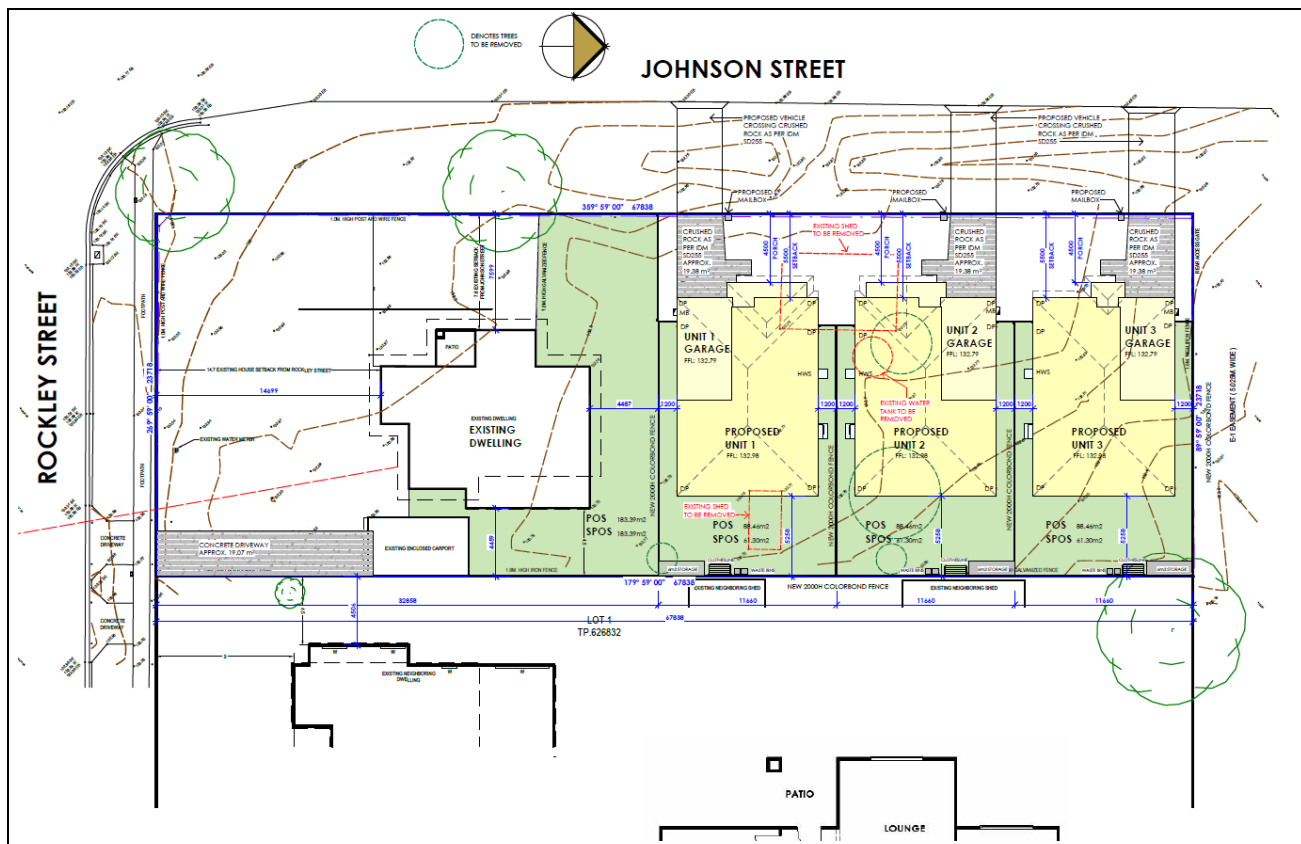
Amended Proposal

The owners have engaged a new building designer who has revised the approved plans to improve the function and layout of the three new dwellings. The new applicant has submitted amended plans to be approved to the permit.

The applicant states that the changes made to the endorsed plans include the following;

- *Front setback reduces to 5.5m from 6.0m. This will still allow parking of the 2nd car on the driveway and allows for an increase in depth of the unit without negatively affecting the private open space.*
- *Side setbacks reduced from 1.4 metres to 1.2 metres. This allows slightly larger unit while not negatively affecting the private open space.*
- *Increase length of house by 600 millimetres which allows for the laundry to be placed in the rear of the garage and the addition of a linen cupboard. Garage remains 6.0m clear internally.*
- *Internal access door from garage to house provided and external garage door provided for easy access from laundry to rear yard.*
- *Moved laundry from kitchen which allows a pantry and fridge space which were not allowed for in the original design.*
- *Slight rearranging of the bathroom and ensuite internals to make them work with a corner access shower and a decent vanity*
- *Move the robe in the master bedroom to against the entry wall and straighten this wall. This will now allow a spare wall for the bed to be placed against.*
- *Slight modification to the landscape plan.*

Proposed Amended Site Plan below:



Requirement for Permit:

The subject land is located within the General Residential Zone Schedule 1 and the Environmental Significance Overlay Schedule 6.

A planning permit is required to subdivide land under Clause 32.08-3 Subdivision and to develop two or more dwellings on a lot under Clause 32.08-6 of the General Residential Zone. A planning permit is also required under the Environmental Significance Overlay Schedule 6 for vegetation removal and the construction of fences.

Subject Site and Locality

The subject site is located on the northern side of Rockley Street, Nhill and the eastern side of Johnston Street, Nhill. The site has a total area of approximately 1611m². The site contains a single storey weatherboard dwelling, a carport and a shed. The carport and shed will be demolished. The site is within an established residential area within Nhill. The commercial centre of Nhill is located approximately 800 metres to the east of the site.

Aerial Photo of the site and surrounds below (Hindmarsh POZI):



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 as the proposal is not within land affected by Aboriginal Cultural Heritage Sensitivity pursuant to the *Aboriginal Heritage Regulations 2018*.

Advertising

Section 52 Notice of Application

The amended application has not been advertised pursuant to Section 52 of the Planning and Environment Act 1987.

The amendments to reduce the setbacks, lower the floor levels and building height and internal changes to the layout to the three new dwellings will not be discernable from a distance and will not significantly alter the overall appearance of the development. The amended proposal will not cause material detriment to any person or property.

Referrals

None required

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision
Clause 02.03 Strategic Directions
Clause 02.03-1 Settlement and housing
Clause 02.03-2 Environmental and landscape values
Clause 02.03-3 Environmental risks and amenity
Clause 02.03-5 Building Environment and heritage
Clause 02.04 Strategic Framework Plans
Nhill Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement
Clause 11.01-1R Settlement- Wimmera Southern Mallee
Clause 11.02-1S Supply of urban land
Clause 15.01 Built Environment
Clause 15.01-2S Building Design
Clause 15.01-4S Healthy neighbourhoods
Clause 15.01-5S Neighbourhood character
Clause 16.01 Residential Development
Clause 16.01-1S Housing Supply
Clause 19.03-2S Infrastructure design and provision objective is:
Clause 19.03-3S Integrated water management objective is:

Planning Response:

The amended plans comply with the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development. The amended design of the dwellings will continue to provide a range of housing and accommodation options and will allow infill development to be accommodated within the town, which is encouraged in Clause 02.03-1 Settlement and Housing.

Clause 32.08 – General Residential Zone

Clause 32.08-3 Subdivision

Permit requirement

A permit is required to subdivide land.

Clause 32.08-6 Construction of two or more dwellings on a lot

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.

32.08-13 Decision guidelines

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

Planning Response:

The amended proposal complies with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The amended design of the development will improve the function and layout of the three new dwellings and will continue to respect the character of the area. The reduced setback of the dwellings from Johnston Street will respect the prevailing setbacks in the street and will not detract from the streetscape character. The reduced internal setbacks in between the dwellings will enhance the liveability of the dwellings which is a positive planning outcome.

The amended landscape plan submitted needs to show the existing trees on the site that will be removed, which will require an amendment to Condition 1 of the permit.

Clause 42.01 Environmental Significance Overlay Schedule 6 (ESO6)

42.01-2 Permit requirement

A permit is required to:

- Construct a fence if specified in a schedule to this overlay.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

42.01-5 Decision guidelines

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

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value

3.0 Permit requirement (relevant to application)

A permit is required for:

- Vegetation removal
- Construction of a fence that may obstruct the flow of water

A permit is not required for:

- Construction of a building

Planning Response:

The amended proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The amended proposal generally complies with the environmental objectives of Schedule 6 of the ESO.

The amended landscape plan submitted needs to show the existing trees on the site that will be removed and require a planning permit under the ESO6. Condition 1 b) of the permit will need to be amended to require the amended landscape plan to show the vegetation to be removed.

Particular Provisions

Clause 52.06 Car Parking

52.06-5 Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

Table 1: Car parking requirement

<u>Use</u>	<u>Rate</u>	<u>Car Parking Measure</u>
Dwelling	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)

Planning Response:

The existing dwelling and the amended three new dwellings still have a single garage and space in front for a tandem car space with a depth of 5.5m to provide the two car spaces required for the dwellings to comply with this Clause.

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

The amended proposal has been assessed against the relevant objectives and standards of Clause 55.

The reduced front setbacks from 6.0m to 5.5m from the west boundary to Johnston Street for the three new dwellings will respect the prevailing setbacks in the street and will not adversely impact on the streetscape. The reduced internal setbacks from 1.4m to 1.2m in between the existing dwelling and the three dwellings will not be apparent in terms of overall building footprint and will improve the useability and functionality of the three new dwellings. The lowering of the floor levels of the three new dwellings as a result of the changes from timber stumps for the footings to be concrete slab footings will reduce the overall building height of the dwellings.

The site coverage, permeability, private open space and parking provision for the amended proposal are all acceptable. The amended landscape plan will need to show the existing vegetation to be removed, which will be included as an amended Condition 1 b) of the permit.

The amended proposal generally complies with the relevant objectives and decision guidelines of Clause 55 subject to conditions as discussed above.

Clause 56 – Residential Subdivision

There are no changes to the proposed plan of subdivision as a result of the amended plans for the development of the three new dwellings.

General Provisions

Clause 65 - Decision Guidelines

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

65.01 Approval of an application or plan

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

65.02 Approval of an application to subdivide land

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

Planning Response:

The amended proposal complies with the relevant decision guidelines in Clause 65.

Strategic, Statutory and Procedural Requirements:

The amended proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone and the Environmental Significance Overlay Schedule 6, Clause 55 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

22/09/2021 Amended Application lodged

30/09/2021 Fee received

20/10/2021 Further information requested

20/10/2021 Response to further information and amended plans received pursuant to Section 50 of the *Planning and Environment Act 1987*

24/11/2021 Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 November 2021 (35 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:

The amended development and approved subdivision will have positive financial implications through a potential increase in Rates income 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 – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision

Next Steps:

Issue planning permit and endorse the plans if approved by Council.

RECOMMENDATION:

That an Amended Planning Permit PA1698-2020 be issued in relation to amended plans for the Development of three dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a four lot subdivision at 32 Rockley Street, Nhill VIC 3418 (Lot 12 Section 25 Plan of Subdivision 008462), subject to the following conditions.

Amended Plans

- 1. Before the commencement of the development, 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. The plans must be generally in accordance with the plans submitted with the application but amended to show:***
 - a) An amended Landscape Plan (Job 21-04346, Sheet 7 of 7, Issue C) to show all three trees to be removed to be consistent with the Site Plan (Job 21-04346, Sheet 2 of 7 Issue C).***

Endorsed Plans

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

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

Section 173 Agreement or Construction of Dwellings to Occupancy Permit

4. *Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:*

- a) *Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:*

- i) *The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1698-2020.*

The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

OR

- b) *Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1698-2020 and an occupancy permit has been issued.*

General Requirements

5. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
6. *All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.*
7. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land 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.*

Landscaping

9. *Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.*
10. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

Waste management

- 11. Provision must be made on the land for the storage of waste bins and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.**

Engineering Conditions

Access/Vehicle Crossovers

- 12. Before the occupation of the dwellings approved by this permit, the existing culvert crossing in Johnston Street must be removed and the drain re-installed to the satisfaction of the Responsible Authority.**
- 13. Before the occupation of the dwellings approved by this permit, new crossovers must be constructed to each of Lot 2, Lot 3 and Lot 4 from Johnston Street to the satisfaction of the Responsible Authority.**
- 14. The crossovers must be constructed as per IDM- 255 standard and at a location and of a size to the satisfaction of the Responsible Authority.**
- 15. The vehicle crossovers must be constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

Drainage

- 16. 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 western side of the property to the table drain in the Johnston Street road reserve to the satisfaction of the Responsible Authority.**
- 17. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.**

Public Open Space Contribution for Subdivision

- 18. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than seven (7) days before the issue of a Statement of Compliance for the subdivision.**

Mandatory Telecommunications Conditions

- 19. 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.

20. 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:

- a) 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***
- b) 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.***

Grampians Wimmera Mallee Water Conditions

- 21. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.***
- 22. The owner / applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.***
- 23. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.***
- 24. The owner / applicant must disconnect the existing sewer for the existing house on the property and reconnect to a new point constructed within the new lot boundary.***
- 25. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.***
- 26. The owner/applicant must pay to GWMWater 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 GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.***
- 27. The owner/applicant must provide three metre wide easements in favour of GWMWater over all existing and proposed sewers located within private land.***
- 28. The owner/applicant must provide written notification of commencement of the works to enable GWMWater to organise inspections and coordinate with its staff.***
- 29. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWMWater standards. This includes compaction and air pressure testing as directed by GWMWater.***
- 30. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all water and sewerage works upon completion.***
- 31. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.***

- 32. The owner / applicant must provide GWMWater with an updated drainage plan for each lot submitted by a qualified plumber.**
- 33. The owner / applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GWMWater's standards.**

Powercor Australia Conditions

- 34. The letter dated 4 June 2021 shall be supplied to the applicant in its entirety.**
- 35. 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.**
- 36. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards.**
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- 37. 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).**
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Development Expiry

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

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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Subdivision Expiry

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

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

Notes:

Building

- This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.

Planning

- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval applies.

Engineering

- Legal Point of Discharge (LPD) can be applied for with the dwellings building permit application.
- A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.
- Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.
- Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the permit holder's expense.

Powercor

- It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributors web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00115 in your correspondence with us.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
24 November 2021	Amended Planning Permit to alter Condition 1 to amend conditions to require an amended landscape plan and amended plans for the development of the three new dwellings including alterations to the setbacks, the internal layout and lowered floor levels and building height.

Attachment Number: 9

8.3 PLANNING PERMIT APPLICATION PA1718-2021 – DEVELOPMENT OF TWO DWELLINGS AT REAR OF THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE LOT SUBDIVISION AT 1 DIMBOOLA ROAD, NHILL, VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	102380
Application No:	PA1718-2021
Applicant:	Wendy Azzopardi, Dreamworx Drafting and Design
Owner:	Nicholas Morton and Aisawan Morton
Subject land:	1 Dimboola Road, Nhill, VIC 3418 (Lot 1 and Lot 2 on Title Plan 536925S)
Proposal:	Development of two dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a three lot subdivision of two existing lots
Zoning and Overlays:	General Residential Zone Schedule 1 Environmental Significance Overlay Schedule 6 <ul style="list-style-type: none">• Clause 32.08-3 - Subdivision• Clause 32.08-6 - Building and Works associated with construction of two dwellings• Clause 42.01-2 – Subdivision, Construct a fence, vegetation removal Adjoins a Road Zone Category 1 (to the north)
Attachment Numbers:	10 – 12

Summary

This report recommends that Council approve Planning Permit PA1718-2021 for the development of two dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a three lot subdivision of two existing lots at 1 Dimboola Road, Nhill VIC 3418 (Lots 1 and 2 on Title Plan 536925S), subject to standard conditions.

Background

Planning Application PA1718-2021 was lodged with Council on 4 May 2021 for the development of two dwellings at the rear of the existing dwelling and a three lot subdivision. The application was amended on 29 June 2021, 26 July 2021 and 17 August 2021 to amend the application form to include the vegetation removal and the construction of fences with the two new dwellings and a three lot subdivision of two existing lots and to amend the plans pursuant to Section 50 of the *Planning and Environment Act 1987*.

Proposal

Subdivision

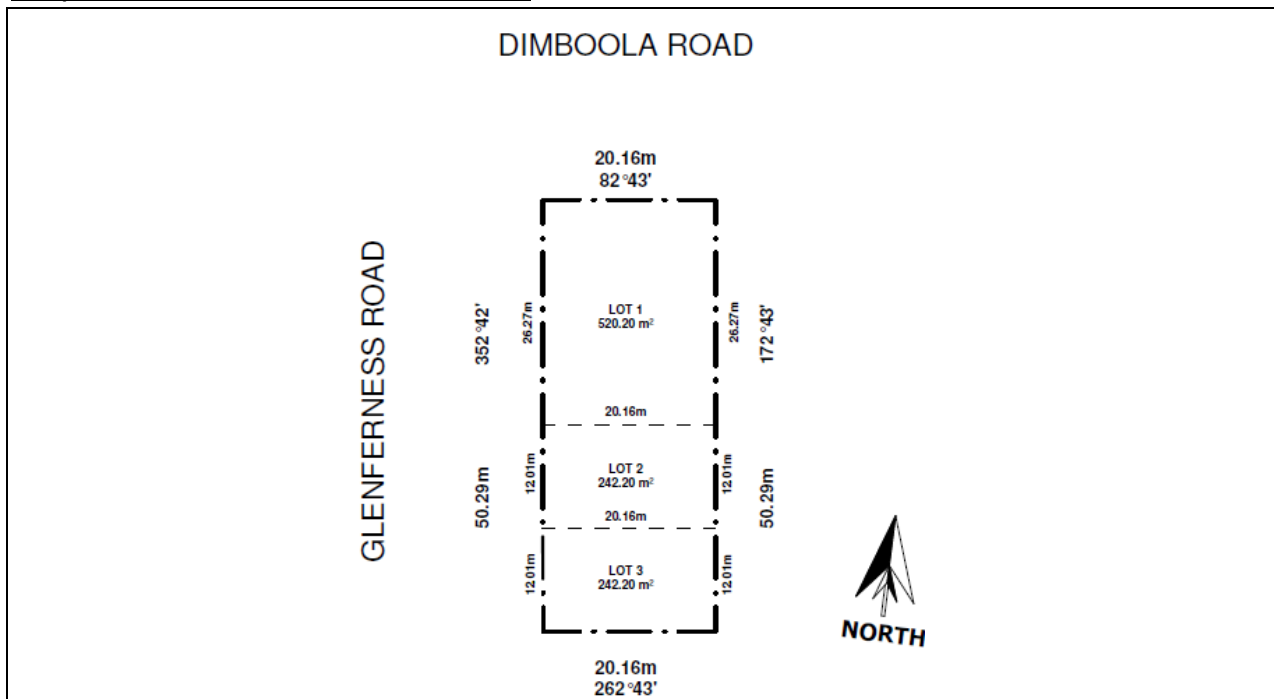
The application proposes the subdivision of the existing site of approximately 1006m² into a

total of three (3) lots, as follows:

- Lot 1 – 520.20m²
- Lot 2 – 242.20m²
- Lot 3 – 242.20m²

Lot 1 will retain the existing dwelling and garage fronting Dimboola Road. Lot 2 and Lot 3 will both be developed with a single storey dwelling fronting Glenferness Street. The lots will be connected to the required services.

