



27 June 2022

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 29 June 2022 commencing at **3:00pm**.



Greg Wood
Chief Executive Officer

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1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

Hindmarsh Shire Council acknowledges that this meeting is being held on the lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and we acknowledge them as Traditional Owners of Country.

We recognise the important ongoing role that Indigenous people have in our community and pay our respects to their Elders, past, present and emerging.

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 1 June 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as

read and confirmed.

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

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

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 25 May – 21 June 2022

Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
31/05/2022	Wimmera Development Association Board Meeting	Horsham	
31/05/2022	Wimmera Development Association Budget Presentation	Horsham	
31/05/2022	Wimmera Development Association Community Leaders Meeting & Greet	Horsham	
1/06/2022	Hindmarsh Visitor Centre Volunteer Luncheon Guest	Nhill	Thank you to all the amazing volunteers that support the tourist information centre.
1/06/2022	Council Briefing	Nhill	
1/06/2022	Council Meeting	Nhill	
2/06/2022	Rainbow Library Official Opening	Rainbow	It was an honour to officially open the Rainbow Library with Minister Sean Leane, MP
2/06/2022	Jeparit & Nhill	Jeparit	It was an honour to officially open the Jeparit

	Library Official Opening		Library with Minister Sean Leane, MP and also the Nhill library remotely.
11/06/2022	Official opening of the Wimmera Mallee Pioneer Museum Rally	Jeparit	Congratulations to the Wimmera Mallee Pioneer Museum volunteers and all the exhibitors for the wonderful event they held. It was an honour to officially open the event.
20/06/2022	Nhill Town Committee	Nhill	

Cr IRELAND, DEPUTY MAYOR

Date	Meeting	Location	Comments
26/05/2022	Yurunga Homestead meeting		
27/05/2022	Lions Club information night	Jeparit Bowling Club	
01/06/2022	Council Briefing		
01/06/2022	Council Meeting		
02/06/2022	Opening of Jeparit Library		
12/06/2022	Wimmera Mallee Pioneer Museum Rally		Great to see this event return after Covid and all events in the shire getting back to normal.
19/06/2022	National General Assembly	Canberra	Seminar with many keynote speakers and also over 100 motions put in by councils to the govt for consideration...all 539 councils Australia wide were in attendance.
20/06/2022	National General Assembly	Canberra	
21/06/2022	National General Assembly	Canberra	

Cr NELSON

Date	Meeting	Location	Comments
31/05/2022	Wimmera Southern Mallee LLEN finance meeting		
01/06/2022	Briefing Meeting	Nhill	
01/06/2022	Council Meeting	Nhill	
02/06/2022	Official Library Opening	Rainbow	
02/06/2022	Official Library Opening	Jeparit	
06/06/2022	Dimboola Town Committee meeting		
07/06/2022	Steampunk volunteers' thanks event	Dimboola	
09/06/2022	Wimmera Southern Mallee LLEN	Horsham	

	meeting		
15/06/2022	Audit & Risk Committee Meeting	Teams Meeting	

Cr GERSCH

Date	Meeting	Location	Comments
27/05/2022	Rural Councils Victoria	Melbourne	
01/06/2022	Computer update		
01/06/2022	Council meeting		
02/06/2022	Rainbow Library Opening		
02/06/2022	Jeparit Library Opening		
05/06/2022	Nhill Sporting Club promotion day		
12/06/2022	Jeparit Museum Open Day		

Cr BYWATERS

Date	Meeting	Location	Comments
26/05/2022	Volunteer Cancer Group, Biggest Morning Tea	Nhill CFA Rooms	
27/05/2022	Hindmarsh Visitor information Centre, Volunteer	Nhill	
27/05/2022	Yangga Dyata, Walking on Country Silo artwork	Horsham	A walk on country down Yangga Tyerrang Street through to Warta Tyerrang Muwil Park. Reconciliation is everybody's business. It was great to be able to see the new Wimmera Silo art, hear the Aboriginal version of the story, and support the Dimboola mob in Horsham. I was proud to watch Hindmarsh Youth Councillor, Jandamarra help his uncle, Ron Marks perform the smoking ceremony. Jandamarra was also included in the shadow displays on a tall building in the renamed main street of Horsham included with the light displays.
01/06/2022	Council briefing meeting and Council meeting	Nhill	
02/06/2022	Official opening of the brand-new Rainbow library, the refurbished Jeparit	Rainbow and Jeparit	The Honourable Shaun Leane, Minister for Local Government, and representatives from the Department of Jobs, Precincts and Regions joined us in Rainbow and Jeparit to

	library, and the improved Nhill Library (remotely from Jeparit)		officially open the newly constructed Rainbow Library and improved Jeparit and Nhill Libraries.
02/06/2022	Discussions with the Nhill Aviation Heritage Centre NAHC and Nhill Aerodrome Master Plan Committee NAMPAC about future planning at the Nhill Aerodrome	Nhill Airport	
04/06/2022	My first ever podcast interview with Kristy and Ben, hosts of Either Side of Nhill (ESON)	Nhill Community Garden	
04/06/2022	Nhill and District Sporting Club, Tigers Footy match with Daisy Thomas	Davis Park Nhill	
05/06/2022 06/06/2022 07/06/2022	Australian Local Government Women's Association, ALGWA Vic. Annual State conference 2022 hosted by the greater Shepparton Shire Council. Theme 'emerging creativity.'		My greatest takeaway is, we need to put our money where our mouth is when it comes to equality in local government. There was a fabulous line-up of guest speakers and plenty of opportunities for networking, with other councillors and guests. Here is the link to the program.. CLICK HERE
07/06/2022	22 Steampunk 'thank you' evening	Dimboola Imaginarium	Save the date 22 & 23 April 2023 for next year's festival
09/06/2022	Dimboola bird art by Smug	Dimboola	
11/06/2022 12/06/2022	Wimmera Mallee Pioneer Museum, (WMPM) Vintage Rally	Jeparit	
17/06/2022	Inspect the area of the new Nhill tennis club rooms & the proposed new cane ball court area	Nhill	
21/06/2022	Homework club	The Patch Nhill	Last homework club before the school holidays. Stay safe and look out for our children in the parks and on the roads during

			the school holidays. Parents, please check out the school holiday program on Hindmarsh libraries Facebook page, on the Hindmarsh web page, the Hindmarsh Newsletter, your local Library or contact the Shire office on 03 5391 4444
21/06/2022	WMPM general meeting and vintage rally 2022 wrap up	Jeparit	The committee decided that a 'thank you' barbecue luncheon will be held for all volunteers of the vintage rally, at midday on 10 July. Venue WMPM at Jeparit.

