



MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 24 JUNE 2020 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET, NHILL COMMENCING AT 3:00PM.

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Public Submissions

7. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

9.1 Application for Planning Permit PA1652-2019 – Development of six dwellings, associated six lot subdivision and a waiver of the visitor car parking required by the planning scheme, Lot 33 PD20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill

9.2 Application for Planning Permit PA1668-2020 – Construction of a shed (store) on CA5A, PSH Balrootan, 68 Nhill-Harrow Road, Nhill

10. Reports Requiring a Decision

10.1 Adoption of Annual Budget 2020/2021

10.2 Council Plan 2017-2021 Annual Review & Strategic Resource Plan 2021-2024

11. Special Committees

12. Late Reports

13. Confidential Matters

No report

14. Meeting Close

Present:

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

In Attendance:

Mr. Greg Wood (Chief Executive Officer), Mrs. Monica Revell (Director Corporate and Community Services), Ms. Angela Hoy (Director Infrastructure Services), Miss. Shauna Johnson (Executive Assistant), Mrs. Janette Fritsch (Manager Strategic Assets and Planning) items 1 to 9.2, Mr. Jeff Woodward (Tourism and Economic Officer).

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

No apologies.

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 13 May 2020 and Special Council Meeting held on Wednesday 17 June 2020 at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R. Lowe/D. Colbert

That the Minutes of the Ordinary Council Meeting held on Wednesday 13 May 2020 and Special Council Meeting held on Wednesday 17 June 2020 at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachments: 1 & 2

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

Direct; or

Indirect interest

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

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

Ms. M. Revell declared at the time of writing the budget report that she had an indirect conflict of interest by close association, but she no longer has this conflict.

Cr. D. Nelson declared two direct conflicts of interest, in item 10.1.

5. PUBLIC QUESTION 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 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 deadline for the submission of questions for the Council meeting of 24 June 2020 is 3:00pm Tuesday 22 June 2020.

1. Referring to the late report at Council's May 13th Council meeting; Hindmarsh Shire Council Instrument of Appointment and Authorisation;

Would Council please explain using plain English this motion to ensure public understanding?

And what instrument is there for staff to report against their increased delegations?

- *Due to the COVID-19 pandemic and state of emergency declaration it was necessary to increase the financial delegation to the CEO to allow Council to continue to function while there were fewer Council meetings. Financial decisions taken under delegation that are normally taken by Council have been reported to Councillors via a Council report, briefing sessions or via email.*
- *There is no change to the delegation for other Council officers.*

2. The 2014 Karen Community Plan formed part of the Hindmarsh Shire Council Plan 2013-2017. (Source Karen community plans).

Does the Karen Community Plan 2017-2021 form part of the Hindmarsh Shire Council Plan 2017-2021?

- *The 2017-2021 Karen Community Plan forms part of the Hindmarsh Shire Council plan 2017-2021 under strategic objective 1.1.3 “support integration of migrants into the community”. Measurements for this objective include hosting cultural events each year and reviewing the Karen Community Plan which was completed in 2017. Council supports the Karen New Year celebrations by providing the Karen Community with access to the Nhill Memorial Community Centre.*

3. Referring to the budget report, Kiata South Road is getting money spent on it from the Federal Government for Local Roads and Infrastructure Program, could you please tell us:

What section of the Kiata South Road will the money be spent on?

- *The curved section near the Kiata Reserve Mallee Fowl Walking Loop, approximately 1.5km east of the Hall Road intersection.*

What type of roadwork will be completed on this section of road?

- *Widening from single bitumen lane to dual bitumen lanes to improve safety.*

How many kilometres or metres of the Kiata South Road will benefit from the funding?

- *Approximately 500m.*

6. PUBLIC SUBMISSIONS

Any person making a submission on the draft Budget or draft Council Plan 2017 – 2021, submission is entitled to request in the submission that the person wishes to appear in person, or be represented by a person specified in the submission, at the Council meeting to be held at 3:00pm on 24 June 2020 at the Nhill Memorial Community Centre. Submissions will be considered in accordance with Section 223 of the Local Government Act 1989.

No requests were made in any submission to appear in person, or to be represented by a person specified in the submission, at the Council meeting.

No public submissions.

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachments: 3, 4 & 5

Introduction:

The following correspondence is tabled for noting by Council

Inwards:

- 04/06/2020 – Letter from Member for Lowan Emma Kealy

Outwards:

- 22/05/2020 – Letter to Member for Lowan Emma Kealy
- 22/05/2020 – Letter to Minister for Police and Emergency Services

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS D. Colbert/R. Ismay

That Council notes the attached correspondence.

CARRIED

Attachments: 3, 4 & 5

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer
Attachments: 6, 7 & 8

Introduction:

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

Options:

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

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: CRS D. Colbert/R. Lowe

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachments: 6, 7 & 8

9. PLANNING PERMITS

9.1 APPLICATION FOR PLANNING PERMIT PA1652-2019 – DEVELOPMENT OF SIX DWELLINGS, ASSOCIATED SIX LOT SUBDIVISION AND A WAIVER OF THE VISITOR CAR PARKING REQUIRED BY THE PLANNING SCHEME, LOT 33 PS20183 AND LOT 1 TP198477, 5-7 LUBERTA STREET, NHILL

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 106020 and 106060
Applicant: Donald Sharples c/- Dons Design Drafting
Owner: Eumaraleek Pty Ltd
Subject Land: Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill
Proposal: Development of Six Dwellings and associated Six Lot Subdivision

Zoning & Overlays:

Parcel 1 - Lot 33 PS20183
General Residential Zone
Environmental Significance Overlay (Schedule 6)

Parcel 2 - Lot 1 TP198477
General Residential Zone

Attachment: 9

- 1 – Location & Nhill CBD Map
- 2 – Site Map
- 3 – Existing conditions & streetscape
- 4 – Proposed floor plan
- 5 – Proposed subdivision plan & ResCode design response
- 6 – Garden area requirements plan
- 7 – Elevations & floor plans
- 8 – Proposed subdivision plan
- 9 – Proposed Parking & Turning Circulation Plan
- 10 – Proposed Vehicle Exit plan for Units 3 & 4

Summary:

This report recommends that Planning Permit PA1652-2019 be issued, to allow the construction of six single storey units on the subject land with the associated six lot subdivision and to waive the car parking requirements of Clause 52.06-3 at 5-7 Luberta Street, Nhill, subject to a number of conditions.

Background:

Planning permit application PA1652-2019 was lodged with Council on the 28 January 2020 for the subdivision and development of six single storey dwellings.

Proposal Details:

It is proposed to develop six dwellings on the subject site and subdivide the site into six lots. Further details of the proposal can be described as follows:

- Each one of the dwellings has the same floor plan and is pre-fabricated. They each contain two bedrooms, a bathroom, a laundry and an open plan kitchen / living area.

The living areas of each dwelling all face north and have a small deck opening out onto the private open space area.

- Unit 1 has its own crossover to Luberta Street on the eastern boundary of the site, with the remaining Units 2 – 6 gaining access from a common property driveway.
- Dwellings 1-2 and 5-6 have a single garage adjoining the dwellings, and Dwellings 3 and 4 at the rear of the site have a double garage.
- Dwellings and garages are to be constructed of Colourbond material in full and have a modern appearance with skillion roof forms.
- Each dwelling is provided with water tanks in the private open space area for water storage.

The following lot sizes are proposed as part of the subdivision

- Lot 1 – 300m²
- Lot 2 – 300m²
- Lot 3 – 301m²
- Lot 4 – 302m²
- Lot 5 – 300m²
- Lot 6 – 300m²

No **visitor** car parking spaces are proposed as part of this development.

Requirement for Permit:

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

- Clause 32.08-3 – Subdivision of land in the General Residential Zone
- Clause 32.08-6 – Construction of two or more dwellings on a lot in the General Residential Zone
- Clause 42.01-2 – Buildings and works in the Environmental Significance Overlay
- Clause 52.06-3 – A planning permit is required to reduce (including reduce to zero) the number of visitor car parking spaces required under Clause 52.06-5.

