



30 August 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 31 August 2022 commencing at **3:00pm**.



Greg Wood  
**Chief Executive Officer**

## AGENDA

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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 and present.*

### ***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 27 July 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](mailto: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:** 20 July – 32 August 2022

### Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
20/07/2022	CEO Remuneration & Employment Committee briefing	Zoom	
26/07/2022	Wimmera Development Association Board Meeting	Zoom	
27/07/2022	Mayoral coaching with Ruth McGowan	Zoom	
27/07/2022	Council Briefing	Nhill	
27/07/2022	Council Meeting	Nhill	
3/08/2022	CEO Performance Review	Zoom	Unable to be present in person due to illness
	Apologies at various meetings and community events due to illness		
10/08/2022	Councillor and staff Shire road trip.	Hindmarsh Shire	It was fantastic to see the progress of both finished and in works capital projects across Hindmarsh.
15/08/2022	On leave		

to 29/08/2022			
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**Cr IRELAND, DEPUTY MAYOR**

Date	Meeting	Location	Comments
21/07/2022	Meeting with Christine Mileham	Zoom	CEO remuneration process
27/07/2022	Council Briefing		
27/07/2022	Council Meeting		
28/07/2022	Yurunga Homestead Annual General Meeting		
30/07/2022	Dimboola Annual Golf Tournament		
03/08/2022	Meeting with Christine Mileham	Nhill Memorial Community Centre	CEO review
08/08/2022	Meeting with Grieg farms	Antwerp	Had a tour of surrounding roads as to condition. (Major works were about to commence on Tarranyurk west road and are ongoing at time of report).
08/08/2022	Jeparit Town Meeting		
10/08/2022	Councillors bus tour day with shire staff throughout the shire		A good day to visit the area and discuss problems, upcoming projects etc
17/08/2022	Yanac Hall Committee Annual General Meeting		This was the hall committees 101 st meeting and their first since Covid...had a great night and a few laughs with a great bunch of people
18/08/2022	Yurunga homestead general meeting	Zoom	
23/08/2022	MC at the Keith Potger concert	Nhill	

**Cr GERSCH**

Date	Meeting	Location	Comments
20/07/2022	Council Workshop		
22/07/2022	RCV Board Meeting		
27/07/2022	Council Meeting		
29/07/2022	Wimmera Regional Roads Meeting		
03/08/2022	CEO Performance Review		
06/08/2022	Funeral Mayor Tony Driscoll	St Arnaud	
10/08/2022	Council Road Trip		

15/08/2022	Inspect Planning Application		
16/08/2022	Attend funeral past Councillor Ross Heinrich		
17/08/2022	Chair Nhill Senior Citizens Annual General Meeting		
20/08/2022	Attend Nhill Lions Club 50 <sup>th</sup> Anniversary		

**Cr NELSON**

Date	Meeting	Location	Comments
20/07/2022	CEO Performance Review Meeting		
27/07/2022	Council Briefing Meeting	Nhill	
27/07/2022	Council Meeting	Nhill	
28/07/2022	Wimmera Southern Mallee LLEN Meeting	Nhill	
29/07/2022	Christmas in July event	Dimboola	
3/08/2022	CEO Performance Review	Nhill	
10/08/2022	Councillor Shire Bus Tour		

**Cr ISMAY**

Date	Meeting	Location	Comments
18/07/2022	Rainbow Town Committee Meeting		
27/07/2022	Council Briefing Meeting	Nhill	
27/07/2022	Council Meeting	Nhill	
03/08/2022	CEO Review	Nhill	
06/08/2022	Mayor Driscoll funeral	St Arnaud	
09/08/2022	Rainbow Rises Events Meeting		
10/08/2022	Bus Tour Jeparit/Rainbow		
15/08/2022	Rainbow Town Committee Meeting		
16/08/2022	Ross Heinrich funeral (former Councillor)	Rainbow	

17/08/2022	Yanac Hall Annual General Meeting		
23/08/2022	WMT Meeting	Warrackna beal	
23/08/2022	Rainbow Rises Events Meeting		

**Cr BYWATERS**

Date	Meeting	Location	Comments
27/07/2022	Council Briefing and Council Meeting	Zoom	
03/08/2022	CEO Performance Review	Zoom	
09/08/2022	Homework Club	The Patch Nhill	
10/08/2022	Councillor North Ward Infrastructure Tour		Arkona Silo Art & car parking area: Jeparit Memorial Hall, Customer Service Centre / Library, and new seating area: Jeparit workshop and yard: New cabin at Jeparit Caravan Park: Jeparit Visitor Node & Swimming Hole: Jeparit Weir: Jeparit Golf Club (Wimmera River Discovery Trail route): Old Railway Bridge: Rainbow Lake: new Rainbow Library and customer service Centre: Rainbow Caravan Park (new cabin, master plan, power upgrade, services connections, acoustic fence): Rainbow Recreation Reserve – Female Change Rooms (power upgrade): Llew Schilling Silo: Albacutya Silo: Albacutya Bridge: Western Beach Road, Lake Albacutya: Jeparit transfer station. It was good to spend time with other Councillors and staff, being briefed and seeing Hindmarsh projects in person. I am looking forward to touring East and West ward in the future.
16/08/2022	Homework Club	The Patch Nhill	
18/08/2022	Australian Local Government Women's Association (ALGWA) Navigating Difficult Conversations Online Forum	Zoom	
23/08/2022	Grants Commission Statewide Information Session	Online via Teams	
23/08/2022	Homework Club	The Patch	

		Nhill	
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## 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:**