Proposed Plan of Subdivision below:



Development

Lot 1 - Existing dwelling

The existing single storey dwelling and the adjoining garage will be retained on Lot 1. The existing dwelling will be set back 2.5 metres from the southern boundary with Lot 2. Vehicle access to the existing garage on Lot 1 will be from a single width vehicle crossover accessed from Dimboola Road.

Lot 2 and Lot 3 – new single storey dwelling on both lots

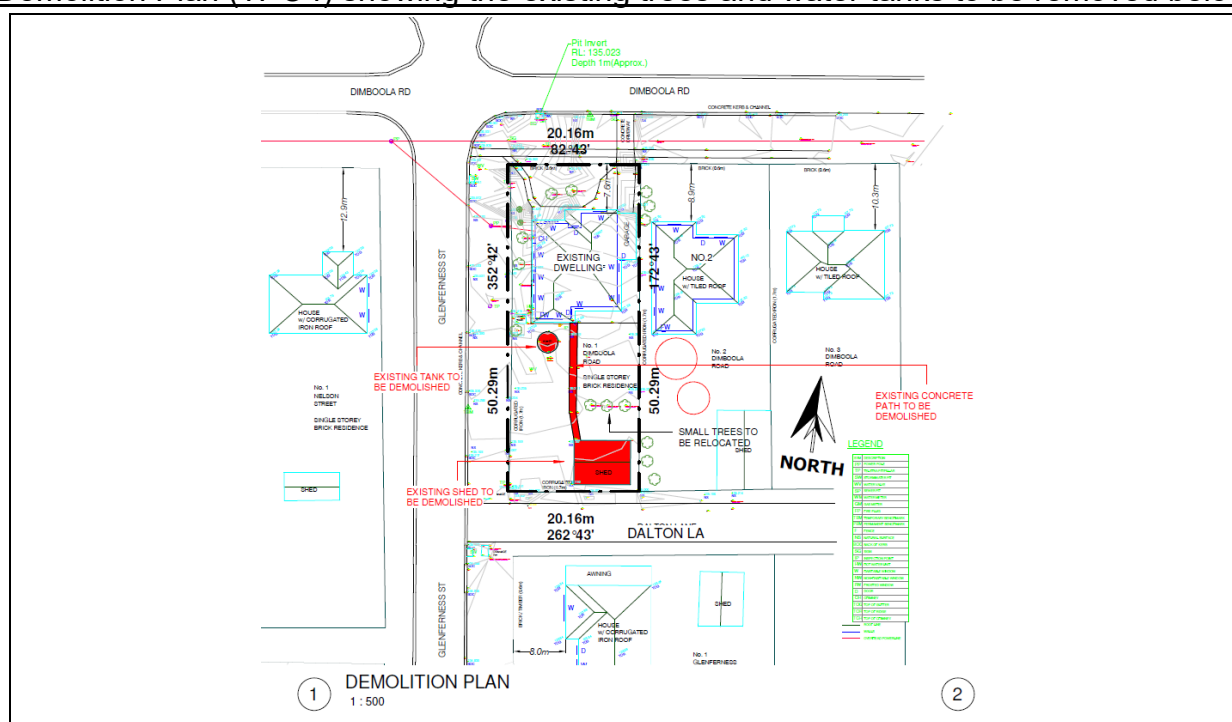
Lots 2 and 3 will both be developed with a single storey detached dwelling setback a minimum of 5.0 metres from the front walls of the dwellings to the western boundary to Glenferness Street. The front porches of the dwellings will be in line with the front façades set back 5.0 metres from the western boundary. The carports for the dwellings will be set back 6.0m from the western boundary to Glenferness Street. The two new dwellings will have side setbacks of between zero for the single carports to approximately 1.15 metres in between the dwellings and increasing to 3.5m for the southern walls of proposed Unit 2 from the southern external boundary and proposed Unit 1 from the southern internal boundary between Lot 2 and Lot 3.

Both dwellings will be provided with three small bedrooms, an open plan living, kitchen and

meals area, bathrooms and laundry and a single carport with a roller door with a tandem car space in accordance with the car parking requirements of Clause 52.06 Car Parking. Vehicle access to the two new dwellings will be from Glenferness Street. Council's Engineers require a new single crossover with a minimum width of 3 metres to be provided for vehicle access to the carports and tandem car spaces of each dwelling on Lot 2 and Lot 3.

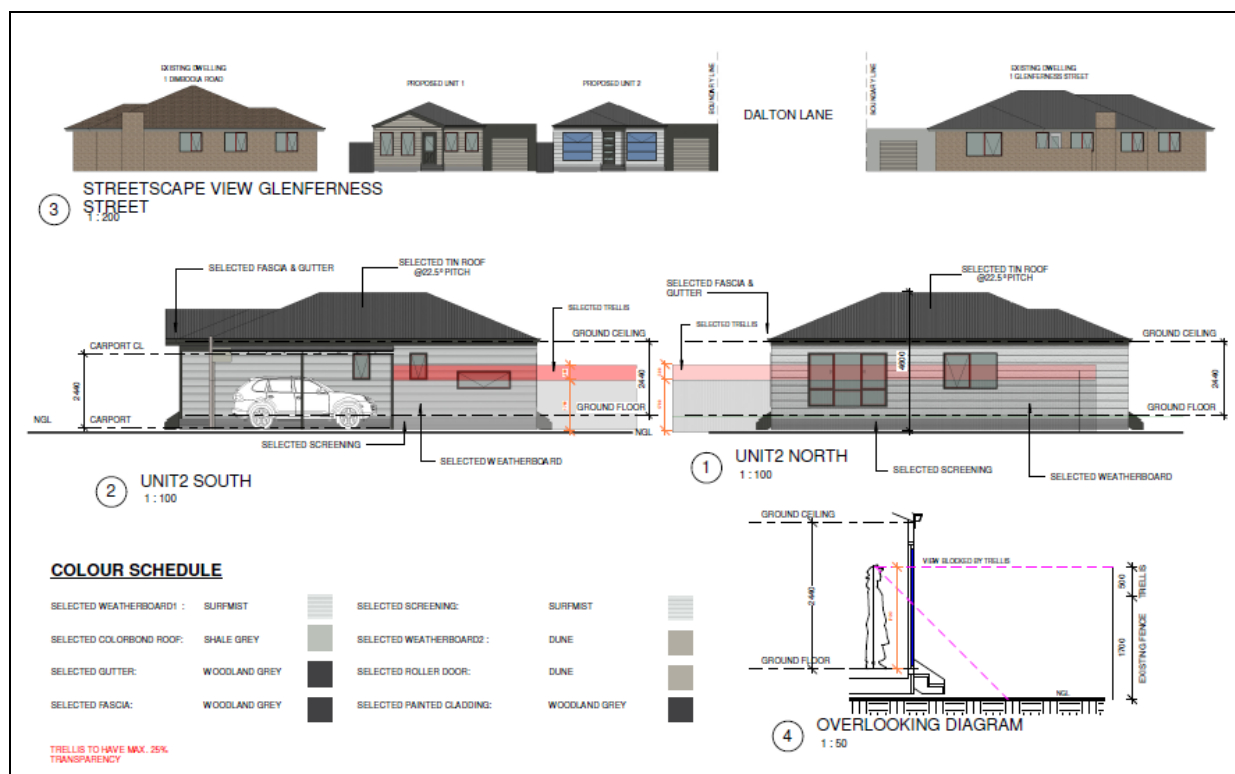
The application proposes the construction of new 2.0m high Colorbond fences in between the three dwellings. The existing 1.7m high corrugated iron external boundary fences will be retained and 0.5m trellis will be constructed partly above the external boundary fences. There is existing vegetation to also be removed or relocated, which consists of three existing small trees in the rear yard of the site.

Demolition Plan (TPO4) showing the existing trees and water tanks to be removed below:



Proposed Ground Floor Plan (TPO6) and Elevations (TPO8 & TPO9) of the dwellings below:





Requirement for Permit:

The subject land is located within the General Residential Zone Schedule 1 and the Environmental Significance Overlay Schedule 6.

A planning permit is required to subdivide land under Clause 32.08-3 and to construct two dwellings on a lot under Clause 32.08-6 of the General Residential Zone. A planning permit is also required for vegetation removal and the construction of fences under the Environmental Significance Overlay Schedule 6.

Subject Site and Locality

The subject site is located on the southern side of Dimboola Road and the eastern side of Glenferness Street in Nhill. The site has a total area of approximately 1006m². The site contains a single storey brick dwelling, a garage, a shed, two water tanks and existing small trees. There are no easements on the two lots comprising the site. The site is within an established residential area within Nhill. The commercial centre of Nhill is located approximately 900 metres to the west of the site.

The adjoining property to the east at 2 Dimboola Road is developed with a single storey brick dwelling and detached garage. The adjacent property to the west at 1 Nelson Street on the opposite side of Glenferness Street is developed with a single storey brick dwelling, garage and sheds. To the south on the southern side of Daltons Lane at 1 Glenferness Street is a single storey detached brick dwelling, carport and shed. There are a variety of detached dwellings located along the southern side of Dimboola Road and Nelson Street and along the eastern and western sides of Glenferness Street on similar sized lots.

Aerial Plan of the site and surrounding area below (POZI):



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 as the proposal is not within land affected by Aboriginal Cultural Heritage Sensitivity pursuant to the *Aboriginal Heritage Regulations 2018*.

Advertising

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two public notices on site, with one sign fronting Dimboola Road and one sign fronting Glenferness Street for one period less than 14 days and a second period of 14 days.
- The application being made available for public viewing on Council's website.

The notification has been carried out correctly by Council on behalf of the applicant.

Council has received five (5) objections to date from the owners of the adjoining properties to the east, west and south and from owners of two other nearby properties.

The objections have raised concerns with the proposed development, which have been summarised as follows:

- Impact on neighbourhood character.
- Overdevelopment of the site.
- Inadequate infrastructure.
- Site coverage excessive.
- Loss of privacy/Overlooking.
- Lack of car parking, increased traffic and safety issues.
- Increased noise.

The applicant has provided a written response to the objection received. The applicant amended the plans after advertising to clarify the existing trees to be removed, the water tanks to be removed, the screening measures proposed to prevent overlooking and to revise the boundary fencing to be 2.0m high Colorbond fence.

Referrals

External Referrals

Section 55

Powercor Australia

The application was referred to Powercor Australia who advised:

- No objection subject to conditions. The Powercor Australia conditions are detailed in the report.

GWM Water

The application was referred to GWM Water who advised:

- No objection subject to conditions. The GWM Water conditions are detailed in the report.

Wimmera Catchment Management Authority (Wimmera CMA)

The application was referred to WCMA who advised:

- No objection. Note provided about potential flooding larger in height and extent than a 1% AEP flood may occur in the future.

Internal Referrals

The application was referred internally to the following Departments:

Engineering

No objection to the development subject to conditions requiring:

1. Proposed new accesses:
 - 2x new Single crossovers shall be constructed as per IDM- 235 standard and at a location and of a size 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.
 - Condition of permit – a consent to works within road reserve permission is required prior to construction of each crossover.

2. Drainage:

- Should be to the Western side of the property to the existing kerb and channel in the Glenferness Street road reserve.
- LPD can be applied with the house building permit application.

Building

A building permit will be required for the construction of the two dwellings. No further comments for the referral.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-2 Environmental and landscape values

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-5 Building Environment and heritage

Council's strategic directions for built environment and heritage includes the need to:

- *Promote urban design and architecture that reflects the characteristics, aspirations and cultural identity of the community.*

Clause 02.04 Strategic Framework Plans

Nhill Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee includes:

Clause 11.01-1L Settlement – Hindmarsh includes strategies to:

Retain existing residential zones and promote residential development within these zones

Clause 11.02-1S Supply of urban land objective is:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 15.01-2S Building Design objective is:

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-3S Subdivision design objective is:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-5S Neighbourhood character objective is:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 16.01-1S Housing Supply

To facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.01-2S Housing Affordability objective is:

To deliver more affordable housing closer to jobs, transport and services.

Clause 19.03-2S Infrastructure design and provision objective is:

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Clause 19.03-3S Integrated water management objective is:

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Planning Response:

The proposed development will result in a dwelling design and layout that is a higher density than the adjacent established residential development, which comprises one dwelling on a lot. The proposed subdivision and development of two single storey dwellings will encourage housing diversity and affordability in a residential zone that is in proximity to existing services and facilities.

The proposal will allow infill residential development to be accommodated within the town, which is encouraged in Clause 11.01-1L Settlement and Clause 02.03-1 Settlement and housing. The proposed development will adequately respect the character of the area in accordance with Clause 15.01-5S. The subdivision will require new infrastructure to be connected to service the lots and the proposed dwellings on Lot 2 and Lot 3 in accordance with Clauses 19.03-2S and 19.03-3S.

The proposal will comply with the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development.

Clause 32.08 – General Residential Zone

Purpose (relevant to the application):

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Clause 32.08-3 Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2,

Clause 32.08-6 Construction of two or more dwellings on a lot

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.

This Clause requires applications under this provision to be assessed against the requirements of Clause 55. The application complies with the provisions of Clause 55 as detailed later in this report.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The proposed development will change the existing character of the immediate area however, the building design and form will adequately respect the neighbourhood character of the area. The development will encourage a diversity of housing types and housing growth in this location with good access to services and transport in Nhill. The proposal will comply with the purpose and objectives of the zone.

Amended Plans are required as conditions to ensure the details on the site plans, elevations and landscape plan are all consistent in regard to boundary fencing and trellis above.

A Section 173 Agreement is required to ensure that the permit holder/owner agrees to construct the proposed development in accordance with the plans endorsed to the permit or alternatively, the approved dwellings are constructed in accordance with the plans endorsed to the permit before the subdivision to be finalised, which can be addressed as conditions.

Clause 42.01 Environmental Significance Overlay Schedule 6 (ESO6)

42.01-2 Permit requirement

A permit is required to:

- Construct a fence if specified in a schedule to this overlay.
- Remove vegetation.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

42.01-5 Decision guidelines

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

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

- Any other matters specified in a schedule to this overlay

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value

3.0 Permit requirement (relevant to application)

A permit is required for:

- Vegetation removal
- Construction of a fence that may obstruct the flow of water

A permit is not required for:

- Construction of a building

Planning Response:

The landscape plan (TP011) shows three small trees to be relocated on the site, but if they are removed that would be acceptable as they are small and are planted species.

The construction of the fences in between the proposed dwellings and lots will not adversely impact on the flow of water into the water catchment within the area. The Wimmera CMA has also advised they have no objections to the proposal. However, notations of the 2.0m height of the internal boundary fences are required on the proposed site plan (TPO5) as a condition to match the height on the elevations (TPO8 and TPO9).

The application is generally consistent with the Municipal Planning Strategy and Planning Policy Framework subject to conditions as discussed above. The application complies with the environmental objectives of Schedule 6 of the ESO.

Particular Provisions

Clause 52.06 Car Parking

52.06-5 Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

Table 1: Car parking requirement

<u>Use</u>	<u>Rate</u>	<u>Car Parking Measure</u>
Dwelling	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)

Planning Response:

The existing dwelling has a single garage and tandem visitor space which can be accessed from Dimboola Road. The two new dwellings, Unit 1 and Unit 2, will each have a single carport and a tandem car space in front of the carport. The three dwellings will all have the two car spaces required to comply with this Clause.

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*.

53.01-1 Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- *It is one of the following classes of subdivision:*
 - *Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.*
 - *Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building. It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation. It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.*

Planning Response:

The proposed three lot subdivision does not meet either of the exemptions under Clause 53.01-1. Therefore, a 5% public open space contribution to the value of the land is required in accordance with this Clause.

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

The application has been assessed against the requirements of Clause 55 and complies with the objectives and standards of the relevant Clauses. The key standards and objectives are discussed below.

Clause 55.02 Neighbourhood character and Infrastructure

- The existing single storey detached brick dwelling will be retained on the northern portion of the site. The two proposed dwellings will be located to the south of the existing dwelling. The two new dwellings will be oriented towards Glenferness Street. The new dwellings will be setback a minimum of 5.0 metres for the front wall and porches and 6.0 metres for the carports from Glenferness Street.
- The proposal creates a higher density residential development with a building footprint and less spacing between the dwellings than the established dwellings in the area. However, the design details of the new dwellings, which consists of weatherboard type 'Weathertex' cladding and Colorbond hipped roof forms, will respect the scale and design of surrounding dwellings and respect the character of the area to comply with Standard B1 and the objectives in Clause 55.02-1.
- The development will satisfy residential planning policy and will contribute to a

medium density housing opportunities for increased housing availability within Nhill in accordance with Standard B2 and the objective in Clause 55.02-2.

- The development will be provided with the required utility services and infrastructure will be connected to the dwellings in accordance with conditions of the relevant service authorities. Both Powercor and GWM Water have advised they have no objections to the development subject to a number of conditions, which will be included as conditions on any decision.
- The existing dwelling will be orientated to Dimboola Road and the two new dwellings will be orientated to Glenferness Street. The two new dwellings will integrate into the streetscape to comply with Standard B5 and the objective in Clause 55.02-5.
- The proposal therefore satisfies the relevant standards and the objectives of this Clause.