Definitions:

Section 3 of the *Planning and Environment Act 1987* defines 'subdivision' as "*the division of the land into two or more parts which can be disposed of separately.*"

'Subdivision' is not defined within the Hindmarsh Planning Scheme.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The site is made up of two land parcels and has an area of 2044.6m² and is located on the southern side of Luberta Street approximately 200 metres north of the Western Highway in Nhill.

The site is generally uniform in shape with a 35 metre frontage to Luberta Street and an average depth of 54 metres. The site is flat and generally void of any other notable features and currently sits vacant.

Land surrounding the subject site is developed for single dwellings on the lots, most with small outbuildings. None of the lots in the immediate vicinity have been further subdivided at this time. The subject site is close to the Nhill Train Station and Active Open space areas.

s52 Notice of application

- (1) *Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—*
- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the *Planning and Environment Act 1987* the following forms of advertising were undertaken:

- a. Notices were sent to owners and occupiers of adjoining land;
- b. A sign was placed on the site for (14 days);
- c. Public Notification in the Nhill Free Press on 19 March 2020 and;
- d. The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: GWM Water – Supported subject to conditions
Wimmera CMA – Supported with no conditions
Powercor Australia – Supported subject to conditions

Section 52 Notices: Not required

Internal Referrals:

- Engineering: See conditions applied.
- Environmental Health: Supported with no conditions required.
- Building: Not required.
- Economic Development and Tourism: Not required.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01- Victoria
Clause 11.01-1S – Settlement

Clause 13.02 - Bushfire
Clause 13.02-1S - Bushfire planning
Clause 15.01 – Built Environment

Clause 16 – Housing
Clause 16.01-4S – Housing affordability
Clause 16.01-5S – Rural residential development

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 32.08 – General Residential Zone

Overlay Provisions

Clause 42.01 – Environmental Significance Overlay (Schedule 6)

Particular Provisions

Clause 52.06 – Car Parking
Clause 55 – Two or more Dwellings on a lot and Residential Buildings
Clause 56 – Residential Subdivision

General Provisions

Clause 65 - Decision Guidelines, states that: -

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

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

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy.*
- *Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

This clause does not apply to a VicSmart application and this application does not qualify as a VicSmart submission.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for residential purposes. The dwellings will contribute to the diversity of housing stock in Nhill and provide cheaper affordable housing options for people looking to live in the area.

General Residential Zone

The objectives of the General Residential Zone are contained in Clause 32.08:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

As described above in this report, the application is generally consistent with relevant state and local planning policies.

The local architecture is made up of single and double fronted single storey period and modern styles. Building materials consist of a mixture of weatherboards, brick and pitched metal roofs with a mixture of facades and period details. The proposed new dwellings and garages shall be built with material types that are in keeping with the existing neighbourhood character. The buildings are very low scale in nature and despite being a higher density than surrounding dwellings still appear to be well separated on the site.

Environmental Significance Overlay Schedule 6

Relevant environmental objectives to be achieved in this schedule include:

- *To ensure that the increase or decrease of surface runoff or concentration of surface water runoff from primary catchment areas (ESO6) does not lead to erosion and siltation of conservation value wetlands (ESO5).*
- *To ensure that any land use and development within a primary catchment area (ESO6) is consistent with maintaining the existing ecological condition of the wetlands of conservation value (ESO5)*
- *To ensure that the natural alignment of waterways are not altered.*

Only a small portion of the site is affected by the ESO6 in the south eastern corner of the site. Councils Engineering Department have reviewed the application and have required a comprehensive Drainage Plan to be submitted prior to the commencement of works to ensure that there is no increase or decrease in surface runoff and the development has the capacity to handle its own stormwater without affecting runoff beyond the site. This has been included as a condition of the permit

No vegetation exists on the site at present, and further vegetation can be planted by way of condition on the permit to contribute to the environmental and landscape values of the area.

Clause 52.06 – Car Parking

A planning permit is required to waive the car parking requirements for visitor car parking for the proposed development. One visitor car parking space is required to be provided for every 5 dwellings on the site.

As there is a large street frontage to the development, it is considered appropriate to waive this requirement. Visitors for the dwellings can park at the front of the site.

Clause 55 – Development of two or more dwellings on a lot

It is considered that the proposal achieves a high degree of compliance with ResCode, subject to conditions being included on the planning permit to be issued.

Clause 55.02 – Neighbourhood Character and Infrastructure

Neighbourhood character has been discussed above in this report pursuant to the objectives of the General Residential Zone and the proposed development is considered to be in keeping with the established neighbourhood character. The dwellings are low scale and well separated on the site with no future walls on the boundary. The height of the dwellings is single storey and the homes will be modest. A written statement has been provided by the applicant in support of the application pursuant to Standard B2 (Residential policy objective).

Standard B5 relates to integration to the street, and in this case is not optimal due to the front fence around the majority of the front setback. It is considered acceptable to support the proposal given that the fence is there to ensure that private open space can be provided to the north of the dwellings. The proposed new units and garage heights respect the character of the streetscape in other ways, by having a similar front setback, low building profile and garages set back on the lots.

The setbacks of the dwellings to the street are generous and considered to be consistent with the adjoining setbacks and those within the street. The dwellings are sited further forward of the garages which is also considered a positive design outcome as the dwellings will be more dominant than the car parking areas. Building heights, site coverage and permeability are well within the minimum requirements with a relatively low site coverage. Energy efficiency has been maximized on the site with all of the living areas being north facing and having large openings to the north, opening up onto north facing private open space areas.

Good landscaping can be achieved on the site by way of permit condition for a comprehensive landscape plan that will require the planting of canopy trees on the site and within the front setback. This will improve the current landscaping on the site, which is currently void of any vegetation.

Access objectives have been met with two vehicle crossovers proposed to facilitate access to the six dwellings, and the parking locations are sufficient adjoining the dwellings. Councils Engineers have required amended plans to be submitted as part of permit conditions to ensure that turning circles are sufficient and that vehicles can move freely through the site. as all of the structures on the site are freestanding and not attached, it would be possible to manipulate the location of garages if needed to ensure vehicle manoeuvrability.

Side and rear setback requirements of B17 are met and there are no walls on the boundaries proposed as part of this development. The development does not impact on any adjoining north facing windows or habitable room windows on surrounding properties. Due to the height and low scale nature of the proposal, there is no overshadowing caused by the proposal to any of the adjoining lots. None of the proposed windows are subject to overlooking concerns due to the low floor level and the fencing that surrounds the site. No noise impacts would be expected that is not typical of usual residential development of this scale.

All of the dwellings have good access to daylight due to the separation that has been able to be achieved throughout the site. Large areas of private open space have been provided for each dwelling with usable proportions. These private open space areas are all located on the north sides of the dwellings which is optimum in terms of location. Storage has also been shown on the plans besides each of the garages, complying with Standard B30.

Design detail is considered to be acceptable. These dwellings will certainly be different to the existing stock of dwellings in Luberta Street and the surrounding area, being modern in appearance. They are still considered to be respectful of character and have some good design details including roof forms and materials utilized. Front fences are proposed as part of this development, having a height of 1.5 metres. Whilst this isn't ideal in terms of integration with the street as discussed above, due to the design and layout of the proposal and the private open space being located to the north of dwellings, a fence is required along the front boundary. Given that the height is 1.5 metres maximum, this can be considered acceptable in this case.

Common area has been defined in the Clause 56 response as 'the driveway and turning areas and garden strips'. This will be clearly defined on the Plan of Subdivision when submitted to Council for Certification. Certification ensures the plan meets *The Subdivision Act (1988)*, the planning permit requirements and those of the referral authorities. All other site services are shown on the plans including washing lines, water tanks, mailboxes and bin storage areas.