- 09/08/2022 – Letter from Carol Paech RE Concerns

**Outwards:**

- 15/08/2022 – Letter to Yurunga Homestead Community Asset Committee RE Endorsement of a Committee Member
- 22/08/2022 – Letter of Response to Carol Paech RE Concerns
- 23/08/2022 – Letter to Rainbow Township Advisory Committee RE Approval of Payments to Belinda Eckermann
- 24/08/2022 – Letter to Yanac Hall and Recreation Reserve Community Asset Committee RE Endorsement of Committee Members

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

*Attachment Numbers: 2 – 6*

## 8 PLANNING PERMITS

### 8.1 PLANNING PERMIT APPLICATION PA1778-2022 – TWO LOT SUBDIVISION (RE-SUBDIVISION OF TWO EXISTING LOTS) AND USE AND DEVELOPMENT OF A DWELLING ON EACH LOT – MEMORIAL PARK NETHERBY VIC 3418 (CROWN ALLOTMENTS 7 & 8, SECTION 4, TOWNSHIP OF NETHERBY, PARISH OF WARRAQUIL)

**Responsible Officer:** Director Infrastructure Services

**File:** Planning – Applications

**Assessment:** 108520

**Application No:** PA1778-2022

**SPEAR Ref. No:** S192539E



<b>Applicant:</b>	Tim Berger, Hatch Planning Pty Ltd
<b>Owner:</b>	Not A Front Pty Ltd
<b>Subject Land:</b>	Memorial Park Drive, Netherby VIC 3418 (Crown Allotments 7 & 8, Section 4, Township of Netherby, Parish of Warraquil)
<b>Proposal:</b>	Two lot subdivision (re-subdivision of two existing lots) and use and development of a dwelling on each lot
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) Environmental Significance Overlay Schedule 6 (ESO6) - part
<b>Attachment Number:</b>	7

**Summary:**

This report recommends that Council approves Planning Permit PA1778-2022 for a two-lot subdivision (re-subdivision of two existing lots) and the use and development of a dwelling on each lot at Memorial Park Drive Netherby VIC 3418 (Crown Allotments 7 & 8, Section 4, Township of Netherby, Parish of Warraquil), subject to standard conditions.

**Background:**

The site is vacant land within the Netherby Township that has post and wire fences constructed along the lot boundaries and has not been used for agricultural purposes for some time.

**Proposal Details:**

The application proposes a two lot subdivision (re-subdivision of two existing lots) and the use and development of a dwelling on each lot. The two lot subdivision consists of proposed Lot 1 and proposed Lot 2 each with an area of 1011m<sup>2</sup>. The two dwellings will each contain two bedrooms, open plan living, dining and kitchen area, bathrooms, laundry, and a single garage and rear outdoor alfresco area under the same roof form of each dwelling. The two dwellings will each have a floor area of 149.81m<sup>2</sup> and present as being the mirror image to one another on the site.

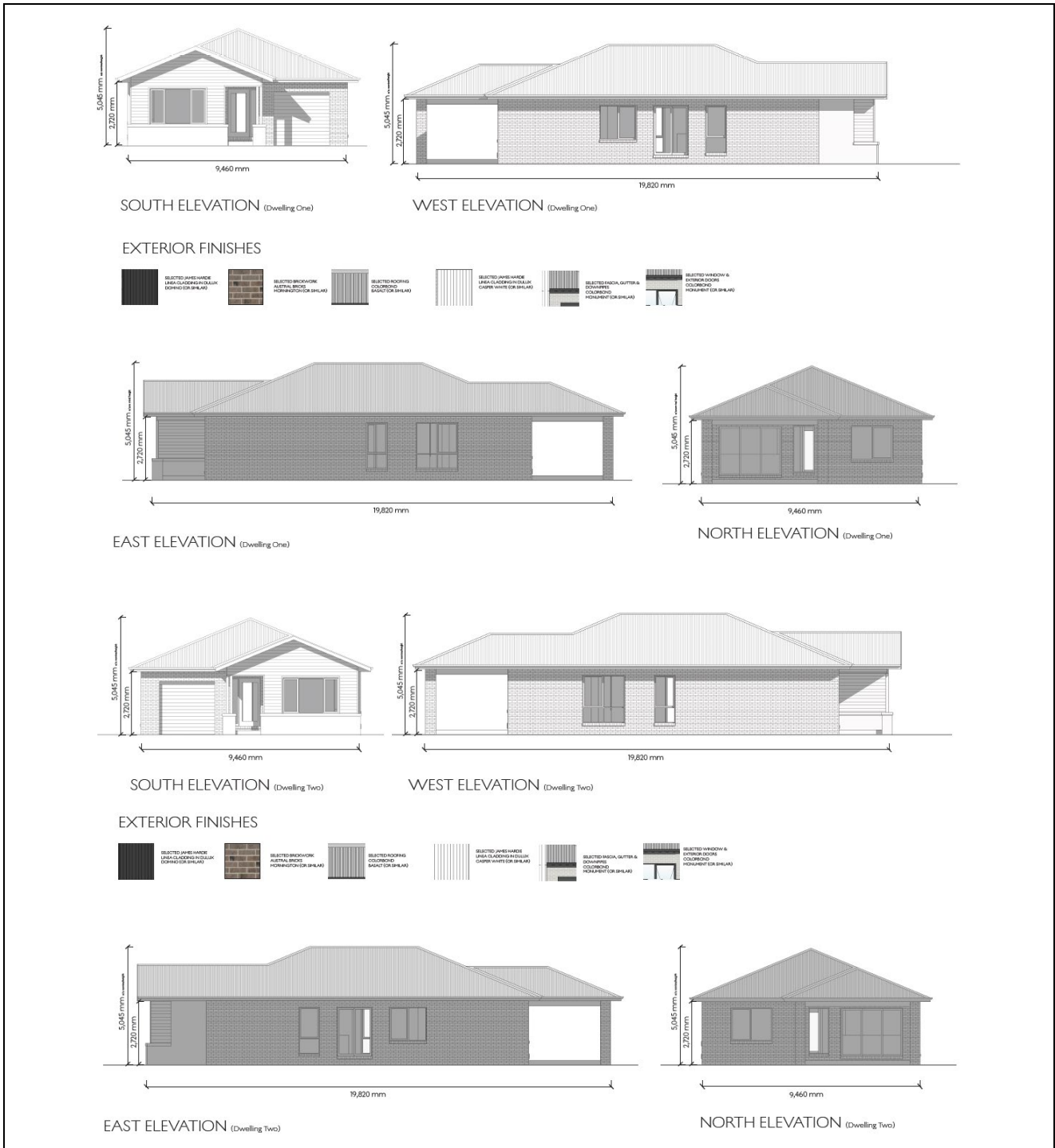
Vehicle access to the two proposed lots is proposed from a shared 7.0m wide crossover from Netherby-Baker Road to the south. A 3.0m wide driveway is proposed to each dwelling from the shared crossover.