Cr ISMAY

Date	Meeting	Location	Comments
01/06/2022	Council Briefing Meeting	Nhill	
01/06/2022	Council meeting	Nhill	
02/06/2022	Official Opening of Rainbow Library		
12/06/2022	Wimmera Mallee Pioneer Museum Rally	Jeparit	

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 6

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 13/06/2022 – Letter from Moorabool Shire Council RE Local Government State-Wide Waste Forum Recommended Motion

Outwards:

- 07/06/2022 – Letter of Congratulations to Dr Anne Webster, Federal Member for Mallee
- 07/06/2022 – Letter of Congratulations to Hon Catherine King, Minister for Infrastructure, Transport and Regional Development
- 07/06/2022 – Letter to Minister for Small Business RE Melbourne Cup Public Holiday 2022
- 07/06/2022 – Letter to Jeparit Town Advisory Committee RE Council Decision

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Numbers: 2 – 6

8 PLANNING PERMITS

8.1 APPLICATION FOR PLANNING PERMIT 1769-2022 – USE OF LAND FOR A CAMPING AND CARAVAN PARK – 2 RAILWAY STREET RAINBOW VIC 3424

Responsible Officer: Acting Director Infrastructure Services
File: Planning – Applications
Assessment: 6640
Application Number: **PA1769-2022**
Application Received: 14 February 2022 (Fee paid 22 February 2022)
Applicant: Hindmarsh Shire Council
Owner: Hindmarsh Shire Council
Subject Land: 2 Railway Street Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow)
Proposal: Use of land for a camping and caravan park
Zoning & Overlays: Township Zone (TZ)
Attachment Number: 7

Summary:

This report recommends that Council approve Planning Permit PA1769-2022 for the use of land for a camping and caravan park on the subject land known as 2 Railway Street, Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow).

Background:

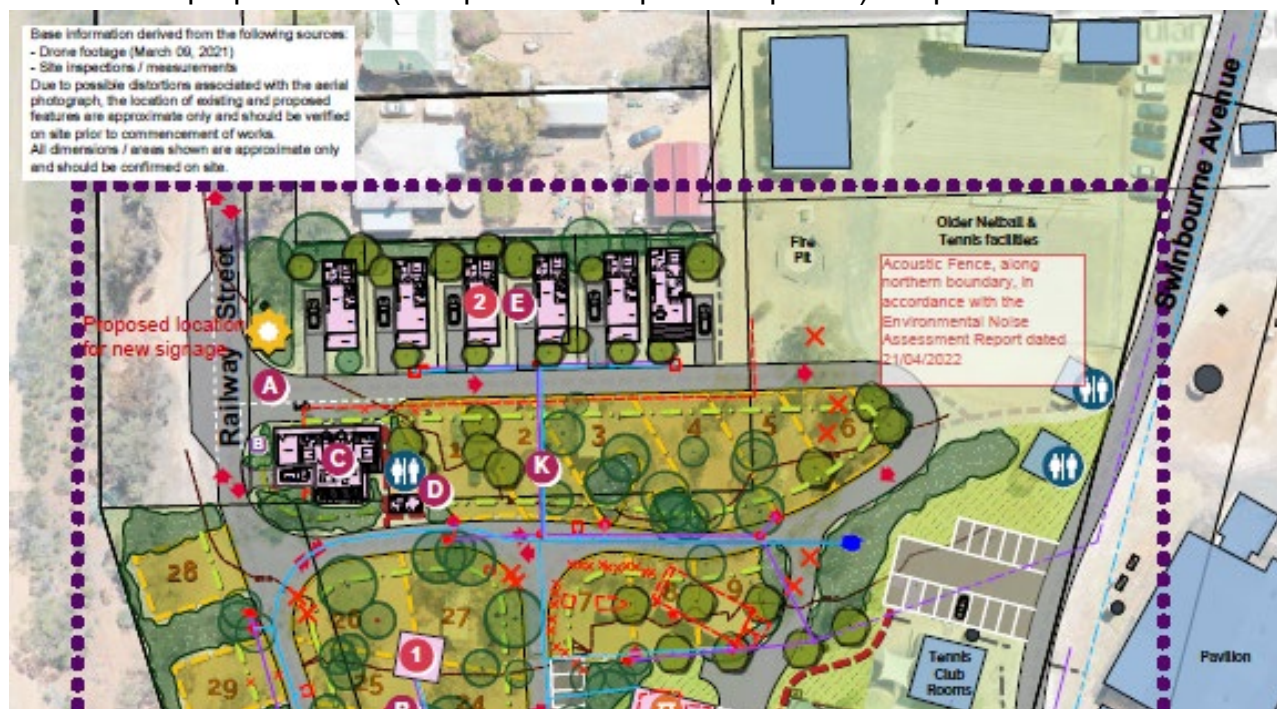
On 14 February 2022, Mr Phil King on behalf of Hindmarsh Shire Council lodged a planning application to the Responsible Authority for the use of land for a camping and caravan park at 2 Railway Street, Rainbow.

Proposal Details:

The permit applicant, Hindmarsh Shire Council, seeks approval for the use of land for a camping and caravan park. The subject land is currently vacant residential land adjoining the Rainbow Caravan Park. The proposal seeks to use the land in association with the existing Caravan Park, and develop six (6) cabins on the land for this purpose (development of the cabins is exempt by Clause 62.02-1 of the Hindmarsh Planning Scheme and as such is not discussed further in this report.)

The subject site will be managed in common with the existing caravan park. The proposal includes provision for an acoustic fence to be installed along the northern boundary of the subject land, to minimise amenity impacts to adjoining residential properties.

Plans of the proposed use (and permit exempt development) are provided below:



Requirement for Permit:

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

- Clause 32.05-2 (Township Zone) – A permit is required to use land for a camping and caravan park.

Definitions:

Camping and Caravan Park – *Land used to allow accommodation in caravans, cabins, tents or the like.*

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The subject site is known as 2 Railway Street, Rainbow, which comprises a single title with an area of approximately 1,338m². The land is generally flat, with minimal fall across the site. The land is currently vacant and has been so for an extended period of time.

The subject site adjoins residential zoned land to the north (improved by residential dwellings), Public Park and Recreation Zone land to the east (improved by tennis courts), Public Use Zone 6 land to the south (containing the existing caravan park) and Transport