Given the above commentary, it is considered that the proposal is generally compliant with Clause 55 of the planning scheme and can be supported.

Clause 56 – Subdivision

The application has been assessed against the requirements of Clause 56 of the Hindmarsh Planning Scheme and is considered to be in compliance with these requirements. The subdivision must comply with all clauses except clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

The subdivision is considered to respect the existing neighbourhood character and is consistent with the state and local planning policies applicable to the application. The subdivision achieves a good lot diversity for the overall area in compliance with Standard C7 (Lot diversity and distribution). The solar orientation of the lots is good and results in dwellings having north facing living areas and private open space areas (Standard C8). Further, the lots are oriented towards the street (Standard C10).

With regards to Clause 56.04-5 – Common area objectives - the permit will be conditioned that the applicant provides a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.

- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

Public open space has not been paid on the lots prior to the application being made and so will be required to be paid prior to the issue of a statement of compliance for the subdivision. It is appropriate to take a cash contribution in this instance as opposed to land given the size and scale of the development. This achieves the objectives of Standard C13 – provision of public open space.

Lot access is considered to be satisfactory with crossovers to be provided prior to the issue of a statement of compliance or before the use commences to the satisfaction of the Responsible Authority. Conditions will ensure that the crossover is at a 90-degree angle to the road and proper sight lines are provided.

The site has access to existing infrastructure in the area including drinking water, electricity and sewer connections. Comments have been received from all referral authorities and conditions placed on the permit with regard to proper infrastructure provision on the site. Through the submission of a stormwater drainage plan, Stormwater Management objectives of Standard C25 can be satisfactorily addressed on the site.

Conditions in relation to site management have also been included on the permit to ensure that the site and surrounding area is protected from degradation and nuisance prior to and during the construction of subdivision works pursuant to Standard C26.

All required standard conditions from Clause 66.01 have been included on the permit recommended to be issued. The subdivision of the land is supported and is considered appropriate.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

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

Processing Times:

12/12/2019 - Lodged

28/01/2020 – Fee received

28/05/2020 – Received request to amend PPA under Section 57A of the *Planning and Environment Act 1987* for Council to waive requirement for visitor car park.

11/06/2020 – Final response to RFI.

24/06/2020 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 24 June 2020 (13 days.) The statutory processing time requirements of the *Planning and Environment Act 1987* have been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Co-Author: Stephen O'Brien, Town Planning Consultant

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

Co-Author: Janette Fritsch, Manager Contracts & Development

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

RECOMMENDATION:

That Planning Permit PA1652-2019 be approved, to allow the development of six single storey dwellings, associated six lot submission and a waiver of the car parking requirements of Clause 52.06-03 at Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill, subject to the following conditions:

Endorsed Plans

1. Prior to the commencement of development, amended plans generally in accordance with this application must be submitted to the Responsible Authority for approval. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be amended to show:

- (a) All new crossovers must be a minimum of 3.0 metres wide and driveways must have an internal radius of at least 4.0 metres at the change of direction to the satisfaction of the Responsible Authority.***
- (b) Vehicular crossings must be shown to be constructed at right angles to the road to suit the proposed driveways***
- (c) Forward entry and exit to all properties, except for Unit 1.***
- (d) Turning circles for Units 2 – 5 to demonstrate that vehicles will be able to exit the site in a forward direction to the satisfaction of the Responsible Authority***
- (e) Fencing, landscaping and tree planting near access ways updated to allow for adequate sight distance in accordance with AS 2890.1, Clause 3.2.4.***
- (f) Letterboxes at the front of the site having a maximum height of 900mm in accordance with AS 2890.1, Clause 3.2.4 to ensure adequate sight distance.***
- (g) Prior to the Certification of the Plan of Subdivision, the applicant shall prepare and submit the following reports and plan to the satisfaction of the Responsible Authority that specifically addresses the following:***

- The common area to be owned by the body corporate, including any streets and open space.***
- The reasons why the area should be commonly held.***
- Lots participating in the body corporate.***
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.***

2. Prior to the commencement of development, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- (b) Details of surface finishes of pathways and driveways**
- (c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant**
- (d) Landscaping and planting within all open areas of the site**
- (e) Canopy trees in the following locations:**
 - **A minimum of one medium to large canopy tree to the private open space area of Units 2 – 5**
 - **A minimum of two medium to large canopy trees to the private space area of Units 1 and 6.**

All species selected must be to the satisfaction of the Responsible Authority. No tree planting is to be undertaken within any easement.

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

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Amenity

5. The construction of the dwellings must be managed so that the amenity of the area is not detrimentally affected through the:

- (a) Transport of materials, goods or commodities to or from the land;**
- (b) Appearance of any buildings, works or materials;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- (d) Presence of vermin; or**
- (e) In any other way.**

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

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

8. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.

Engineering conditions

Vehicle Crossings

11. Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense.

12. All redundant crossovers must be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority.

Drainage

13. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge (LPD) by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.

14. Before the development starts, a Drainage Discharge Plan with computations must be prepared by a suitably qualified Engineer and submitted to the Responsible Authority. Once approved, the plan will form part of this permit. The plan must include:

- (a) How the land will be drained;**
- (b) Underground pipe drains conveying stormwater to the legal point of discharge (LPD);**
- (c) Capacity of water tanks;**
- (d) A maximum discharge rate from the site;**
- (e) Each unit including open space areas shall be independently drained to the satisfaction of the responsible authority;**
- (f) The underground drains for each unit including open areas shall be wholly contained within the fenced area pertaining to the unit. The outfall shall be located in or under the common vehicle driveway or immediately adjacent to the driveway and shall not cross under or be located within any of the units fenced areas, all to the satisfaction of the Responsible Authority.**

Landscaping

15. Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

General

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

Subdivision

18. The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.

19. 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.

20. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

22. The owner of the land must enter into an agreement with:

- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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

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

24. Prior to the issue of a Statement of Compliance the subdivider must pay a Public Open Space Contribution to the Responsible Authority of 3% of the site value. Such payment will satisfy in full any Public Open Space requirement under the planning

scheme. The payment must be made no less than 7 days prior to the issue of a statement of compliance for the subdivision.

25. Prior to the issue of a Statement of Compliance, the subdivider must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of this subdivision.

This agreement must ensure that any building constructed on a lot resulting from this subdivision is in accordance with the development plan endorsed as part of permit PA 1652-2019 (as amended from time to time) or authorised by a further Planning Permit.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

The above condition will be deemed to be satisfied, and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if all of the approved buildings have been substantially completed in accordance with the development plans endorsed as part of planning permit PA 1652-2019.

Grampians Wimmera Mallee Water conditions

26. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.

27. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.

28. The owner / applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.

29. The owner / applicant must install sewerage mains and associated works where deemed necessary by GWMWater to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's requirements.

30. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.

31. The owner / applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.

32. The owner / applicant must provide three-metre-wide easements in favour of GWMWater over all existing and proposed sewers located within private land.

33. The owner / applicant must provide written notification of commencement of the works to enable GWMWater to organize inspections and coordinate with its staff.

34. The owner / applicant must provide “as constructed” plans and a schedule of final asset costs at the level identified in GWMWater’s asset register for all sewerage works upon completion.

35. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.

36. The owner / applicant must provide an owners corporation to manage all common water and sewer property services

37. The owner / applicant must provide GWMWater with a sewer drainage plan for all lots in this subdivision submitted by a qualified plumber.

38. The owner / applicant must ensure any existing water or sewer services made redundant by this development are abandoned in accordance with GWMWater’s standards.

Powercor Australia conditions

39. Powercor’s letter dated 09/04/2020 shall be supplied to the applicant in its entirety.

40. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act

41. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards. (Notes: Extension, augmentation or rearrangement of the Distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant).

42. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). (Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works).

Permit Expiry

43. This permit will expire if

- (a) The plan of subdivision is not certified within 2 years of the date of this permit or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.