Clause 55.03 Site Layout and Building Massing

- The proposed dwellings will have front setbacks of a minimum of 5.0 metres and increasing to 6.0 metres, which are set behind the side setback of the existing dwelling. The 6.0 metre front setback of the single carports for the two new dwellings will be in line with the adjacent 6.0m front setback for the front wall of the master bedroom of Unit 1 and Unit 2. The proposed setbacks of the two new dwellings will be acceptable in the streetscape along Glenferness Street. The front setbacks of the two new dwellings will also be appropriately landscaped. The landscape plan shows new planting of trees and shrubs for landscaping on the site. The proposal therefore satisfies the objective and standard in Clause 55.03-1.
- The building height of the two new dwellings will be similar in height to the existing dwelling and will respect the neighbourhood character in accordance with Standard B7 and the objective in Clause 55.03-2.
- The applicant has calculated the site coverage of the buildings on the site to be approximately 41.7%, which is less than the maximum 60% in Standard B8. Although the site coverage for the area for the two new dwellings will be higher than the existing dwelling and the adjoining dwellings, the building footprint will be acceptable within the neighbourhood and will comply with the objective and standard in Clause 55.03-3.
- The applicant has calculated the permeability of the development as approximately 43.1%, which is higher than the required 20% in Standard B9. The landscape plan (TP11) shows the area for the two new dwellings will have less permeability than the overall site average given the smaller lot areas and the extent of concrete and lilydale toppings for the access and part of the rear open space area. The stormwater runoff from the dwellings will need to be designed to discharge to Council's drainage system in accordance with the Legal Point of Discharge. The plans comply with the objective in Clause 55.03-4 subject to conditions.
- The living area windows of the two new dwellings face north and east for solar access and the private space areas are located on the east side of the dwellings. The layout of the development makes reasonable use of daylight and solar access. The south-east facing secluded open space area for the existing dwelling will have less solar access, but there is also an east facing secluded open space area will good access

to daylight. The proposal will not adversely impact on solar access to existing habitable room windows of dwellings on the neighbouring properties. The overall energy efficiency of the development is acceptable and complies with the objective and standard in Clause 55.03-5.

- The landscaping proposed on the landscape plan (TP11) will respect the landscape character of the neighbourhood to comply with Standard B13 and the objective in Clause 55.03-8.
- The vehicle access to the two new dwellings will require a single crossover for each dwelling from Glenferness Street. There is an existing single crossover on Dimboola Road for access to the garage of the existing dwelling. The proposal will result in one additional crossover, but this is acceptable and respects the neighbourhood character. The access will be constructed to Council design requirements of the IDM and will comply with Standard B14 and the objective in Clause 55.03-9.
- The location of parking for all three dwellings will be convenient and will protect residents from vehicular noise within the development to comply with Standard B15 and the objective in Clause 55.03-10.

Clause 55.04 Amenity Impacts

- The proposed side and rear setbacks of the two new single storey dwellings will have adequate separation from the side and rear boundaries to ensure the height and setbacks respect neighbourhood character and limit adverse amenity impacts on the adjoining dwellings. The setbacks will comply with Standard B17 and the objective in Clause 55.04-1.
- The proposed single carports of Units 1 and 2 are open structures other than the front roller door provided for security purposes. The carport for Unit 2 will be located on the southern property boundary and the carport for Unit 1 will be located on the lot boundary between Lot 2 and Lot 3. There are no solid walls proposed on the external boundaries of the site. The proposal therefore satisfies Standard B18 and the objective in Clause 55.04-2.
- The layout of the two new dwellings will allow adequate daylight into existing habitable room windows in accordance with Standard B19 and the objective in Clause 55.04-3.
- The siting of the dwellings will ensure that any overshadowing is within the prescribed limits in Standard B21. The new dwellings do not significantly overshadow existing secluded open space areas and will comply with the objective in Clause 55.04-5.
- There are limited views from the habitable room windows of the existing dwelling and the two new dwellings within 9 metres of the habitable room windows and secluded open space areas of the adjoining property to the east (2 Dimboola Road) due to the location of two existing water tanks and the 0.5 metre high trellis screen proposed above the existing 1.7 metre high corrugated iron fence along the eastern boundary.
- The elevations (TP08 & TP09) show the existing 1.7 metre high corrugated iron fence and 500m trellis screen above to achieve a 1.7m screen above floor level to prevent overlooking from the living areas and secluded open space areas of Unit 1 and Unit 2 into the habitable room windows and secluded open space of the adjoining property to the east (2 Dimboola Road). The landscape plan (TP11) only shows the existing

1.7 metre high corrugated iron fence along the eastern boundary and not along the southern boundary, and the 0.5 metre high trellis above is not shown. These inconsistencies need to be rectified on the plans to ensure the plans match. The proposed fencing will comply with Standard B22 and the objective in Clause 55.04-6 subject to conditions.

- The elevations (TP08 & TP09) show details of the internal boundary fences to prevent internal views between the existing and proposed dwellings on the site. The site plan (TPO5) and elevations (TP08) have a notation for a 1.8 metre high Colorbond internal boundary fences, but the drawings detail a 2.0m high Colorbond fences. These inconsistencies need to be rectified on the plans to ensure the plans match. The internal overlooking will be minimised to comply with Standard B23 and the objective in Clause 55.04-7 subject to conditions.

Clause 55.05 On Site Amenity and Facilities

- The three dwellings will have entries that should be easily made accessible for people with limited mobility. The dwellings are oriented toward and have visible front entries from Dimboola Road and Glenferness Street. The proposal will comply with Standards B25 and B26 and the objectives in Clauses 55.01-1 and 55.05-2.
- Private open space will be located at the rear of each dwelling. The secluded private open space for the existing dwelling faces east and south-east. The secluded private open space for the proposed dwellings faces east. The existing dwelling will have approximately 70m² of secluded open space that has a minimum dimension of 3.3 metres and a maximum dimension of 4.3 metres and an additional front and side open space area of approximately 180m², which is a total of approximately 250m². Unit 1 and Unit 2 will each have approximately 39.6m² of secluded open space that has a minimum dimension of 3.3 metres and a front open space area of approximately 45.5m², which is a total of 85.1m². The provision of open space complies with Standard B28 and the objective in Clause 55.05-4.
- The living areas of the existing dwelling have both a northern and southern orientation and an east and south-east facing secluded open space areas. The living areas of the new dwellings will have a north-eastern orientation. Unit 1 and Unit 2 will have north and east facing living areas, which results in an ideal northern orientation for the dwellings. The east facing secluded open space areas of the two new dwellings are not likely to require any shading measures. The site layout and solar access of the dwellings satisfies the objective and standard in Clause 55.05-5.
- External storage sheds of 6m³ are provided for each dwelling in the rear private open space areas. Bin storage areas and letterbox areas are also detailed on the plans. There will be adequate storage facilities for each dwelling to comply with Standard B30 and the objective in Clause 55.05-6.

Clause 55.06 Detailed Design

- The design detail of the two new dwellings will consist of single storey detached building forms, hipped roof forms, façade articulation and window and door proportions that will be in keeping with the prevailing character of residential development in the area. Although the proposal will result in a higher density than the

surrounding development, the design and scale will be adequately respectful of the existing neighbourhood character to comply with Standard B31 and the objective in Clause 55.06-1.

- The site services required for the existing dwelling and two new dwellings will be provided on site, which includes adequate space for bin and recycling storage areas and mailboxes. The provision of services will satisfy Standard B34 and the objective in Clause 55.06-4.

Clause 56 – Residential Subdivision

The application has been assessed against the requirements of Clause 56 and complies with the relevant objectives and standards of the Clause. The key standards and objectives are discussed below.

The subdivision will respect the existing neighbourhood character (Standard C6) and is consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The subdivision achieves a higher lot diversity for this residential area in compliance with Standard C7 (Lot diversity and distribution). All lots are oriented towards the street to comply with Standard C10 (Street orientation).

The new single crossovers for access to Lot 2 and Lot 3 from Glenferness Street will need to be constructed to IDM-235 standard to comply with Standard C21. The new crossovers must be constructed before the issue of a Statement of Compliance or before the occupation of the dwellings in accordance with Council's design standards. The construction of the crossovers to Council's design standards will be addressed as conditions.

The site has access to infrastructure in the area including reticulated water, sewer and electricity connections that will need to be upgraded to comply with Standards C22, C24 and C25. Comments have been received from all referral authorities including Council's Engineers who require conditions for access and drainage. Conditions will be required for the provision of suitable infrastructure on the site.

Conditions for site management will be required to ensure that the site and surrounding area is protected from degradation and nuisance before and during the construction of the subdivision works to comply with Standard C26.

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 (relevant to the application)

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 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 design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*

Planning Response:

The proposal complies with the relevant decision guidelines as outlined above. The proposal will allow for medium density infill residential development on the site and the associated subdivision of the lots. The proposal complies with the Municipal Planning Strategy and Planning Policy Framework.

The two new dwellings will increase the diversity of housing stock in Nhill. The proposed development and subdivision will result in a discernable change and increase to the density of the site, which is encouraged by the Planning Scheme. The proposal will not have adverse impacts on the environment and amenity of the area subject to appropriate conditions. The proposal will also enable the orderly planning of the area.

The subdivision and the area and dimension of the lots to be created are smaller when compared to the area and dimension of the adjoining lots. The subdivision will be linked to the proposed development, which is an appropriate planning outcome. This will be managed by a condition requiring a Section 173 Agreement. The density of the proposed development is acceptable within this residential area in Nhill as it will facilitate infill multi-unit residential development. The subdivision will be connected to the required services, which will be included as conditions.

Response to Objections

The five objections have raised concerns about the proposal, which centre on issues of neighbourhood character, overdevelopment, infrastructure, loss of privacy and site coverage. In response to the concerns raised, the following comments are provided:

Impact on Neighbourhood Character

- The proposed development for medium density housing on the site will result in a higher density and greater building footprint than generally exists within the surrounding residential area. Despite this, the single storey scale, bulk and design of the new dwellings will respect the prevailing single storey design, bulk and scale of the adjoining dwellings within this residential area.
- The proposed dwellings will adequately respect the neighbourhood character. The proposal will comply with the objective and standard in Clause 55.02-1.

Overdevelopment of the site

- The proposal complies with the objectives and standards of Clause 55. Although the development introduces a higher density and greater building footprint than the surrounding development, the proposal for two new dwellings at the rear of the existing dwelling is not excessive.
- The proposed development is not regarded as an overdevelopment of the site.

Inadequate infrastructure

- The required infrastructure will be required to be connected to the proposed dwellings and the lots created by the subdivision. Specific conditions to upgrade and provide new infrastructure have been required by the servicing authorities including GWM Water, Powercor and Council's Engineers.

- The existing 1.7m high corrugated iron fences along the eastern and southern property boundaries are proposed to be retained and 0.5m high trellis will be constructed above those fences to prevent overlooking into the adjoining properties. The provision of infrastructure will be subject to conditions and will comply with the relevant infrastructure objective and standard in Clause 55.02-4.

Site Coverage Excessive

- The proposed development will have a site coverage of approximately 42%, which is less than the required 60% maximum under Clause 55.03-3 and is acceptable.

Loss of Privacy/Overlooking

- The proposed development will not cause a loss of privacy to the adjoining and adjacent properties. The retention of the existing 1.7m high Colorbond boundary fence and 500mm trellis screen above along the eastern property boundary will provide a 1.7m high screen above floor level, which will prevent overlooking from Unit 1 and Unit 2 to the habitable room windows and secluded open space within 9 metres on one of the objector's properties to the east (2 Dimboola Road). There are also existing water tanks on this objector's property to the east that minimise opportunities for any direct views.
- The proposed screening measures will comply with the overlooking objective and standard in Clause 55.04-6.

Lack of Car Parking, Increased Traffic and Safety Issues

- The provision of two car parking spaces on the site for each dwelling complies with the car parking requirements for dwellings in Clause 52.06. The concern about a lack of car parking on the site is not supported.
- The potential increase in traffic is unlikely to have any adverse impact on the road network within this residential area. Vehicles parking on the street will need to comply with on-street parking rules like all other residents. Dalton Lane is not proposed to provide vehicle access for Unit 2. The proposed development is unlikely to create any safety issues. The proposal satisfies Clause 52.06 Car Parking in relation to traffic and car parking provided on the site.

Increased Noise

- Potential noise issues are generally managed by the Environment Protection Authority under the *Environment Protection Act 2017*. There are unlikely to be any noise issues as a result of the two new dwellings being constructed on the site. However, construction workers and the future residents will be obliged to adhere to the relevant regulations for construction noise and residential noise to the same extent as any other construction activities and the noise generated by residents of the surrounding residential properties.

Strategic, Statutory and Procedural Requirements:

The proposal will be consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone and the Environmental Significance Overlay

Schedule 2, Clause 52.06, Clause 53.01, Clause 55, Clause 56 and Clause 65 of the Hindmarsh Planning Scheme subject to conditions.

Report to Council:

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

Processing Times:

04/05/2021	Application lodged
18/05/2021	Fee received
24/05/2021	Further information requested
29/06/2021	Response to further information and amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
21/07/2021	Further information requested
26/07/2021	Response to further information and amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
26/07/2021	Subsequent request for further information sent by email
26/07/2021	Response to further information and amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
04/08/2021	Subsequent request for further information sent by email.
10/08/2021	Response to further information with amended planning report received.
12/08/2021	Subsequent request for further information sent by email.
17/08/2021	Response to further information with amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i> .
25/08/2021	Email confirmation to applicant that further information all received.
30/08/2021	Public Notice instructions sent to applicant - HSC requested to undertake notification on the behalf of the applicant
30/08/2021	Public notification commenced – letters sent
30/08/2021	External referral to WCMA and Internal referrals to Engineering and Building sent
01/09/2021	Public notice – sign erected by Council on site
07/09/2021	Response from WCMA received
08/09/2021	External referrals sent to Powercor and GWMWater
09/09/2021	Advertising fee paid to Council
15/09/2021	Response from Powercor received
17/09/2021	Public notice - sign re-erected by Council on site
20/09/2021	Response from GWM Water received
29/09/2021	Response from Engineering received. All external and internal referrals received
30/09/2021	Five (5) Objections received
01/10/2021	Public notice period ends
11/11/2021	Response from applicant to objections received

24/11/2021 Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 November 2021 (67 statutory days).

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

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

The development and subdivision will have positive financial implications through a potential increase in Rates income to Council.

Risk Management Implications:

There may be risks to be managed by Council if a Notice of Decision to Grant a Planning Permit is issued, and an appeal is lodged by the objector with VCAT.

Conflict of Interest:

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision

Next Steps:

Issue a Notice of Decision to Grant a Planning Permit if approved by Council

RECOMMENDATION:

That a Notice of Decision to Grant a Planning Permit PA1718-2021 be issued, to allow the Development of two dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a three lot subdivision of two existing lots, on the land at 1 Dimboola Road, Nhill VIC 3418 (Lots 1 and 2 on Title Plan 536925S), subject to the following conditions:

Amended Plans

1. ***Before the commencement of the development, 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. The plans must be generally in accordance with the plans submitted with the application but amended to show:***
 - a) ***An amended Proposed Site Plan (TP05) to show notations for:***
 - i) ***The 1.8m high corrugated iron internal boundary fences between the three dwellings to be replaced with 2.0m high Colorbond internal boundary fences and 500mm trellis screen to match the elevations.***
 - b) ***An amended Elevation (1) (TPO8) to show notations for:***
 - i) ***The 1.8m high corrugated iron internal boundary fences facing Glenferness Street notation revised to refer to the 2.0m high Colorbond internal boundary fences.***
 - ii) ***The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.***
 - c) ***An amended Elevation (2) (TPO9) to show notations for:***
 - i) ***The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.***
 - ii) ***The colour schedule to include the proposed 2.0m high Colorbond internal boundary fences and colour.***
 - d) ***An amended Landscape Plan (TP13) to show notations for:***
 - i) ***The retention of the existing 1.7m high southern external boundary fence and the 0.5m trellis above the southern and eastern external boundary fences.***

Endorsed Plans

2. ***The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***
3. ***The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Section 173 Agreement or Construction of Dwellings to Occupancy Permit

4. ***Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:***
 - a) ***Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:***
 - i) ***The development of the lots will be constructed in accordance with the***

plans endorsed to Planning Permit PA1718-2021.

The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.

OR

- b) Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1718-2021 and an occupancy permit has been issued.***

General Requirements

- 5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
- 6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.***
- 7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land 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.***

Landscaping

- 9. Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.***
- 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

Waste management

- 11. Provision must be made on the land for the storage of waste bins and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.***

Engineering Conditions

Access/Vehicle Crossovers

- 12. Before the occupation of the dwellings approved by this permit, new single crossovers must be constructed to Lot 2 and Lot 3 from Glenferness Street to the satisfaction of the Responsible Authority.***
- 13. The crossovers must be constructed as per IDM-235 standard and at a location and of a size to the satisfaction of the Responsible Authority.***
- 14. The vehicle crossovers must be constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.***

Drainage

- 15. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) to the western side of the property to the kerb and channel in the Glenferness Street road reserve to the satisfaction of the Responsible Authority.**
- 16. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.**

Public Open Space Contribution for Subdivision

- 17. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than seven (7) days before the issue of a Statement of Compliance for the subdivision.**

Mandatory Telecommunications Conditions

- 18. 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.**
- 19. 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:**
- a) 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**
 - b) 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.**

Grampians Wimmera Mallee Water Conditions

- 20. The owner / applicant must provide individually metered water services to each dwelling in accordance with GWMWater's requirements.**
- 21. The owner / applicant must install sewerage mains and associated works to**

individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.

- 22. The owner / applicant is responsible for verifying the condition of any existing sewer connection point to determine their suitability for use.*
- 23. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.*
- 24. The owner/applicant must pay to GWMWater 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 GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.*
- 25. The owner/applicant must provide three metre wide easements in favour of GWMWater over all existing and proposed sewers located within private land.*
- 26. The owner/applicant must provide written notification of commencement of the works to enable GWMWater to organise inspections and coordinate with its staff.*
- 27. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWMWater standards. This includes compaction, air and hydrostatic pressure testing as directed by GWMWater.*
- 28. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all water and sewerage works upon completion.*
- 29. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.*
- 30. The owner / applicant must provide GWMWater with an updated drainage plan for each lot submitted by a qualified plumber.*

Powercor Australia Conditions

- 31. This letter (dated 15 September 2021) shall be supplied to the applicant in its entirety.*
- 32. 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.*
- 33. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards.*
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- 34. 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).*
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Development Expiry

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

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

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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Subdivision Expiry

36. The subdivision will expire if:

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

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

Notes:

Planning

- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval applies.

Building

- This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- A Building Permit will be required for fencing including any trellis above 2.0m from ground level.

Engineering

- Legal Point of Discharge (LPD) can be applied for with the dwellings building permit application.
- A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.
- Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.
- Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or

replacement required shall be in accordance with the requirements of the relevant authority and shall be at the permit holder's expense.