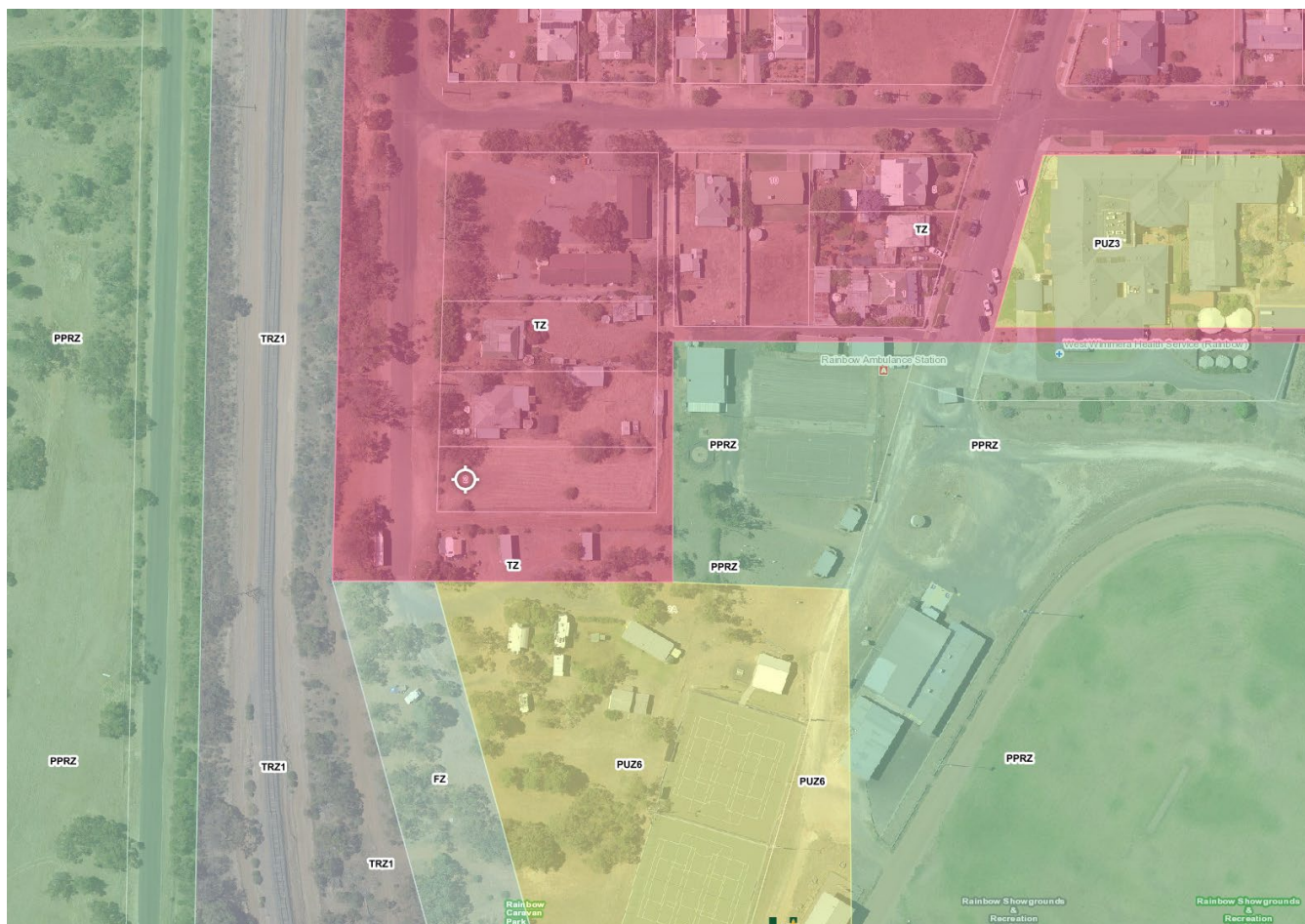
Zone 1 land to the west (containing the railway lane). The mixed zoning and land use of the surrounding area results in a diverse array of land uses and development forms, with no consistent character present.

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(1)(a), (b) and (d) of the Planning and Environment Act 1987, by:

- Letters to adjoining and nearby owners and occupiers;
- Sign on site; and
- Notice in the Argus – 02 June 2022

No objections have been received to the application.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None required by the Hindmarsh Planning Scheme

Section 52 and Internal Notices	
Engineering	Conditional consent. Response received 10 June 2022.
Environmental Health	Conditional consent. Response received 7 June 2022.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 02.03-1 Settlement and housing
Clause 02.03-5 Built environment and heritage
Clause 02.03-6 Economic development
Clause 11.01-1L Settlement – Hindmarsh
Clause 13.02-1S Bushfire planning
Clause 13.05-1S Noise management
Clause 15.01-1S Urban design
Clause 15.01-5S Neighbourhood character
Clause 16.01-1S Housing supply
Clause 17.04-1S Facilitating tourism

Zoning Provisions:

Clause 32.05 – Township Zone (TZ)

32.05-2 Use of Land

A permit is required to use land for a camping and caravan park.

Clause 32.05-13 Decision Guidelines

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

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The objectives set out in a schedule to this zone.*
- *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.*
- *The design, height, setback and appearance of the proposed buildings and works including provision for solar access.*
- *The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.*
- *Provision of car and bicycle parking and loading bay facilities and landscaping.*
- *The effect that existing uses on adjoining or nearby land may have on the proposed use.*
- *The scale and intensity of the use and development.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*
- *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.*
- *Any other decision guidelines specified in a schedule to this zone.*

Planning Response:

The relevant provisions of the MPS and PPF applicable to this proposal relate to the built form and character of townships such as Rainbow, management of environmental risks and amenity from bushfire and noise, and facilitating tourism while also providing alternative forms of accommodation options where required.

The subject site is located in the Township Zone, which is a residential zone in the Scheme where such uses and developments ought to be located. The site is well located, given its proximity to the existing Caravan Park land, proximity to services (such as recreation and health facilities), and minimal sensitive land uses abutting the site. The subject land is unencumbered, vacant and provided with all available reticulated services.

The application has been accompanied by an acoustic assessment, to consider the potential for off-site amenity impacts emanating from the proposed use of the site. The assessment finds that the use can be designed and managed so as to meet applicable EPA requirements, with an acoustic fence to be installed along the northern boundary of the subject site. Permit conditions will ensure that this is completed prior to commencement of the use.

Each proposed cabin (the development of which is exempt from a Planning Permit by reason of Clause 62.02-1 of the Hindmarsh Planning Scheme) is provided independent vehicle access and car parking. The site is able to cater for the level of use proposed without adversely affecting the surrounding street network or properties by way of vehicle movements or parking locations. The intensity of the development is considered modest in proportion to the larger caravan park, and provides a modern adjunct to the existing facilities.

The subject site is located within a Bushfire Prone Area as designated under the *Building Act 1993*. Given the minimal vegetation on the site, limited number of persons able to be accommodated in the cabins and close proximity to the Rainbow Town Centre, it is considered that the proposal adequately responds to bushfire risk as required by Clause 13.02-1S of the Scheme and that the protection of human life is ensured in the proposal.

For the above reasons, the proposed use is considered appropriate for the subject site when assessed against the applicable provisions of the Township Zone.

Overlay Provisions:

No overlays apply to the subject site.

Particular Provisions:

No relevant particular provisions are identified.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- 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 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.
- The impact the use or development will have on the current and future development and operation of the transport system

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The proposal provides for a logical expansion of the Rainbow Caravan Park on a site well connected to private and public services. No natural hazards issues are identified in relation to the site. Traffic generation to and from the site can be readily accommodated within the surrounding road network. Impacts to adjoining properties can be appropriately mitigated provided the acoustic report is implemented, which will be required as a condition of approval. The application is therefore considered to be reflective of orderly planning.

Discussion:

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

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

Clause 32.05 Township Zone

The proposal complies with the purpose and decision guidelines of Clause 32.05 for the reasons outlined in the planning response to the overlay 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 Township Zone and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

14/02/2022 The application was received.

22/02/2022 The fee was paid.

05/05/2022 Acoustic report received

25/05/2022 The application was notified (last notice given 02/06/2022).

30/05/2022 The application was referred.

10/06/2022 Response to referrals received.

16/06/2022 The Statutory Declaration was returned.

29/06/2022 The report is being presented to Council at the meeting held 29 June 2022 (32 Days)

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

Conflict of Interest:

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

Officer Responsible: Monica Revell, Acting Director Infrastructure Services

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

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

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

Link to Council Plan:

Develop and promote local tourist opportunities that attract visitation.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

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

RECOMMENDATION:

That Council approves planning application PA1769-2022 for the use of land for a camping and caravan park on the subject land known as 2 Railway Street Rainbow VIC 3424 (Crown Allotment 5 Section 5 Township of Rainbow), 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.***

Use Conditions

- 2. The use must not detrimentally affect the amenity of the neighbourhood, including through the:***
 - (a) Transport of materials, goods or commodities to or from the land.***
 - (b) Appearance of any building, works or materials.***
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.***
- 3. Noise emissions from the site must comply with the recommended noise levels as set out in Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (EPA Publication 1826, March 2021) or as amended to the satisfaction of the Responsible Authority.***
- 4. Prior to the commencement of the use, all recommendations of the Environmental Noise Assessment prepared by Audiometric and Acoustic Services (report number 22023, dated 21 April 2022) must be implemented on the land to the satisfaction of the Responsible Authority.***

The use must thereafter be conducted in accordance with the recommendations and findings of the report.

