



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL  
HELD 16 DECEMBER 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, Oath of Office and Councillor Code of Conduct**

2.1 Apologies

2.2 Oath of Office and Councillor Code of Conduct (New Councillor)

**3. Declaration of Interests**

**4. Confirmation of Minutes**

**5. Public Question and Submission Time**

**6. Correspondence**

**7. Planning Permit Reports**

7.1 Application for Planning Permit PA1682-2020 – Development of Two Dwellings, Retention of the Existing Dwelling, Relocate an Existing Outbuilding and Associated Three Lot Subdivision at 4 Elizabeth Street, Nhill, 3418

**8. Reports Requiring a Decision**

8.1 Procurement Policy Review

8.2 Draft Community Engagement Policy

8.3 Reviewed and Updated Media Policy

8.4 Wimmera River Discovery Trail – Jeparit Footbridge

8.5 Rural North West Region Councillor Representative to the Rural Councils  
Victoria Board

8.6 Local Roads and Community Infrastructure Fund

8.7 A-Double Access to Hindmarsh Roads

8.8 2021 Council Meeting Dates

**9. Council Committees**

9.1 COVID-19 Community Revitalisation Reference Group

**10. Late Reports**

**11. Other Business**

**12. Confidential Matters**

12.1 Youth Council Expressions of Interest

12.2 Australia Day Awards 2021

12.3 Wimmera Development Association Community Representative

**13. Meeting Closed**

---

**Present:**

Crs R Ismay, M Albrecht, R Gersch, D Nelson, B Ireland, W Bywaters.

**In Attendance:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Shauna Johnson (Executive Assistant), Mr Jeff Woodward (Tourism and Economic Development Officer), Ms Helen Thomson (Manager Governance and Human Services), Mr Paul Spencer (Senior Assets Engineer).

**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

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

**2. APOLOGIES, OATH OF OFFICE AND COUNCILLOR CODE OF CONDUCT**

**2.1 APOLOGIES**

No apologies.

**2.2 OATH OF OFFICE AND COUNCILLOR CODE OF CONDUCT**

**Attachment Number 16 – Oath/Affirmation of Office and Councillor Code of Conduct Declaration**

The result of a by-election in East Ward was declared on 14 December 2020. Ms Wendy Bywaters was declared elected. Pursuant to the *Local Government Act 2020*:

**Section 30 Oath or Affirmation of Office**

- (1) A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.
- (2) The oath or affirmation of office must be—
  - (a) administered by the Chief Executive Officer; and
  - (b) dated and signed before the Chief Executive Officer; and
  - (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

**Section 139 Councillor Code of Conduct**

- (6) Until a Council adopts a Councillor Code of Conduct under subsection (4), the

Councillors must comply with the existing Councillor Code of Conduct.

Pursuant to the *Local Government (Governance and Integrity) Regulations 2020*:

### **Section 5 Oath or Affirmation of Office**

For the purposes of section 30(1) of the Act, the prescribed manner for taking the oath or affirmation of office is—

- (a) in accordance with the requirements of Part 2 of the Oaths and Affirmations Act 2018; and
- (b) in person or, with the approval of the Chief Executive Officer, by means of an audio-visual link; and
- (c) in the following form—

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."

**The Chief Executive Officer, Mr Greg Wood**, will now:

1. administer the Oath or Affirmation of Office Declaration, to be made by the newly elected Councillor, and
2. witness the Councillor's signing of the Oath of Office, stating that they will abide by the Councillor Code of Conduct.

### **Oath**

*I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.*

*I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct.*

*I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.*

**Or**

### **Affirmation**

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.*

*I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct.*

*I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.*

Ms Wendy Bywaters decided to take the Affirmation of Office.

*Attachment Number 16 – attached to the end of minutes*

---

<b>3. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY MATERIAL OR GENERAL INTEREST IN ANY ITEM ON THE AGENDA.</b>
---

- Material; or
- General.

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

***Cr M Albrecht declared a general conflict of interest in item 12.1 Youth Council Expressions of Interest due to a family member applying.***

***Cr W Bywaters declared a material conflict of interest in item 12.3 Wimmera Development Association Community Representative due to registering an expression of interest.***

---

<b>4. CONFIRMATION OF MINUTES</b>
-----------------------------------

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 25 November 2020 at the Nhill Memorial Community Centre, Nhill and of the Special Council Meeting held on 8 December 2020 at the Nhill Memorial Community Centre, Nhill as circulated to Councillors be taken as read and confirmed.***

**MOVED: CRS B Ireland/D Nelson**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 25 November 2020 at the Nhill Memorial Community Centre, Nhill and of the Special Council Meeting held on 8 December 2020 at the Nhill Memorial Community Centre, Nhill as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

*Attachment Numbers: 1-2*

## 5. PUBLIC QUESTION AND SUBMISSION TIME

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

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

### **Chris Johnson, Dimboola**

Question 1:

At the Special Hindmarsh Shire Council Meeting held on December 8 the CEO Mr Greg Woods stated he did not know how long it takes for the Chief Medical Officer (CMO) takes to issues an event permit. Did the HSC obtain permits from the CMO for the BBQs held for the 16 days of activism against gender violence and the Town Committees Christmas events?

Answer:

***Both the town BBQs and the Town Christmas events were/are Tier 3 events under the COVID-safe Events Framework. As per the Tier 3 event process they were registered by 1 week prior the event and a Covid-safe Checklist was completed and uploaded onto the Government Covid-safe Events website. The Tier 3 events, at the time of registering, were allowed up to 500 people. That has now been upgraded to 1000 people (after the recent council meeting), so long as other risk elements did not trigger them to a Tier 2 event. These potential triggers are reflected in an online questionnaire when you register the events. A Tier 3 Event does not need assessment and approval from the CMO so long as the COVID-safe Events Framework procedure is followed.***

Question 2:

At the CFA West Region - Community Engagement held on November 17 Facebook live feed Monica Revell was asked where the evacuation point in Dimboola is. While I am aware the evacuation point is the Train Park, many in the community did not know this, some stating the College oval and others the Recreation Reserve Oval. Her answer was, "in case of an emergency go to a friend or relative place." In the case if the

community was engulfed in flames was that the appropriate advice considering that HSC has an emergency management plan?

Answer:

**Council receives advice from the Incident Control Centre and Department of Health and Human Services regarding the requirement to set up relief centres. During the recent fires Council was not requested to activate a relief centre. Council would not set up a relief centre where there is direct risk to the community and would work with neighbouring Council's if required.**

**The Train Park referred to in the question is Dimboola's place of last resort, this is only for people who have chosen to stay and defend their properties but their personal Bushfire Survival Plans cannot be implemented or failed. A place of last resort is a space that provides a minimum level of protection, it is not guaranteed emergency services will be present, and does not provide meals, amenities or special needs.**

### **Wendy Werner, Jeparit**

Question 1:

Jeparit Footbridge: One year ago at the Jeparit community infrastructure meeting the Shire (PK) told us that the Railway bridge has been inspected and is 'a very solid structure' and, that 'we want to use that as an iconic part of the track". If there are 14000 visitors expected to use this trail, why is the Shire changing its focus to an ugly, incongruent foot bridge that is much further from town? I ask the Councillors to DENY the recommendation to obtain quotes for an alternative footbridge and instead focus on the ICONIC Railway Bridge River crossing, (97 words).

Answer:

**The initial assessment completed on the bridge determined that an onsite assessment of the structural integrity and predicted lifespan of the bridge was required. The cost for this assessment quoted as in the vicinity of \$150,000, plus significant costs involved with bringing the bridge to a safe standard for trail user access. Council was required to weigh up the costs involved including the assessment, works to bring it up to standard and ongoing and possibly significant maintenance costs in the future and the liability of bridge removal costs once the structure reached the end of it's life. A new structure will be built to today's standard with a long life and smaller ongoing maintenance costs. The location of the walking track from the rail bridge to four mile beach crosses areas of significant cultural heritage that are avoided with the new bridge location.**

**The location of the proposed bridge will allow for users who only want to undertake short walks to park close to the bridge and walk around four mile beach.**

***Council is still proposing to install signage at the rail bridge and believe it will be a popular stopping point for tourists to take photos.***

Question 2:

Jeparit Camp kitchen: If the Jeparit Node has been funded through the Hindmarsh trail works (cf Jeparit community infrastructure meeting), and \$10,000 has put aside in the budget for several years now to fund the camp kitchen project, why is the Shire proposing that these same projects are now funded AGAIN through new money when surely this new money could be put towards new unfunded projects? (66 words)

Answer:

***Additional funding is now available that will allow for a larger camp kitchen facility in Jeparit including a camp kitchen on a concrete slab with all abilities access including paths and seating which is far in excess of the original budget.***

### **Hamish Merrett, Nhill**

Question 1:

Drainage: The council have now deliberately and neglectfully flooded six of our blocks of land causing financial, mental, and environmental problems.