The applicant has stated the following about the proposal:

*‘This proposal seeks to re-subdivide the land so as to orientate the lots in a north-south direction, thereby providing each lot frontage to Netherby-Baker Road. The proposal also seeks to develop a dwelling on each vacant lot.’*

Proposed Plan for Endorsement below:





**Requirement for Permit:**

The subject land is located within the Farming Zone and the Environmental Significance Overlay Schedule 6.

A planning permit is required to subdivide land (re-subdivide two lots) under Clause 35.07-3 Subdivision of the Farming Zone. A planning permit is also required for use and development of a dwelling on each lot under Clause 35.07-1 and Clause 35.07-4 of the Farming Zone.

A planning permit is not required under the Environmental Significance Overlay Schedule 6 as there is no vegetation removal within the area covered by the overlay.

**Restrictive Covenant or Section 173 Agreement:**

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

**Cultural Heritage Management Plan (CHMP):**

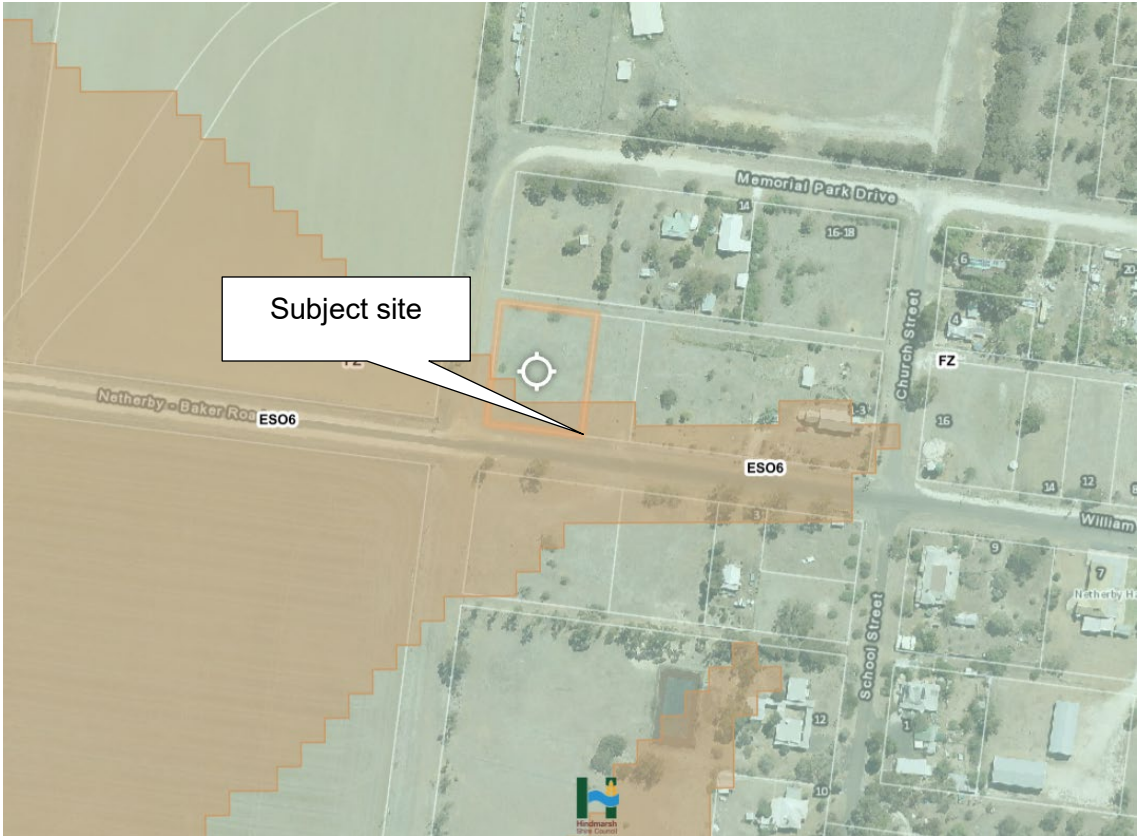
The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018* as the site is not within an Aboriginal Cultural Heritage Sensitivity Area. A two lot subdivision and the use and development of one dwelling on each lot are exempt activities in any case.