Powercor

- It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributors web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>.

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00194 in your correspondence with us.

Attachment Numbers: 10 – 12

8.4 PLANNING PERMIT APPLICATION 1723-2021 – USE AND DEVELOPMENT OF A DWELLING, DEVELOPMENT OF A DOMESTIC OUTBUILDING AND DEVELOPMENT OF AN AGRICULTURAL OUTBUILDING – 51-59 TOWNSEND STREET NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200631
Application Number:	PA1723-2021
Application Received:	27 May 2021, amended 28 July 2021 (Fee paid 11 August 2021 and 18 October 2021)
Applicant:	Mr Tobias Crabb
Owner:	Mr Tobias Crabb
Subject Land:	51-59 Townsend Street Nhill VIC 3418 (Lot 1 TP625262V Parish of Balrootan)
Proposal:	Use and Development of a Dwelling, Development of a Domestic Outbuilding and Development of an Agricultural Outbuilding
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay – Schedule 6 (ESO6) Land Subject to Inundation Overlay (LSIO) Bushfire Management Overlay (BMO)
Attachment Number:	13

Summary:

This report recommends that Council approves Planning Permit PA1723-2021 for the use and development of a dwelling and development of an agricultural outbuilding on the subject

land known as 51-59 Townsend Street, Nhill VIC 3418 (Lot 1 TP625262V Parish of Balrootan).

Background:

On 27 May 2021, Mr Tobias Crabb lodged a planning application to the Responsible Authority for the use and development of a dwelling, development of a domestic outbuilding and development of an agricultural outbuilding on the subject land at 51-59 Townsend Street, Nhill. This application was amended on 28 July 2021 to alter the number and location of some works proposed for the land.

Proposal Details:

The permit applicant, Mr Tobias Crabb seeks approval for the use and development of a dwelling and development of an agricultural outbuilding. The subject land is currently vacant farming zone land, sitting within a pocket of such land between land in the General Residential Zone of Nhill.

The proposed dwelling would be sited centrally on the lot, with a total floor area of approximately 578m².

The proposed dwelling is characterised by reference to the following features:

- Floor plan:
 - 1 x Bedroom with ensuite;
 - 3 x Bedrooms accessed via a central hallway + study (which could be used as an additional bedroom);
 - Kitchen/dining area with separate lounge room;
 - Bathroom with separate adjoining WC; and
 - Separate laundry.
- External form:
 - A building height of 4.65 metres from natural ground level;
 - Building materials to be straw bales;
 - Rendered cladding (white/cream colour, specific colour not specified); and
 - Zincalume roofing.

The proposed outbuildings would be sited on the eastern side of the lot, with the agricultural outbuilding setback 28 metres from Townsend Street and the domestic outbuilding setback approximately 80 metres from Townsend Street.

Each outbuilding comprises the following features:

Agricultural outbuilding

- 144m² floor area (16m x 9m);
- Maximum height of 5.54 metres from natural ground level;
- Roller doors provided for access on the western elevation;
- Steel construction with zincalume roofing; no colours specified.

Domestic outbuilding

- 136.8m² floor area (14.95m x 9.15m);
- Maximum height of 4.65 metres from natural ground level;
- Roller doors provided for access on the northern elevation;
- Rendered cladding (white/cream colour, specific colour not specified) and zincalume roofing

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 for the use of land for a dwelling, as the land is under 40 hectares in area.
- Clause 35.07-4 – A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1, a building within 100 metres of a designated flood plain, and a building within 100 metres of a dwelling not in the same ownership.
- Clause 44.06-2 (Bushfire Management Overlay) – A permit is required to construct a building or construct or carry out works associated with an accommodation use.

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 an exempt activity under Regulation 9 of the Regulations.

Subject site & locality:

The subject site is known as 51-59 Townsend Street, Nhill (Lot 1 on Title Plan 625262V, Parish of Balrootan), which comprises a single title of approximately 1.5 hectares. The land is generally flat, with a gradual downslope to the south from Townsend Street. The land is currently vacant grazing land, with limited rural infrastructure present on the lot.

The subject site adjoins Farming Zone land to the south and west, however these lots do not exhibit characteristics typically associated with the FZ, due to their lot sizes and location on the periphery of Nhill. To the east of the site is a combination of an Industrial 1 Zone lot (fronting Townsend Street) and Farming Zone at the rear. To the north is land within the

General Residential Zone, which is generally used and developed for such purposes and typically comprises lots of between 800-1,200m² allotments, with some larger land holdings evident.

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

Aerial Map below – Hindmarsh POZI (2016)



Aerial Map with Zoning and Overlays below – Hindmarsh POZI (2016)



Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing a public notice on site, fronting Townsend Street.
- The application being made available for public viewing on Council's website.

The notification has been carried out correctly.

No objections have been received to the application.

Referrals - External:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Country Fire Authority	Conditional consent. Response dated 5 October 2021
Section 52 Notices	
Wimmera Catchment Management Authority	Conditional consent. Response dated 29 September 2021

Referrals/Notice	Advice/Response/Conditions
Internal Referrals	

Engineering	Conditional consent. Response dated 07 October 2021
Environmental Health	Comments supplied. Response dated 30 September 2021

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 13.02-1S Bushfire planning
Clause 13.03-1S Floodplain management
Clause 14.01-1S Protection of agricultural land
Clause 15.01-1S Urban design

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

35.07-1 Use of land

A permit is required to use land for a dwelling, as the land is less than 40 hectares in area.

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, a building within 100 metres of a designated flood plain, and a building within 100 metres of a dwelling not in the same ownership.

35.07-6 Decision guidelines (relevant to the application)

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

General issues

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

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

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.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

General issues

The subject land is of such a size to accommodate the use and development, with no notable encumbrances in terms of landscape features or incompatible land uses. The development would not impact on the potential for the subject land to be used for agricultural purposes, with the permit applicant providing information regarding a proposed agricultural use of the

site. Given the size of the land and location proximate to dwellings in a General Residential Zone, agricultural productivity of the land is tempered in any event. The proposed dwelling will sit within the landscape well setback from Townsend Street, appearing as a typical rural dwelling in this context.

Agricultural issues

The proposed works will directly remove the land on which it is sited from theoretical agricultural production; however this is the case with all physical works to occur in the Farming Zone. The greater concern regarding the removal of land is the indirect removal of a parcel from agricultural production due to change in land use.

Given the size and location of the land, the agricultural activities proposed by the applicant reflect an achievable and acceptable level of agricultural intensity for the site. The proposal will not lead to a concentration or proliferation of dwellings in the Farming Zone, as the characteristics of the subject land relating to its size, location and abutting land uses are not readily found in the surrounding landscape.

Accommodation issues

The siting of the dwelling will ensure that it is not adversely affected by agricultural activities on adjacent and nearby land, and conversely that it will not affect such activities itself. Due to the size, location and interface of the land, it is highly unlikely that it would be sought to expand another agricultural activity in the area. As noted above, the proposal will not lead to a concentration or proliferation of dwellings in the area given its context.

Environmental issues

The siting of the dwelling is setback from the LSIO applying to the subject land and associated development encumbrances. No vegetation removal is required for the dwelling and its defensible space due to the siting of same and absence of such items on the land. Review of GMW service mapping indicates that reticulated sewer is available to the land. Pursuant to Clause 35.07-2, the dwelling will be required to connect to the reticulated sewer network if this is available from GMW. If GMW does not allow such a connection, the land has ample space for the treatment and retention of wastewater.

Design and siting issues

The dwelling and outbuildings are expected to be constructed in colours and materials typical of a rural environment and will not be a dominant feature in the landscape, which will be reinforced by permit conditions. The dwelling is appropriately separated from the agricultural lots to the south-east, minimising the prospect of adverse impacts on any surrounding agricultural uses (noting the site context as an interface of FZ, GRZ and IN1Z).

The subject land and surrounding area are not identified in the Planning Scheme as being of particular importance with regards to architectural, historic or scientific significance, or of natural beauty or importance (i.e. by application of a Heritage Overlay, Significant Landscape Overlay or Design and Development Overlay). The new dwelling will be required to be connected to all available reticulated services that are available to the lot.

Based on the above, it is considered that the proposal is supported by the relevant decision guidelines of the Farming Zone and is an appropriate use and development for the subject land.

Overlay Provisions:

Clause 44.06 – Bushfire Management Overlay (BMO)

44.06-2 Buildings and works

A permit is required to construct a building or construct or carry out works associated with the use of land for accommodation.

Particular Provisions:

Clause 53.02 – Bushfire Planning

53.02-1 Application

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Planning Response:

The development triggers a permit under the BMO and the requirements of Clause 53.02 Bushfire Planning apply. The application has been referred to the CFA, which have provided conditional consent to the grant of a permit.

The permit applicant has provided the Bushfire Hazard Landscape Assessment (BHLA), Bushfire Hazard Site Assessment (BHSA) and Bushfire Management Statement (BMS) as required by Clause 44.06. The bushfire assessment has characterised surrounding vegetation as 'grassland' and 'forest' with subsequent impacts on the defendable space and BAL construction standards required. This assessment is supported and reflective of vegetation characteristics based on the criteria of AS3959-2018.

The BMO Technical Guide identifies four landscape types in which to assess landscape risk (with 1 being the lowest and 4 being the highest risk). It is considered that the proposal falls within a Type 2 landscape under the Guide.

Type 2 landscapes are defined as:

- *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.*
- *Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.*
- *Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.*

As the subject land is located within the Farming Zone, the requirements of Clause 53.02-4 (Pathway 2) apply. This requires the Responsible Authority to consider the following measures:

Clause 53.02-4 – Bushfire protection objective

Clause 53.02-4.1 – Landscape, siting and design objectives

- *Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.*
- *Development is sited to minimise the risk from bushfire.*
- *Development is sited to provide safe access for vehicles, including emergency vehicles.*
- *Building design minimises vulnerability to bushfire attack.*

This clause provides a series of approved measures which typically indicate that the objective has been met for the proposal; including:

Measure	Requirement
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.
AM 2.2	A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none">▪ The maximum separation distance between the building and the bushfire hazard.▪ The building is in close proximity to a public road.▪ Access can be provided to the building for emergency service vehicles.
AM 2.3	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

The proposed dwelling is sited to ensure the proposal best achieves the maximum separation distance between the building and the bushfire hazard having regard to all relevant permit triggers and planning scheme objectives, commensurate with the objectives of the Clause. The dwelling is sited in close proximity to Townsend Street; with access available for emergency service vehicles in accordance with Clause 53.02. Bushfire risk to the site is mitigated to an acceptable level by the provision of suitable defensible space on site. The works are suitably designed to minimise bushfire risk, by minimising the areas where fuel can build up which will reduce the impact of any fire event on the building.

While landscape risk cannot be eliminated, the subject site is not in an area of extreme bushfire risk or where fire fronts can grow in intensity for an extended time prior to a fire front hitting the site. The vegetation types around the site are not known for creating high intensity fire fronts, such that in the event of a bushfire emergency, fire intensity to the subject land will be lessened as a result.

Based on the above, approved measures 2.1-2.3 are considered to be met and the underlying objectives have been achieved.

Clause 53.02-4.2 – Defendable space and construction objectives

- *Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.*

Measure	Requirement
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"> ▪ Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or ▪ If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5. <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</p>

The application has calculated defendable space requirements based on Column A of Table to Clause 53.02-5, which is provided wholly within the site. Additional defendable space could also be provided, noting that the presence of an on-site manager will lead to better land management outcomes than currently allowed for. It is therefore considered that the approved measure has been met.

Clause 53.02-4.3 – Water supply and access objectives

- *A static water supply is provided to assist in protecting property.*
- *Vehicle access is designed and constructed to enhance safety in the event of a bushfire*

Measure	Requirement
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> ▪ A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. ▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>

The proposed dwelling provides a static water supply in accordance with Table 4 to Clause 53.02-5, and vehicular access in accordance with Table 5. There are no concerns regarding these items or the practicality of each.

Clause 53.02-4.5 – Decision Guidelines

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

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.*

- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*
- *Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.*
- *Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.*
- *Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- *If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.*

The decision guidelines of this Clause provide that a development can still be supported, even if one or more objectives are not met; having regard to the overall risk profile of the development. While it is trite to observe that the subject site is not immune from bushfire risk, the proposed mitigation measures captured though this development provide an appropriate level of defence and land management measures to ensure that the risk is reduced to an acceptable level. The measures proposed can be readily and practically implemented on the site and the risk to the site overall is low in context of BMO planning applications.

For these reasons, it is considered that the proposal satisfactorily addresses bushfire risk to the site.

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.

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone, Bushfire Management Overlay and Clause 53.02 are appropriately met, with the development considered to appropriately ensure the protection of human life and achieve the purpose of the Farming Zone. 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 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 overlay as discussed above.

Clause 44.06 Bushfire Management Overlay

The proposal complies with the purpose and decision guidelines of Clause 44.06 for the reasons outlined in the planning response to the overlay as discussed above.

Clause 53.02 Bushfire Planning

The proposal complies with the purpose and decision guidelines of Clause 53.02 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 Farming Zone, Bushfire Management Overlay and Clause 53.02 Bushfire Planning in the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

27/05/2021 The application was received.
23/06/2021 Further information was requested
28/07/2021 The application was amended by the applicant.
11/08/2021 Further information was requested in relation to the amended application
11/08/2021 Fee Paid
09/09/2021 Further information was received.
23/09/2021 The application was referred to the CFA and WCMA.
23/09/2021 The application was advertised.
29/09/2021 The WCMA provided conditional consent to the grant of a permit.
05/10/2021 The CFA provided conditional consent to the grant of a permit.
18/10/2021 The additional Fee was paid.
19/10/2021 Statutory Declaration returned
24/11/2021 The report is being presented to Council at the meeting held 24 November, 2021 (37 days).

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

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

Nil

Risk Management Implications:

Nil

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

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

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

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Planning Permit if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1723-2021 for the use and development of a dwelling, development of a domestic outbuilding and development of an agricultural outbuilding on the subject land known as 51-59 Townsend Street Nhill (Lot 1 TP625262V Parish of Balrootan), subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.***

The plans must be generally in accordance with those submitted to Council on 9 September 2021, drawn to a suitable scale (i.e. 1:100, 1:200 etc) and fully dimensioned, showing the following:

- a) Floor plan of the dwelling to show layout/location of all relevant dwelling features (such as kitchen sinks, food preparation facilities, bath and shower, toilet and wash basin etc);***
- b) Floor plans of the outbuildings to show any installed appurtenances;***
- c) Materials and finishes to be annotated on elevation plans, including colour names where known; and***
- d) Roof pitches to be annotated on the elevation plans.***

Endorsed Plans

- 2. 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.***

Works Requirements

- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 4. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street to the satisfaction of the Responsible Authority.***
- 5. The exterior colour and cladding of the approved buildings must be of a non-reflective nature and painted or have a pre-painted finish in a natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

Use of a Dwelling in the Farming Zone

- 6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***

- 7. Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.**
- 8. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
- 9. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

Outbuilding Condition

- 10. The outbuildings on the land must not be used for human habitation at any time.**

Engineering Conditions

- 11. Prior to the commencement of the use, access to the land must be provided at the full cost of the permit holder in accordance with the Infrastructure Design Manual Standard Drawing SD-255 to the satisfaction of the Responsible Authority.**

Mandatory Bushfire Condition

- 12. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed**

Country Fire Authority Condition

- 13. The Bushfire Management Plan – Bushfire Management Plan (version 2; dated 16.03.2021); prepared by Restwell Consulting Services must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

Wimmera Catchment Management Authority Condition

- 14. Finished floor levels of the dwelling, shed and garage must be constructed no lower than 125.40 metres Australian Height Datum (AHD).**

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

Time Limit

- 15. This permit will expire if one of the following circumstances arises:
 - a) The development is not started within two (2) years of the date of issue of this permit; or****

- b) The development is not completed and the use commenced within four (4) years of the date of issue of this permit.***

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

Notes:

Planning

A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval applies.

Building

This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.

Engineering

A Consent to Works within Road Reserve Permit must be obtained from Council's Engineering Department (Phone 03 5391 4444) prior to the construction of the crossover.

Attachment Number: 13

8.5 PLANNING PERMIT APPLICATION PA1749-2021 – USE OF THE LAND FOR THE SALE AND CONSUMPTION OF LIQUOR ASSOCIATED WITH A FOOD AND DRINK PREMISES AND SHOP AT 7-9 LOCHIEL STREET, DIMBOOLA, VIC 3414

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	086060
Application No:	PA1749-2021
Applicant:	Chan Uoy, Houlie Doulie Pty Ltd
Owner:	Chan Uoy
Subject land:	7-9 Lochiel Street Dimboola VIC 3414 (Lot 1 on Title Plan 824913U)
Proposal:	Use of the land to sell and consume liquor associated with a Food and Drink Premises and Shop
Zoning and Overlays:	Commercial 1 Zone (C1Z) Environmental Significance Overlay Schedule 6 (ESO6) Heritage Overlay Schedule 34 (HO34)
Relevant Clauses:	Clause 52.27 Licensed Premises
Attachment Numbers:	14 – 15

Summary:

This report recommends that Council approve Planning Permit PA1749-2021 for the Use of the land to sell and consume liquor associated with a Food and Drink Premises and Shop at 7-9 Lochiel Street, Dimboola, VIC 3414 (Lot 1 on Title Plan 824913U), subject to standard conditions.

Background:

Planning Application PA1749-2021 was lodged with Council on 15 September 2021. The application fee was paid on 21 September 2021. The planning application form was amended with written consent from the applicant on 4 October 2021.

The applicant is proposing to apply for a Restaurant and Café Liquor Licence from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to allow for alcoholic beverages to be served with food both indoors and outdoors as part of an expanded business to include a food and drink premises within part of the existing shop building and outdoor area. A planning permit is required to be issued first before the applicant can apply to the VCGLR for a liquor licence.

Proposal details:

The proposal is for the use of the land to sell and consume liquor associated with a Food and Drink Premises and Shop on the subject land. The applicant has described the proposal as follows:

'The proposed trading hours will be the same as regular Cafe and Restaurant trading hours stipulated by the Victorian liquor license authority: Monday to Sunday 10.00 am till 11.00 pm. The number of patrons is forty people inside, twelve people on the footpath and 40 people for the side garden. Please amend the number of patrons on my application too. The red line areas are the former bank space, including the chamber, bank manager's office and the vault, the footpath in front of the shop and the side garden. In the centre of town, there is only the Victoria Hotel and Dimboola Store with on-premise liquor licences. The Dimboola Imaginarium will not impact those businesses as the idea is to provide an experience for customers when those businesses are closed in the late afternoon. The concept is to provide afternoon tea and light refreshments for locals and tourists when such offerings are lacking. The proposal contributes to the town's renaissance by adding vibrancy in the form of alfresco dining and new experiences craved by locals and travellers alike.'