Given that the works carried out by the Hindmarsh Shire caused this issues, what is the Hindmarsh shire doing to rectify this?

Answer:

***The Drain that Mr Merrett is referring to is a watercourse that delivers water to the Nhill Lake. The Land area is flat and does not have enough fall or width/clearance for water distribution, it is also impeded by vegetation growth. Water will always take the easiest path unless directed otherwise. The Drain to the best of our knowledge has been there for over 50 years in some form or another.***

***Council Officers met on site in May 2020 with Mr Merrett who gave in writing permission for Council staff to access the property at any time. Staff were able to clear the vegetation and tidy up the drainage area in May 2020. Since then significant vegetation growth has re-occurred impeding the water flow.***

***Mr Merrett was notified prior to the 8<sup>th</sup> of December that we would be turning on the water, and staff requested access to the property in order to tidy up the drain to reduce possible flooding. Mr Merrett denied access, and council staff were unable to undertake any works.***

***We will continue discussions with Mr Merrett.***



Question 2:

Planning Permit: The Shire have threatened us with fines and actions including the need for a planning permit for our business. Given that most industrial business operating in Nhill require permits, but do not have them.

Is it council policy to bully and victimise people that bring issues and problems to them?

Answer:

***Panel Beating, in the Industrial Zone, is a Section 2 Use, meaning that a Planning Permit is required.***

***Mr Merrett advised that the previous panel beating business on this land, ceased operation in about 2006.***

***Section 68(2)(b) of the Planning and Environment Act 1987 states that a permit for the use of land expires if the use is discontinued for a period of two years.***

***Mr Merrett's business therefore cannot rely on the Planning Permit issued in 2002 and a new Planning Permit Application is required.***

---

## **6. CORRESPONDENCE**

### **6.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 3 - 4

#### **Introduction:**

The following correspondence is tabled for noting by Council.

#### **Inwards:**

- 18/11/2020 – Letter to Mayor and Councillors from International Campaign to Abolish Nuclear Weapons, Australia.
- 04/12/2020 – Letter of Congratulations to Mayor from The Hon. Gayle Tierney MP.

***MOVED: CRS R Gersch/D Nelson***

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

***CARRIED***

**7. PLANNING PERMITS**

**7.1 APPLICATION FOR PLANNING PERMIT PA1682-2020 – DEVELOPMENT OF TWO DWELLINGS, RETENTION OF THE EXISTING DWELLING, RELOCATE AN EXISTING OUTBUILDING AND ASSOCIATED THREE LOT SUBDIVISION AT 4 ELIZABETH STREET, NHILL, 3418**

**Responsible Officer:** Director Infrastructure Services  
**Subject Land:** 4 Elizabeth Street, Nhill VIC 3418

**Proposal:** Development of two dwellings, retention of the existing dwelling, relocate an existing outbuilding and associated three lot subdivision

**Zoning and Overlays:** General Residential Zone Schedule 1  
No Overlays

- Clause 32.08-3 – Subdivision
- Clause 32.08-6 – Building and Works associated with construction of two dwellings

**Attachment Numbers:** 5 - 7

- 5 – Clause 55 Two or more dwellings on a lot assessment
- 6 – Clause 56 Residential Subdivision assessment
- 7 – Development Plans & Landscape Plan – Sheets 1 to 7

**Summary:**

Planning application PA1682-2020, lodged with Council on 11 September 2020, seeks planning approval for the following at 4 Elizabeth Street, Nhill (site):

- **Clause 32.08-3 Subdivision** – create three lots from the existing 2,023 m<sup>2</sup> site.
  - Lot 1 866.49 m<sup>2</sup> – the existing dwelling is to be retained on this lot.
  - Lot 2 - 578.33 m<sup>2</sup> – a new dwelling is proposed to be constructed on this lot.
  - Lot 3 – 578.33 m<sup>2</sup> – a new dwelling is proposed to be constructed on this lot.
- **Clause 32.08-6 Buildings and Works** – associated with the development of proposed Lots 2 and 3 each with a single storey detached dwelling and the development of a carport for the existing dwelling on Lot 1.

As detailed in this report, the application displays a high level of compliance with the strategic direction and the relevant provisions of the Hindmarsh Planning Scheme.

This report recommends that Planning Permit PA1682-2020 be issued, to allow the development of two dwellings, retention of the existing dwelling, relocate an existing outbuilding and associated three lot subdivision at 4 Elizabeth Street, Nhill.

**Background:**

Planning Application PA1682-2020 was lodged with Council on 11 September 2020 for the three-lot subdivision and development of two single storey dwellings, retention of the existing dwelling, relocate an existing outbuilding.

**Proposal Details:**

Subdivision

The application proposes the subdivision of the existing 2023 m<sup>2</sup> site into a total of three lots, as follows:

- Lot 1 – 866.49 m<sup>2</sup>
- Lot 2 – 578.33 m<sup>2</sup>
- Lot 3- 578.33 m<sup>2</sup>

Lot 1 retains the existing dwelling, a carport and a relocated outbuilding. Lot 2 and Lot 3 will each be developed with a single storey dwelling. Sites will be connected to utilities.

Development

*Lot 1 - Existing dwelling*

The existing single storey weatherboard dwelling, setback from Elizabeth Street 9.367 metres, is to be retained. A carport/shed, currently located in the proposed Lot 2, will be relocated to the rear of the existing dwelling on Lot 1. The existing dwelling will be setback 3.5 metres from the western boundary of Lot 2. The carport will be relocated within this setback on Lot 1. Elevations have not been provided of this relocated carport structure, which will be required as a condition.

Vehicle access to Lot 1 will be from a double width vehicle crossover with Lot 2. Council's Engineers require that each vehicle cross over has a minimum width of 3 metres as measured from the boundary of the respective lot. Lot 1 will be required to have a minimum cross over width of 3 metres as measured from the eastern boundary of that lot, which will be required as a condition.

*Lot 2 and Lot 3 – new single storey dwelling on each lot*

Lot 2 and 3 will each be developed with a single storey detached dwelling setback from Elizabeth Street 8.17 metres to the front porch or 9 metres to the dwelling façade with side setbacks 1.38 metres.

Each dwelling will be provided with three bedrooms, an open plan living, kitchen and meals area, bathrooms and laundry and a single garage with tandem car space, meeting the requirements of Clause 52.06 Car Parking.

Vehicle access to the two dwellings on Lots 2 and 3 will also be from Elizabeth Street.

**Subject Site & Locality:**

The subject site is located on the north side of Elizabeth Street, Nhill. A 3.5 metre wide

laneway known as Fry Lane runs along the western boundary of the site. The adjacent property at 6 Elizabeth Street, to the west of the laneway, is developed with a single storey dwelling. The rear yards of the adjoining properties at 6 and 8 King Street adjoin the eastern boundary of the site and are each developed with single storey detached dwellings.

The site is within an established residential area within Nhill. The commercial centre of Nhill is located approximately 750 metres to the south east of the site. Recreational facilities are located at Davies Park, at the end of Elizabeth Street.

### **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.

### **Advertising:**

#### **Section 52 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:

- Notices were sent to owners and occupiers of adjoining land;
- A sign was placed on the site for (14 days); and;
- The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

## Referrals:

### External Referrals

#### Powercor Australia

The application was referred to Powercor Australia who advised:

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

#### GWM Water

The application was referred to GWM Water who advised:

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

#### Internal Referrals

The application was referred internally to the following Departments:

- Engineering – No objection to the development subject to conditions requiring separate access to each lot with alterations for a 3 metre wide crossover for Lot 1 and drainage
- Building – Comments detailed in the permit notes.

## Assessment against Hindmarsh Planning Scheme:

### Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

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

*Support the ongoing growth and development of Edenhope, Hopetoun, Nhill, St Arnaud, Stawell and Warracknabeal as the key service hubs in their sub-regional communities of interest.*

Clause 11.02-1S Supply of urban land

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

Clause 15.01 Built Environment

Clause 15.01-2S Building Design objective is:

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

Clause 15.01-3S Subdivision design objective is:

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

Clause 15.01-4S Healthy neighbourhoods

Clause 15.01-5S Neighbourhood character

Clause 16.01 Residential Development

Clause 16.01-1S Housing Supply

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

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

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

Clause 19.03-3S Integrated water management objective is:

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

### **Local Planning Policy Framework (LPPF)**

Clause 21.00 - Municipal Strategic Statement

Clause 21.02 - Vision – Strategic Framework

Clause 21.03 - Objectives – Strategies – Implementation

Clause 21.03-2 - Economic Development

Clause 21.03-6 - Urban Development

### **Objective**

*To promote and enhance the roles of the main towns as the service and business centres for the Shire and as a focus for communities.*

Nhill

Key Issues (relevant to application)

*Further development should consolidate the town and be accommodated by infill development.*

### **Planning Response:**

The proposed subdivision and development of two single storey dwellings located in proximity to existing services and sporting facilities is supported by the relevant planning policies in the PPF and LPPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development. The proposal will accommodate infill development within the town which is encouraged in Clause 21.03-6.