**Subject site & locality:**

The subject land is currently vacant and is located on the western edge of the Netherby Township. The subject site is located on the east side of Memorial Park Drive and the north side of Netherby-Baker Road and also adjoins an unnamed lane at the rear. The site is rectangular and comprises two lots being Crown Allotment 7 and 8 Section 4 Township of Netherby, Parish of Warraquil, and has a total combined area of 2,022m<sup>2</sup>. There are no existing crossovers to the land. The existing lot configuration has the long axis in an east-west direction, with CA7 having frontage to Netherby-Baker Road and Memorial Park Drive, and CA8 having frontage to Memorial Park Drive and the unnamed lane.

The applicant has stated that *'While comprising township sized lots, the subject land is located within the Farming Zone (FZ), consistent with the broader Netherby Township. To the north, south and east of the site are similar lots, with scattered dwellings and open space reserve. Lots in these directions are substantially similar to the subject land. To the west of the subject site is land used primarily for broadacre cropping. The site appears to have access to reticulated power and telecommunications, but not water and sewer.'*

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



Photos of the site and surrounds below:





**Consultation:**

Consultation was undertaken and included:

- A request for further information was sent to the applicant via SPEAR on 8 June 2022.
- The further information including amended plans were received in SPEAR on 8 June 2022.

**Section 52 Notice of application:**

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

- Sending notices to the owners and occupiers of the adjoining and adjacent land.
- Placing two public notices on the road frontages of the site.
- Placing a public notice on Council's website.

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

**Referrals:**

External Referrals/Notices were required by the Planning Scheme:

**Section 55 Referrals**

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

**Section 52 Referrals**

Nil

**Internal Referrals:**

- Engineering: Comments provided, and condition required as detailed below.

*We have conducted a site visit on 08/07/2022 at Memorial Park Drive Netherby.  
The following conditions need to be applied to the permit.*

*Proposed New Access:*

*A new shared crossover shall be constructed as per IDM SD-255 standard with min. 6.0m width, at the South side of the Lots on Netherby-Baker Rd to the satisfaction of the Responsible Authority.*

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

*Note:*

*A consent to works within road reserve permission is required prior to construction of crossovers.*

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

*Drainage:*

*a. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Southern side of the property to the open drain in the Netherby-Baker Rd road reserve to the satisfaction of the Responsible Authority.*

*b. LPD can be applied with the house building permit application.*

- Environmental Health: Comments provided, and condition required as detailed below.
  - *I've had a look though the proposal and the LCA. Based on the available information in principle (a system design was out of scope for the LCA), there would be no reason why we would refuse to issue a permit for secondary treated onsite effluent disposal at this site. When I ran the numbers, I would be happy with anything above 150m<sup>2</sup> of subsurface irrigation, so the assessor has even managed to squeeze in a bit extra (170m<sup>2</sup>).*
  - *So no issues with the planning application from a health perspective.*

**Planning Scheme:**

Planning Scheme Requirements:

**Municipal Planning Strategy (MPS)**

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

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-4 Natural Resource Management

Clause 02.03-6 Economic Development

### **Planning Policy Framework (PPF)**

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

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.01-1L Hindmarsh

Clause 11.03-6S Regional and local places

Clause 14.01-1S Protection of agricultural land

Clause 15.01-2S Building design

Clause 15.01-5S Neighbourhood character

Clause 15.01-6S Design for rural areas

Clause 16.01-3S Rural residential development

Clause 19.03-2S Infrastructure design and provision

### Planning Response:

The proposal will allow for minimal residential development of vacant land on the western edge of the Netherby Township that is not used for any agricultural use.

The two lots are separated from the adjacent agricultural uses to the west and south-west by the adjacent road reserves, which will help to minimise potential land use conflicts. The proposal will not result in the loss of any productive agricultural land as the land is vacant and has not used for any agricultural purposes for some time. The design and layout of the two dwellings and the wastewater management utilising a secondary treatment system as recommended in the Land Capability Assessment will minimise any adverse impacts on the environment.

The proposed dwelling use and subdivision will therefore comply with the relevant provisions of the MPS and PPF subject to conditions.

### **Zoning Provisions**

#### **Clause 35.07 Farming Zone (FZ)**

##### **35.07-1 Table of Uses**

A permit is required for the use of a dwelling on each lot which is a Section 2 Use (Permit required) under this Clause.

##### **35.07-2 Use of land for a dwelling**

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

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.



- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

### **35.07-3 Subdivision**

A permit is required to subdivide land.

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

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

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

### **35.07-4 Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1.
- A building which is within any of the following setbacks:
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.

### **35.07-6 Decision Guidelines**

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

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

## **Schedule to the Farming Zone**

### **1.0 Subdivision and other requirements (Permit triggers)**

- Minimum subdivision area – All other land – 40 hectares.
- Minimum area for which no permit is required to use land for a dwelling (hectares) - All other land – 40 hectares.
- Minimum setback from a road – Any other road – 20 metres.
- Minimum setback from a boundary (metres) – Any boundary – 5 metres.
- Minimum setback from a dwelling not in the same ownership – Any dwelling not in the same ownership – 100 metres

Planning Response:

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

General issues

- The proposal will comply with the MPS and PPF as discussed above.
- The proposal will be consistent with the current Wimmera Regional Catchment Strategy 2021-2027.
- The proposal will not encourage sustainable land management as this is a relatively small 2022m<sup>2</sup> vacant lot on the western edge of the Netherby Township and has not been used for any productive or sustainable agricultural purpose for some time.
- The proposal will enable the rural residential development of two vacant lots within the Netherby Township that are still within the Farming Zone. The proposal will be compatible with the adjoining residential land uses and will not impact on the nearby agricultural land uses.
- The proposal will require a shared crossover and all-weather access to the lots and adequate drainage to be constructed to Council requirements. Standard conditions will be included for services to be connected as required by the relevant authorities in accordance with the mandatory conditions listed in Clause 66.01.