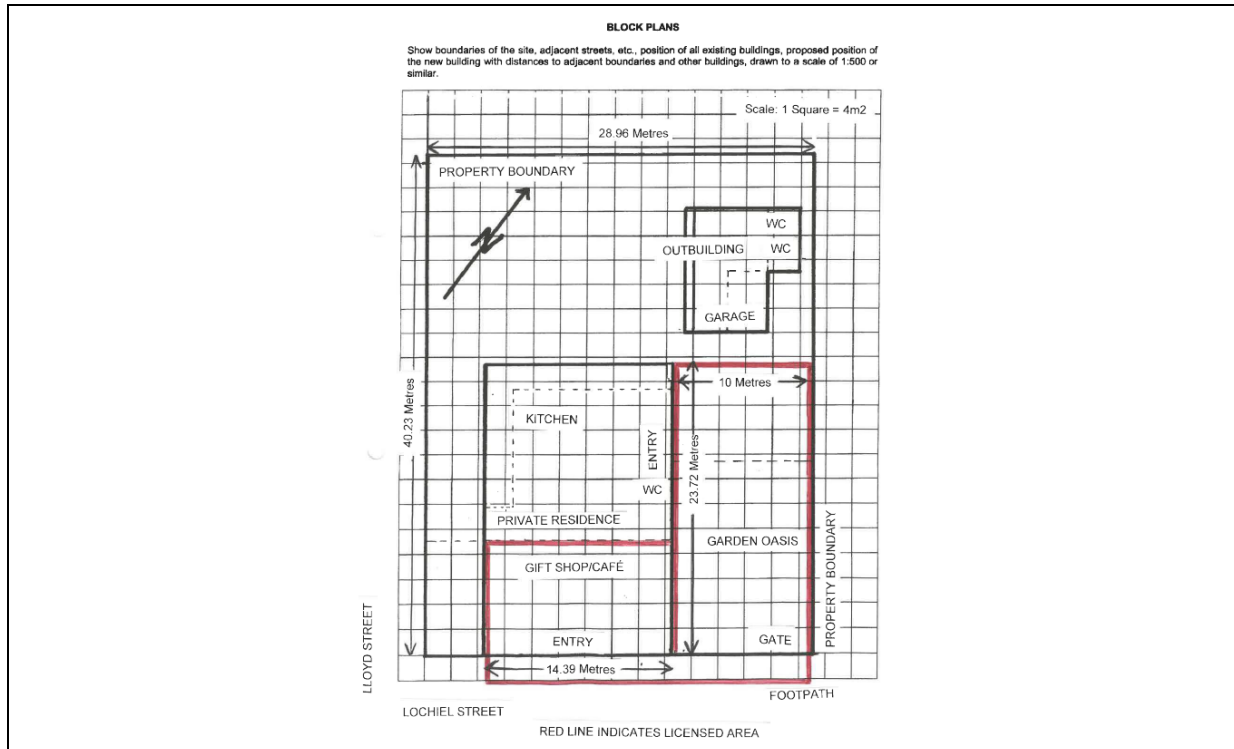
The proposed hours and days of trading for the liquor licence (Restaurant and Café Licence) will need to be in accordance with the VCGLR hours, as follows:

- Sunday: 10.00am to 11.00pm.
- Good Friday: 12.00noon to 11.00pm.
- ANZAC Day (not being a Saturday or Sunday): 12.00noon to 11.00pm.
- Any other day: 10.00am-11.00pm.

A maximum of 80 patrons are proposed to attend the food and drink premises on the site to be served alcoholic beverages, which includes 40 patrons within the building and 40 patrons

in the outside area for the liquor licence. An additional 12 patrons are on the footpath for the liquor licence. The proposed red line area plan submitted shows the area where liquor will be sold and consumed is limited to the gift shop/café part of the building and the outdoor area on the site, in addition to the footpath in front of the site.

Proposed Red Line Area Plan below:



Requirement for Permit:

The subject land is located within the Commercial 1 Zone, the Environmental Significance Overlay and the Heritage Overlay Schedule 34.

A planning permit is required to use land to sell or consume liquor as the following applies:

- A licence is required under the *Liquor Control Reform Act 1998*.

A planning permit is not required for the proposed Food and Drink Premises use, as this is a Section 1 – Permit not required – use pursuant to Clause 34.01-1 of the Commercial 1 Zone.

There are no buildings and works proposed, so there are no planning permit triggers under Clause 34.01-4 Buildings and works of the Commercial 1 Zone, Clause 42.01-2 of the Environmental Significance Overlay and Clause 43.01-1 of the Heritage Overlay Schedule 34

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 as the use is not a listed activity and the site is not within land affected by Aboriginal Cultural Heritage Sensitivity pursuant to the *Aboriginal Heritage Regulations 2018*.

Subject Site and Locality

The subject site is located on the north-western side of Lochiel Street and is occupied by a retail premises which is used as a Shop and Food and Drink Premises (*The Dimboola Imaginarium*).

The site is situated on the northern edge of the commercial centre of Dimboola. The site adjoins commercial uses to the south, east and west and a residential area to the north.

The site also adjoins the Road Zone Category 1 (Dimboola Rainbow Road) to the west.

The site is within the Commercial 1 Zone (C1Z), the Environmental Significance Overlay Schedule 6 (ESO6) and the Heritage Overlay Schedule 34 (HO34).

The adjoining land to the south is also within the Commercial 1 Zone, the Environmental Significance Overlay Schedule 6 (ESO6) and the Heritage Overlay Schedule 34 (HO34). The adjoining land to the north is within the General Residential 1 Zone and the Environmental Significance Overlay Schedule 6 (ESO6).

Aerial Photo of the site and surrounds below (POZI):



Advertising:

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two public notices on the site including one public notice on site fronting Lochiel Street and one public notice fronting Lloyd Street for a period of 14 days.
- Placing a public notice in the local newspaper, The Dimboola Banner.
- The application being made available for public viewing on Council's website.

The notification has been carried out correctly by Council (letters and website) and the applicant (public notice).

A statutory declaration form has been received from the applicant.

Council has not received any objections to date.

Referrals

External Referrals

Section 55

No referrals required.

Section 52

VCGLR – No response received.

Police – No response received.

Internal Referrals

The application was referred internally to the following Department:

- Environmental Health – No actions required.

Planning Scheme:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-6 Economic Development

Clause 02.04 Strategic Framework Plans - Dimboola Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement- Wimmera Southern Mallee

Clause 15.01-5S Neighbourhood character

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.02-1S Business

Clause 17.04-1S Facilitating tourism

Clause 17.04-1R Tourism - Wimmera Southern Mallee

Planning Response:

The proposal is supported by the relevant planning policies in the MPS and PPF relating to Settlement and Economic Development. The proposal will provide economic opportunities for the existing retail business by allowing for the expansion of the business and further encouraging tourism within Dimboola in accordance with Clauses 17.01-1S, 17.01-1R, 17.02-1S, 17.04-1S and 17.04-1R.

Clause 34.01 – Commercial 1 Zone

There is no planning permit required under the zone.

Clause 42.01 Environmental Significance Overlay Schedule 6

There is no planning permit required under this overlay.

Clause 43.01 Heritage Overlay Schedule 34

There is no planning permit required under this overlay.

Particular Provisions

Clause 52.27 Licensed Premises

Purpose

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Planning Response:

- There is no Section 55 Referral required to the VCGLR under Clause 66 of the Scheme as the proposed hours will not extend past 1am.
- The proposal complies with Municipal Planning Strategy and the Planning Policy Framework as discussed above.
- The sale or consumption of liquor proposed by the Restaurant and Café Liquor Licence will not adversely impact on the amenity of the surrounding commercial and residential area.
- The proposed hours of operation within this Commercial 1 Zone are appropriate and are unlikely to have any impacts on the amenity of the surrounding area. However, the hours will need to be limited to commence from 12noon rather than 10.00am on Good Friday and ANZAC Day to ensure consistency with the VCGLR hours that would be allowed on those two public holidays. The appropriate hours will be managed by a condition on any decision.
- The proposed number of patrons (80) for the premises to be licensed to be sell liquor on the site will not adversely impact on the amenity of the area. The additional 12 patrons for the sale of liquor on the footpath is acceptable in principle and requires formal approval from Local Laws. This will be included as a note on any decision.
- There will be no cumulative impacts from proposed licensed premises and the proposed hours and patrons for the licensed premises will not affect the amenity of the surrounding area.

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, relevant matters, as appropriate.

Planning Response:

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework, having regard to the economic benefit the proposal will have for the existing retail business to have a liquor licence associated with the food and drink premises and shop uses. The proposal will not impact on the amenity of the area and will facilitate the orderly planning of the area to comply with this Clause.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, Clause 52.27 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

15/09/2021 Application lodged
21/09/2021 Application fee paid
04/10/2021 Further information requested
04/10/2021 Response to further information and written consent received for Council to amend the application received pursuant to Section 50 of the *Planning and Environment Act 1987*
19/10/2021 Public Notice instructions sent to applicant
19/10/2021 Public notification commenced – letters sent
19/10/2021 Public notice (sign) erected on site by the applicant
21/10/2021 External referrals to VCGLR and Police and Internal referral to Environmental Health sent
25/10/2021 Internal referral from Environmental Health received
08/11/2021 Statutory declaration for the advertising received from the applicant
24/11/2021 Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 November 2021 (21 statutory days).

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

Link to Council Plan:

Objective – Facilitating and supporting economic development.

Objective – Develop and promote local tourism opportunities that attract visitation.

Financial Implications:

The proposal will have positive financial implications through a potential increase in the retail premises business and potential to attract visitors to Dimboola.

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 restricting business opportunities 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 – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

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

RECOMMENDATION:

That Planning Permit PA1749-2021 be approved, for the Use of the land to sell and consume liquor associated with a Food and Drink Premises and Shop at 7-9 Lochiel Street, Dimboola VIC 3414 (Lot 1 on Title Plan 824913U), 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.***

Hours of Operation

- 2. The sale and consumption of liquor must not occur outside the following hours:***
 - Sunday: between 10.00am-11.00pm.***
 - Good Friday: between 12.00noon-11.00pm.***
 - ANZAC Day (not being a Saturday or Sunday): between 12.00noon-11.00pm.***
 - Any other day: between 10.00am-11.00pm.******Unless otherwise approved in writing by the Responsible Authority.***

Amenity

3. *The use for the sale and consumption of liquor approved by this permit is to be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority.*

Permit Expiry - Use

4. *This permit will expire if one of the following circumstances applies:*
a) *The use is not started within two years of the date of this permit.*

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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Note:

The sale and consumption of liquor to the 12 patrons on the footpath will require formal approval from Council's Local Laws Department.

Attachment Numbers: 14 – 15

8.6 LATE REPORT – PLANNING PERMIT APPLICATION PA1730-2021 – USE AND DEVELOPMENT FOR A SECOND DWELLING AND SHED – 2657 DIMBOOLA-RAINBOW ROAD, TARRANYURK, VIC, 3414

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 78160
Application No. PA1730-2021
Applicant: Sharnie Jaeschke
Owner: Adrian Jaeschke
Subject Land: 2657 Dimboola-Rainbow Road Tarranyurk, VIC, 3414 (Lot 1 on Plan of Subdivision 839026D)
Proposal: Use and development for a second dwelling and shed
Zoning & Overlays: Farming Zone (FZ) & Township Zone (TZ)
Adjoins a Road Zone Category 1 (RDZ1)
Attachment Numbers: 28 – 30

Summary:

This report recommends that Council approve Planning Permit PA1730-2021 for the Use and development for a second dwelling and shed at 2657 Dimboola-Rainbow Road Tarranyurk, VIC, 3414 (Lot 1 on Plan of Subdivision 839026D), *subject to conditions.*

Background:

Planning advice was provided to the owners that the proposal for a new building on the land was not defined as a Dependent Persons Unit, due to its design not being moveable and the location being some distance away from the existing dwelling to the south on the same lot within the Township Zone. The owners were advised that the building is defined as a Dwelling and a planning permit is required.

The application was submitted to Council on 29 June 2021. Further information was requested on 13 July 2021 with final response received 03 August 2021. The application fee was paid on 3 August 2021.

Proposal Details:

The application proposes the use and development for a second dwelling and shed on the subject land.

The proposed second dwelling will be located on the northern part of the land within the Farming Zone. There is an existing dwelling located on the southern part of the land within the Township Zone. The proposed dwelling comprises one (1) bedroom, an open plan kitchen and living area, a bathroom and an open verandah on the northern side of the dwelling. The dwelling will be set back 26.1m from the east boundary to Dimboola-Rainbow Road and 32.49m from the northern side boundary. A septic tank and effluent disposal area is proposed on the northern side of the dwelling and a rain water tank is proposed to the south-west of the dwelling.

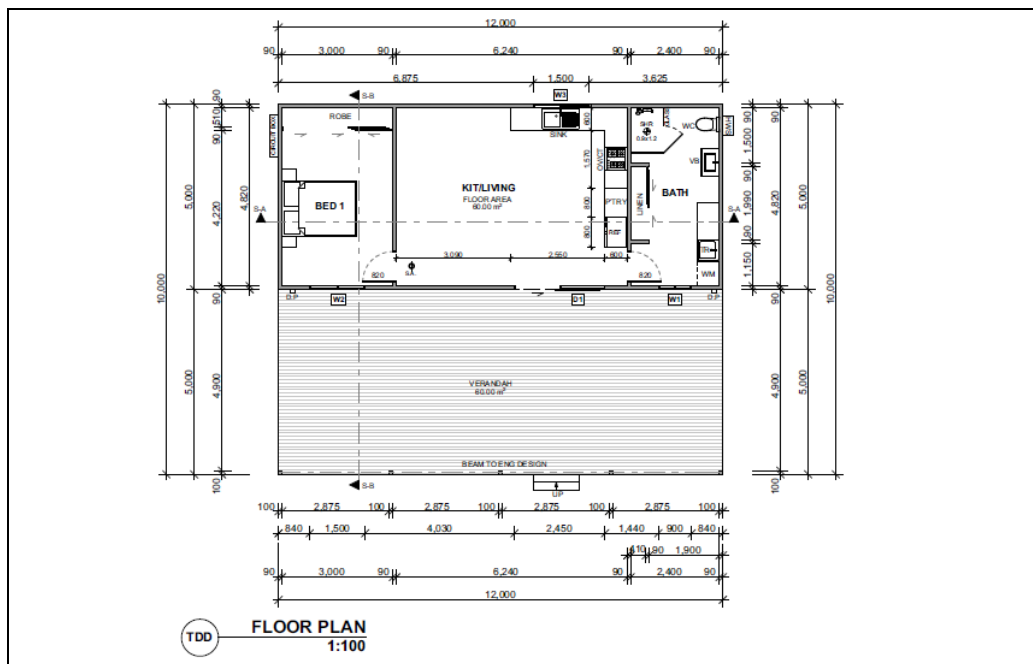
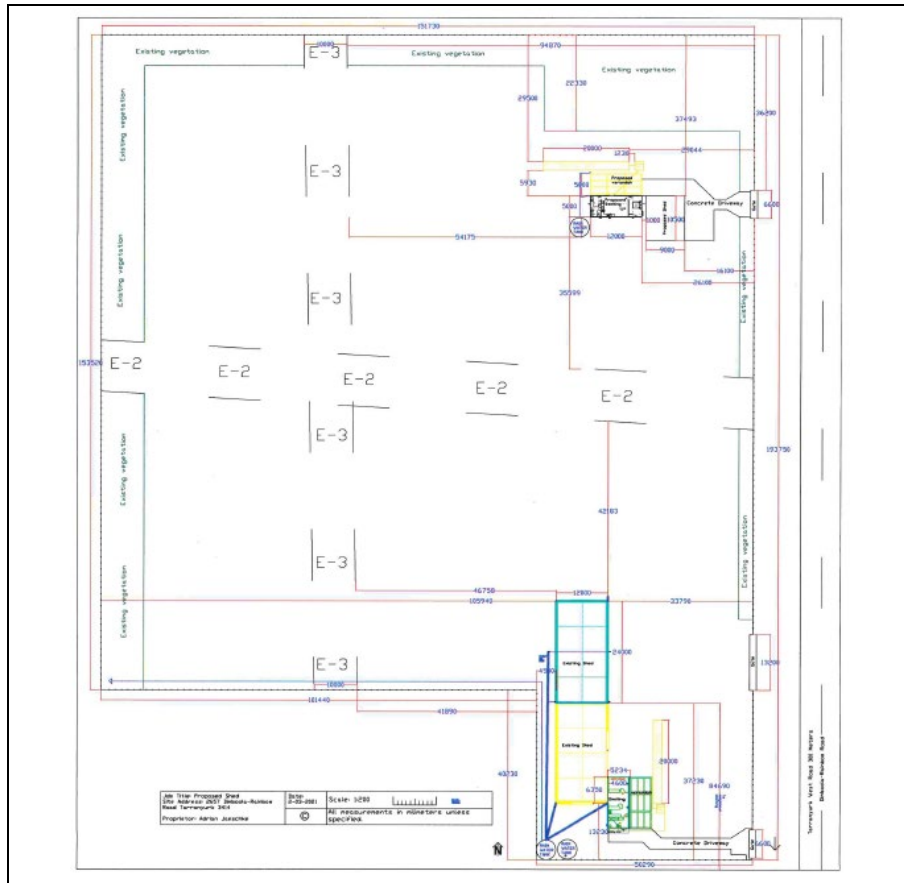
The proposed shed will be located to the south-east of the dwelling and will be set back 16.1m from Dimboola-Rainbow Road and 37.49m from the northern side boundary. The shed will have dimensions of 10.5m long by 9.0m wide with an area of 94.5m². There are no elevations of the proposed shed submitted with the application.