### **Clause 32.08 – General Residential Zone**

The objectives of the General Residential Zone are contained in Clause 32.08 (relevant to the application):

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

### **Clause 32.08-3 Subdivision**

### **Permit Requirement**

A permit is required to subdivide land.

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

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

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6

Clause 32.08-4 Construction or extension of a dwelling or residential building

**Minimum garden area requirement**

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area

Each lot exceeds the minimum garden area requirement. Lot 1 provides for in excess of 70% garden area on a site that requires 35%. Lots 2 and 3 provide for 70% garden area, in excess of the 30% required.

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

**Permit requirement**

A permit is required to:

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

This Clause requires applications under this provision to be assessed against the requirements of Clause 55. The application displays a high level of compliance with the provisions of clause 55 as detailed later in this report.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The development will respect the neighbourhood character of the area. The development will encourage a diversity of housing types and housing growth particularly in this location with good access to services and transport in Nhill. The proposal will therefore comply with the objectives of the zone.

**Particular Provisions**

**Clause 53.01 Public Open Space Contribution and Subdivision**

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

amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

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

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

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

Planning Response:

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

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

The application has been assessed against the requirements of Clause 55 and will have a high level of compliance with the relevant objectives and standards of the clause.

Clause 55.02 Neighbourhood character

The existing single storey, detached weatherboard dwelling is to be retained. Proposed is the construction of two single storey brick dwellings to the west of the existing dwelling. All dwellings will be oriented towards Elizabeth Street and share similar scale, setbacks and heights. All dwellings will be setback a minimum of 9 metres from Elizabeth Street. These front setbacks will be landscaped.

Clause 55.03 Site Layout and Building Massing

The existing and proposed buildings will share similar front and side setbacks, height, design features and provide opportunities for landscaping throughout the sites.

Clause 55.04 Amenity Impacts

The proposed development will not contribute to any amenity impact on adjoining properties. The development will not contribute to overlooking nor overshadowing. The proposed two dwellings will not impact on solar access to existing habitable room windows on neighbouring properties.



#### Clause 55.05 On Site Amenity and Facilities

Each dwelling will be oriented toward Elizabeth Street. Private open space is located to the rear of each dwelling. The living areas and secluded private open space of the proposed dwellings, benefit from a northern orientation. Storage is provided to each dwelling in the rear private open space. Bin storage areas and letterbox areas are detailed on the plans.

#### Clause 55.06 Detailed Design

The design detail of the proposed two new dwellings is respectful of the existing neighbourhood character given their single storey, detached form and hipped roof form. Details of the relocated carport/shed for the existing dwelling are required as a condition.

#### **Clause 56 – Residential Subdivision**

The application has been assessed against the requirements of Clause 56 and will have a high level of compliance with the relevant objectives and standards of the clause.

The subdivision is considered to respect the existing neighbourhood character (Standard C6) 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). All lots are oriented towards the street to comply with Standard C10 (Street orientation).

Lot access from Elizabeth Street will be satisfactory to comply with Standard C21 with new crossovers to be constructed before the issue of a Statement of Compliance or before the occupation of the dwellings to Council's design standards. A three (3) metre wide clearance for the crossover from the eastern boundary for Lot 1 will be required and will be addressed as condition.

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

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

#### **General Provisions**

#### **Clause 65 - Decision Guidelines**

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

Clause 65.01 Approval of an application or plan

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

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Response:

The application complies with the relevant decision guidelines as outlined above. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will have for the infill development of the site for residential purposes.

The two new dwellings will contribute to the diversity of housing stock in Nhill. The proposal will enable infill residential development and a subdivision that does not impact on the amenity of the area and facilitates the orderly planning of the area.

**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 Director Infrastructure Services advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

**Processing Times:**

14/09/2020 Application lodged

26/09/2020	Fee received
7/10/2020	Further information requested
13/10/2020	Response to further information and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
27/10/2020	Public notification commenced – letters sent
28/10/2020	Public notice – sign erected on site
11/11/2020	Public notice – sign removed from site
16/12/2020	Presented to Council for approval

The report is being presented to Council for approval at the meeting held 16 December 2020 (49 statutory days).

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

**Link to Council Plan:**

The application is consistent with the Council Plan.

**Financial Implications:**

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

**Risk Management Implications:**

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

**Conflict of Interest:**

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Louise Lunn, Consultant Town Planner

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

Co-Author – Bernadine Pringle, Consultant Town Planner

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

**Communications Strategy:**

Advise the applicant of the Council's decision.

**Next Steps:**

Issue planning permit and signed plans if approved by Council.

**RECOMMENDATION:**

***That Planning Permit PA1682-2020 be approved, to allow the development of two single storey dwellings, retention of the existing dwelling, relocate an existing outbuilding and associated three lot submission at 4 Elizabeth Street, Nhill, subject to the following conditions:***

**Endorsed Plans**

- 1. Before 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) The location and elevations of the relocated carport/shed for the existing dwelling (Dwelling 1) on Lot 1.***
  - (b) The vehicle crossover to Lot 1 to have a minimum width of 3.0 metres as measured from the eastern boundary of that lot.***
- 2. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
- 4. 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.***
- 5. 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.***
- 6. 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**

**Access/Vehicle Crossovers**

- 7. Before the occupation of the development approved by this permit, a new crossover to be constructed from Elizabeth Street to each lot to have independent access to the satisfaction of the Responsible Authority.**
- 8. The crossovers must be constructed as per IDM- 260 standard and at a location and of a size to the satisfaction of the Responsible Authority.**
- 9. The vehicle crossovers must be constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

#### **Drainage**

- 10. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the southern side of the property to the table drain in the Elizabeth Street road reserve to the satisfaction of the Responsible Authority.**
- 11. No effluent or polluted water of any type may be allowed to enter the Council's Stormwater drainage system.**

#### **Landscaping**

- 12. Before 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.**
- 13. 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**

- 14. 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**

- 15. The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.**
- 16. Before the issue of a Statement of Compliance, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than 7 days before the issue of a Statement of Compliance for the subdivision.**

#### **Mandatory Telecommunications Conditions**

**17. 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.**

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

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

**Grampians Wimmera Mallee Water Conditions**

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

**20. The owner / applicant must provide individual sewer services to each lot in accordance with GMMWater's requirements.**

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

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

**23. The owner / applicant must provide GMMWater with an updated drainage plan for all lots submitted by a qualified plumber.**

- 24. The owner / applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned in accordance, at the owner's cost, in accordance with GWMWater's standards.**
- 25. The owner / applicant must provide three metre wide easements in favour of GWMWater over the existing sewer located on the Northern boundary of the lots.**
- 26. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.**

**Powercor Australia Conditions**

- 27. Powercor's letter dated 20 November 2020 shall be supplied to the applicant in its entirety.**
- 28. 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**
- 29. 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.**
- 30. 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**

- 31. 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.**

- 32. 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:**

**Building**

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

**Planning**

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

**Engineering**

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

**Powercor**

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



**MOVED: CRS R Gersch/D Nelson**

***That Planning Permit PA1682-2020 be approved, to allow the development of two single storey dwellings, retention of the existing dwelling, relocate an existing outbuilding and associated three lot submission at 4 Elizabeth Street, Nhill, subject to the following conditions:***

**Endorsed Plans**

- 1. Before 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) The location and elevations of the relocated carport/shed for the existing dwelling (Dwelling 1) on Lot 1.***
  - (b) The vehicle crossover to Lot 1 to have a minimum width of 3.0 metres as measured from the eastern boundary of that lot.***
- 2. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
- 4. 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.***
- 5. 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.***
- 6. 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**

**Access/Vehicle Crossovers**

- 7. Before the occupation of the development approved by this permit, a new crossover to be constructed from Elizabeth Street to each lot to have independent access to the satisfaction of the Responsible Authority.***

8. *The crossovers must be constructed as per IDM- 260 standard and at a location and of a size to the satisfaction of the Responsible Authority.*
9. *The vehicle crossovers must be constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.*