Agricultural issues and the impacts from non-agricultural uses

- The proposal will not result in the loss of any agricultural activities as the subject land is vacant land of 2022m<sup>2</sup> and has not been used for farming. Although the subject land and the surrounding within the Netherby Township are within the Farming Zone, there are smaller lots adjoining and within proximity to the site that are developed with dwellings and there are also adjoining vacant lots that are not used for farming.
- The proposal will not have in any adverse effect on soil quality and does not remove any land from agricultural production.
- The proposal is unlikely to limit the operation and expansion or adversely impact the adjacent agricultural uses to the west and south on the opposite side of Memorial Park Drive and Netherby-Baker Road.

Accommodation issues

- The two proposed dwellings will not result in the loss or fragmentation of productive agricultural land as the site is vacant land with an area of only 2022m<sup>2</sup> on the western edge of the Netherby Township.
- The dwellings are not likely to be adversely affected by agricultural activities on the adjacent farming land.
- The dwellings will not adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The proposal will result in a modest increase to the concentration of dwellings within the Netherby Township which is regarded as an appropriate planning outcome in the absence of any Township Zone across the broader extent of the Netherby Township.

Environmental issues

- The proposal is unlikely to have an adverse impact on soil and water quality and any other natural physical features and resources.
- There are several small trees on the site that are unlikely to be affected by the development of the two proposed dwellings and the wastewater management areas.
- The proposal will not have impacts on flora and fauna in the locality.

#### Design and siting issues

- The proposed development is unlikely to have adverse impacts on the adjacent agricultural uses and will not result in the loss of any productive agricultural land.
- The two single storey dwellings are designed to provide for appropriate siting, design, height, minimal bulk, colours and materials and will not have adverse impacts on the environment.
- The two proposed dwellings will have a positive impact on the character and appearance of this area on the western edge of the Netherby Township.
- The dwellings will be connected to infrastructure including a shared 7.0m crossover and all-weather access to the dwellings to comply with Clause 35.07-2. A Land Capability Assessment has been submitted providing details of a secondary treatment system with a 170m<sup>2</sup> effluent disposal area for each dwelling with adequate setbacks from the boundaries. The design and layout of the secondary treatment system will be managed by a condition to ensure compliance with the *Environment Protection Act 2017* and the relevant EPA Protocols. A potable water supply is also required for the dwellings on each lot. Standard conditions are required to provide all the necessary infrastructure for the two dwellings and the two lots for the subdivision.
- There are no specific traffic management measures required other than construction of a shared 7.0m wide crossover. Conditions are required for the shared crossover and access to be constructed to Council standards.

#### **Overlay Provisions**

Nil

#### **Particular Provisions**

##### **Clause 52.06 Car Parking**

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

- Dwelling – 1 car space to each one or two bedroom dwelling

##### **52.06-9 Design standards for car parking**

##### **Design standard 2 – Car parking spaces**

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Planning Response:

The two proposed two bedroom dwellings are each provided with a single undercover car space within the single garages measuring 6.0m long by 3.5m wide to comply with the car parking requirements of this Clause.

**General Provisions**

**Clause 65 - Decision Guidelines**

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

**65.01 Approval of an application or plan**

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

**65.02 Approval of an application to subdivide land**

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

Planning Response:

The proposal complies with the MPS and PPF, having regard to the two lots having not been used for agriculture and being located on the western edge of the Netherby Township. The proposal will not impact on the environment, human health and the amenity of the area. The proposal will enable the orderly planning of the area. The proposal therefore complies with the relevant decision guidelines of Clause 65.

**Discussion:**

The proposal re-subdivision of the two lots will enable the reorientation of the lots to front the sealed access road along Netherby-Baker Road to the south. The proposed use and development of two dwellings on the lots is regarded as an acceptable planning outcome having regard to the site's location on the western edge of the Netherby Township and being too small to be used for productive agricultural purposes. The proposal will not result in the loss of any agricultural land and will not cause land use conflicts with the adjacent agricultural land. The proposal will on balance comply with the planning policies in the MPS and PPF, the relevant decision guidelines of the FZ and will enable the orderly planning of the area in accordance with Clause 65.

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

**Strategic, Statutory and Procedural Requirements:**

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

**Report to Council:**

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

**Processing Times:**

17/05/2022 Application submitted in SPEAR.  
08/06/2022 Further information requested  
08/06/2022 Response to further information received and amended plans received  
09/06/2022 Fee paid  
30/06/2022 Advertising directions and letters sent.  
30/06/2022 Referral to Engineering and Environmental Health sent  
06/07/2022 Public notices erected on site by Council on behalf of applicant  
13/07/2022 Response received from Engineering  
20/07/2022 Notification period ended  
04/08/2022 Response received from Environmental Health at Yarriambiack Shire Council  
(assisting Hindmarsh Shire Council)  
31/08/2022 The report is being presented to Council at the meeting held 31 August 2022  
(63 statutory days)

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

**Link to Council Plan:**

N/A.