- 5. All waste areas must be sited and screened so as to not be visible from adjoining properties or public spaces to the satisfaction of the Responsible Authority.***
- 6. All areas set aside for car parking, loading and unloading of vehicles and accessways as shown on the endorsed plans must be:***
 - (a) Constructed;***
 - (b) Properly formed to such levels that they can be used in accordance with the endorsed plans;***
 - (c) Formed with an all-weather surface; and***
 - (d) Drained***

to the satisfaction of the Responsible Authority. Car parking spaces, accessways

and driveways must be kept available for these purposes at all times.

Engineering Conditions

7. Each vehicular access and crossover must be constructed in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.

Time Limit

8. The above-mentioned planning permit will expire if either of the following circumstances arise:

- (a) The use is not commenced within two (2) years of the date of this permit; or***
- (b) The use ceases for a period of two (2) or more years.***

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

Attachment Number: 7

8.2 APPLICATION FOR PLANNING PERMIT 1780-2022 – USE OF LAND FOR A MOTOR RACING TRACK (ONE DAY PONY EXPRESS EVENT) – 1191 PERENNA ROAD NETHERBY VIC 3418

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 110260
Application Number: **PA1780-2022**
Application Received: 18 May 2022 (Fee journalled 14 June 2022)
Applicant: Nhill Motor Sports Club C/- Mrs Bree Lowe
Owner: Mr Ross Dickinson
Subject Land: Part of 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127, Parish of Warraguil)
Proposal: Use of land for a Motor Racing Track (One Day Pony Express Event)
Zoning & Overlays: Farming Zone (FZ)
Bushfire Management Overlay (BMO) - Part
Attachment Number: 8

Summary:

This report recommends that Council approves Planning Permit PA1780-2022 for the use of land for a Motor Racing Track (One Day Pony Express Event) on the subject land known as 1191 Perenna Road, Netherby VIC 3418 (CA 126 and CA127 Parish of Warraguil).

Background:

On 18 May 2022, The Nhill Motor Sports Club lodged a planning application for a Motor Racing Track for the 'Pony Express' 2022 motocross event, to be run on 9 July 2022. The

event has been run previously on an annual basis, including at the subject land in 2019 (Permit PA1628-2019) and 2021 (Permit PA1719-2021).

Proposal Details:

The proposal is to hold the 'Pony Express' 2022 motocross event on land south of Netting Fence Track, at Crown Allotment 126 and 127, Parish of Warraquil (1191 Perenna Road Netherby), as well as associated staging area facilities, including a car parking area, pit area, spectator area, race control and temporary toilets. Access to the event will be via private driveway, entering at the south-eastern corner of the track. The event is to be attended by over 400 riders, and is to be attended by approximately 200 spectators. The course is approximately 16 kilometres in length, and consists of existing tracks on the land. No excavation, construction or associated works is proposed as a part of this application.

Requirement for Permit:

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

- Clause 35.07-1 (Farming Zone) – A permit is required for the use of land for a Motor Racing Track.

It is proposed that the event is run on this location as a 'one-off' event only, and as such, any permit issued will reflect this. Separate planning approval will need to be sought for events on this site or different locations in future (as was the case for the 2019 and 2021 events).

Definitions:

Motor Racing Track – *Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.*

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 proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity.

Subject site & locality:

The subject site is known as CA 126 and CA 127 Parish of Warraquil (Part of 1191 Perenna Rd Netherby), and is currently used for grazing and cropping. The property (and surrounds) has been extensively cleared with little established vegetation remaining, save for the area proposed to run the event; however no native vegetation removal is proposed or permitted. The track area is existing on the land, as can be seen in the aerial image below.

To the north of the site lies the Big Desert State Forest. The Netherby State Forest is located immediately east of the track area, with grazing land beyond. To the south, and west, land is primarily agricultural and used for such purposes. The nearest dwelling is approximately 2.2 kilometres to the west, and the subject land lies approximately 36.2 kilometres north of the Nhill Post Office.

The subject land is located within the Farming Zone (FZ) and is partially covered by the Bushfire Management Overlay (BMO). The subject land is not improved by any structures, and is clearly delineated between land that is actively cropped and land comprising remnant vegetation.

Aerial Map below – Hindmarsh POZI



Section 52 Notice of Application

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as it is considered that the application will not cause material detriment to any person or property, for the following reasons:

- Letters of support for the event from adjoining landowners have been provided with the application;
- The nearest dwelling is approximately 2.2 kilometres away;
- The proposal is for a one day event only; and

- The site is in a remote locality, with previous events enjoying considerable support in the past in the locality without incident.

Referrals:

No internal or external referrals/notices were required by the Planning Scheme. It is noted that the applicant sought advice from DELWP (Forest Fire Management Victoria) prior to lodging the application, who did not object to the proposal, but requested the following condition be placed on any permit issued:

Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).

Such condition has been included in the recommendation in this report.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 13.02-1S Bushfire planning
Clause 14.01-1S Protection of agricultural land
Clause 17.04-1S Facilitating tourism

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

35.07-1 Table of uses

A permit is required to use land for a Motor Racing Track

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.

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.

Planning Response:

The proposal is considered to meet the applicable decision guidelines as outlined above. The proposal is considered to support the Planning Policy Framework, having particular regard to tourism in the area. The event will act as a significant attractor of tourism to the locality, and has enjoyed significant support in the past at other locations. Furthermore, the event will not impose any undue strain on infrastructure in the area, nor has done so in the past.

The proposal is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above due to the temporary nature of the proposed event. The event will have little impact upon the continued agricultural viability of the subject

land and surrounds, noting that the part of the site that is used for productive agriculture does not form part of the racing area.

The proposed event will not negatively impact on the natural physical features and resources of the area. No negative impact on the flora and fauna on the site and its surrounds will occur, with no native vegetation proposed to be removed. The biodiversity of the area, inclusive of the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area has been considered within this application, with no negative impacts to occur as no works are to be undertaken.

Overlay Provisions:

Clause 44.06 – Bushfire Management Overlay

No permit is required under this Clause, as the Overlay does not trigger a permit for use.

Particular Provisions:

No Particular Provisions of the Hindmarsh Planning Scheme are relevant to the assessment of this proposal.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Planning Response:

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 are appropriately met, with the location of the use unlikely to create any amenity impacts or permanently remove land from agricultural production. 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.

Farming Zone (FZ)

The proposal complies with the purpose and decision guidelines of the FZ for the reasons outlined in the planning response to the zone 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 Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies and Clause 35.07 Farming Zone 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.

Link to Council Plan:

Objective: Develop and promote local tourism opportunities that attract visitation / Support appropriate events / activities.

Processing Times:

18/05/2022 The application was received.

14/06/2022 The fee was journalled.

29/06/2022 The report is being presented to Council at the meeting held 29 June 2022 (15 days).