**Drainage**

10. *All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the southern side of the property to the table drain in the Elizabeth Street road reserve to the satisfaction of the Responsible Authority.*
11. *No effluent or polluted water of any type may be allowed to enter the Council's Stormwater drainage system.*

**Landscaping**

12. *Before 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.*
13. *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**

14. *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**

15. *The subdivision as shown on the endorsed plan must not be altered or modified without the consent in writing of the Responsible Authority.*
16. *Before the issue of a Statement of Compliance, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than 7 days before the issue of a Statement of Compliance for the subdivision.*

**Mandatory Telecommunications Conditions**

17. *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.**

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

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

**Grampians Wimmera Mallee Water Conditions**

- 19. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.**
- 20. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.**
- 21. The owner / applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.**
- 22. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.**
- 23. The owner / applicant must provide GWMWater with an updated drainage plan for all lots submitted by a qualified plumber.**
- 24. The owner / applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned in accordance, at the owner's cost, in accordance with GWMWater's standards.**

**25. The owner / applicant must provide three metre wide easements in favour of GWMWater over the existing sewer located on the Northern boundary of the lots.**

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

**Powercor Australia Conditions**

**27. Powercor's letter dated 20 November 2020 shall be supplied to the applicant in its entirety.**

**28. 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**

**29. 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.**

**30. 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**

**31. 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.**

**32. 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:**

***Building***

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

***Planning***

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

***Engineering***

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

**Powercor**

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

**CARRIED**

*Attachment Numbers: 5 - 7*

## 8. REPORTS REQUIRING A DECISION

### 8.1 PROCUREMENT POLICY REVIEW

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

**Attachment Number:** 8

**Introduction:**

A review has been conducted on Council's Procurement Policy adopted on 7 February 2018 in line with the *Local Government Act 1989* requirements. This report seeks Council endorsement for a minor change to the Procurement Policy.

**Discussion:**

The *Local Government Act 1989* (the Act) section 186A requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council. Council must review the Procurement Policy annually and make it available for public inspection at Council offices and on its website.

The purpose of this Policy is to:

1. provide policy and guidance to Council to allow consistency and control over Procurement activities;
2. demonstrate accountability to rate payers;
3. provide guidance on ethical behaviour in public sector purchasing;
4. demonstrate the application of elements of best practice in purchasing; and
5. increase the probability of obtaining the right outcome when purchasing goods and service

The policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff and temporary employees, contractors and consultants while engaged by Council.

The current review determined that Council's current Policy made no reference to statutory payments that were above the CEO delegation. These payments include Fire Services Levy and fortnightly payroll. Based on this the following paragraph has been inserted into the Policy.

#### 2.3.6 Statutory Payments

The Chief Executive Officer has authority to approve statutory payments (eg. Fire Services Levy, fortnightly payroll) to Government and Legislated authorities that are in excess of the Chief Executive Officer delegations.

**Link to Council Plan:**

Strategic Objective 4.1: Long-term financial sustainability.

Strategic Objective 4.6: An organisation that takes risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

**Financial Implications:**

The Procurement Policy provides the processes to be followed when tendering for goods and services. Financial delegations are assigned to positions and authorise limits for signing purchase orders and authorising invoices.

**Risk Management Implications:**

Purchases and payments are reviewed regularly by the Finance Team to ensure compliance with the policy.

**Conflict of Interest:**

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

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

**Communications Strategy:**

The Procurement Policy is available to key suppliers and available on Council's website.

**RECOMMENDATION:**

*That following a review Council updates the Procurement Policy to include:*

- **2.3.6 Statutory Payments**

*The Chief Executive Officer has the authority to approve statutory payments (eg Fire Services Levy, fortnightly payroll) to Government and Legislated authorities and in line with legislated requirements that are in excess of the Chief Executive Officer delegations.*

**MOVED: CRS M Albrecht/W Bywaters**

*That following a review Council updates the Procurement Policy to include:*

- **2.3.6 Statutory Payments**

*The Chief Executive Officer has the authority to approve statutory payments (eg Fire Services Levy, fortnightly payroll) to Government and Legislated authorities and in line with legislated requirements that are in excess of the Chief Executive Officer delegations.*

**CARRIED**

Attachment Number: 8

## 8.2 DRAFT COMMUNITY ENGAGEMENT POLICY

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

**Attachment Number:** 9

### **Introduction:**

Council Officers have prepared a draft Community Engagement Policy in accordance with the *Local Government Act 2020*. The next part of the process in the development of the Policy is to consult with the community on the content of the policy. Council officers are seeking Council endorsement of the draft Policy before commencing the community engagement process.

### **Discussion:**

Section 55 of the *Local Government Act 2020 (Act)* requires Council to adopt and maintain a Community Engagement policy. Council is required to adopt its Community Engagement Policy by 1 March 2021. The Policy must:

- be developed in consultation with the community; and
- give effect to the community engagement principles; and
- be capable of being applied to the making of Council's local laws; and
- be capable of being applied in relation to the Council's budget and policy development; and
- describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and
- specify a process for informing the municipal community of the outcome of the community engagement; and
- include deliberative engagement practices which can be applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan; and
- include any other matters prescribed by the regulations.

Council officers have developed the draft Communication Policy in line with the requirements of section 55 of the Act and in accordance with the community engagement principles contained in the Act.

### ***Be developed in consultation with the municipal community***

Council officers recommend that Council engages in participatory engagement with the Hindmarsh community in the development of the Community Engagement Policy. This will involve making the draft Community Engagement Policy available to the community for comment and submissions from 17 December 2020 until 20 January 2021. Any comments or submissions received will be considered in the report to Council endorsing the final draft of the Policy.



***Giving effect to the community engagement principles***

The draft Community Engagement Policy gives effect to the Community Engagement Principles in the following way:

**Principle 1** – *a community engagement process must have clearly defined objective and scope*

The Policy contains a Community Engagement Plan template which must be used when planning community engagement. The template requires that the officer must set the objective and scope of the engagement when developing a Community Engagement Plan.

**Principle 2** – *participants in community engagement must have access to objective, relevant and timely information to inform their participation*

In Step 8 of the community engagement, implementation and evaluation process, Council officers are required to ensure that those involved in the community engagement have access to relevant information that will inform their participation in the community engagement process.

**Principle 3** – *participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.*

Clause 8 of the draft Policy requires Council to consider stakeholder and community interest. This will in turn inform the persons and groups that Council will engage with. The Community Engagement Plan also requires Council to identify the key stakeholders in an issue to ensure that Council is engaging with the relevant people.

**Principle 4** – *participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement.*

Council will ensure that participants involved in community engagement will be provided with relevant and timely information to inform their participation in the community engagement.

**Principle 5** – *participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.*

The Community Engagement Plan template requires Council officers to turn their mind to the level of influence the engagement with the community will have on the decision being made. This will be communicated to those involved in the community engagement to ensure that their expectations are managed appropriately.

***Be capable of being applied to the making of Council's local laws and be capable of being applied in relation to Council's budget and policy development***

The draft Community Engagement Policy can be applied to the development of local laws and the development of Council policies and budgets. Clause 16 of the Community Engagement Policy provides a community engagement guide for Council to follow and includes reference to how Council will engage to the community with respect to the making of Local Laws, budgets and policies.

***Describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and specify a process for informing the municipal community of the outcome of the community engagement***

The draft Policy sets out the types of community engagement that are available to Council and how Council will assess which community engagement type will be used for different matters and situations. The draft Policy also sets out a Community Engagement Plan template which will be used to ascertain the appropriate level of Community Engagement for different Council projects.

The draft Policy also includes how Council will communicate the outcome of community engagement processes.

***Include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan***

Clause 5 of the Policy provides for deliberative engagement practices that Council will use when developing strategic plans and documents that require deliberative engagement. Those practices include:

- Working with advisory groups;
- Proposals and ideas are discussed by a panel of community members;
- Participants are asked to consider and prioritise ideas;
- A representative group participates in a series of sessions of information exchange in order to reach consensus.

**Options:**

1. Council can endorse that the draft Community Engagement Policy be made available to the Hindmarsh community for comment or submissions.
2. Could can amend the draft Community Engagement Policy and then endorse the draft Community Engagement Policy be made available to the Hindmarsh community for comment or submissions.

**Link to Council Plan:**

- 1.1 an active engaged community.

**Financial Implications:**

Nil.

**Risk Management Implications:**

Ensuring that we engage with the community in the development of the Community Engagement Policy will enable Council to mitigate the risk of the community not being satisfied with the way that Council conducts community engagement.

**Conflict of Interest:**

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

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

Author – Helen Thomson, Manager Governance and Human Services  
In providing this advice as the Author, I have no disclosable interests in this report.