44. 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.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

(c) Within six months afterwards for commencement; or

(d) Within twelve months afterwards for completion.

Notes:

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

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

(3) A Consent to Works Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

(4) Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.

(5) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.

(6) It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributors web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/GIAWQuickCalculator>

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

MOVED: CRS R. Lowe/R. Ismay

That Planning Permit PA1652-2019 be approved, to allow the development of six single storey dwellings, associated six lot subdivision and a waiver of the car parking requirements of Clause 52.06-03 at Lot 33 PS20183 and Lot 1 TP198477, 5-7 Luberta Street, Nhill, subject to the following conditions:

Endorsed Plans

1. Prior to the commencement of development, amended plans generally in accordance with this application must be submitted to the Responsible Authority for approval. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be amended to show:

- (a) All new crossovers must be a minimum of 3.0 metres wide and driveways must have an internal radius of at least 4.0 metres at the change of direction to the satisfaction of the Responsible Authority.**
- (b) Vehicular crossings must be shown to be constructed at right angles to the road to suit the proposed driveways**
- (c) Forward entry and exit to all properties, except for Unit 1.**
- (d) Turning circles for Units 2 – 5 to demonstrate that vehicles will be able to exit the site in a forward direction to the satisfaction of the Responsible Authority**
- (e) Fencing, landscaping and tree planting near access ways updated to allow for adequate sight distance in accordance with AS 2890.1, Clause 3.2.4.**
- (f) Letterboxes at the front of the site having a maximum height of 900mm in accordance with AS 2890.1, Clause 3.2.4 to ensure adequate sight distance.**
- (g) Prior to the Certification of the Plan of Subdivision, the applicant shall prepare and submit the following reports and plan to the satisfaction of the Responsible Authority that specifically addresses the following:**
 - The common area to be owned by the body corporate, including any streets and open space.
 - The reasons why the area should be commonly held.
 - Lots participating in the body corporate.
 - The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

2. Prior to the commencement of development, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- (b) Details of surface finishes of pathways and driveways**
- (c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant**
- (d) Landscaping and planting within all open areas of the site**
- (e) Canopy trees in the following locations:**
 - A minimum of one medium to large canopy tree to the private open space area of Units 2 – 5
 - A minimum of two medium to large canopy trees to the private space area of Units 1 and 6.

All species selected must be to the satisfaction of the Responsible Authority. No tree planting is to be undertaken within any easement.

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

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Amenity

5. The construction of the dwellings must be managed so that the amenity of the area is not detrimentally affected through the:

- (a) Transport of materials, goods or commodities to or from the land;**
- (b) Appearance of any buildings, works or materials;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- (d) Presence of vermin; or**
- (e) In any other way.**

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

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

8. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.

Engineering conditions

Vehicle Crossings

11. Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense.

12. All redundant crossovers must be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority.

Drainage

13. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge (LPD) by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.

14. Before the development starts, a Drainage Discharge Plan with computations must be prepared by a suitably qualified Engineer and submitted to the Responsible Authority. Once approved, the plan will form part of this permit. The plan must include:

- (a) How the land will be drained;**
- (b) Underground pipe drains conveying stormwater to the legal point of discharge (LPD);**
- (c) Capacity of water tanks;**
- (d) A maximum discharge rate from the site;**
- (e) Each unit including open space areas shall be independently drained to the satisfaction of the responsible authority;**
- (f) The underground drains for each unit including open areas shall be wholly contained within the fenced area pertaining to the unit. The outfall shall be located in or under the common vehicle driveway or immediately adjacent to the driveway and shall not cross under or be located within any of the units fenced areas, all to the satisfaction of the Responsible Authority.**

Landscaping

15. Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

General

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

Subdivision

18. The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.

19. 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.

20. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

22. The owner of the land must enter into an agreement with:

- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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

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

24. Prior to the issue of a Statement of Compliance the subdivider must pay a Public Open Space Contribution to the Responsible Authority of 3% of the site value. Such payment will satisfy in full any Public Open Space requirement under the planning scheme. The payment must be made no less than 7 days prior to the issue of a statement of compliance for the subdivision.

25. Prior to the issue of a Statement of Compliance, the subdivider must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of this subdivision.

This agreement must ensure that any building constructed on a lot resulting from this subdivision is in accordance with the development plan endorsed as part of permit PA 1652-2019 (as amended from time to time) or authorised by a further Planning Permit.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

The above condition will be deemed to be satisfied, and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if all of the approved buildings have been substantially completed in accordance with the development plans endorsed as part of planning permit PA 1652-2019.

Grampians Wimmera Mallee Water conditions

26. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.

27. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.

28. The owner / applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.

29. The owner / applicant must install sewerage mains and associated works where deemed necessary by GWMWater to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's requirements.

30. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.

31. The owner / applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.

32. The owner / applicant must provide three-metre-wide easements in favour of GWMWater over all existing and proposed sewers located within private land.

33. The owner / applicant must provide written notification of commencement of the works to enable GWMWater to organize inspections and coordinate with its staff.

34. The owner / applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all sewerage works upon completion.

35. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.

36. The owner / applicant must provide an owners corporation to manage all common water and sewer property services

37. The owner / applicant must provide GWMWater with a sewer drainage plan for all lots in this subdivision submitted by a qualified plumber.

38. The owner / applicant must ensure any existing water or sewer services made redundant by this development are abandoned in accordance with GWMWater's standards.

Powercor Australia conditions

39. Powercor's letter dated 09/04/2020 shall be supplied to the applicant in its entirety.

40. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act

41. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards. (Notes: Extension, augmentation or rearrangement of the Distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant).

42. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). (Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works).

Permit Expiry

43. This permit will expire if

- (a) The plan of subdivision is not certified within 2 years of the date of this permit or**
- (b) A Statement of Compliance is not issued within 5 years of the certification of the plan of subdivision.**

The Responsible Authority may extend the time associated with (a) above if a request is made in writing before the permit expires or within six months afterwards. The timeframe associated with (b) above cannot be extended under the Subdivision Act 1988.

44. 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.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (c) Within six months afterwards for commencement; or**
- (d) Within twelve months afterwards for completion.**

Notes:

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

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

(10) A Consent to Works Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.

(11) Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.

(12)The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.

(13)It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributors web portal, “mySupply” which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

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

CARRIED

Attachment: 9

9.2 APPLICATION FOR PLANNING PERMIT PA1668-2020 – CONSTRUCTION OF A SHED (STORE) ON CA5A, PSH BALROOTAN, 68 NHILL-HARROW ROAD, NHILL

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 121720
Applicant: Nhill Cemetery Trust (c/o Rod Henry)
Owner: Nhill & District Racing Club
Subject Land: 68 Nhill Harrow Road, Nhill CA5A, Parish Balrootan
Proposal: Use and Development of a Shed (Store)
Zoning & Overlays: Public Park and Recreation Zone
Environmental Significance Overlay – Schedule 6

Attachment: 10

Page 1 - Site Plan 1
Page 2 – Site Plan 2 – Aerial
Page 3 – Shed elevations

Summary:

This report recommends that Council issue a planning permit to allow the construction of a shed (store) on CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill.

Background:

The subject land is owned by the Nhill & District Racing Club, however, is subject to a lease agreement with the Nhill Cemetery Trust. Land Owner Consent has been received for the Proposal.

Proposal Details:

It is proposed to construct a shed on the subject site to be used as a store associated with the ongoing management of the Nhill Cemetery. Further details of the proposal are as follows:

- The shed measures 6 metres by 9 metres giving it a total area of 54 square metres.
- The shed will be setback 2 metres from the southern access road and then 3 metres to the cemetery boundary to the west.
- The walls of the shed will have a height of 3.6 metres and a maximum height at the apex of 4.13 metres. The roof pitch will be 10 degrees.
- The front (north) elevation of the shed will have a pedestrian access door and two vehicular roller doors.
- The shed will be constructed of colorbond in a 'pale eucalypt' colour (light green).
- The area immediately surrounding the shed will be a soil yard measuring approximately 20 metres by 30 metres.