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

Conflict of Interest:

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

Officer Responsible: Monica Revell, Acting 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 and endorse the plan if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1780-2022 for the use of land for a Motor Racing Track (one day Pony Express event), on the subject land known as 1191 Perenna Road Netherby VIC 3418 (Crown Allotments 126 and 127 Parish of Warraquil), subject to the following conditions:

Endorsed Plans

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

Amenity

2. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) transport of materials, goods or commodities to or from the land;***
- (b) appearance of any building, works or materials;***
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
- (d) presence of vermin; and***
- (e) others as appropriate.***

3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

4. **All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.**
5. **Adequate provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the Responsible Authority.**
6. **Adequate provision of portable toilets and associated amenities for patrons must be provided on the site and must be emptied and maintained to the satisfaction of the Responsible Authority.**
7. **The permit holder is to ensure the subject land and environs are reinstated to an equivalent condition as existed prior to the event being conducted to the satisfaction of the Responsible Authority.**

Department of Environment, Land, Water, and Planning

8. **Measures need to be in place to the satisfaction of DELWP to ensure that there is no use of public land during the event by event participants (e.g. flagging/bunting at any site where activities are within 50m of State Forest).**

Time Limit

9. **The racing of motorcycles must cease at 6pm on 9 July 2022.**
10. **The use of the land for the purpose of a Motor Racing Track (including packing up and removal of equipment) must cease at 6pm on 10 July 2022.**

Attachment Number: 8

8.3 APPLICATION FOR PLANNING PERMIT 1756-2021 – USE AND DEVELOPMENT OF A DWELLING AND DEVELOPMENT OF AN OUTBUILDING ANCILLARY TO A DWELLING – 3 FAITH STREET DIMBOOLA VIC 3414

Responsible Officer: Acting Director Infrastructure Services
File: Planning – Applications
Assessment: 81820
Application Number: **PA1756-2021**
Application Received: 10 November 2021 (Fee paid 24 November 2021)
Applicant: Mr Warrick Fisher
Owner: Claire Voigt and James Keam
Subject Land: 3 Faith Street, Dimboola 3414 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola)
Proposal: Use and development of a dwelling and development of an outbuilding ancillary to a dwelling
Zoning & Overlays: Farming Zone (FZ)
Environmental Significance Overlay – Schedule 6 (ESO6)
Floodway Overlay (FO)
Land Subject to Inundation Overlay (LSIO)
Attachment Numbers: 9 – 10

Summary:

This report recommends that Council approves Planning Permit PA1756-2021 for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land known as 3 Faith Street, Dimboola 3424 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola)

Background:

On 10 November 2021, Mr Warrick Fisher lodged a planning application to the Responsible Authority for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land 3 Faith Street, Dimboola. This application was amended on 20 January 2022 to include 2 other parcels forming part of 3 Faith Street, and to provide access to the site from Faith Street rather than Cemetery Road.

Proposal Details:

The permit applicant, Mr Warrick Fisher seeks approval for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling. The subject land is currently vacant farming zone land, sitting within a pocket of such land between land in the General Residential Zone of Dimboola and the Wimmera River.

The proposed dwelling would be sited centrally on the lot, with a total floor area of approximately 270m² (including verandahs).

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

- Floor plan:
 - 1 x Bedroom with WIR and ensuite;
 - 3 x Bedrooms accessed via a central hallway, each with BIR.
 - Open plan kitchen/meals/living area;
 - Laundry accessed via kitchen; and
 - Bathroom with bath, shower and WC in adjoining room.
- External form:
 - A building height of 5.651 metres from natural ground level;
 - Weatherboard finishes with Colorbond roofing (colours not specified).

The proposed outbuilding would be sited on the western side of the lot (however the information provided on 26 April 2022 shows a different site to the plans), and would comprise the following features:

Domestic outbuilding

- 144m² floor area (16m x 9m).
- Maximum height of 5.073 metres from natural ground level.
- Roller doors provided for access on the long side.
- Materials not specified.

Requirement for Permit:

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

- Clause 35.07-1 (Farming Zone)
 - A permit is required to use land for a dwelling, as the Section 1 condition is not met.
- Clause 35.07-4 (Farming Zone)
 - 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 permit is required to construct a building within 100 metres of a waterway, wetlands or designated flood plain.
- Clause 44.04-2 (Land Subject to Inundation Overlay)
 - A permit is required to construct a building or construct or carry out works.

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 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 proposal is an exempt activity under Regulation 9 of the *Regulations* (1 or 2 dwellings on a lot).

Subject site & locality:

The subject site is known as 3 Faith Street, Dimboola (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola), which comprises three (3) titles with a combined area of approximately 5.59 hectares. The land is generally flat, with a gradual downslope to the east, where the subject land has an abuttal to a tributary of the Wimmera River. The land is currently vacant land, with limited rural infrastructure present on the lot.

The subject site adjoins Farming Zone land in all directions, however these lots do not exhibit characteristics typically associated with the FZ, due to their lot sizes, vegetation, proximity to the Wimmera River and location on the periphery of Dimboola. A number of surrounding properties comprise rural dwellings, with minimal agricultural production (namely hobby farming) present in the immediate area.

The subject site has one direct property abuttal to 1 Faith Street (west), which is improved by a single dwelling and outbuildings.

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

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below (Hindmarsh POZI)



Section 52 Notice of Application

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

- Letters to adjoining and adjacent owners and occupiers;
- Notice in the Dimboola Banner on 25 May 2022; and
- Sign on site

No objections have been received to the application.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	Conditional consent. Response dated 8 December 2021 and 14 June 2022
Section 52 Notices	
Department of Environment, Land, Water and Planning	No response received.
Engineering	Conditional consent Response dated (16 June 2022)
Environmental Health	No response received.

Planning Assessment:

Planning Scheme Requirements:

Municipal Planning Strategy:

Clause 02.03-4 Natural resource management

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

Clause 15.01-2S Building 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 and to construct a building within 100 metres of a designated flood plain.

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.*

Planning Response:

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 proposal including consolidation of 3 lots to create a larger Farming Zone allotment.

Given the size of the land, proximity to the adjoining creek, floodplain and Wimmera River and location proximate to dwellings used for rural living purposes, agricultural productivity of the land is tempered in any event. The proposed dwelling will sit within the landscape well setback from Faith 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 proximity to floodplains and the Wimmera River, and the extent of land fragmentation and rural living land uses in the surrounding area, the development proposed is considered appropriate. While it is not proposed to use the land for agriculture in this application, the consolidation of titles increases the likelihood of some small scale agricultural pursuit being able to occur, and minimises the potential for land fragmentation of the area. 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 and similar lots in the immediate area have largely been developed with dwellings.

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, surrounding land uses and interfaces 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. Effluent can be treated and retained on site in accordance with the *Environment Protection Act 2017*.

Design and siting issues

The dwelling and outbuilding 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 any existing agricultural land uses, minimising the prospect of adverse impacts on any such surrounding uses.

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 44.04 – Land Subject to Inundation Overlay (LSIO)

44.04-2 Buildings and works

A permit is required to construct a building or construct or carry out works.

Planning Response:

The proposed dwelling has been sited outside of the area affected by the LSIO on the land, with only the shed contained partially in the LSIO area. The proposal has been referred to the Wimmera CMA as the relevant floodplain management authority, which have consented to the application subject to conditions. The works are sited appropriately having regard to the characteristics of the land, and do not increase risk to human life nor result in an unreasonable displacement of floodwaters in an inundation/flood event.

Particular Provisions:

No relevant Particular Provisions are identified.

General Provisions

Clause 65 - Decision Guidelines

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01– Approval of an application or plan

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

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

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone and Land Subject to Inundation Overlay 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:

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

The proposal meets the objectives of the relevant provisions of the MPS and PPF 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 44.04 Land Subject to Inundation Overlay

The proposal complies with the purpose and decision guidelines of Clause 44.04 for the reasons outlined in the planning response to the overlay 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 Municipal Strategic Statement.