**Communications Strategy:**

Council officers will engage in participatory engagement with the Hindmarsh community and make a copy of the draft Community Engagement Policy available on Council's website and at Council offices from 17 December 2020 until 20 January 2021. Members of the Hindmarsh community will be able to make submissions and ask questions regarding the draft policy, all of which will be considered and addressed in the report made to Council.

**Next Steps:**

Following the participatory engagement process, Council will consider submissions received prior to adopting the Community Engagement Policy at the February 2021 Council meeting.

**RECOMMENDATION:**

***That Council endorses the draft Community Engagement Policy being made available for public comment and submissions from 17 December 2020 until 20 January 2021.***

**MOVED: CRS W Bywaters/B Ireland**

***That Council endorses the draft Community Engagement Policy being made available for public comment and submissions from 17 December 2020 until 20 January 2021.***

**CARRIED**

Attachment Number: 9

### **8.3 REVIEWED AND UPDATED MEDIA POLICY**

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

**Attachment Number:** 10

#### **Introduction:**

This report seeks Council approval of the reviewed and updated Hindmarsh Shire Council Media Policy.

#### **Discussion:**

The Hindmarsh Shire Council Media Policy (**Policy**) was developed in 2009 and last reviewed in 2017. The review period on the Policy was three years. Council Officers have completed the review and made the necessary recommended alterations to the Policy.

The Policy applies to all Councillors, Youth Councillors, Council employees and volunteers. The purpose of the Policy is to establish the protocols for managing communication between Council and media to ensure coordinated, coherent, professional, accurate and reliable presentation of Council and Council business.

Council Officers conducted a review on the Policy and made some minor changes to the policy including:

- replacement of reference to 'section 86 committees' with 'council committees';
- updated legislative references;
- inclusion of related documents; and
- update of policy template.

#### **Options:**

1. Council can approve the reviewed and updated Media Policy.
2. Council can amend the reviewed and updated Media Policy.

#### **Link to Council Plan:**

1.1 an actively engaged community.

#### **Financial Implications:**

Nil.

#### **Risk Management Implications:**

The implementation of and adherence to the Media Policy will enable Council to present a consistent and cohesive message to the Community, mitigating the risks of community confusion, unrealistic community expectations and creating a divide between Council and the community.

#### **Conflict of Interest:**

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

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

Author – Helen Thomson, Manager Governance and Human Services  
In providing this advice as the Author, I have no disclosable interests in this report.

**Communications Strategy:**

Council officers will ensure that the updated Media Policy will be made available on Council's website, on Council's SharePoint for all Councillors to access and on Council's intranet for all Council staff to access.

**RECOMMENDATION:**

***That Council approves the updated Hindmarsh Shire Council Media Policy.***

**MOVED: CRS D Nelson/M Albrecht**

***That Council approves the updated Hindmarsh Shire Council Media Policy.***

**CARRIED**

*Attachment Number: 10*

---

## **8.4 WIMMERA RIVER DISCOVERY TRAIL – JEPARIT FOOTBRIDGE**

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

**Introduction:**

The purpose of this report is to update Council on the proposed Jeparit Footbridge across the Wimmera River as part of the Wimmera River Discovery Trail and seek approval for the CEO to prepare tender documentation and advertise for design and construction of a new two-metre wide bridge.

**Discussion:**

The development of the Wimmera River Discovery Trail (WRDT) currently underway for the section between Dimboola and Lake Hindmarsh (Four Mile Beach) requires a method for trail users to safely cross the Wimmera River at Jeparit.

Throughout initial planning and project development it was intended to utilise the old Jeparit Rail Bridge with a retro-fitted walkway built on top of the existing structure.

Whilst negotiations with VicTrack for use of the rail bridge were successful, the WRDT Project Control Group (PCG) were informed that an assessment of structural integrity and predicted lifespan of the bridge would cost in the vicinity of \$150,000.

The recommendation from the PCG is to utilise this spend on installing a new footbridge rather than pursuing the old rail bridge as the preferred option. Significant contingency was included in the original project budget allocated to the river crossing to allow for potential of installing a new bridge if the rail bridge proposal became untenable.

The PCG remain confident, based on cost estimates that a new bridge can be installed within the project budget allocated as part of the grant application.

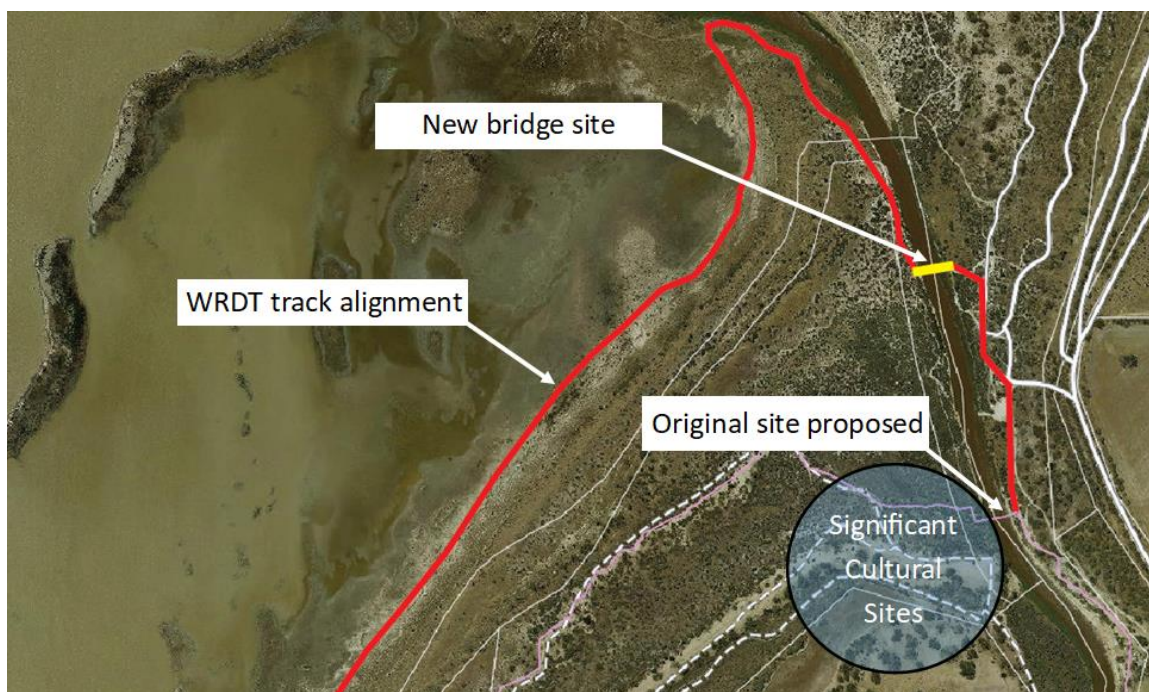
**Proposed location:**

Following site visits with Barengi Gadjin Land Council (BGLC) and Parks Victoria (PV), and support for the location from Wimmera River Catchment Authority (WMCA) it is proposed to locate the new bridge approximately 650m north of the Jeparit Ski Club.

This site will link the western (lake) side of the Wimmera River to existing tracks along Lake Hindmarsh shorefront. The northern-most track that this will link to is the preferred route option from BGLC after initial site surveys.

Alternative locations closer to the Ski Club were initially proposed and assessed but impacted on significant cultural sites, and had restricted accessibility for surveys and construction on the western bank.

The new proposed site will see a significant reduction in native vegetation offset needed.





**Bridge Style:**

The PCG have received initial design concepts and cost estimates to install a bridge 2m wide (for cycling standards) based on the example below. The final design will reflect minimum height recommendations from WCMA incorporating clearance necessary so as to not impact boating/skiing activities.



**Visitor Experience:**

The proposed bridge location and lakeside trail alignment offers considerable visitor experience.

Exiting the bridge on the western bank places trail users into the lake environment which is distinctly different from the river environments along the rest of trail.

The trail alignment takes visitors close to the mouth of the river and offers great views across to Four Mile Beach.

Proximity and easy vehicle access to the Jeparit Ski Club area will facilitate short walks for people to experience the river mouth and lake shore, and allow the bridge to be utilised by more than just long distance cyclists and walkers.



**Link to Council Plan:**

- Strategic Objective 2.1 Well-maintained physical assets and infrastructure to meet community and organisational needs.
- Strategic Objective 3.1 A strong rural economy and thriving towns
- Strategic Objective 3.2 A thriving tourism industry
- Strategic Objective 3.2.2 Appealing tourism facilities that promote visitation and meet visitor needs

**Financial Implications:**

The bridge forms part of the Wimmera River Discovery Trail project. The \$1.2m project is funded by the Federal and State Government and Council.