Requirement for Permit:

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

- Clause 36.02-1 – Use of the land for a Store
- Clause 36.02-2 – Buildings and works associated with the store

It is noted that although the shed is located within the Environmental Significance Overlay, no permit is triggered pursuant to this control.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The subject site is located directly to the west of the existing Nhill cemetery which is located to the south of the main township area.

The site is owned by the Nhill & District Racing Club and is located to the south of the racing track. The site is vacant, flat and void of any other significant features. There is no vegetation located in the area where the works are proposed.

The Cemetery Trust has entered into a lease agreement with the Nhill & District Racing Club in order to use the land in question. There is no room on the adjoining cemetery site for this building to be constructed. What is proposed is considered an acceptable outcome.

s52 Notice of application

- (1) *Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—*

- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person.*

Council Officers have reviewed the application and due to its location, consider it unlikely to cause any material detriment to any persons, and therefore formal notification of the application is deemed not to be required.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

No external referrals were required by the Hindmarsh Planning Scheme.

Internal Referrals:

- Engineering:

Councils Engineering Department recommended standard conditions which are included as part of the conditions to be applied to the permit.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01- Victoria

Clause 11.01-1S – Settlement

Clause 13.02 - Bushfire

Clause 13.02-1S - Bushfire planning

Clause 15.01 – Built Environment

Local Planning Policy Framework

Clause 21 - Municipal Strategic Statement

Zoning Provisions

Clause 36.02 – Public Park and Recreation Zone

Overlay Provisions

The Environmental Significance Overlay does not trigger a planning permit in this instance. Therefore, no overlay provisions are relevant to the assessment of this application.

Particular Provisions

There are no particular provisions relevant to the assessment of this application.

General Provisions

Clause 65 - Decision Guidelines, states that: -

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

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

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

- The matters set out in Section 60 of *The Planning & Environment Act (1987)*.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land.

State and Local Planning Policies

The application supports the ongoing use of the adjoining land for the purposes of a cemetery which is an important community facility for the town and municipality. The approval of this application will ensure that the cemetery can operate efficiently for years to come.

The area of land where the shed is to be located has already been leased to the Nhill Cemetery Trust from the Nhill & District Racing Club, however it is noted that the operation of the racing track will not be impacted by this approval.

The application will support the ongoing operations of both community facilities which is an outcome sought by local policies in Nhill.

Public Park and Recreation Zone

Before deciding on an application in the Public Park and Recreation Zone, the Responsible Authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework*
- *The comments of any public land manager or relevant land manager having responsibility for the care or management of the land or adjacent land*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

As stated above, the application is considered appropriate when assessed against the state and local planning policies of the Hindmarsh Planning Scheme.

In providing a lease for the land, the public land manager (being Nhill & District Racing Club) provided their consent for the application for the construction of the shed. A copy of the lease was provided to the Responsible Authority as part of the application documents as evidence of this consent.

It is considered that the development is appropriately located, being close to the boundary of the existing cemetery. The shed will be setback 2 metres from the access track and 3 metres from the western boundary of the cemetery. This will ensure that vehicles being stored in the shed are able to access the cemetery site quickly and conveniently to ensure the efficient ongoing operation of the cemetery. The height and size of the shed is not excessive and will not stand out in the open environment surrounding the cemetery. The colour and material chosen for the shed is appropriate, being a natural and muted tone.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

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

Processing Times:

The application was received on 22 May 2020 and the fee paid 03 June 2020. This report is being presented to Council at its meeting on the 24 June 2020 (21 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

Co-Author: Stephen Michael O'Brien, Planning Consultant

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

Co-Author: Janette Fritsch, Manager Contracts & Development

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

RECOMMENDATION:

That Planning Permit PA1668-2020 be approved for Use and Development of a Shed (Store) at CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill, subject to the following conditions:

General Conditions

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***

Colours and Materials

- 3. The exterior colour and cladding of the building must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

Amenity during construction

- 4. Construction activities 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) Inappropriate storage of any works or construction materials***
 - (c) Hours of construction activity***
 - (d) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.***
 - (e) Presence of vermin***

Engineering conditions

- 5. The crossover on Sewerage Farm Road must be built in accordance with the Infrastructure Design Manual (IDM SD 255). If any gate exists at the entrance, the applicant should follow 'Gate Offset Dimensions' from IDM SD 255.***

Permit Expiry

- 6. 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; or**
 - (c) The use is not started within one year of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; within six months afterwards for the commencement of use and / or development; or within 12 months afterwards for the completion of development.

NOTES:

- 1. A Consent to Works within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction of the vehicle crossing.**

MOVED: CRS D. Nelson/R. Lowe

That Planning Permit PA1668-2020 be approved for Use and Development of a Shed (Store) at CA5A, Parish Balrootan, 68 Nhill Harrow Road, Nhill, subject to the following conditions:

General Conditions

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**

Colours and Materials

- 3. The exterior colour and cladding of the building must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.**

Amenity during construction

- 4. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:**
- (f) Transport of materials, goods or commodities to or from the land**
 - (g) Inappropriate storage of any works or construction materials**
 - (h) Hours of construction activity**
 - (i) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.**
 - (j) Presence of vermin**

Engineering conditions

5. The crossover on Sewerage Farm Road must be built in accordance with the Infrastructure Design Manual (IDM SD 255). If any gate exists at the entrance, the applicant should follow 'Gate Offset Dimensions' from IDM SD 255.

Permit Expiry

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

- (d) The development is not started within two years of the date of this permit;**
- (e) The development is not completed within four years of the date of this permit; or**
- (f) The use is not started within one year of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; within six months afterwards for the commencement of use and / or development; or within 12 months afterwards for the completion of development.

NOTES:

2. A Consent to Works within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction of the vehicle crossing.

CARRIED

Attachment: 10

10. REPORTS REQUIRING A DECISION

10.1 ADOPTION OF ANNUAL BUDGET 2020/2021

Responsible Officer: Director Corporate Services
Attachment: 11

Introduction:

This report presents the proposed 2020/21 Annual Budget for further consideration, consider submissions received and recommendation to adopt the Budget.

Discussion:

Council is required under section 127 of the Local Government Act 1989 to prepare and release a draft budget for public comment. Council must ensure that the budget contains:

- (a) financial statements in the form and containing the information required by the regulations;
- (b) a description of the services and initiatives to be funded in the budget;
- (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
- (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;
 - (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
 - (db) the prescribed measures relating to those indicators;

(e) any other information required by the regulations.

The Council must ensure that the budget also contains—

- (a) the information the Council is required to declare under section 158(1);
- (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
- (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

The 2020/21 budget document reflects the requirements of the Local Government Performance Reporting Framework and revised Local Government Planning and Reporting Regulations (LGPRF). The 2020/21 Budget has been developed in consideration of the Institute of Chartered Accountants' Victorian City Council Model Budget 2020/21. It replicated the format of the four Key Result Areas used in the Council Plan, namely:

- Community Liveability;
- Built and Natural Environment;
- Competitive and Innovative Economy; and
- Our People, Our Processes.

At its meeting on 13 May 2020 Council resolved to formally prepare and advertise the draft Budget for 2020/21 pursuant to Section 127 of the Local Government Act 1989 (the Act) and called for written submissions pursuant to sections 129 and 223 of the Local Government Act 1989. An advertisement was placed in the Weekly Advertiser, Dimboola Banner, and Nhill Free Press on Wednesday 20 May 2020, and Rainbow Jeparit Argus on Thursday 21 May 2020. The preparation of the budget was promoted on Councils Facebook page and website from 14 May 2020.