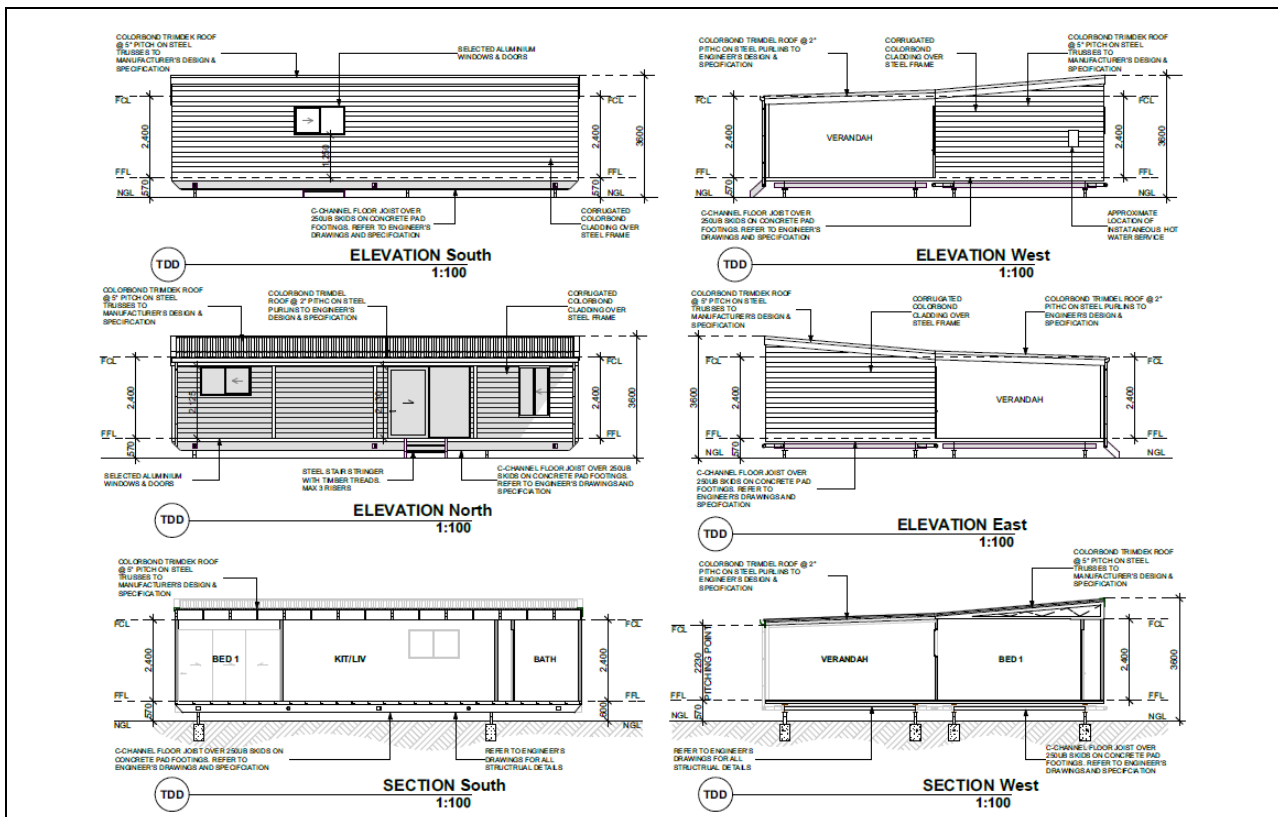
The applicant has stated that *'the use of the proposed shed will be for domestic storage for the second dwelling (e.g. car, personal effects, gardening materials etc). As the shed will be used by an elderly person we want it to be big enough so they can easily move around the vehicle with all doors open.'*

The proposed dwelling and shed will both be constructed in Colorbond cladding in a light grey colour with detailing of windows, doors and gutters in a white colour.

Vehicle access to the dwelling and shed will be from a new 6.6m wide crossover to be constructed from Dimboola-Rainbow Road in accordance with the requirements of the Department of Transport for the Head, for Transport Victoria.

Proposed Site Plan Floor Plan and Elevations of the Dwelling below:





Site History

Planning Permit PA1657-2020 was issued on 4 March 2020 for a two lot subdivision (re-subdivision of two lots) and plans were endorsed to the permit on 4 March 2020. The report for this approved subdivision permit acknowledged that *'the subdivision will facilitate the growth of an existing local business and will not remove a significant amount of agricultural land from production. The balance of the land (proposed Lot 2) to be retained for agricultural purposes.'*

Planning Permit PA1710-2021 was issued on 1 April 2021 for Development of an agricultural building (farm machinery shed) and plans were endorsed to the permit on 1 April 2021

Requirement for Permit:

The subject land is located within the Farming Zone and the Township Zone and is not affected by any Overlays.

A planning permit is required under Clause 35.07-1 Use and 35.07-4 Buildings and works of the Farming Zone, which states that a permit is required to use the land for second dwelling which is a Section 2 permit required use and for buildings works for a Section 2 use.

A planning permit is not required under the Township Zone as the use and development for a dwelling and shed is not proposed within this zone.

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.

Subject site & locality:

The subject site is located on the western side of Dimboola-Rainbow Road in Tarranyurk, VIC 3414. The subject site has an area of 2.532ha and is used for residential and warehouse purposes for the part of the land within the Township Zone. The part of the land within the Farming Zone is vacant and contains several trees in the north-east corner of the site. The site adjoins a Road Zone Category 1 to the east.

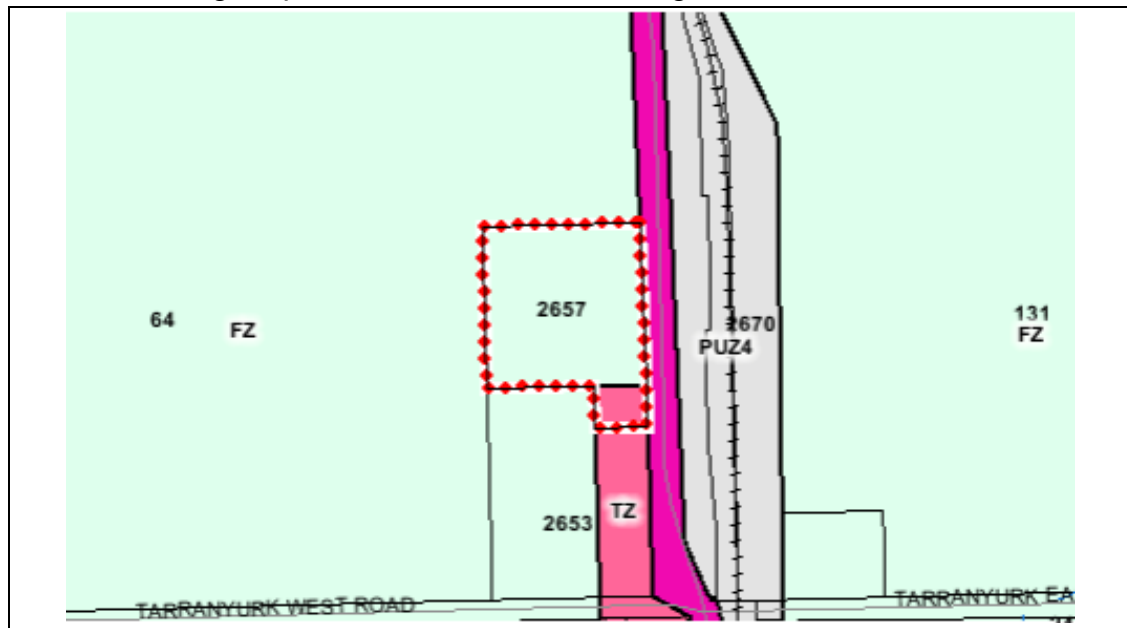
There are water supply and drainage easements (E-1, E-3 and E-4) and powerline easements (E-2 and E-4) that extend through the middle of the site in a north to south and east to west direction.

The site is surrounded by farming land used for cropping to the north and west. The land to the south at 2653 Dimboola-Rainbow Road is used for a rural industry and trade supplies use. There is a railway line and railway sheds located to the east on the opposite side of Dimboola-Rainbow Road which is within a Public Use Zone 4.

Aerial Photo of the site and surrounding area below (POZI)



Zoning Map of the site and surrounding area below:



Consultation:

Consultation was undertaken and included:

- Email correspondence with the applicant to clarify the details of the application.
- On-line meeting between Applicant, Town Planner and Manager Development.
- Follow up emails with the applicant while waiting for referral responses to be received.

Section 52 Notice of application:

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing a public notice on the frontage of the site to Dimboola-Rainbow Road for a period of 14 days.
- The application being made available for public viewing on Council's website.

A statutory declaration was received from the applicant. The notification has been carried out correctly by the applicant.

Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

Department of Transport (Head, Transport for Victoria)

Written advice provided by letter as follows:

The Head, Transport for Victoria has considered the application and in principle has no objection to the proposal, but would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

- 1. Prior to the commencement of the use hereby approved, the access crossover shall be constructed to the satisfaction of the Responsible Authority and at no cost to the Department of Transport.*

Further comments provided by email:

Generally driveway works on an arterial road do not require consent, just a planning permit. However, where these works are likely to have an impact on traffic on the adjacent road, such as a lane closure consent would be required.

If it is assessed that consent is required the applicant will need to complete the attached consent form and email it to NRIW.Western@roads.vic.gov.au. They may also require a MOA for traffic management.

I have attached some further information about working in the road reserve and all information can be found below.

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

Powercor:

Does not object to the issue of a planning permit and requires conditions.

Section 52 Referrals

Wimmera Catchment Management Authority (Wimmera CMA):

Does not object to the granting of a permit and a note about the possible flood extent.

GWM Water:

No objection to the planning permit being issued.

Internal Referrals:

Engineering:

Comments provided, and condition required as detailed below.

Environmental Health:

Comments provided and standard conditions required.

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 14.01-1S Protection of agricultural land

Clause 14.01-1R Agricultural productivity – Wimmera Southern Mallee

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The previous re-subdivision of two existing lots that created the subject lot effectively removed the lot from agricultural production that continues to be carried out on the adjoining land to the west. As such, there is no loss of productive agricultural land as the lot has already been lost for any agricultural purpose and is currently used for rural residential and rural industrial purposes.

The second dwelling and shed will have reasonable setbacks of 32.49m and 37.49m from the northern lot boundary from the adjoining the broad scale cropping land to the north and will be partly screened by existing vegetation, which is unlikely to create potential land use conflicts.

There are no elevations of the shed submitted with the application, which will be required as an amended plans condition on any decision.

The access to the lot will require the creation of the new crossover from Dimboola-Rainbow Road, which is a Road Zone Category 1. The Department of Transport has advised they have no objections to the creation of a new access

On balance, the proposed second dwelling use and development and the development of an associated shed will satisfy the relevant provisions of the MPS and PPF subject to conditions.

Zoning Provisions

Clause 35.07 Farming Zone (FZ)

35.07-1 Table of Uses

A permit is required for the use of a second Dwelling which is a Section 2 Use under this Clause.

35.07-2 Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

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

Planning Response:

The proposed second dwelling complies with the relevant decision guidelines in the zone for the following reasons:

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 2013-2019.
- The existing 2.532ha rural residential lot is capable of accommodating the proposed use and development for a second dwelling given the lot has previously been removed from agricultural use.
- The proposed second dwelling will not result in sustainable land management as the lot is no longer used for agriculture.
- The proposal will be generally compatible with the adjoining and nearby agricultural land uses.
- The proposal makes use of some existing infrastructure and services and new infrastructure and services are also required. A new vehicle crossover and access will need to be constructed to the dwelling to meet the requirements of the

Department of Transport's (Head, Transport for Victoria), condition and to provide an all-weather access to the dwelling to comply with Clause 35.07-2. Conditions will be required for services to be connected as required by the relevant authorities.

Agricultural issues and the impacts from non-agricultural uses

- The proposed use and development will not support or enhance agricultural production.
- The subject lot is no longer used for agricultural activities having been removed from agricultural production due to a previous subdivision to re-subdivide two lots to have a smaller lot of 2.532ha containing a dwelling and shed within the TZ and FZ to enable the expansion of the existing manufacturing business.
- The proposal will not have in any adverse effect on soil quality and does not remove any land from agricultural production as the lot is currently used for rural residential and rural industrial purposes.
- The proposal is unlikely to limit the operation and expansion of adjoining and nearby agricultural uses due to the 32.49m minimum setbacks of the dwelling from the closest agricultural land to the north.
- There is no applicable land management plan for the site.

Accommodation issues

- The proposed dwelling will not result in the loss or fragmentation of productive agricultural land as the TZ and FZ parts of the subject lot have been removed from any farming activities and the lot is in separate ownership to the adjacent cropping land.
- The proposed dwelling is unlikely to 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 given the reasonable boundary setbacks of more than 32.49m and the existing vegetation that provides some screening to the north.
- The dwelling is unlikely to adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The proposal will increase the number of dwellings in the area by one, but this lot is already not used for agriculture. The proposal will not lead to a concentration or proliferation of dwellings in the area and will not impact on the use of the adjacent land for agriculture.

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 site and surrounding land have been largely cleared of native vegetation due to historical broad acre cropping and other farming activities. The existing vegetation in the north-east corner of the site will be retained and provides some screening between the dwelling and the cropping land to the north.
- The proposal is unlikely to have any impacts on flora and fauna in the locality.

Design and siting issues

- The proposed second dwelling and shed within the FZ will not be in the same area as the existing dwelling and shed within the TZ which is not ideal. However, the siting of the dwelling and shed to be 32.49m and 37.49m from the northern boundary will minimise any adverse impacts of the proposal on surrounding agricultural uses and there will be no loss of productive agricultural land.
- The siting, design, height or bulk, colours and materials for the development are unlikely to impact on the natural environment, major roads, vistas and water features and will minimise any adverse impacts. Elevations of the proposed shed are required as a condition for amended plans.
- The construction of a new dwelling is unlikely to have an adverse impact on the character and appearance of the area.
- The proposed dwelling will need to be connected to the required infrastructure to comply with current standards. The access to the dwelling will need to be constructed as an all-weather access road to comply with Clause 35.07-2. The waste water system required for the proposed dwelling will require a septic tank permit from Council's Environmental Health Unit and the design of the system must comply with the Environment Protection Act 2017 and the relevant regulations. A potable water supply is also required for the dwelling, which can be addressed by the rain water tank shown on the submitted plans. Conditions are required to provide all the necessary infrastructure for the dwelling.
- The use and development for the new dwelling will require traffic management measures in terms of the construction of a new crossover and all weather vehicle access. Conditions are required for the new crossover on Dimboola-Rainbow Road to be constructed to the requirements of the Department of Transport (Head, Transport for Victoria) and the all weather access to be constructed to the Responsibility Authority's standards.

Overlay Provisions

Nil

Particular Provisions

Clause 52.29 Land Adjacent to a Road Zone Category 1

52.29-2 Permit requirement

A permit is required to:

- Create or alter access to:
 - A road in a Road Zone, Category 1.

52.29-4 Referral of applications

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be referred to the Head, Transport for Victoria under section 55 of the Act.

52.29-5 Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

52.29-6 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

Planning Response:

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The Department of Transport (DOT) for the Head, Transport for Victoria has advised they have no objections to the proposal subject to a condition requiring the access crossover to be constructed to the satisfaction of the Responsible Authority and at no cost to DOT. This condition will be included on any permit issued. There will be no adverse effects of the proposal on the operation of the road and on public safety.

The proposal therefore complies with the decision guidelines of this Clause subject to conditions.

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.

Planning Response:

The proposal complies with the relevant decision guidelines as outlined above. The proposal complies with the MPS and PPF given the subject lot has already been removed from agricultural productivity due to the previous subdivision that created the subject lot and the adjacent balance lot that was retained for agricultural purposes. The additional one dwelling on this lot will not alter the established rural residential nature of the use of the subject lot. The proposed shed is acceptable provided elevations of the shed are submitted as amended plans, which will be addressed as a condition.

The proposal will not impact on the environment and amenity of the area. The proposal will enable the orderly planning of the area. The proposal therefore complies with Clause 65.

Discussion:

The proposal will allow for the additional second dwelling and associated shed on a rural residential lot that has already been removed from agricultural activities as a result of a previous planning decision. The proposal will satisfy the relevant planning policies in the MPS and PPF. The proposal will generally comply with the relevant decision guidelines of the FZ as outlined above.

The proposed second dwelling will be located on a 2.532ha lot rural residential lot and will require a separate crossover and all-weather vehicle access to be constructed from Dimboola-Rainbow Road in accordance with the condition required by the Department of Transport (Head, Transport for Victoria), and other relevant conditions. Elevations of the shed are required as a condition for amended plans.

The proposal will not adversely impact on the amenity of the area and will enable the orderly planning of the area in accordance with Clause 65 subject to conditions discussed above being satisfied.

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework, the Farming Zone, Clause 52.29 and Clause 65.

Report to Council:

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

Processing Times:

29/06/2021	Application submitted
13/07/2021	Further information requested
03/08/2021	Final response to request for further information
03/08/2021	Application fee paid
09/08/2021	External Section 55 Referral to Department of Transport and Internal Referrals to Infrastructure and Environmental Health sent
09/08/2021	Engineering referral response received
10/08/2021	Environmental Health referral response received
11/08/2021	Advertising directions and letters sent
12/08/2021	Sign erected on site by the applicant
23/08/2021	External Section 52 Referrals to GWMWater and Wimmera CMA sent
31/08/2021	Wimmera CMA referral response received
01/09/2021	Statutory declaration received and advertising complete
08/09/2021	Powercor referral response received
10/09/2021	GWM Water referral response received

04/11/2021 DOT referral response received

24/11/2021 The report is being presented to Council at the meeting held 24 November 2021 (92 statutory days) as a late report

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

Link to Council Plan:

N/A.

Financial Implications:

The proposal will have positive financial implications through a potential increase in Rates income 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 – Angela Hoy, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the Planning Permit if approved.