**Financial Implications:**

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

**Risk Management Implications:**

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

**Conflict of Interest:**

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

**Communications Strategy:**

Advise the applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit and endorse the plans if approved.

**RECOMMENDATION:**

***That Council approves Planning Application PA1778-2022 for a two-lot subdivision (re-subdivision of two existing lots) and use and development of a dwelling on each lot, on the subject land at Memorial Park Drive Netherby VIC 3418 (Crown Allotments 7 & 8, Section 4, Township of Netherby), Parish of Warraquil), subject to the following conditions:***

**Conditions:**

***Endorsed Plans – Use and Development***

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

***Endorsed Plans - Subdivision***

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

***General Requirements***

- 3. The buildings and the site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 4. Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the Responsible Authority.***

***Use for Dwellings***

- 5. Access to the dwellings must be provided via a shared crossover and all-weather access with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.***

6. ***The wastewater from the dwelling must be treated and retained on-site by a secondary treatment system required by the Land Capability Assessment or alternative approved by the Responsible Authority in accordance with the Environment Protection Act 2017. In this regard, the wastewater system must be designed, approved and constructed in accordance with the relevant EPA Protocols for On-site Wastewater Management, or a relevant alternative to the satisfaction of the Responsible Authority.***
7. ***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.***
8. ***The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

#### ***New Access***

9. ***Before the occupation of the dwellings or before the issue of a Statement of Compliance under the Subdivision Act 1988, a new shared crossover must be constructed as per IDM SD-255 standard with minimum 6.0metre width, at the south side of the lots on Netherby-Baker Rd to the satisfaction of the Responsible Authority.***
10. ***The vehicle crossovers and access to the lots and dwellings on the lots must be constructed at the permit holder's expense to provide all-weather ingress and egress to the site to the satisfaction of the Responsible Authority.***

#### ***Drainage***

11. ***All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the southern side of the property to the open drain in the road reserve to Netherby-Baker Road to the satisfaction of the Responsible Authority.***

#### ***Subdivision Conditions in Clause 66.01***

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

#### ***Use and Development Expiry***

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

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

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

#### **Subdivision Expiry**

**16. The subdivision will expire if:**

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

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

#### **Notes:**

##### Infrastructure

- A consent to works within road reserve permission is required prior to construction of crossovers and must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444).  
<https://www.hindmarsh.vic.gov.au/register-for-permits>
- LPD can be applied with the house building permit applications.

Attachment Number: 7

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## **9 REPORTS REQUIRING A DECISION**

### **9.1 HINDMARSH SHIRE COUNCIL REVISED GOVERNANCE RULES**

**Responsible Officer:** Director Corporate and Community Services

**Attachment Number:** 8

#### **Introduction:**

This report presents the revised Governance Rules and Election Period Policy for adoption.



**Discussion:**

At the Council meeting held on 27 July 2022, Council resolved to endorse the draft Governance Rules and Election Period Policy and make them available to the public for the period between 28 July 2022 and 18 August 2022.

Under Section 60 of the *Local Government Act 2020 (Act)*, Council is required to adopt and maintain Governance Rules. Under Section 60(4) of the Act, Council is required to undertake a process of community consultation prior to adopting the Governance Rules.

The Governance Rules and Election Period Policy were revised to accommodate changes in the *Local Government Act 2020* regarding Council and delegated committee meetings being held by electronic means of communication and to ensure that all areas of the policy are compliant with relevant legislation.

The sections of the Governance Rules with major amendments include:

- *Section 11 – Election of Mayor*  
Amendments to section 11 regarding the election of Mayor.
- *Division 5 – Meetings and the use of electronic means of communication*  
Introduction of Division 5, including provision for the attendance and undertaking of meetings by electronic means of communication.

**Submission:**

Council received one submission from Peter Solly of Rainbow relating to the requirements of roles within Community Asset Committees.

Responsibilities and powers of Community Asset Committee members are governed by Instruments of Delegation and other Council policies, not within the Governance Rules and Election Period Policy. Council officers are currently finalising Community Asset Committee Guidelines which provides committee members with a set of guidelines that covers off on all responsibilities of a Community Asset Committee including the duties of the Chairperson, Secretary and Treasurer.

**Conclusion:**

The revised Governance Rules and Election Period Policy will enable Council to conduct its business in an effective, transparent and accountable way.

**Options:**

1. Council can choose to adopt the revised Governance Rules and Election Period Policy;
2. Council can choose to amend the revised Governance Rules and Election Period Policy before adoption.

**Link to Council Plan:**

Strong governance practices

**Financial Implications:**

No financial implications.

**Risk Management Implications:**

The draft Governance Rules will ensure that Council maintains its governance and community engagement obligations under the Act.

**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 will publish the Governance Rules and Election Period Policy on the Council website and publish a Facebook post advising the public of their adoption.

**RECOMMENDATION:**

***That Council adopts the revised Governance Rules and Governance Rules and Election Period Policy.***

*Attachment Number: 8*

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**9.2 CROWN LAND COMMITTEE OF MANAGEMENT JEPARIT RIVERBANK  
PRECINCT**

**Responsible Officer:** Director Corporate and Community Services

**Introduction:**

This report seeks support to enter into an agreement appointing Council as the Committee of Management with Parks Victoria for Crown Allotment 43A Parish of Jeparit (Volume 11742, Folio 113), known as Jeparit Riverbank Precinct.