The 2020/21 Budget provides for a broad range of services, programs and infrastructure projects and is a reflection of the strategic direction that Council has adopted through the Council Plan. It has been developed through a rigorous process of consultation and review with officers, senior management and Council.

Submissions

Council received 5 submissions in relation to the draft budget.

The first submission was received from Wimmera Southern Mallee LLEN seeking support from Council for the Let's Read Hindmarsh partnership. The Let's Read Hindmarsh partnership provides support, encouragement and resources to all families in the shire to enable them to read daily to their children from birth.

The 2020/21 budget includes an allocation of \$2,000 from Council Contributions towards the Wimmera Southern Mallee LLEN Let's Read Program.

The second submission was received from residents of Dimboola requesting Council consider the construction of a pedestrian track or path along Horsham Road to link the motel to the town.

The submission refers to unsafe walkway from the motel into town along part of the old Western Highway. The submission is not seeking a concrete footpath, but a simple gravel path similar to the walking track along the Wimmera River in Dimboola.

Council officers undertook a site visit, and will investigate the requested pathway. Due to Horsham Road being a VicRoads road, this will require VicRoads approval for adjustments

to the road shoulder and table drains. A planning permit for the removal of native vegetation from the VicRoads road reserve and possibly neighbouring land is required and the vegetation removal will incur offsets.

The third submission was received from a Jeparit resident regarding the maintenance budget allocation for the Wimmera Mallee Pioneer Museum. The resident requests the budget allocation for Wimmera Mallee Pioneer Museum be at least \$24,000 per annum.

The 2020/21 budget includes a combined maintenance budget for Wimmera Mallee Pioneer Museum and Yurunga Homestead of \$39,000. Expenditure is based on urgent maintenance items and maintenance requirements identified by both committees. The budget allocation is consistent with 2019/2020.

The fourth submission was received from a Dimboola resident expressing disappointment that Anderson Street (west of Lloyd Street) was not included in the draft 2020/2021 budget. The submission asked council to amend its draft 2020/21 budget to accommodate the Anderson Street project, in accordance with its previous resolutions and commitments on this project.

Changes to the draft 2020/21 budget following the Federal Government's announcement of Local Roads and Infrastructure funding has allowed Council to bring forward the Anderson Street project and allocate funds in the 2020/21.

The fifth submission was received from Dimboola CFA requesting a contribution towards the shortfall for the new station in Dimboola. The brigade contribution towards the new station is expected to be at least \$60,000.

Council has recently written to the Minister for Police and Emergency Services expressing disappointment that the brigade has been asked to raise a significant amount of funds themselves in order to see the construction of the CFA station and supply of equipment come to fruition.

Council will continue to advocate to the State Government for the Dimboola CFA station to be fully funded.

Rates and Charges

The rates and charges calculated for 2020/21 are based on revaluation figures as at 1 January 2020. The Rating Strategy includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

This is the fifth year of rate capping. For 2020/21 the rates cap has been set at 2.0%. For the 2020/21 year it is proposed that general rates and municipal charge increase by 2.0% in line with the Essential Services Commission (ESC) calculation method, which applies the increase to the average rates payable per assessment.

Due to significant rising costs in recycling and waste management the Kerbside waste / Recycling collection charge is proposed to increase to \$386. The general waste charge introduced in 2018/19 will increase to \$13, payable using the same criteria as the municipal charge.

Council does not make a profit on waste management, and these charges are necessary to cover costs.

For 2020/21 the proposed total rates and charges are \$9.086 million. These rates and charges will go toward maintaining service levels and delivering on capital works programs. General rates and charges for 2020/21 represent 46% of Hindmarsh Shire's income.

The following table summarises the rates to be determined for the 2020/21 year. A more detailed analysis of the rates to be raised is contained in the budget document, Appendix B 'Statutory Disclosures'.

Type or class of land		Budget 2019/20 \$	Budget 2020/21 \$	Change
Residential	Cents/\$ CIV	0.52420	0.46641	-11.02%
Farm Land	Cents/\$ CIV	0.47178	0.41977	-11.02%
Business, Industrial & Commercial Land	Cents/\$ CIV	0.47148	0.41977	-10.97%
Recreational and Cultural Land	Cents/\$ CIV	0.26210	0.23321	-11.02%
Urban Vacant Land	Cents/\$ CIV	1.04840	0.93283	-11.02%
Municipal charge	\$/ property	\$200	\$200	0.00%
Kerbside waste / recycling collection charge	\$/ property	\$351	\$386	9.97%
General waste charge	\$/ property	\$9	\$13	44%

Under section 11(a) of the Valuation of Land Act 1960 Council is required to make a general valuation of rateable land within an area as at 1 January each calendar year. The previous valuation for the Shire was 1 January 2019.

Council's property valuations are undertaken by the Valuer General who has subcontracted the services to Preston Rowe Patterson (PRP). PRP has officially returned the final revaluation data for use in Council's 2020/21 rating period. The valuation report was sent to the Valuer General. At the time of writing this report Council had not yet received declaration from the Minister.

Council must adopt the 2020 General Revaluation of all rateable properties within the Shire. The general revaluation has been completed in accordance with section 13DC(1) of the Valuation of Land Act 1960.

Valuations for rateable properties within Hindmarsh Shire Council have increased / decreased as follows:

- Residential 5.48% increase
- Commercial / Industrial 1.27% increase
- Rural 18.13% increase
- Urban Vacant Land 7.30% increase

While Council proposes a rate increase that is in line with the 2.0% cap, as Council rates are based on property valuations, revaluation will mean the actual rate increases experienced by individual ratepayers will differ.

A revaluation means rates increases are impacted by the average rate increase (2.0%) and the property valuation increases of individual properties relative to the average across the municipality. If properties increase by more in value than the Hindmarsh average, rates will increase by more than 2.0%, while properties with values increasing by less than the average will experience a rates increase of less than 2.0% or even a reduction from the previous year.

Rates notices will be issued in August 2020 reflecting the change in property values. Rate payers who feel their property has been incorrectly valued are able to lodge objections within two months after the issues of the rates notice. Objections are considered by PRP.

Key Initiatives

The key initiatives for the 2020/21 financial year are outlined below. Further details are included in the relevant sections of the budget document.

Community Infrastructure

- A sum of \$300,000 has been allocated towards upgrading the Davis Park Precinct in Nhill. Council has submitted an application through the Community Sports Infrastructure Stimulus Program for facility upgrades.
- \$10,000 in recurrent and \$100,000 in capital as seed funding for grant opportunities arising during the year.
- \$10,000 in recurrent and \$100,000 in capital as seed funding for grant opportunities arising during the year.
- \$30,000 contribution towards the installation of a new synthetic green at Dimboola Bowling Club. A grant application has been submitted with the club also providing significant funding towards the project.
- \$30,000 contribution to towards a new club rooms for Nhill Tennis Club. The funding will assist the club to meet the required contribution towards a grant application.
- \$60,000 contribution towards the grant application for new Female Friendly change rooms at Rainbow Recreation Reserve.
- \$3,232 contribution towards the repainting of deteriorating Rainbow Town Murals. Rainbow Town Committee will provide the balance of funding for this project.
- \$8,000 contribution towards the installation of shade at the Dimboola Health and Fitness Centre.

Tourism Development

- \$10,000 to support the community recovery events post the COVID-19 pandemic.
- \$5,000 to support the Great Victorian Bike Ride in November 2020. The ride commences in Rainbow and will attract up to 3,000 participants.
- \$7,500 to provide a contribution towards Wimmera Mallee Tourisms 'Trading off Tourism Trails' project delivering strategic/master plans for Caravan Parks and Townscapes, and providing business forums and events.
- \$20,000 towards the Albacutya Silo Art project which will see silo art on the Albacutya Silo.

Economic Development:

- 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. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$20,000 has been included in the 2020/21 budget for this project.
- Business Assistance Initiatives. Council will provide \$30,000 towards initiatives the assist local businesses recover from the Covid-19 pandemic.