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:

10/11/2021 The application was received.
24/11/2021 The fee was paid.
24/11/2021 The application was referred
02/12/2021 Further information request sent

20/01/2022 Further information response received including amendment to application.
10/02/2022 Further information for amended application sent
26/04/2022 Further information response provided
19/05/2022 The application was advertised
19/05/2022 The amended application was re-referred
14/06/2022 Statutory declaration for advertising returned
29/06/2022 The report is being presented to Council at the meeting held 29 June 2022
(38 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:

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: Monica Revell, Acting 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 and endorse the plans if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1756-2022 for the use and development of a dwelling and development of an outbuilding ancillary to a dwelling on the subject land known as 3 Faith Street, Dimboola 3414 (Crown Allotments 92, 93 and 93A Section B, Parish of Dimboola), 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 26 April 2022, drawn to a suitable scale (i.e. 1:100, 1:200 etc) and fully dimensioned, showing the following:

- (a) Site plan to show the land as 1 lot.***
- (b) Location of the outbuilding to be consistent in all documents submitted for endorsement.***
- (c) Elevations of the outbuilding to be stated as north/south/east/west.***
- (d) Materials and finishes to be annotated on elevation plans, including colour names where known.***
- (e) 2 car parking spaces for the dwelling, including at least one undercover space as required by Clause 52.06-9 of the Scheme.***

Consolidation of lots

- 2. Prior to the endorsement of plans under Condition 1 of this permit, Crown Allotments 92, 93 and 93A Section B Parish of Dimboola must be consolidated into 1 lot/title under the Subdivision Act 1988, and a copy of the new title provided to the Responsible Authority.***

Endorsed Plans

- 3. 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

- 4. 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.***
- 5. 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.***
- 6. 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

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

8. *The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the 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.*
9. *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.*
10. *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Outbuilding Conditions

11. *The outbuilding on the land must not be used for human habitation at any time.*
12. *The outbuildings must not be used for domestic purposes until such time as an occupancy permit is issued for the dwelling approved under this permit.*

Engineering Conditions

13. *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.*

Environmental Health Conditions

14. *Prior to the occupation of the dwelling, a wastewater treatment system must be installed generally in accordance with the Land Capability Report prepared by Wartook Woods Environmental Health, dated 9 April 2022.*

Wimmera Catchment Management Authority Condition

15. *Finished floor levels must be constructed no lower than 100.69 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.

16. *Any fencing within the floodplain must be of an open style that will not obstruct the conveyance of flood water across the property, for example post and wire or open pool style fencing.*

Prior to the commencement of works, detailed plans of the proposed fencing within the floodplain area must be submitted to Wimmera CMA for approval.

17. *Wimmera Catchment Management Authority supports the provisions of the State Planning Policy provisions incorporated within the Planning Scheme (Clause 14.02-1) requiring a minimum 30 m buffer width along each bank of a waterway.*

Time Limit

18. 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.

Note:

A consent to works within road reserve permission is required prior to any works on the road reserve.

Attachment Numbers: 9 – 10

9 REPORTS REQUIRING A DECISION

9.1 COUNCIL PLAN ACTION PLAN 2022/2023

Responsible Officer: Director Corporate & Community Services

Attachment Numbers: 11 – 12 (late attachment)

Introduction:

This report presents the Council Plan 2021-2025 (incorporating the Health and Wellbeing Plan) Action Plan 2022/2023 for adoption.

Discussion:

At the Council meeting held on Wednesday 1 June 2022 Council resolved to approve the Council Plan 2021-2025 Action Plan 2022/2023 and invite public submissions.

The Council Plan 2021-2025 incorporates the Community Vision and Public Health and Wellbeing Plan (Plan). In developing the Vision, Council Plan and Health and Wellbeing Plan Council took into account the needs and aspirations raised by our communities. Council engaged with the community by conducting an online survey and holding in person community conversation sessions.

In developing the Plan, it was intended to be a living document that will be reviewed and updated annually. The plan contains annual actions, allowing Council to adapt to our changing environment and inform the budget for each financial year.

The development of the 2022/2023 Action Plan was informed through community consultation in the initial development of the plan along with consultation sessions held during March 2022.

The action plan continues to work towards the vision: Working together to be a connected, inclusive and prosperous community.

This vision will be achieved through values with transparent and accountable actions and decisions, inclusion and collaboration with residents, showing respect and integrity to all; and being proactive and responsible encouraging innovation.

Actions for 2022/2023 are set against four key themes:

- Our Community
- Built and Natural Environment
- Competitive and Innovative Economy
- Governance and Financial Sustainability.

The Health and Wellbeing Actions 2022/2023 focus on five key areas:

- Healthy Eating
- Active Living
- Social Connectivity
- Improving Mental Health
- Preventing all forms of violence and injury.

The draft Action Plan was made available to allow for submissions for the period Thursday 2 June 2022 to Friday 24 June 2022. At the time of writing the report the submission period had not closed. Any submissions received will be provided to Council for consideration at the Council meeting held on 29 June 2022.

Submissions:

Council received one (1) submission in relation to the 2022/2023 Action Plan.

The submission was received from Katherine Durant of Rainbow. Katherine would like to see childcare established in Rainbow.

In response to this submission the 2022/2023 Action Plan includes advocating for after school care and an increase in childcare in Hindmarsh Shire.

Officers will liaise with Council's early years provider in relation to increased childcare.

Options:

Council must prepare and advertise its Council Plan 2021-2025 and Community Vision 2040 pursuant to the *Local Government Act 2020*. The Health and Wellbeing Plan must be prepared pursuant to the *Public Health and Wellbeing Act 2008*.

Link to Council Plan:

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides initiatives and activities under the four key themes.

Financial Implications:

Actions for 2022/2023 will be contained within the annual budget 2022/2023 and long term financial plan.

Risk Management Implications:

The preparation of the Council Plan, incorporating the Health and Wellbeing Plan, and Community Vision is a statutory requirement.

Relevant legislation:

Local Government Act 2020

Public Health and Wellbeing Act 2008

Community engagement:

The Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 was developed following consultation with the community through an online survey and in person community conversation sessions.

Community conversation sessions included round table discussions where participants were asked to consider and discuss a series of questions with Councillors and staff members.

Gender equality implications:

No gender impact assessment is required.

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.

Communications Strategy:

Copies of the Council Plan 2021-2025 (incorporating the Health and Wellbeing Plan) Actions 2022/2023 will be available at Council's Customer Service Centres and on Council's website.

RECOMMENDATION:

That Council approves the Council Plan 2021-2025 (incorporating the Health and Wellbeing Plan Actions) 2022/2023.

Attachment Numbers: 11 – 12

9.2 ADOPTION OF THE 2022/2023 BUDGET (INCORPORATING THE LONG-TERM FINANCIAL PLAN FOR 2022/2023-2031/2032 AND THE REVENUE AND RATING PLAN)

Responsible Officer: Director Corporate & Community Services

Attachment Numbers: 13 – 14 (late attachment)

Introduction:

This report presents the 2022/2023 Annual Budget (incorporating the Long-Term Financial Plan for 2022/2023-2031/2032 and Revenue and Rating Plan) for adoption.

Discussion:

At the Council meeting held on Wednesday 1 June 2022 Council resolved to approve the draft 2022/2023 Annual Budget (incorporating the Long-Term Financial Plan and Revenue and Rating Plan) and invite public submissions.