**Risk Management Implications:**

There is a risk utilising the existing rail bridge for Council due to the age of the bridge, by erecting a new bridge Council will ensure a bridge that meets today's standards is built.

**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 – Monica Revell, Director Corporate and Community Services.

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

Author – Jeff Woodward, Tourism Officer

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

**Communications Strategy:**

Council will consult with the Jeparit Ski Club prior to finalising the bridge to ensure it will not impact on their use of the Wimmera River.

**RECOMMENDATION:**



***That Council authorises the CEO to prepare tender documentation and advertisements for design and construction of a new two-metre wide bridge approximately 650m north of Jeparit Ski Club.***

**MOVED: CRS D Nelson/B Ireland**

***That Council authorises the CEO to prepare tender documentation and advertisements for design and construction of a new two-metre wide bridge approximately 650m north of Jeparit Ski Club.***

**CARRIED**

---

## **8.5 RURAL NORTH WEST REGION COUNCILLOR REPRESENTATIVE TO THE RURAL COUNCILS VICTORIA BOARD**

**Responsible Officer:** Chief Executive Officer

### **Introduction:**

This report recommends that the CEO be authorised to vote on behalf of Council for the Rural North West Region Councillor representative on the Rural Councils Victoria board.

### **Discussion:**

Following the nomination process for the Rural North West region Councillor Representative on the Rural Councils Victoria Board, an election process is required to be undertaken.

Two nominations were received for the Rural North West region Councillor representative, Cr Rob Gersch, Hindmarsh Shire Council, and Cr Tony Driscoll, Northern Grampians Shire Council.

Rural Council's Victoria (RCV) Incorporated Rules Section 13 'General Rights of members' details the voting rights of members. Section 52 'Ballot' requires each member provided with an electronic ballot form to vote within 10 business days. Voting for the current election closes at 5pm on Monday 21 December 2020.

The successful representative will hold office until they cease to become a Councillors or until the date upon which the election of the next Councillor Committee members is completed.

### **Options:**

1. Council authorises the CEO to vote for Cr Rob Gersch on behalf of Council for the North West region Councillor representative.
2. Council authorises the CEO to vote for Cr Tony Driscoll on behalf of Council for the North West region Councillor representative.

**Link to Council Plan:**

Strategic Objective 3.1.7: Active involvement in Rural Councils Victoria (RCV) and Wimmera Development Association (WDA).

**Financial Implications:**

Not applicable.

**Risk Management Implications:**

Not applicable.

**Conflict of Interest:**

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

Officer Responsible – Greg Wood, Chief Executive Officer

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

Author – Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

Not applicable

**RECOMMENDATION:**

***That Council authorises the CEO to vote for Cr Rob Gersch for the Rural North West Region Councillor Representative to the Rural Councils Victoria Board.***

***MOVED: CRS B Ireland/M Albrecht***

***That Council authorises the CEO to vote for Cr Rob Gersch for the Rural North West Region Councillor Representative to the Rural Councils Victoria Board.***

**CARRIED**

---

## **8.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND**

**Responsible Officer:** Director Infrastructure Services

**Introduction:**

This report seeks in-principal support from Council for round 2 of the Local Roads and Community Infrastructure key projects.

**Discussion:**

Council received notification on 30 October 2020 that the Federal Government's Local Roads and Community Infrastructure (LRCI) Program has been extended. Under the LRCI program extension, Council will receive an additional funding allocation of \$867,423. Funding will be available from 1 January 2021, with the program being extended until the end of 2021.

Council received \$1,080,798 through the initial LRCI grant which was allocated to road projects throughout the Shire. Normally Council would consider using these additional funds on upgrading roads due to the significant number of kilometers of road Council is responsible for, however given our recent success with roads funding applications our construction programme for 2020/2021 is at full capacity. Following the announcement of the LRCI extension Council Officers held a meeting to discuss community projects that were deemed the highest priority and be physically achievable within the time and budget constraints.

The projects recommended for funding are as follows:

1. Rainbow Library Community Park - \$100,000 (estimate)

This project will create a footpath link between the new Rainbow Library and the Oasis entrance. The project will consist of an all abilities path, open space grassed areas, tree planting, shade structures and picnic areas, as well as an interpretive display of local history. Consultation with the Oasis committee in regards to designs and features will be undertaken prior to the project commencing.

2. Rainbow Lake - \$ 90,000 (estimate)

This project will purchase and install picnic tables, electric BBQ's and a shade shelter at the Rainbow Lake on the Dimboola Rainbow Road, Rainbow. Rainbow Lake will be a recreational facility used by community members and tourists.

3. Jeparit Camp Kitchen - \$200,000 (estimate)

This project will erect a Camp Kitchen opposite the Jeparit Caravan Park at the Jeparit Riverside precinct, including associated walking paths and landscaping. The proposed design incorporates two electric barbeques, a sink with running water, and stainless steel benches. The Camp Kitchen will be erected on a concrete base and be accessed by an all abilities path.

4. Nhill Tennis Club Sporting Facilities - \$250,000 (estimate)

This project will build a new club room for Nhill Tennis Club consisting of a building with open plan space, all abilities amenities and storage, and a large veranah on the front for viewing tennis games.

Nhill Tennis Club rooms were demolished following a wind event which ripped part of the roof off. Currently the club have a non-satisfactory facility and are hiring toilets for game days. Council has been liaising with the Nhill Tennis Club to determine their

requirements.

5. Davis Park Nhill - \$227,000

This project will upgrade the facilities at Davis Park Nhill, including new change rooms, club rooms and netball court. This allocation will form part of the required Council contribution of \$400,000 (\$200,000 Local Roads & Community Infrastructure, \$100,000 Council budget 2020/2021, \$50,000 Council budget 2019/2020 carried forward and \$50,000 club contribution) for future grant opportunities as well as \$27,000 for permits and netball court design.

Council previously allocated money from round 1 LRCI funding towards this project, but following the unsuccessful state grant application and requirement for round 1 LRCI funds to be expended by 30 June 2021 reallocated the funding towards a road project. Round 2 LRCI funds are required to be expended by 30 December 2021 enabling time for future sporting infrastructure grant applications.

**Options:**

1. Council endorses and allocates up to \$867,423 from the Local Roads and Community Infrastructure Funds for the following projects: Rainbow Library Community Park; Rainbow Lake; Jeparit Camp Kitchen; Nhill Tennis Club Sporting Facilities; and Davis Park Nhill.
2. Council endorses other projects to be funded from the Local Roads infrastructure Fund round 2.

**Link to Council Plan:**

Strategic Objective 1.1: An actively engaged community.

Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of our community.

Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.

Strategic Objective 2.1: Well-maintained physical assets and infrastructure to meet community and organisational needs.

**Financial Implications**

Projects approved by Council will be funded through the Local Roads and Community Infrastructure grant for \$867,423.

**Risk Management Implications**

Appropriate Risk Management Plans will be established once the projects nominated are approved prior to any resulting works commencing.

**Conflict of Interest:**

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

Author & Officer Responsible – Angela Hoy, Director Infrastructure Services  
In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

To be established.

**RECOMMENDATION:**

***That Council***

- 1. endorses and allocates up to \$867,423 from the Local Roads and Community Infrastructure program for the following projects: Rainbow Library Community Park; Rainbow Lake; Jeparit Camp Kitchen; Nhill Tennis Club Sporting Facilities; and Davis Park Redevelopment Nhill; and***
- 2. authorises the CEO vary the projects should final guidelines not allow for the above projects.***

**MOVED: CRS R Gersch/D Nelson**

***That Council***

- 1. endorses and allocates up to \$867,423 from the Local Roads and Community Infrastructure program for the following projects: Rainbow Library Community Park; Rainbow Lake; Jeparit Camp Kitchen; Nhill Tennis Club Sporting Facilities; and Davis Park Redevelopment Nhill; and***
- 2. authorises the CEO to vary the projects should final guidelines not allow for the above projects.***

**CARRIED**

---

**8.7 A-DOUBLE ACCESS TO HINDMARSH ROADS**

**Responsible Officer:** Director Infrastructure Services

**Attachment Number:** 11

**Introduction:**

The purpose of this report is for Council to make a decision on the use of Council maintained roads by A-doubles.

**Discussion:**

The new National Class 2 Road Train Notice, A-Double vehicles up to 36.5 metres long will be permitted to operate on set routes within North West Victoria without a permit.

Following the resolution at Councils meeting 23 September 2020 (item 6.1) letter received by the Mayor from the Victorian Farmers Federation. The Victoria Farmers Federation has requested that Hindmarsh Shire Council extend the access to all local roads in the Hindmarsh Shire Municipality.