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 fourth year, this funding has enabled some fantastic projects in our towns since its inception.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.
- \$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.

Infrastructure

- Local Roads: Albacutya Road curve widening, Rainbow \$276,475; Lorquon East & Rainbow Nhill Road intersection \$69,911; Salisbury Road, Nhill \$139,954; Lorquon East Road Jeparit \$245,971; Kiata North Road, Nhill \$212,735; Anderson Street disabled parking, Dimboola \$30,000; P Warners Road, Nhill \$28,000 will be reconstructed in 2020/21.
- Council will be undertaking 7 reseal and final seal projects in 2020/21. Totalling \$394,547 these include Horsham Road & Lowan Street, Dimboola; Rainbow Nhill Road, Rainbow; Livingston Street, Jeparit; Depta Road, Jeparit; Swinbourne Avenue, Rainbow; and Pigick Bus Route, Rainbow.
- Road resheet projects: Tarrayurk West Road, Charles Street, Boundary Road (in collaboration with West Wimmera Shire), Rhode Road, Croots Road, Wheatlands Road, Miatke Road, Village Settlement Road, totalling more than \$504,000.
- Footpaths: Footpath renewal projects will be completed in Lake Street, Rainbow; Lloyd Street, Dimboola Outstands; Pine Street, Nhill; and Crossovers in Nhill totalling \$125,052.

Council's budget balances the need to maintain our existing infrastructure, particularly our extensive road network, whilst funding new projects that improve the liveability of our Shire and build a strong future.

Changes

Following the draft budget being adopted the following changes have been made:

- Council received notification from the Victorian Grants Commission (VGC) that 50% of the 2020/21 grant will be paid in 2019/20. Council received \$2,579,174 on 25 May 2020.
- It is budgeted to receive a cash payment of \$50,000 for the return on equity in the Wimmera Regional Library Corporation. It is proposed to invest this return into modernising the book collection and purchasing additional equipment for use within the Hindmarsh libraries.
- Council received notification of \$1,080,798 from the Federal Government for Local Roads and Infrastructure Programs. It is proposed to use the funding as follows:
 - Perenna Road Intersection \$69,911
 - Salisbury Woorak Road \$139,954
 - Kiata South \$149,812 (Brought forward from 2021/22)
 - Woorak Ni Ni Lorquon Road \$469,911 (Brought forward from 2021/22)
 - Lake Street Rainbow footpath \$51,210 (Brought forward from 2021/22)
 - Davis Park Sporting Precinct \$200,000.

With the announcement of this funding Council has been able to bring forward works on Anderson Street, Dimboola (\$412,006) from 2021/22 to 2020/21.

An additional \$50,000 has been allocated for works on Council Depots.

- The budget has also been updated to reflect the Working for Victoria Program grant. 13 positions are funded for six months throughout Hindmarsh Shire to assist with Town Maintenance, Cleaning, Outreach support and HR administration.
- \$2,000 will be allocated from the council contributions component of memberships and subscriptions to the Wimmera Southern Mallee LLEN Let's Read Program. The allocated budget is adequate to cover this contribution without an increase.

The budget, including financial statements has been updated to reflect the changes above. A summary is included below.

Forecast 2019/20					
Income					
VGC 2020/21 Early Payment				\$2,579,174	
Contribution Yarriambiack Geodetic Road				\$50,000	
Working for Victoria Program				\$96,415	
				\$2,725,589	
Expenditure					
Working for Victoria Program			\$96,415		
			\$96,415		
			Forecast variation	\$2,629,174	
Budget 2020/21					
Income					
Reduction in VGC 2020/21				-\$2,579,174	
Working for Victoria Program				\$450,000	
Return on equity in associates				\$50,000	
Local Roads & Infrastructure Grant Program				\$1,080,798	
				-\$998,376	
Expenditure					
Working for Victoria Program			\$450,000		
Library Capital purchases			\$50,000		
Anderson Street Dimboola			\$412,006		
Kiata South Road			\$149,812		
Lake Street Rainbow Footpath (increased works)			\$46,361		
Woorak Ni Ni Lorquon Road			\$469,911		
Davis Park Sporting Precinct			\$200,000		
P Warners Road (increased works)			\$30,043		
Depots (increased works)			\$50,000		
Reduction in Construction Salaries			-\$163,470		
Lorquon East & Rainbow Road intersection (completed in 2019/20)			-\$69,911		
			\$1,624,752		
			Budget variation	\$2,623,128	
			Variance	\$6,046	

Options:

Having prepared the proposed budget and received written submissions from the community Council must now adopt the Budget for 2020/21.

Link to Council Plan:

The Annual 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 2017-2021.

Financial Implications:

The 2020/21 Budget is consistent with the parameters set out in Council's ten-year financial plan.

Risk Management Implications:

The preparation of the Budget is a statutory requirement.

Conflict of Interest:

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

Author & Officer Responsible: Monica Revell, Director Corporate & Community Services
In providing this advice as the Author and Officer Responsible, I have a disclosable indirect interest by close association section 78(2)(a). A family member has an indirect interest in the Dimboola CFA.

Communications Strategy:

Council must give notice of the adoption of the Budget 2020/21 under section 125 LGA. A public notice will be inserted in the Dimboola Banner, Dimboola Courier, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Budget 2020/21.

Copies of the adopted Budget will be placed on Council's website and hard copies will be made available from Hindmarsh Shire Council Customer Service Centres.

A copy of the Budget 2020/21 will be sent to the Minister for Local Government.

RECOMMENDATION:

1. ADOPTION OF THE 2020/21 BUDGET

1.1 That Council pursuant to Sections 127, 129, 130 and 223 of the Local Government Act 1989 ('the Act') and noting written submissions received relating to the 2020/21 Municipal Budget ('the Budget'), now adopt the Budget for the financial year, being for the period 1 July 2020 to 30 June 2021 ('the Financial Year');

1.2 That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget, in accordance with Section 130(2) of the Act;

1.3 That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2020, in accordance with Section 130(4) of the Act;

1.4 That a copy of the adopted Budget be kept available at the Hindmarsh Shire Council offices and customer service centres for public inspection in accordance with Section 130(9) of the Act.

2. AMOUNT INTENDED TO BE RAISED

That an amount of \$9,086,183 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:

<i>General rates</i>	<i>\$7,152,158</i>
<i>Municipal charge</i>	<i>\$746,200</i>
<i>Kerbside waste / recycling collection charge</i>	<i>\$1,033,322</i>
<i>General waste charge</i>	<i>\$48,503</i>
<i>Windfarms in lieu of rates</i>	<i>\$106,000</i>
<i>Total</i>	<i>\$9,086,183</i>

3. GENERAL RATES

3.1 That a general rate be declared in respect of the Financial Year, being for the period 1 July 2020 to 30 June 2021;

3.2 That it be further declared pursuant to Sections 158, 158A and 161 of the Act 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 2020/21;

3.3 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):

<i>Type of Rate</i>	<i>Rate in Dollar on Capital Improved Value Cents/\$CIV</i>
<i>Residential Land</i>	<i>0.46641</i>
<i>Farm Land</i>	<i>0.41977</i>
<i>Business, Industrial & Commercial Land</i>	<i>0.41977</i>
<i>Recreational and Cultural Land</i>	<i>0.23321</i>
<i>Urban Vacant Land</i>	<i>0.93283</i>

3.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2020 from the Valuer General.

4. MUNICIPAL CHARGE

4.1 That pursuant to Section 189 of the Act, a Municipal Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;

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

4.3 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.

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

5.1 That, pursuant to Section 162(1)(b) and Section 221(1)(b) of the Act, an Annual Service Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;

5.2 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”.

5.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$386.00 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.

5.4 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”.

5.5 That the Annual Service Charge for “General waste charge” be in the sum of \$13.00 for each rateable land within the municipal district of which a general waste charge may be levied.

6. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed by Section 172(2)(a) of the Act be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to Section 167(2) of the Act by the date specified for their payment.

7. 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.

8. SUBMISSIONS

That having considered all submissions received, Council notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by Section 3C of the Act and the role of Council as determined by Section 3D of the Act.

Cr. D. Nelson declared two direct conflicts of interest with respect to the Wimmera Southern Mallee LLEN and the Hindmarsh Landcare Network, in item 10.1 and left the room at 3:15pm.

MOVED: CRS T. Schneider/R. Ismay

That \$2,000 from Council Contributions be allocated to the Wimmera Southern Mallee LLEN Let's Read Program.

CARRIED

MOVED: CRS R. Ismay/R. Lowe

That Council's 2020/2021 Budget includes \$10,000 allocation towards the Hindmarsh Landcare Network.

CARRIED

Cr. D. Nelson returned to the room at 3:17pm.

MOVED: D. Nelson/T. Schneider

1. ADOPTION OF THE 2020/21 BUDGET

- 1.1 That Council pursuant to Sections 127, 129, 130 and 223 of the Local Government Act 1989 ('the Act') and noting written submissions received relating to the 2020/21 Municipal Budget ('the Budget'), now adopt the Budget for the financial year, being for the period 1 July 2020 to 30 June 2021 ('the Financial Year');**
- 1.2 That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget, in accordance with Section 130(2) of the Act;**
- 1.3 That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2020, in accordance with Section 130(4) of the Act;**
- 1.4 That a copy of the adopted Budget be kept available at the Hindmarsh Shire Council offices and customer service centres for public inspection in accordance with Section 130(9) of the Act.**

2. AMOUNT INTENDED TO BE RAISED

That an amount of \$9,086,183 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	\$7,152,158
Municipal charge	\$746,200
Kerbside waste / recycling collection charge	\$1,033,322
General waste charge	\$48,503
Windfarms in lieu of rates	\$106,000
Total	\$9,086,183

3. GENERAL RATES

- 3.1 That a general rate be declared in respect of the Financial Year, being for the period 1 July 2020 to 30 June 2021;**
- 3.2 That it be further declared pursuant to Sections 158, 158A and 161 of the Act 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 2020/21;**
- 3.3 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	0.46641
Farm Land	0.41977
Business, Industrial & Commercial Land	0.41977
Recreational and Cultural Land	0.23321
Urban Vacant Land	0.93283

3.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2020 from the Valuer General.

4. MUNICIPAL CHARGE

- 4.1 That pursuant to Section 189 of the Act, a Municipal Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;**
- 4.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;**
- 4.3 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.**

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

- 5.1 That, pursuant to Section 162(1)(b) and Section 221(1)(b) of the Act, an Annual Service Charge be declared for the period commencing on 1 July 2020 and ending on 30 June 2021;**
- 5.2 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”.**
- 5.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$386.00 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.**
- 5.4 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”.**
- 5.5 That the Annual Service Charge for “General waste charge” be in the sum of \$13.00 for each rateable land within the municipal district of which a general waste charge may be levied.**

6. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed by Section 172(2)(a) of the Act be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to Section 167(2) of the Act by the date specified for their payment.

7. 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.

8. SUBMISSIONS

That having considered all submissions received, Council notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by Section 3C of the Act and the role of Council as determined by Section 3D of the Act.

CARRIED

Attachment: 11

MATTERS ARISING

MOVED: T. Schneider/D. Nelson

In the support of the Dimboola CFA which anticipates needing to raise at least \$60,000 as a local contribution towards additional accommodation needs of the new Dimboola Fire Station, that Council:

- ***commits to supporting its fundraising needs to the amount of \$20,000 from the Budget item that we have in the current Budget for grant projects***

LOST

10.2 COUNCIL PLAN 2017-2021 ANNUAL REVIEW & STRATEGIC RESOURCE PLAN 2021-2024

Responsible Officer: Director Corporate & Community Services

Attachment: 12

Introduction:

This report presents the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024 for adoption following the period for public comment.

Discussion:

Section 125 of the Local Government Act 1989 (LGA) provides that a Council must prepare and approve a Council Plan within six months after a general election or by the next 30 June, whichever is the later. Council adopted its 2017-2021 Council Plan at its meeting held on 23 August 2017.

Section 125 of the LGA provides that at least once each financial year Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Plan.

The Council Plan is the key document that drives the direction of the Council and is a requirement of the LGA. It must include, s125 (2)

- a. The strategic objectives of Council;
- b. The strategies for achieving the objectives for at least the next four years;
- c. Strategic indicators for monitoring the achievements of the objectives;
- d. A Strategic Resource Plan; and
- e. Any other matters prescribed by the regulations.

The Strategic Resource Plan details the resources required to achieve the strategic objectives. It must include in respect of at least the next four financial years

- a. Financial statements;
- b. Statements describing the required non-financial resources, including human resources;

A Council must review the Strategic Resource Plan during the preparation of the Council Plan; and adopt the Strategic Resource Plan no later than 30 June each year. A copy of the current Strategic Resources Plan must be available for inspection by the public at the Council office and any district offices and any other place required by the regulations. In addition, a Council must ensure that the current Strategic Resource Plan is published on the Council's internet website.

Since the adoption of the Council Plan in August 2017, 26 of the 78 objectives have been completed. Of the 53 objectives remaining 36 will be ongoing. There has been delays due to funding, staff absences and the COVID-19 pandemic on 12 objectives.

Council released the Council Plan 2017-2021 incorporating the strategic resources plan 2021-2024 for the statutory 28-day public review period between 15 May 2020 and 18 June 2020.

Minor changes have been made to the Strategic Resources Plan 2021-2024 to reflect the changes in the 2020/21 budget.

At the time of writing this report no submissions were received. Any submissions received will be provided to Councillors and discussion will be held during the Council meeting.

Options:

Council can:

1. Adopt revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024, as per the draft advertised.
2. Further amend the Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024, and adopt the amended.

Link to Council Plan:

Compliance with the requirements to prepare and review the Council Plan is an important aspect of Good Governance and Leadership.

Financial Implications:

A Strategic Resource Plan is prepared as part of the Council Plan preparation process. It outlines the financial and other resources required to complement the objectives, and strategies for achieving them, within the Council Plan.

Risk Management Implications:

The preparation of the Council Plan is a statutory requirement.

Conflict of Interest:

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

Author and Officer Responsible: Monica Revell, Director Corporate and Community Services
In providing this advice as the Author and Officer Responsible, I have no interests to disclose.

Communications Strategy:

Council must give notice of the adoption of the Council Plan 2017-2021, including the Strategic Resource Plan 2020-2023 under section 125 of the Local Government Act. A public notice will be inserted in the Dimboola Banner, Dimboola Courier, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.

Copies of the adopted Plan will be available at each Hindmarsh Shire Customer Service Centre and on Council's website.

A copy of the Plan will be sent to the Minister for Local Government.

RECOMMENDATION:

That Council:

- 1. Notes that no submissions were received, in accordance with section 223 of the Local Government Act 1989 ('the Act') on the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.**
- 2. Adopts the revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2021-2024.**
- 3. That a copy of the adopted Plan be forwarded to the Minister for Local Government before 30 June 2020.**

MOVED: CRS R. Ismay/D. Colbert

That Council:

- 1. Notes that no submissions were received, in accordance with section 223 of the Local Government Act 1989 ('the Act') on the revised Council Plan 2017-2021, including the Strategic Resource Plan 2021-2024.**
- 2. Adopts the revised Hindmarsh Shire Council Plan 2017-2021, including the Strategic Resources Plan 2021-2024.**

3. That a copy of the adopted Plan be forwarded to the Minister for Local Government before 30 June 2020.

CARRIED

Attachment: 12

11. SPECIAL COMMITTEES

No reports.

12. LATE REPORTS

No reports.

13. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act* 1989, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

No report.

14. MEETING CLOSE

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