Council is required under Section 94 of the *Local Government Act 2020* to prepare a budget for each financial year and the subsequent 3 financial years by 30 June each year or any other date fixed by the Minister by notice published in the Government Gazette.

The budget has been prepared in accordance with relevant statutory requirements, including the *Local Government Act 2020 (the Act)* and *Local Government (Planning and Reporting) Regulations 2014*.

A requirement of the *Local Government Act 2020* is that all Victorian Local Governments adopted a Revenue and Rating Plan by 30 June 2021. The Revenue and Rating Plan was developed and adopted on 23 June 2021 and has been revised in conjunction with preparation of the 2022/2023 Budget. The Revenue and Rating Plan was developed to retain the current differentials for farm and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount) and non-farm vacant land (100 percent penalty).

When revising the plan consideration was given on the capacity for each class of ratepayer to pay rates and benchmarking against similar councils was undertaken.

The 2022/23 budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, as well as new initiatives to improve amenity and make Hindmarsh a better place to live. It replicates the format of the four Key Results Areas used in the 2021-2025 Council Plan, namely:

- Our Community;
- Built and Natural Environment;
- Competitive and Innovative Economy ; and
- Good Governance and Financial Sustainability.

The budget has been prepared based on available information to inform forecasts and assumptions.

Submissions:

Council received two (2) submissions in relation to the draft 2022/2023 budget (incorporating the Long-Term Financial Plan and Revenue and Rating Plan).

The first submission was received from Claire Roll of Rainbow. Rainbow has recently formed a Trailblazers community group to develop bike and walking tracks around Rainbow. The Trailblazers committee looks forward to working with Council to create more bike/walking tracks in the Rainbow area for locals and tourists to be able to use.

In response to this submission Council congratulates the Rainbow community on the establishment of this community group. We look forward to working with the Rainbow Trailblazers.

The second submission was received from Ross Barker of Nhill. Ross expresses concern about the disproportionate and unbalanced spending across the Hindmarsh Shire wards and towns. Ross also expresses concerns about Nhill not directly benefiting from spending on the Silo Art trail and that the runway and drainage work at Nhill airfield is subject to grant funding.

Ross also feels the initiatives for the Nhill Caravan Park have been discriminatory because it is not directly managed by Council.

In response to this submission Council allocates expenditure based on need and does not divide it up per ward. Expenditure varies from year to year depending on a number of factors including condition audits on assets, grants received and requests from staff, Town Committees and Councillors. Council requires grants to undertake many community projects with grants also vary from year to year depending on the funding stream available.

Council is supporting many projects current and future in and around Nhill and district. To support community organisations Council has taken over the Committee of Management for the Nhill Tennis Club and Nhill Historical Society. Funding has been allocated through the Local Roads and Community Infrastructure program and Council's budget for new club rooms at Nhill Tennis Club. Although the Committee of Management has not been finalised with DELWP, Council has already assisted the Nhill Historical Society with a few maintenance issues at the building.

Council is also supporting the following projects / organisations through funding in the current year budget and 2022/2023 budget:

- Grant application for the Nhill Aerodrome Taxi Way, along with operating costs for the Aerodrome
- Grant application for a new bore at Nhill Lake to ensure a secure water source (the required contribution is being funded by GWM and Council)
- Implementation of the Nhill Streetscape Plan

- Master plan development of the Nhill Caravan Park to support future grant applications
- Allocation of an additional \$100,000 towards the Davis Park upgrades to support a grant application building on the budget allocations already set aside
- New luxury cabins at Nhill Caravan Park (one all abilities; one standard)
- Nhill Library upgrades
- New Solar Heating at Nhill Swimming Pool
- A number of capital works projects including final seals and reseals; a section of footpath in Church Street; a number of resheet projects within the Nhill district.

Nhill currently has no all abilities accommodation, meaning that people are staying outside of Nhill. Having accommodation available in Nhill at the caravan park encourages people to stay local therefore increasing tourism and local spend.

Rates and Charges:

The rates and charges calculated for 2022/23 are based on revaluation figures as at 1 January 2022. The Revenue and Rating Plan includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

The Victorian State government rate cap increase for 2022/2023 has been set at 1.75%. The cap, in line with the Essential Services Commission (ESC) calculation method, applies the increase to the average rates payable per assessment.

The total amount to be raised by general rates and charges in 2022/2023 is \$9.434m which is an increase of \$0.2m from 2021/2022.

The following table summarises the rates to be determined for the 2022/2023 year. A more detailed analysis of the rates to be raised is contained in the budget document under item 4.1.1 Rates and charges.

Type or Class of Land		Budget 2021/2022 \$	Budget 2022/2023 \$	Change
Residential	Cents/\$ CIV	0.00389260	0.00287260	-26.20%
Farm Land	Cents/\$ CIV	0.00350330	0.00258530	-26.20%
Business, Industrial & Commercial Land	Cents/\$ CIV	0.00350330	0.00258530	-26.20%
Recreational and Cultural Land	Cents/\$ CIV	0.00194630	0.00143630	-26.20%
Urban Vacant Land	Cents/\$ CIV	0.0078510	0.00574520	-26.20%
Municipal charge	\$/ property	\$200.00	\$200.00	0.00%

Kerbside waste / recycling collection charge	\$/ property	\$393.00	\$418.00	1.063%
General waste charge	\$/ property	\$13.00	\$15.00	1.15%

Capital Works:

The 2022/2023 budget includes capital works expenditure of \$8.997m. A number of larger, grant funded projects, are budgeted to be completed during 2022/2023 including:

- Jeparit Riverbank Precinct Amenities
- Swimming Pool Solar Heating
- Rainbow Caravan Park Amenities
- Silo Art

Key Initiatives

The proposed key initiatives for the 2022/2023 financial year are outlined below. Further details are included in the relevant sections of the budget document.

Community Infrastructure

- Funding obtained through the Local Roads and Community Infrastructure Round 3 will enable Council to undertake works on Community Infrastructure including:
 - Rainbow Enduro Infrastructure Upgrades;
 - Dimboola Visitor Node carpark and laneway sealing;
 - Jeparit Swimming Hole Deck and Retaining Wall;
 - Swimming Pool Upgrade package to include
 - Installation of solar heating at Nhill Swimming Pool; and
 - New vacuum and Mobility Hoist at Dimboola Swimming Pool

Tourism Development

- \$700,000 for Silo Art (total project \$2.1M)
- \$45,000 for building maintenance on the Yurunga Homestead and Pioneer Museum
- \$20,000 on tourism signage

Economic Development

- \$30,000 for Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. The program will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire.

Empowered Communities

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fifth year, this funding has enabled some fantastic projects in our towns since its inception.

- \$20,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.
- \$27,000 for Community Events which includes \$12,000 towards the Rainbow Desert Enduro.