The set routes approved by Vic Roads are shown in Fig 1. below and do not connect to Hindmarsh Shire, and it is unclear how vehicles would move from Hindmarsh Shire Council roads to the VicRoads approved Network.

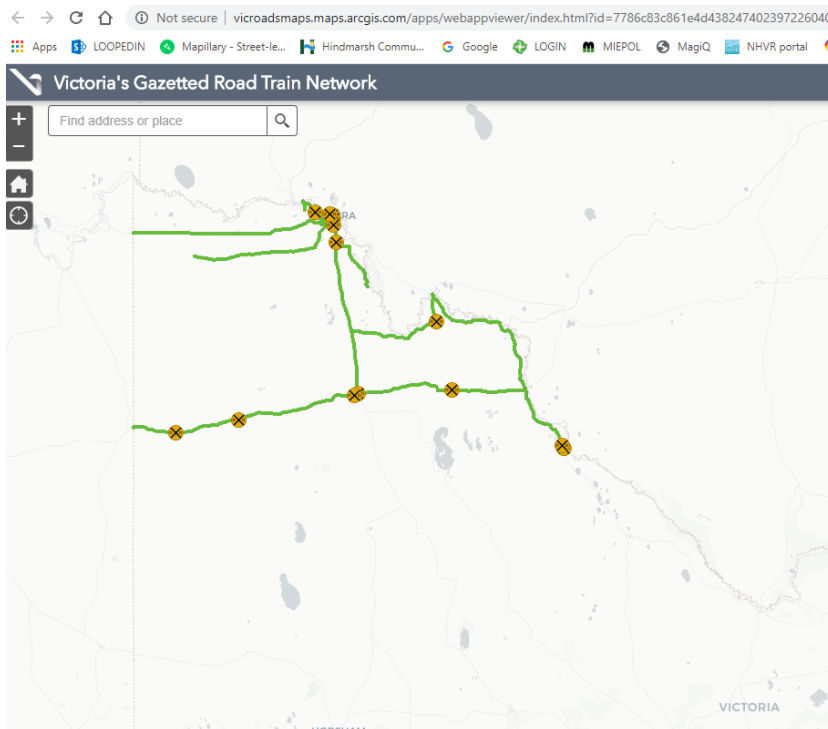


Fig 1.

Vicroads have also approved some temporary routes for Drought Assistance as shown on Fig 2. Below. These routes include the Western Highway, Borung Highway and Henty Highway that connect Hindmarsh Shire to the set routes further North, however it is not clear how long the Drought Assistance Routes will remain open for.

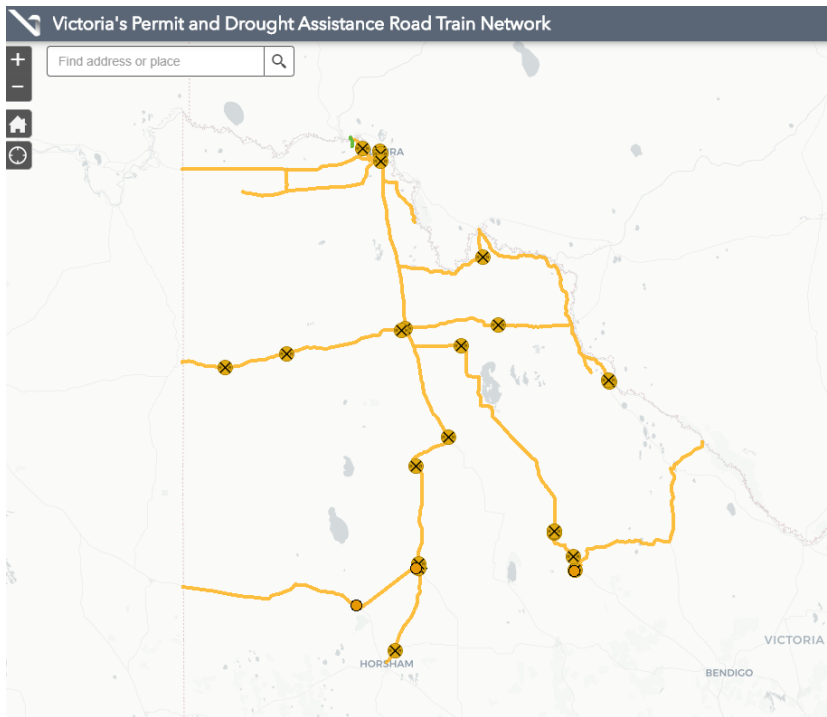
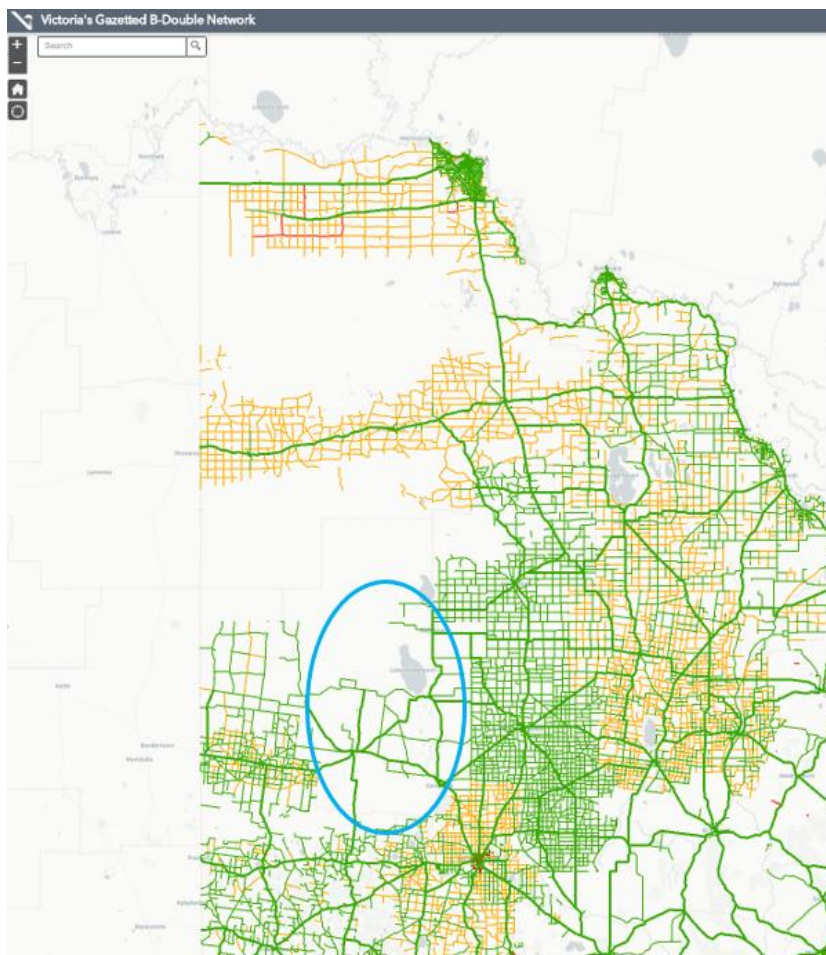


Fig 2.

With respect to A-Doubles, Hindmarsh Shire Council has not yet gazetted any routes and very few permits have been issued, however there have been some operators found on Shire roads without permits and this is expected to grow further. Before gazetted any roads, Council should consider reviewing road standards, hierarchy and the identification of non-compliant parts of the road network before considering opening it to A-Doubles, whether by gazetted or by permit.

Hindmarsh Shire Council (Council) has taken a conservative approach towards the introduction of new heavy vehicle technology, compared to other municipalities which can be seen clearly when reviewing the shire area circled blue on the access maps for B-Doubles as shown on Fig 3. below:



Council's strategy has been to gazette some key connector roads for B-Double routes and issue route specific NHVR applications for road users wishing to connect to this route, rather than the widespread gazetting of almost all roads by neighboring Shires. This conservative approach has come under pressure as the number of B-doubles has grown significantly and many operators are not using the NHVR permit system. Council roads were not originally constructed with B-Doubles in mind who are unable to traverse safely on our narrow roads. The recent road improvement projects such as Rainbow-Nhill Road, Antwerp Woorak Rd and widening projects on curves (Winiam E Rd, Albacutya Rd etc) have allowed for some B Double movements.

**Options:**

1. Council can choose not to gazette any routes for A-Doubles and not to issue any permits for A-Doubles for any routes in the Shire
2. Council can choose to increase the number of gazetted routes for B-Doubles and issue permits for other routes when safe to do so on the condition and width of roads and inform the VFF of the decision
3. Council can choose to commence the gazetting of some routes for A-Doubles and issue permits for other routes when safe to do so on the condition and width of roads and inform the VFF of the decision



4. Council can choose to allow A Doubles/B-Doubles to use all shire roads, and inform the VFF of the decision. Gazetting all roads will eliminate the need for permits, however there are safety risks and financial risks as described below.