RECOMMENDATION:

That Council approves Planning Application PA1730-2021 for the Use and development of a second dwelling and shed, at 2657 Dimboola-Rainbow Road, Tarranyurk, VIC, 3418 (Lot 1 on Plan of Subdivision 839026D), subject to the following conditions:

Conditions:

Amended Plans

1. *Before the commencement of the development, 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. The plans must be generally in accordance with the plans submitted with the application but amended to show:*
 - a) *Elevations for the proposed shed including a materials schedule to show subdued colours to match the dwelling.*

Endorsed Plans – Use and Development

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

General Requirements

3. *The buildings and the site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.*

Use for Second Dwelling

4. *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.*
5. *The wastewater from the dwelling must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 2017. In this regard, the wastewater system must be designed, approved and constructed in accordance with the relevant code of practice or regulation for on-site waste water management or a relevant alternative to the satisfaction of the Responsible Authority.*
6. *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
7. *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Stormwater

8. *Stormwater from the proposed dwelling must be disposed of on site to the satisfaction of the Responsible Authority.*

Environmental Health

9. *Before the commencement of the development approved by this permit, the permit holder or owner of the land must submit an 'Application to Install a Septic Tank System' to Council's Environmental Health Unit for a permit for alteration of the existing septic tank system or install new a septic tank system.*

- 10. An approved septic tank system must be installed concurrently with the construction of the dwelling and all waste must be disposed of within the lot in accordance with an approved land capability assessment report, to the satisfaction of the Responsible Authority.**

Department of Transport on behalf of Head, for Transport Victoria Condition

- 11. Prior to the commencement of the use hereby approved, the access crossover shall be constructed to the satisfaction of the Responsible Authority and at no cost to the Department of Transport.**

Powercor Australia Conditions

- 12. The letter (dated 8 September 2021) shall be supplied to the applicant in its entirety.**

- 13. 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).**

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- 14. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:**

- RESERVES established by the applicant in favour of the Distributor.**
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.**

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- 15. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.**

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements**
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:**

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

Use and Development Expiry

16. The use and development approved by this permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.**
- b) The development is not completed within four years of the date of this permit.**
- c) The use is not commenced within four years of the date of this permit.**

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

Notes:

Department of Transport on behalf of Head, for Transport Victoria

If it is assessed that consent is required the applicant will need to complete the attached consent form and email it to NRIW.Western@roads.vic.gov.au. They may also require a MOA for traffic management.

Some further information about working in the road reserve and all information can be found below.

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

Should you have any enquiries regarding this matter, please contact western.mail@roads.vic.gov.au.

Wimmera CMA

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

Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00186 in your correspondence with us.

Powercor

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au.

Attachment Numbers: 28 – 30

9 REPORTS REQUIRING A DECISION

9.1 WASTE MANAGEMENT

Responsible Officer: Director Infrastructure Services

Introduction:

This report recommends the introduction of the Glass Kerbside service to commence in 2022-2023, and for Council to authorise the CEO to sign a Memorandum of Understanding for the use of a glass crusher and authorise the CEO to identify savings in other budget areas of up to \$33,000, to offset the purchase of the glass crusher.

Discussion:

The State Government announced a Waste and Recycling Reforms Programme in 2019, with the intention of introducing a Container Deposit Scheme (CDS) in 2022/2023 and a four-bin collection service for waste, recyclables, and glass by 2027, and food organics garden organics (FOGO) by 2030.

Current waste and recycling contracts have been extended until 30 June 2022 under Ministerial Exemption.

Hindmarsh Shire's draft Transition Plan was developed in September 2020, with the glass roll out to commence in July 2025 and FOGO 2027-2028. The delayed introduction dates for both Glass and FOGO were sought, to allow Council time to gain a clearer understanding of the processing facilities available in the region.

Container Deposit Scheme

The State Government has announced a rollout of a Container Deposit Scheme (CDS) by 2023. The introduction of the scheme will have a positive effect on volume of recyclables collected kerbside. However there still remains uncertainty around exactly how the scheme will function, how many sites there will be in the shire, locations and who will operate the sites.

Glass

Grampians Central West Waste & Resource Recovery Group commissioned a waste and recycling kerbside bin audit in 2019. It was found that less than 10% of the waste and recycling bins product was non CDS glass. This figure was significantly lower than that of other audited Councils, which were above 15%. Again the uncertainty of the uptake of residents of the CDS will affect the volume of glass collected. Industry sources have advised that in NSW approximately 30% of CDS is not returned through the scheme.

Council currently have six kerbside collections per month (waste weekly and commingled and recycling fortnightly). The possibility of introducing Kerbside glass collection forward to 2022-2023 has also been considered. When this service is introduced, it is envisaged that the commingled and recycling collection will decrease by approximately 60-100 tonnes per year; therefore, bin collection frequency for the current 240 litre recycling bins may be changed to a monthly service along with glass. This would still leave Council with six collections per month.

Hindmarsh collects approximately 120t of CDS and non CDS glass per year. Wimmera Mallee Waste has estimated that if we were to remove glass from recycling we could save approximately \$230 per tonne in transportation, staging and gate fees etc. (saving \$27,600 per year). Additional savings may also be generated through higher compaction rates.

Yarriambiack Shire Council sought funding for the purchase of a glass crusher, which it intended to hire out to other Councils. Originally Hindmarsh Shire did not commit to this project and explored other avenues, but has since identified potential savings in participating in this process. Sustainability Victoria has provided funding of \$175,000 for the establishment of the \$350,000 glass processing infrastructure.

Yarriambiack Shire Council (lead Council) has drafted a Memorandum of Understanding (MOU) between Yarriambiack, Horsham Rural City, Buloke, West Wimmera and Hindmarsh Shire Councils for the purchase, operation and maintenance of a fixed glass processing facility at Warracknabeal Transfer Station, over a ten-year period.

Each Council will provide \$33,000 as its share of the facility and Yarriambiack will provide an additional \$10,000 of in-kind support to establish the infrastructure. The cost of crushing the glass (\$65 tonne) will be deducted from the initial "contribution" amount of \$33,000, until such time that the "credit" has been used up.

The proposal is that a site be set up in Warracknabeal and all Councils will deliver their glass to that site. The cost of transportation to Warracknabeal is estimated to be an additional \$10 per tonne. Councils have the option of delivering the glass and leaving it there, or taking a similar tonnage as a backload.

Processing glass locally will result in positive outcomes from a financial, environment and social perspective, ensuring a significant reduction in transportation costs to Melbourne. Glass can also be used in road pavement works, which will contribute to the preservation of prime non-renewable hard rock resources, where they currently cannot be substituted. This project will also demonstrate to the community that recycling programmes are still beneficial.

Council has been successful in obtaining \$460,760 funding for improvements to our transfer stations and glass drop off points at Netherby, Antwerp, Kiata and Yanac will also be upgraded.

Originally the drop off pads were to be concreted and skip bins installed. However, by changing the scope of works, providing an all-weather surface at the four locations and installing wheelie bins rather than skips, it is estimated that \$20,000 can be saved. The reduction in costs could then be used to help offset the cost of the kerbside glass bins. This proposal has been forwarded to the Department Environment, Land, Water and Planning for its consideration, while verbally agreeing, Council are still waiting on written confirmation of the approval.

The regularity of collection services if changed to 2022-2023 will be collected monthly for recyclables and glass. Residual waste collection will remain unchanged.

Food Organics Garden Organics (FOGO)

Council's Draft Transition Plan scheduled the introduction of Kerbside FOGO to commence in 2027-2028. However, Sustainability Victoria are advising Councils not to rush into this service as the processing facilities are still being developed.

Currently garden organics only can be delivered to the transfer stations.

Waste Strategy

The development of a waste strategy will provide future direction for waste management and resource recovery, in line with the objectives and goals of the State Government Waste and Recycling Reforms. It will establish and manage waste and resource recovery infrastructure that provide both effective and commercially viable services and will assist to gather data for a reliable evidence base to support planning service delivery and infrastructure investment. This will optimise diversion rates so that landfills are only receiving residual waste, from which all materials that can be viably recovered have been extracted.

Council has a budget allocation of \$20,000 in 2021/2022 to engage a consultant to undertake this work.

Kerbside Waste and Recycling Contracts

Council staff continue to work with Horsham Rural City Council, West Wimmera Shire Council and Yarriambiack Shire Council on a collaborative procurement process for the supply of waste services.

Options:

1. Council can bring forward the kerbside glass collection roll out to 2022-2023, allocating \$33,000 through identified savings by the CEO to offset the purchase of a mobile glass crushing unit and Council can enter into a Memorandum of Understanding with Yarriambiack Shire Council and three neighbouring Councils, for the purchase, operation and maintenance of a fixed glass processing facility. The initial cost is \$33,000 per Council. The cost of crushing the glass (\$65t) will be deducted from the initial "contribution" amount of \$33,000, until such time that the "credit" has been used up;
2. Council does not bring forward the kerbside glass collection roll out to 2022-2023 and

leaves the kerbside glass collection roll out until 2025-2026, as per the draft transition plan developed in 2020 (yet to be endorsed by Council) and Council can decide not to enter into a Memorandum of Understanding with Yarriambiack Shire Council and three neighbouring Councils, for the purchase, operation and maintenance of a fixed glass processing facility;

Link to Council Plan:

Built and Natural Environment: Environmentally sustainable.

Encourage the community to implement waste minimisation and management strategies through education and promotion. Continuous improvement of our waste management and transfer stations through upgrades and establishment of rural collection points for increased recycling use and waste services, including transition to a new waste strategy

Long-term financial Sustainability-Continue to focus on responsible financial management in budgeting and long term financial planning.

Financial Implications:

1. The four bin system must be cost effective for Council, to ensure that flow on costs to the ratepayers are minimised. The implementation of the CDS will reduce the amount of kerbside recycling and glass collections, the full effects on this are unknown at this point in time.
2. Purchase and use of recyclable materials will be dependent on cost effectiveness. Hindmarsh Council supported Ballarat's bid to build a materials recovery facility, which would assist Council to reduce transportation costs.
3. Purchase and delivery to residents of 2,417 new 120 litre glass bins at a cost of approx. \$40 per bin, equates to \$96,680, and will need to be accounted for in the 2022-2023 budget. Some costs may be off set if savings can be made on the transfer station upgrades. The waste and recycling bins currently used will continue to be collected, but as they are approximately 16 years' old some may need to be replaced due to normal wear and tear.
4. Should Council agree to enter into a MOU with Yarriambiack Shire Council and three other Councils savings in other budget areas of \$33,000 will need to be identified to offset the purchase of a mobile glass crushing unit.

Risk Management Implications:

- Hindmarsh intends to work with other local Councils, as we are keen to maintain employment within our local area.
- A state-wide campaign, as well as Council advertising needs to be implemented, (including flyers in other languages) to ensure residents understand the new processes and avoid exclusions.
- Council will be required to approve bin sizes, decide who will receive the bins, costs to ratepayers and whether it will be an opt in/opt out system.
- With the introduction of glass collection, 120 litre bins will be used to reduce the risk of injury to residents, contractors and Council employees. Glass equates to

approximately 30% of co-mingled recyclables, therefore the current recyclables bins will be downsized to 120 litres.

- The introduction of an additional two bins will affect the cost to residents; bulk buying of bins with neighbouring Councils may reduce costs.
- It is difficult to assess the full impact of these reforms, including how the CDS will affect glass volumes.
- Communication risks include confusing messaging, excluding stakeholders and untimely communication. It is paramount that media releases, Facebook posts, website, community meetings, transfer station operator and infrastructure meetings are provided with clear and timely information regarding the changes.
- High contamination rates for glass and comingled recyclables would result in increased costs to Councils and ratepayers.

Relevant legislation:

New Waste and Recycling Act 2021.

Environment Protection Act 1970

Local Government Act 1987

Occupational Health and Safety Act 2004

Dangerous Goods Act 1985

Sustainability Victoria Act 2005

Community engagement:

Council will consult the community at each stage of the rollout, in accordance with its Community Engagement Framework. Hindmarsh Shire will strive to provide ratepayers with timely and accurate information regarding likely increases in rates and garbage/recyclable collection fees.

Gender equality implications:

There are no gender equality implications.

Conflict of Interest:

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Wayne Schulze, Manager Operations

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

Communications Strategy:

Currently Council is in discussion with Yarriambiack, Horsham Rural City and West Wimmera Shires, together with the Grampians Central West Waste and Resource Recovery

Group to develop procurement contracts for waste, recycling and transportation of waste to Dooen Landfill.

Discussions with contractors, recycling markets and landfill sites will also need to be undertaken if the recommendations are approved by Council.

Next Steps:

Council is waiting for a response from DELWP in relation to the amended application submitted for upgrades to the Transfer Stations and four collection points. Council will advise the other 4 Councils of the outcome on the recommendations listed below.

RECOMMENDATION:

That Council:

- 1. approves the introduction of the glass recycling Kerbside bin collection to be brought forward to the 2022-2023 financial year;***
- 2. authorises the CEO to enter into a Memorandum of Understanding with Yarriambiack Shire Council and the three neighbouring Councils, for the purchase, operation and maintenance of a fixed glass processing facility; and***
- 3. authorises the CEO to identify savings of up to \$33,000, to offset the purchase of the glass crusher.***

9.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

Responsible Officer: Director Corporate and Community Services

Attachment Number: 16

Introduction:

This report seeks adoption of the Chief Executive Officer (**CEO**) Employment and Remuneration Policy (**Policy**).

Discussion:

The Act requires a Council to develop, adopt and keep in force a CEO Employment and Remuneration Policy. Section 45 of the Act requires that the Policy must provide for:

- the Council to obtain independent professional advice in relation to the matters dealt with in the Policy.
- the recruitment and appointment process of the CEO.
- provisions to be included in the contract of employment.
- performance monitoring and an annual review process.
- any other matters prescribed by the regulations.

The policy must be adopted by 31 December 2021.

The Policy attached to this report satisfies the requirements the above requirements and

also requires Council to ensure transparency, good governance and fairness into the employment, management and remuneration of the Chief Executive Officer.

Options:

1. Council can adopt the CEO Employment and Remuneration Policy.
2. Council can amend the CEO Employment and Remuneration Policy and then adopt the CEO Employment and Remuneration Policy.

Link to Council Plan:

Strong governance practices; ensuring compliance with the Local Government Act 2020.

Financial Implications:

Council officers will make a budget allocation for the procurement of an appropriate independent resource.

Risk Management Implications:

The Policy outlines the framework through which the recruitment, management and remuneration of the Chief Executive Officer is to be conducted. Risk mitigation controls applied to this process include:

- establishing a CEO employment and remuneration committee (**Committee**) which is to be chaired by an Independent Member;
- setting key selection criteria for the Independent Member to ensure appropriate skills and expertise on the Committee;
- setting the process for reviewing the CEO's performance;
- and other procedural matters.

Relevant legislation:

Local Government Act 2020 section 45.

Community engagement:

N/A

Gender equality implications:

N/A

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Helen Thomson, Manager Governance and Human Services

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

Communications Strategy:

The Policy will be placed on Council's website.

Next Steps:

The adopted Policy will be placed on Council's website.

RECOMMENDATION:

That Council adopts the Chief Executive Officer Employment and Remuneration Policy.

Attachment Number: 16

9.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 3

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks Council approval for allocation from the Local Roads and Community Infrastructure Phase 3 grant.

Discussion:

Council received the guidelines from the Federal Government on Thursday 21 October for Phase 3 of the Local Roads and Community Infrastructure (LRCI) grant program. Under phase 3 Council will receive funding of \$2,161,596. Projects must be undertaken between 1 January 2022 and 30 June 2023.

Eligible projects include local road projects that involved the construction or maintenance of roads managed by Council; and Community Infrastructure projects that are generally accessible to the public. Funding is not available for business as usual activities.

It is proposed that Council allocate an initial amount to projects that are ready for construction, with a future report to be presented to Council on the final allocation of funding.

1. Dimboola Civic Precinct - \$200,000

This project will seal the carpark and roadway at the rear of the Civic Precinct and seal a section of the laneway from Lochiel Street to alongside the amenities block. The project will consist of sealing Old Weir Lane from Wimmera Street through to and including the rear carpark at the Dimboola Civic Precinct with a 6.2m wide seal. The project will also consist of sealing the laneway from Lochiel Street to the public amenities. Bollards and solar lighting will also be installed.

2. Jeparit Swimming Hole Retaining Wall and Deck - \$300,000

This project will construct a new retaining wall and deck at the Jeparit Swimming Hole to

assist with erosion and access to the Wimmera River. Designs have been prepared for this project, which will construct a new retaining wall and deck with improved access to the Wimmera River, replacing the unsafe concrete wall currently constructed.



(Jeparit swimming hole current retaining wall)

Council has already allocated funding from LRCI Phase 3 to the following projects:

1. Rainbow Enduro Infrastructure - \$125,000

Council has applied for a grant to construct infrastructure at the Rainbow Rises Site to assist with the development of the Rainbow Enduro event and expand usage of the site for other activities.

2. Rainbow Change Rooms - \$253,027

Council has allocated funding towards the construction of change rooms at the recreation reserve / caravan park in Rainbow. The change rooms will be used for recreation reserve users and caravan park patrons.

Options:

1. Council can allocate \$500,000 funding from LRCI Phase 3 to the Dimboola Civic Precinct and Jeparit Swimming Hole retaining wall and deck.
2. Council can choose not to allocate funding from LRCI Phase 3 towards the Dimboola Civic Precinct or Jeparit Swimming Hole.

Link to Council Plan:

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

Develop and promote local tourism opportunities that attract visitation.

Financial Implications:

Projects will be funded from Phase 3 of the LRCI grant program which provides Council funding of \$2,161,596.

Risk Management Implications:

All risks will be managed as part of the project implementation.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Jeparit Swimming Hole Retaining wall was discussed with attendees at the Jeparit community conversation session on Tuesday 16 November.

Works to finalise the Dimboola Civic Precinct will be communicated through Council's newsletter and a media release.

Gender equality implications:

No gender impact assessment was completed.

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 & Officer Responsible – Monica Revell, Director Corporate & Community Services

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

RECOMMENDATION:

That Council:

- 1. allocates funding for the following projects from the Local Roads and Community Infrastructure Program Phase 3:***
 - a) Dimboola Civic Precinct - \$200,000***
 - b) Jeparit Swimming Hole Retaining Wall and Deck- \$300,000.***
- 2. authorises the CEO to complete the necessary documentation seeking Government approval prior to the commencement of the projects.***

9.4 2021-2022 COUNTRY FOOTBALL NETBALL PROGRAM – ROUND 2

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks endorsement from Council for the development and submission of a funding application to the Victorian Government's Sport and Recreation Victoria's Country Football and Netball Program Round 2 for the Dimboola Football Netball Club to refurbish existing communal shower and toilet facilities in the change rooms within the Dimboola Recreation Reserve.

Discussion:

Council has received a Community Organisation Expression of Interest Form from the Dimboola Football Netball Club to seek funding through the Country Football Netball Grants program to undertake refurbishment of the existing communal showers and toilets to cubicle based units within the football change rooms, umpires change rooms and the Sports Stadium female change rooms.

Strong, active and healthy communities need high-quality, accessible, well-designed and well-managed infrastructure to conduct sport and active recreation activities. Developing football and netball infrastructure that supports participation and inclusion of woman and girls and other under-represented groups along with disadvantaged communities, while boosting local economic activity is a priority for the Victorian Government.