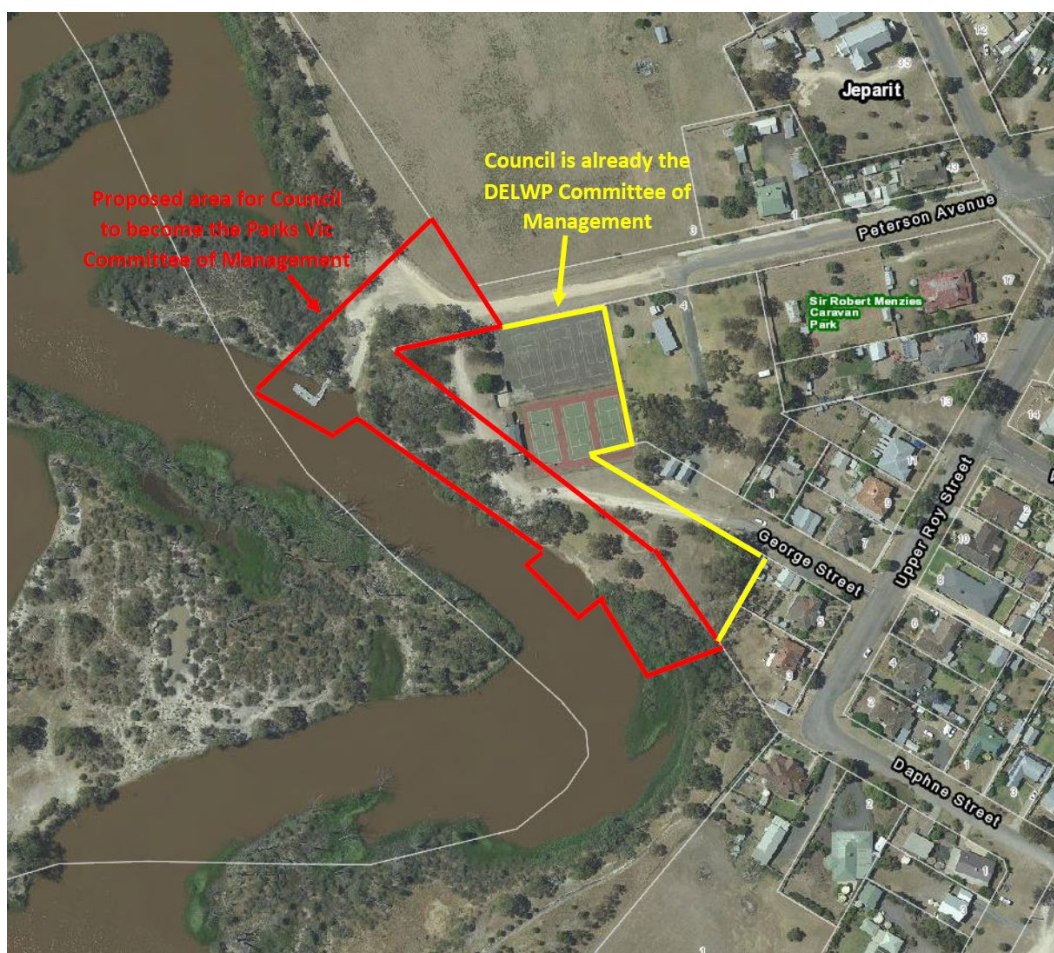
**Discussion:**

The Riverbank Precinct forms part of the Wimmera River Discovery Trail, Jeparit Visitor Node. As part of the development of the Node Council has allocated funding for the completion of a new retaining wall and decking platform at the Jeparit Swimming Hole.

Council Officers have been liaising with Parks Victoria for approximately twelve months in

relation to the necessary approvals to undertake works on the retaining wall. Parks Victoria have responded recently advising their preferred option is for Council to become the Committee of Management for the area highlighted in red in the below map.

Council already holds Committee of Management for the DELWP component of the Riverbank Precinct marked in yellow below and owns the adjacent land in which the Jeparit Caravan Park is located.



Obtaining Committee of Management for the whole area will enable Council to undertake the projects identified in the Jeparit Riverbank Precinct Master Plan that was developed for the Riverbank Precinct. This includes the construction of a new retaining wall; viewing deck; and associated landscaping. Funding has been allocated through the Local Roads and Community Infrastructure Fund Phase 3 for the construction of a new amenities block which will serve the purpose of being used by those utilising the riverbank precinct and discovery trail, and an overflow for the caravan park.

**Options:**

1. Council can enter into a Committee of Management agreement for Crown Allotment 43A Parish of Jeparit (Volume 11742, Folio 113) known as Jeparit Riverbank Precinct.
2. Council can choose not to enter into a Committee of Management agreement for the parcel.

**Link to Council Plan:**

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

**Financial Implications:**

Council already maintains the Jeparit Riverbank Precinct, minimal costs will be incurred with Council obtaining Committee of Management.

**Risk Management Implications:**

If Council does not take on COM for the Riverbank Precinct the allocated grant funding towards the retaining wall will not be able to be spent by the funding deadline.

**Conflict of Interest:**

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

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

**Communications Strategy:**

Council will advise Parks Victoria of the outcome of this decision.

**RECOMMENDATION:**

***That Council enters into a Committee of Management agreement for Crown Allotment 43A Parish of Jeparit (Volume 11742, Folio 113) known as Jeparit Riverbank Precinct.***

**10 COUNCIL COMMITTEES**

**10.1 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services

**Attachment Numbers:** 9 – 11

**Introduction:**

The Dimboola Township Advisory Committee held meetings on 2 May 2022, 6 June 2022 and 4 July 2022. The purpose of this report is to note the minutes from these meetings. A copy of these minutes are included as attachments for the information of Council.