Infrastructure

- **Reseals and Final Seals:** Council will undertake reseal and final seal projects totalling \$571,902 in 2022/23. These include: Moulder St Dimboola, Goldsworthy St Nhill, Riverside St Jeparit, Church St Dimboola, Thomas St Nhill, Johnson St Nhill, Wimmera St Dimboola, Ellerman St Dimboola, Wimmera St Jeparit, Turner St Nhill, Reserve Road Rainbow, Kinimakatka Road Nhill, Hardings Road Nhill, Dimboola Minyip Road Dimboola, Mt Elgin Rd Nhill, Lorquon Road Nhill and Pullut West Road Rainbow.
- **Sealed Road Construction:** Council will undertake sealed road construction projects totalling \$513,046 in 2022/23. These include: Mt Elgin Road Nhill and Woorak Ni Ni Lorquon Road Nhill.
- **Road Resheet Projects:** Council will undertake 9 resheet projects during 2022/23 totalling \$228,313. These include Kurnbrunin Road Rainbow, Propodollah Netherby Road Nhill, Tarranyurk East Road Jeparit, Tarranyurk West Road Jeparit, Dahlenburg Road Nhill, Eldorado Road Nhill and Laverty Road Nhill.
- **Footpaths:** Footpath projects totalling \$163,296 will be undertaken during 2022/23. These include: Church St Nhill, High St and Ellerman St Dimboola, Roy St Jeparit and Taverner St Rainbow.

The draft 2022/2023 budget incorporating the revised Rating and Revenue Plan and the draft Long Term Financial Plan was presented to Council on Wednesday 1 June 2022. Under Council's Community Engagement Policy the draft budget, revised Revenue and Rating Plan and draft Long Term Financial Plan was made available for public inspection and the receiving of submissions for the period Monday 6 June to Friday 24 June 2022. Council will be advised of any submissions received at the 29 June 2022 Council meeting.

The draft 2022/2023 budget incorporating the revised Revenue and Rating Plan and draft Long Term Financial Plan was also available for public inspection at Council's Customer Service Centres or online on Council's website.

Link to Council Plan:

The 2022/2023 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2021-2025.

Financial Implications:

The 2022/2023 Budget is consistent with the parameters set out in Councils' ten-year financial plan.

Risk Management Implications:

The preparation of the Budget is a statutory requirement.

Conflict of Interest:

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

Author: Heather Boyd, Manager Finance and Customer Services.

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

Officer Responsible: Monica Revell, Director Corporate and Customer Services.

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

Communications Strategy:

Council must give notice of the adoption of the Budget 2022/2023 incorporating the Revenue and Rating Plan and Long-Term Financial Plan. A public notice will be inserted in the Dimboola Banner, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Budget 2022/2023.

Copies of the adopted Budget incorporating the Revenue and Rating Plan and Long-Term Financial Plan will be placed on Council's website and hard copies will be made available from Hindmarsh Shire Council Customer Service Centres.

RECOMMENDATION:

- 1. That having considered submissions to the proposed 2022/2023 Budget, Council:**
 - 1.1 adopts the 2022/2023 Budget incorporating the Revenue and Rating Plan and the Long Term Financial Plan pursuant to the Local Government Act 2020;**
 - 1.2 gives public notice of this decision to adopt the 2022/2023 Budget incorporating the Revenue and Rating Pan and Long Term Financial Plan, and makes available for public inspection on Council's website and at Council's Customer Service Centres;**
 - 1.3 acknowledge the contribution of submitters to the budget process, and thanks them for their contribution; and**
 - 1.4 authorises officers to notify in writing, each person who has made a formal submission to the budget process.**
- 2. That having considered submissions to the proposed 2022/2023 budget, Council declares the following rates and charges:**
 - 2.1 That an amount of \$9,433,951 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this**

Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

General rates	\$7,403,051
Municipal charge	\$749,000
Kerbside waste / recycling collection charge	\$1,118,150
General waste charge	\$56,160
Windfarms in lieu of rates	\$107,590
Total	\$9,433,951

2.2 That it be further declared pursuant to the Local Government Act 2020 that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2022/23;

2.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying “Capital Improved Value” of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):

Type of Rate	Rate in Dollar on Capital Improved Value Cents/\$CIV
Residential Land	0.00287260
Farm Land	0.00258530
Business, Industrial & Commercial Land	0.00258530
Recreational and Cultural Land	0.00143630
Urban Vacant Land	0.00574520

2.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2022 from the Valuer General.

3. MUNICIPAL CHARGE

3.1 That pursuant to the Local Government Act 2020, a Municipal Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;

3.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;

3.3 The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.

4. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)

- 4.1 That pursuant to the Local Government Act 2020, an Annual Service Charge be declared for the period commencing on 1 July 2022 and ending on 30 June 2023;**
- 4.2 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”;**
- 4.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$418.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available;**
- 4.4 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”;**
- 4.5 That the Annual Service Charge for “General waste charge” be in the sum of \$15.00 for each rateable land within the municipal district of which a general waste charge may be levied.**

5. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed in the Local Government Act 2020 be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to the Act by the date specified for their payment.

6. AUTHORISATION TO LEVY AND RECOVER

That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.

7. SUBMISSIONS

That having considered all submissions received, Council thanks those who have made a submission and notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, under section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by the Act and the role of Council as determined by the Act.

Attachment Number: 13 – 14

9.3 HINDMARSH SHIRE COUNCIL INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

Responsible Officer: Director Corporate & Community Services

Introduction:

This report seeks to appoint Council officers as authorised officers of Hindmarsh Shire Council under the *Planning and Environment Act 1987*.

Discussion:

S224(1) of the *Local Government Act 1989* provides that a Council may appoint a person to be an authorised officer for the purpose of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.

Council is required to have an authorised officer under the *Planning and Environment Act 1987* to attend to enforcement of planning permits. Appointments are reviewed and updated regularly due to changes in staff, amendments to legislation and changes in positions/roles within Council.

Council Officers have prepared the attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) which seeks to appoint the following officers as authorised officers under the *Planning and Environment Act 1987*:

- Petra Croot
- Guy Corney

Three of the five previously appointed authorised officers have left Council, and the appointment of Guy Corney (Environmental Health Officer) and Petra Croot (Manager of Governance and Human Services) will ensure that Council can effectively fulfil its planning enforcement obligations under the *Planning and Environment Act 1987*.

Options:

1. Council can choose to adopt the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)
2. Council can choose to not adopt the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

Link to Council Plan:

Strong governance practices

A skilled Council and workforce capable of meeting community needs

Financial Implications:

N/A

Risk Management Implications:

Updating the Instrument of Delegation to Council Staff will ensure that Council is maintaining good governance and that Council Officers have the appropriate delegation to make decisions.

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 & Community Services

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

Author—Petra Croot, Manager Governance and Human Services

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

Communications Strategy:

Council's public list of Delegations and Authorisations will be updated to reflect these changes.

RECOMMENDATION:

In the exercise of the powers conferred by s224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the Instrument), Hindmarsh Shire Council (Council) RESOLVES THAT -

- 1. the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument;***
- 2. the Instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and***
- 3. the Instrument be sealed.***

10 COUNCIL COMMITTEES

10.1 AUDIT AND RISK COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 15

Introduction:

The Hindmarsh Shire Audit and Risk Committee held a meeting on 15 June 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Hindmarsh Shire Audit and Risk Committee meeting held on 15 June 2022.

Attachment Number: 15

10.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 16

Introduction:

The Wimmera Mallee Pioneer Museum Committee has provided their first quarterly report. A copy of this report is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the first quarterly report of Wimmera Mallee Pioneer Museum Committee.

Attachment Number: 16

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 HARDSHIP APPLICATION – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;***
- 14.2 CONTRACT AWARD 2021-2022-20 PROVISION OF RESOURCES TO EXTRACT QUARRY MATERIALS AND ASSOCIATED SERVICES AT COUNCIL QUARRIES – 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; and***
- 14.3 RURAL COUNCILS CORPORATE COLLABORATION (RCCC) TENDER OUTCOME – 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