The Country Football Netball Program aims to achieve this by:

- Fostering inclusive, diverse, accessible and responsible development through universal design, environmental sustainability, and strategically planned facilities.
- Upgrading existing and constructing new football and netball infrastructure that will increase or maintain participation.
- Encouraging involvement of football and netball organisations in planning and developing facilities.
- Encouraging collaboration between LGAs, Sport and Recreation Victoria (SRV), AFL, AFL Victoria, Netball Victoria, country football and netball clubs, associations and umpiring organisations, schools, and community organisations to actively promote diverse, inclusive cultures and programs that increase or maintain football and netball participation.
- Supporting multi-sport outcomes, where football and/or netball are the primary beneficiary.
- Supporting access to football and netball development and pathway programs by improving access to higher quality facilities.
- Developing local economic activity through the planning, building, activating, maintaining and managing of redeveloped or new infrastructure.

A local co-funding contribution is required however the EOI from the Dimboola Football Netball Club indicates that a contribution from Council is not required.

Hindmarsh Shire Council is classed as a Rural Council the funding ratio is SRV \$3: \$1 Local with the maximum amount of funding being \$200,000.

The EOI does not have a firm costing for the refurbishment of the amenities but this will be required prior to a grant application being submitted.

The refurbishment of the existing amenities will improve shower and toilet facilities to be more compliant with today's standards.

The refurbishment of the amenities will also enable the change rooms at the Dimboola Recreation Reserve to be more widely used and available to a broader range of users.

Improvements to the sports stadium change rooms will enable them to be used for female football umpires who currently do not have a dedicated change room.

Applications for the Country Football Netball Program –Round 2 close on 1 December 2021 with notifications commencing from March 2022.

Commencement of works can commence in September 2022 and be completed by September 2023.

Options:

1. Council can choose to submit an application for funding to the Country Football Netball Program Fund Round 2.
2. Council can choose not to submit an application for funding to the Country Football Netball Program Round 2.

Link to Council Plan:

A range of effective and accessible services to support the health and wellbeing of our community

Support healthy living and provide services and activities for people of all ages and abilities.
Well-maintained physical assets and infrastructure to meet community and organisational needs

Financial Implications:

No financial contribution is required from Council for this project.

Risk Management Implications:

Appropriate risk management will be prepared in accordance with Council procedures and policies prior to the implementation of the project.

Relevant legislation:

Local Government Act 2020

Community engagement:

A community engagement plan has not been prepared.

Gender equality implications:

A gender impact assessment has been undertaken as yet.

Conflict of Interest:

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

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

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

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

RECOMMENDATION:

That Council endorses a funding application of up to \$200,000 through the Country Football Netball Program Round 2, for the redevelopment of amenities within the Football Club change rooms and Sports Stadium at the Dimboola Recreation Reserve.

9.5 WIMMERA DEVELOPMENT ASSOCIATION (WDA) TRANSFORMATION TO A NEW ENTITY

Responsible Officer: Chief Executive Officer

Attachment Numbers: 17 – 18

Introduction:

The purpose of this report is to endorse the Memorandum of Understanding and draft Constitution for the transformation of the Wimmera Development Association to a new entity.

Discussion:

Over the past four years, the Wimmera Southern Mallee Regional Partnership (Partnership) has been discussing factors that limit business, social and economic opportunities across the region. During 2020, the Partnership undertook the 'Regional Innovation Project', an inclusive engagement process to review current cross sector regional planning practises and establish a preferred governance and operational model going forward. Following extensive collaboration with other leaders throughout the region, it was recognised that a more contemporary, flexible and strategic way of working was required for the region to maintain and grow its competitive position, increase liveability and proactively seek new opportunities.

The recommended solution comprises a 'new entity', replacing the Wimmera Development Association, representing the Wimmera Southern Mallee as a region with aligned strategies, priorities and outcomes that delivers desired, sustainable and transformational change.

The new entity will be functional and skills-based and will adhere to the principles of strong governance, accountabilities with clear outcomes and performance metrics. The new entity will include:

- Skills Based Board – established as an independent governing body that represents the region and defines the strategic direction for the region.
- Strategic Pillars – will become the agreed strategic focus areas that form the basis of collaboration and to develop key partnerships.
- Innovation Teams – are multidisciplinary teams (cross-organisation and cross-sector) to identify levers for, or impediments to, grow activities that are aligned to the Strategic Pillars.
- Underpinned by its founding charter to create a new, focused regional service delivery

model, the new entity will be owned by the region, build local potential and confidence and deliver on community driven aspirations.

To enable transition of WDA to a new governance structure, a new Memorandum of Understanding (MOU) between WDA and the five Member Councils in the region has been developed, and will replace the existing MOU effective 1 December 2021.

Options:

1. Council can choose to endorse the Memorandum of Understanding 2021-2026 and Constitution.
2. Council can choose not to endorse the Memorandum of Understanding 2021-2026 and Constitution.

Link to Council Plan:

Facilitating and supporting economic development: Actively participate in the Wimmera Development Association and Rural Councils Victoria.

Financial Implications:

Contributions under the new MOU will become effective from the start of 2022-23 financial year. It is proposed to maintain the 2022-2023 contribution at the same level as previous funding arrangements, with an annual adjustment of 1.5% for the following years.

Risk Management Implications:

Not applicable.

Relevant legislation:

Not applicable.

Community engagement:

The Partnership has undertaken an inclusive engagement process to review current cross sector regional planning practises and establish a preferred governance and operational model going forward. This process is known as the Regional Innovation Project.

Gender equality implications:

Not applicable.

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 & Officer Responsible – Greg Wood, Chief Executive Officer

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

RECOMMENDATION:

That Council endorses the draft Constitution and Memorandum of Understanding 2021-2026 between the Wimmera Development Association and member council's comprising Hindmarsh Shire Council, Horsham Rural City Council, Northern Grampians Shire Council, Yarriambiack Shire Council and West Wimmera Shire Council, and authorise the CEO to execute it on Council's behalf.

Attachment Number: 17 – 18

9.6 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2021/22 ROUND 1

Responsible Officer: Chief Executive Officer

Attachment Number: 19

Introduction:

This report seeks endorsement from Council to provide funding through the 2021/2022 Community Action Grants Program to eligible community organisation's/groups.

Discussion:

The Community Action Grants program was established to support communities with funds to provide services, self-help and assist with community development, social action and connectedness.

Total annual funding of \$20,000 has been allocated to the program and categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

Round one of the 2021/2022 Community Action Grants Program was promoted through direct emailing to community groups; media releases on Council's website and local media; advertisements in local media as well as Facebook promotions on Council's Facebook page.

At the time of closing on Wednesday 13 October 2021, fifteen **(15)** applications were received requesting funds totalling **\$13,956.85**.

Category	Number of Applications	Funding Available	Total Amount Requested
Community Assistance	Two (2)	Round 1 \$20,000	\$2,000
Event Sponsorship	One (1)		\$500
Small Equipment	Twelve (12)		\$11,456.85
TOTAL	15		\$13,956.85

Funding applications have been assessed against the following eligibility criteria:

All applications must:

- Demonstrate direct economic and social benefit to the community;
- Not already receive substantial support from Hindmarsh Shire Council;
- Be made by an incorporated community group or not-for-profit organisation or auspiced by such a group;
- Apply for one category per funding round; and
- Obtain any / all relevant permits required to host an event within Hindmarsh Shire Council.

Ineligible Applications:

Applications by, or for, the following purposes will not be eligible for funding:

- Community organisations who do not provide direct benefit to the Hindmarsh Shire community;
- Individuals;
- Applicants who have successfully obtained funding of \$500.00 or more for Community Assistance, Small Equipment and Minor Facility grant through the Community Action Grants Program in the current or previous financial year (organisations can only apply for funding every *two* years) are ineligible to apply. The exception is for community groups and organisations seeking Event Sponsorship for annual events (given they have acquitted any previous funding);
- Capital works on major facility maintenance;
- Funding to groups for purposes already significantly supported by Hindmarsh Shire Council (e.g. groups that use a Council facility free of charge and pay no utility or operating costs);
- Programs considered the major responsibility of the State or Federal Government;
- Schools;
- Projects that are clearly a duplication of an existing service;
- Retrospective funding (projects that have commenced or have been completed will not be funded); and
- Clubs / organisations that have received funds from a successful application through a sub-committee of the club / organisation.

Assessment Criteria

Applications will be assessed against a set of Assessment Criteria.

Applications scoring highly against the criteria detailed below are more likely to receive funding.

Why? 40%	<ul style="list-style-type: none">- Explain the demonstrated community need.- How will the project improve social connections and build community wellbeing?- How will the project achieve economic benefit for the community?- Has the project been identified in a Community Plan?
---------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

What? 40%	<ul style="list-style-type: none"> - Provide a brief summary of what you are going to do. - How will your project increase community participation? - Complete and submit a Risk Assessment for any Event. - Provide details on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.
How? 20%	<ul style="list-style-type: none"> - Provide quotes/ information on specific item(s) funds will be used to purchase. - Provide a copy of the applying organisation's most recent bank statement and banking details. - Complete the budget and in-kind contribution templates. - Provide details on how your event's success will be measured? - Provide a copy of public liability insurance (events only). - Applicants must have obtained any/all relevant permits required to host an event within the shire.
Finally	<ul style="list-style-type: none"> - Complete eligibility and submissions checklist.

Community Assistance

The **Community Assistance** Program offers grants of up to a **\$1,000.00** to assist with valuable projects that do not fit under the two other categories of the Community Action Grants Program.

There were two **(2)** applications in this category for this round, requesting a total of **\$2,000**.

Applicants:

1. **Hindmarsh Police Citizens Youth Club, Jeparit** seeks funding of \$1,000 towards insurance costs and the purchase of COVID-19 safety items to enable the reopening of their gym. The pandemic has meant that the gym has lost income from membership over the past two years, and are unable to meet these costs without assistance.
2. **Nhill-Dimboola Band** seeks funding of \$1,000 towards the cost of hiring St. Andrews Hall, Dimboola for their regular practice sessions.

Event Sponsorship

Event sponsorships offer grants of up to **\$500.00** to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit. For events with a regional impact, Council may allocate an increased sponsorship amount.

There was one **(1)** application received with funding requests totalling **\$500**.

Applicants:

1. **Nhill Aviation Heritage Centre** seeks funding of \$500 to pay for advertising for their upcoming 'Historic Engineering Expo' event at the Nhill Aerodrome.

Small Equipment

Small Equipment grants provide funding assistance of up to **\$1,000.00** towards the purchase of small equipment items.

There were twelve (12) applications with funding requests totalling **\$11,456.85**.

Applicants:

1. **Antwerp Hall Committee** seeks funding of \$1,000 to assist with the upgrade of their meeting room and kitchen.
2. **Dimboola Ski Club** seeks funding of \$758.00 to assist with an upgrade of their barefoot skiing course. The club intends to purchase new buoys for the course.
3. **Dimboola Fire Brigade** seeks funding of \$1,000 for audio visual equipment for the CFA station. The equipment will be used in training and presentations for members.
4. **Dimboola Hockey Club** seeks funding of \$1,000 to assist with the replacement of their hockey goal nets.
5. **Jeparit Bowling Club** seeks funding of \$1,000 towards the purchase and installation of a security camera system for the club.
6. **Jeparit Tennis Club** seeks funding of \$1,000 towards the purchase of new tennis court nets.
7. **Lowan Group CFA** seeks funding of \$1,000 towards the purchase of portable radio chargers for their vehicles.
8. **Nhill Basketball Association** seeks funding of \$814.95 for the purchase of an iPad, which will allow them to comply with new regulations regarding communication, record keeping, and scoring.
9. **Nhill Historical Society** seeks funding of \$1,000 for a wall hanging system, which will be used to display and exhibit historical photographs and certificates from WW2.
10. **Nhill Silo Heritage Project** seeks funding of \$883.90 for industrial cleaning equipment, which will be used for the initial clean-up of the site. This includes an industrial vacuum cleaner, brooms, shovels, and a pressure cleaner.
11. **Rainbow Fire Brigade** seeks funding of \$1,000 to replace the upright freezer at their CFA station.
12. **Rainbow Historical Society** seeks funding of \$1,000 towards the purchase of a new desktop computer for the purposes of record keeping and access to digital archives.

Application summary:

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
Community Assistance - \$1000			
Hindmarsh Police Citizens Youth Club	\$1,000	\$1,768	\$1,000
Nhill-Dimboola Band	\$1,000	\$1,300	\$1,000
TOTAL	\$2,000	\$3,068	\$2,000
Event Sponsorship - \$500			
Nhill Aviation Heritage Centre	\$500	\$3,000	\$500
TOTAL	\$500	\$3,000	\$500

Small Equipment - \$1,000			
Antwerp Hall Committee	\$1,000	\$1,435	\$1,000
Dimboola Ski Club	\$758	\$1,258	\$758
Dimboola Fire Brigade	\$1,000	\$1,340.90	\$1,000
Dimboola Hockey Club	\$1,000	\$7,400	\$1,000
Jeparit Bowling Club	\$1,000	\$1,425	\$1,000
Jeparit Tennis Club	\$1,000	\$1,347	\$1,000
Lowan Group CFA	\$1,000	\$1,095	\$1,000
Nhill Basketball Association	\$814.95	\$814.95	\$814.95
Nhill Historical Society	\$1,000	\$917.89 (plus extras)	\$1,000
Nhill Silo Heritage Project	\$883.90	\$6,132	\$883.90
Rainbow Fire Brigade	\$1,000	\$1,200	\$1,000
Rainbow Historical Society	\$1,000	\$1,423.62	\$1,000
TOTAL	\$11,456.85	\$25,789.36	\$11,456.85
FULL TOTAL	\$13,956.85	\$31,857.36	\$13,956.85

Options

Council can choose to support some or all, partly or in full, or none of the applications to Round One of the Hindmarsh Shire Council Community Action Grants 2021/2022.

Link to Council & Community Plans:

The Community Action Grants relate to Council's Vision of "a caring, active community enhanced by its liveability, environment and economy".

Strategic Objectives:

Theme One - Our Community

- A community well informed and engaged
- Communities that feel safe and are resilient
- Provide arts and cultural activities that strengthen social connection
- A range of effective and accessible services to support the health and wellbeing of our community
- Support healthy living and provide services and activities for people of all ages and abilities.
- Assist our Community to recover from COVID-19
- Digital connectivity to support learning and work

Theme Two – Built and Natural Environment

- Well-maintained physical assets and infrastructure to meet community and organisational needs

Theme Three – Competitive and Innovative Economy

- Develop and promote local tourism opportunities that attract visitation

Financial Implications:

Council allocated \$20,000 to the Community Action Grants Program for the 2021/2022 financial year.

With allocations of \$13,956.85 for round one a balance of \$6,043.15 will remain for round two.

Conflict of Interest:

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

Officer Responsible – Greg Wood, Chief Executive Officer

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

Author – Phil King, Economic and Community Development Manager

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

Risk Management Implications:

Risks are to be managed by the successful applicants.

Communications Strategy

Successful and unsuccessful applicants will be notified of Council's decision by phone and via letter correspondence regarding application outcomes.

RECOMMENDATION:

That based on the eligibility and assessment criteria, Council approve the following funding allocations:

Community Assistance

- 1. A grant of \$1000 – Hindmarsh Police Youth Citizen's Club***
- 2. A grant of \$1000 – Nhill-Dimboola Band***

Event Sponsorship

- 1. A grant of \$500 – Nhill Aviation Heritage Centre***

Small Equipment

- 1. A grant of \$1000 – Antwerp Hall Committee***
- 2. A grant of \$758 - Dimboola Ski Club***
- 3. A grant of \$1000 – Dimboola Fire Brigade***
- 4. A grant of \$1000 – Dimboola Hockey Club***
- 5. A grant of \$1000 – Jeparit Bowling Club***
- 6. A grant of \$1000 – Jeparit Tennis Club***
- 7. A grant of \$1000 – Lowan Group CFA***
- 8. A grant of \$814.95 – Nhill Basketball Association***

- 9. A grant of \$1000 – Nhill Historical Society**
- 10. A grant of \$883.90 – Nhill Silo Heritage Project**
- 11. A grant of \$1000 – Rainbow Fire Brigade**
- 12. A grant of \$1000 – Rainbow Historical Society**

TOTAL RECOMMENDED FUNDING ALLOCATED: \$13,956.85

Attachment Number: 19

10 COUNCIL COMMITTEES

10.1 YURUNGA COMMITTEE OF MANAGEMENT

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 20 – 21

Introduction:

The Yurunga Committee of Management held its Annual General Meeting on 23 September 2021 followed by a general meeting also on 23 September 2021. The purpose of this report is to note the minutes from these meetings and endorse the committee members elected. A copy of these minutes are included as attachments for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Yurunga Committee of Management Annual General Meeting held on 23 September 2021;**
- 2. notes the minutes of the Yurunga Committee of Management meeting held on 23 September 2021; and**
- 3. approves the following members of the Yurunga Committee of Management:**
 - Chairperson – Jenny Solly**
 - Treasurer – Peter Solly**
 - Secretary – Peter Solly**
 - Committee members – Debbie Funke, Helen Fisher, Col Drendel and Lou Ravenhorst.**

Attachment Numbers: 20 – 21

10.2 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 22

Introduction:

The Dimboola Town Committee held its meeting on 8 November 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 8 November 2021.

Attachment Number: 22

10.3 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Number: 23

Introduction:

The Nhill Town Committee held its meetings on 18 October 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee meeting held on 18 October 2021.

Attachment Number: 23

10.4 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Number: 24

Introduction:

The Jeparit Town Committee held its meetings on 11 October 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Jeparit Town Committee meeting held on 11 October 2021.

Attachment Number: 24

11 LATE REPORTS

12 NOTICES OF MOTION

13 OTHER BUSINESS

14 CONFIDENTIAL REPORTS

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

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

RECOMMENDATION:

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

- 14.1 REQUEST FOR QUOTE - AWARD FOR PURCHASE OF ONE (1) 3-AXLE TRUCK WITH TIPPING BODY AND ONE (1) 4-AXLE TRAILER WITH TIPPING BODY – 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 14.2 REQUEST FOR QUOTE - AWARD FOR PURCHASE OF ONE (1) 3 AXLE PRIME MOVER – 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;**
- 14.3 14.3 REGIONAL INFRASTRUCTURE FUND CARAVAN PARK ACCOMMODATION UPGRADES – 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;**
-

15 MEETING CLOSE