**RECOMMENDATION:**

***That Council:***

- 1. notes the minutes of the Dimboola Township Advisory Committee meetings held on 2 May 2022, 6 June 2022 and 4 July 2022; and**
- 2. endorses Melissa Haby as a member of the Dimboola Township Advisory Committee (providing all required volunteer documentation is received).**

*Attachment Numbers: 9 – 11*

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## **10.2 RAINBOW TOWNSHIP ADVISORY COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services

**Attachment Numbers:** 5, 12 – 15

### **Introduction:**

The Rainbow Township Advisory Committee held meetings on 16 May 2022, 20 June 2022, 18 July 2022, and 15 August 2022. The purpose of this report is to note the minutes from these meetings. A copy of these minutes are included as attachments for the information of Council.

### **RECOMMENDATION:**

#### ***That Council:***

- 1. notes the minutes of the Rainbow Township Advisory Committee meetings held on 16 May 2022, 20 June 2022, 18 July 2022 and 15 August 2022; and**
- 2. notes the letter sent from the CEO to the Rainbow Township Advisory Committee approving the release of funds to pay Belinda Eckermann for the Rainbow Mural Restoration Project.**

*Attachment Numbers: 5, 12 – 15*

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## **10.3 JEPARIT TOWNSHIP ADVISORY COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services

**Attachment Number:** 16

### **Introduction:**

The Jeparit Township Advisory Committee held a meeting on 8 August 2022. The purpose of this report is to note the minutes from this meeting. A copy of these minutes is included as an attachment for the information of Council.

### **RECOMMENDATION:**

***That Council notes the minutes of the Rainbow Township Advisory Committee meeting held on 8 August 2022.***

*Attachment Number: 16*

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#### 10.4 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE

**Responsible Officer:** Director Corporate and Community Services

**Attachment Numbers:** 3, 17 – 20

**Introduction:**

The Yurunga Homestead Community Asset Committee held a meeting on 23 June 2022 and their Annual General Meeting on 28 July 2022. The purpose of this report is to note the minutes from these meetings and corresponding documents. A copy of these minutes and corresponding documents are included as attachments for the information of Council.

**RECOMMENDATION:**

**That Council:**

- 1. notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 23 June 2022 and Annual General Meeting held on 28 July 2022;**
- 2. notes the Chairperson's report and financial report for 2021-2022;**
- 3. notes the following as members of Yurunga Homestead Community Asset Committee:**
  - Chairperson – Jenny Solly**
  - Secretary – Peter Solly**
  - Treasurer – Peter Solly**
  - Committee Members – Colin Drendel, Lou Ravenhorst and Heather Drendel; and**
- 4. notes the letter from the CEO to the Yurunga Homestead Community Asset Committee conditionally endorsing the nomination of Heather Drendel to the committee.**

*Attachment Numbers: 3, 17 – 20*

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#### 10.5 ANTWERP HALL COMMUNITY ASSET COMMITTEE

**Responsible Officer:** Director Corporate and Community Services

**Attachment Number:** 21

**Introduction:**

The Antwerp Hall Community Asset Committee has provided Council with their financial Report for 2021-2022. A copy of this report is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the financial report of the Antwerp Hall Community Asset Committee for 2021-2022.***

Attachment Number: 21

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## 10.6 YANAC HALL AND RECREATION RESERVE COMMUNITY ASSET COMMITTEE

**Responsible Officer:** Director Corporate and Community Services

**Attachment Numbers:** 6, 22 – 25

### **Introduction:**

The Yanac Hall and Recreation Reserve Community Asset Committee held its Annual General Meeting on 17 August 2022 followed by a general meeting. The purpose of this report is to note the minutes from these meetings and corresponding documents. A copy of these minutes and corresponding documents are included as attachments for the information of Council.

### **RECOMMENDATION:**

#### **That Council:**

- 1. notes the minutes of the Yanac Hall and Recreation Reserve Annual General Meeting and general meeting held on 17 August 2022;**
- 2. notes the annual report and financial report for 2021-2022;**
- 3. notes the following as members of Yanac Hall and Recreation Reserve Community Asset Committee:**
  - President – Susanne Beattie**
  - Vice President – Shaun Alexander**
  - Secretary/Treasurer – Jenny Smith**
  - Committee Members – Bruce Beattie, Craig Smith, Terry Miller, Erin Alexander, Michael Dart, Rebecca Dart, Raelene Dart and Steve Thompson;**
- 4. notes the following as volunteers of Yanac Hall and Recreation Reserve Community Asset Committee:**
  - Brett Wheaton**
  - Karen Wheaton**
  - Lois Miller**
  - David Webb**
  - Sandra Webb**
  - Shane Dickinson**
  - Michelle Dickinson**
  - Peter Duperouzel**
  - Julie Duperouzel**
  - Murray Miller**
  - Adam Webb**
  - Tania Rowe**
  - John Mattschoss**
  - Gary Thompson; and**
- 5. notes the letter from the CEO to the Yanac Hall and Recreation Reserve**

**Community Asset Committee conditionally endorsing members and volunteers to the committee.**

Attachment Numbers: 6, 22 – 25

**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 part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

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



**RECOMMENDATION:**

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

- 14.1 REQUEST FOR TENDER – AWARD FOR CONTRACT NO. 2021-2022-16 NHILL AERODROME LIGHTING UPGRADE – 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**
- 15.1 CEO EMPLOYMENT AND REMUNERATION COMMITTEE – 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 CEO employment matters.**

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**15 LATE CONFIDENTIAL REPORTS**

**16 MEETING CLOSE**

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