**Link to Council Plan:**

- 1.1 An actively engaged community
- 1.1.6 Continue to engage with our farming community on road and road related infrastructure maintenance and improvements
- 2.1 Well-maintained physical assets and infrastructure to meet community and organizational needs
- 2.1.3 Develop and prioritise detailed plans relating to new infrastructure, infrastructure upgrade and renewal (including roads, bridges, drains, footpaths and buildings) for each town.
- 3.4 Transport solutions that support the needs of our communities and businesses
- 3.4.1 Advocate for flexible and responsive public and freight transport
- 3.4.2 Investigate innovative transport solutions and facility upgrades

**Financial Implications:**

Major/Critical impact on construction and maintenance costs if council chooses any options other than option 1 that is to remain as is with the current gazetted routes for B-Doubles.

**Risk Management Implications:**

There is a risk that the extension of authorisation to additional heavy vehicular traffic may reduce safety for other road users on roads which cannot be safely traversed by passing vehicles due to width and road conditions.

**Conflict of Interest:**

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Paul Spencer, Senior Assets Engineer

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

**Communications Strategy:**

Pendent on Council's decision appropriate contact will be made in writing advising the VFF of Council's decision

**Next Steps:**

Council Officers should undertake a review of the current Roads Hierarchy System, and Road Management Plans and begin to re-enter community discussions with key stake holders on existing road networks within the Hindmarsh Shire Municipality

**RECOMMENDATION:**

***That Council reply to the VFF that it understands the need to improve road transport efficiency, but Hindmarsh Shire Council is unable at this point in time to extend the access to all local roads in the Hindmarsh Shire Municipality for A-Double Access as requested.***

**MOVED: CRS R Gersch/B Ireland**

**That:**

- ***Council reply to the VFF that it understands the need to improve road transport efficiency, but Hindmarsh Shire Council is unable at this point in time to extend the access to all local roads in the Hindmarsh Shire Municipality for A- Double Access as requested; and***
- ***officers undertake a review of the current roads hierarchy system and roads management plans and begin to re-enter community discussions with key stakeholders on existing road networks within the Hindmarsh Shire Municipality for the purpose of increasing A-Double and B-Double access.***

**CARRIED**

*Attachment Number: 11*

---

## **8.8 2021 COUNCIL MEETING DATES**

**Responsible Officer:** Chief Executive Officer

**Introduction:**

This report seeks approval from Council for the 2021 meeting dates and their advertisement in the local media.

**Discussion:**

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

It is proposed that Council hold one meeting per month, commencing at 3:00pm, with the exception of June and September having two meetings due to legislative requirements to adopt the budget and annual accounts.

Council will continue to live stream Council meetings throughout 2021, which will mean that all meetings will need to be held in Nhill.

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

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

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

**Options:**

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

**Link to Council Plan:**

Not applicable.

**Financial Implications:**

None.

**Risk Management Implications:**

Not applicable.

**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 & Author – Greg Wood, Chief Executive Officer

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

**Communications Strategy:**

The advertisement for the meeting dates will appear in the Dimboola Banner, Dimboola Courier, Nhill Free Press, and the Rainbow Jeparit Argus. The meeting dates will also be listed on Council's website.

**Next Steps:**

Advertise the dates, times and locations as determined by Council.

**RECOMMENDATION:**

***That Council holds Council meetings at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, continues to live stream meetings and sets the following times and dates for 2021:***

<b>WEDNESDAY</b>	<b>TIME</b>
<b>3 February 2021</b>	<b>3:00pm</b>
<b>3 March 2021</b>	<b>3:00pm</b>
<b>7 April 2021</b>	<b>3:00pm</b>
<b>5 May 2021</b>	<b>3:00pm</b>
<b>2 June 2021</b>	<b>3:00pm</b>
<b>23 June 2021</b>	<b>3:00pm</b>
<b>7 July 2021</b>	<b>3:00pm</b>
<b>4 August 2021</b>	<b>3:00pm</b>
<b>8 September 2021</b>	<b>3:00pm</b>
<b>22 September 2021</b>	<b>3:00pm</b>
<b>6 October 2021</b>	<b>3:00pm</b>
<b>10 November 2021 (Annual Statutory Meeting)</b>	<b>6:00pm</b>
<b>24 November 2021</b>	<b>3:00pm</b>
<b>15 December 2021</b>	<b>3:00pm</b>

**MOVED: CRS R Gersch/W Bywaters**

***That Council holds Council meetings at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, continues to live stream meetings and sets the following times and dates for 2021:***

<b>WEDNESDAY</b>	<b>TIME</b>
<b>3 February 2021</b>	<b>3:00pm</b>
<b>3 March 2021</b>	<b>3:00pm</b>
<b>7 April 2021</b>	<b>3:00pm</b>
<b>5 May 2021</b>	<b>3:00pm</b>
<b>2 June 2021</b>	<b>3:00pm</b>
<b>23 June 2021</b>	<b>3:00pm</b>
<b>7 July 2021</b>	<b>3:00pm</b>
<b>4 August 2021</b>	<b>3:00pm</b>
<b>8 September 2021</b>	<b>3:00pm</b>
<b>22 September 2021</b>	<b>3:00pm</b>
<b>6 October 2021</b>	<b>3:00pm</b>
<b>10 November 2021 (Annual Statutory Meeting)</b>	<b>6:00pm</b>
<b>24 November 2021</b>	<b>3:00pm</b>
<b>15 December 2021</b>	<b>3:00pm</b>

**CARRIED**

---

**9. COUNCIL COMMITTEES**

**9.1 COVID-19 COMMUNITY REVITALISATION REFERENCE GROUP**

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

**Attachment Number:** 12

**Introduction:**

The COVID-19 Community Revitalisation Reference Group held its meeting on 1 December 2020. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of COVID-19 Community Revitalisation Reference Group meeting held on 1 December 2020.***

***MOVED: CRS D Nelson/B Ireland***

***That Council notes the minutes of COVID-19 Community Revitalisation Reference Group meeting held on 1 December 2020.***

**CARRIED**

*Attachment Number: 12*

---

**10. LATE REPORTS**

No late reports.

---

**11. OTHER BUSINESS**

***MOVED: CRS R Gersch/D Nelson***

***That Council***

- write and congratulate Lyn Coughlan for her certificate of recognition for 40 years of service to the Education Department and Nhill P-12 College;***
- write to Eliza Creek of Nhill with congratulations for winning the prestigious Newsboys Foundation music award; and***
- write and congratulate Kaye Webb for 45 years of service to the Education Department and Dimboola Memorial Secondary College.***

**CARRIED**

## **12. CONFIDENTIAL REPORTS**

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

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

### **RECOMMENDATION:**

***That the meeting be closed in accordance with Section 66 of the Local Government Act 2020, to consider:***

- a) Council business information relating to personal matters.***

- 12.1 Youth Council Expressions of Interest**
- 12.2 Australia Day Awards 2021**
- 12.3 Wimmera Development Association Community Representative**

**MOVED: CRS R Gersch/W Bywaters**

***That the meeting be closed in accordance with Section 66 of the Local Government Act 2020, to consider:***

***a) Council business information relating to personal matters.***

- 12.1 Youth Council Expressions of Interest**
- 12.2 Australia Day Awards 2021**
- 12.3 Wimmera Development Association Community Representative**

**CARRIED**

The Council meeting was closed to the public at 4:12pm to consider personal matters.

---

Meeting re-opened up to the public at 5:01pm.

---

**13. MEETING CLOSE**

There being no further business Cr R Ismay declared the meeting closed at 5:02pm.

---



**Hindmarsh**  
Shire Council

**Administration  
Centre**

PO Box 250  
92 Nelson Street  
NHILL VIC 3418  
Ph: (03) 5391 4444

email:  
info@hindmarsh.vic.gov.au

website:  
www.hindmarsh.vic.gov.au

ABN 26 550 541 746

**Customer Service  
Centres**

**Jeparit**

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

**Dimboola**

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

**Rainbow**

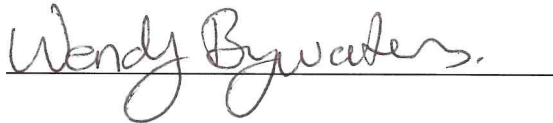
15 Federal Street  
RAINBOW VIC 3424  
Ph: (03) 5391 4451

**Affirmation**

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.*

*I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct.*

*I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.*

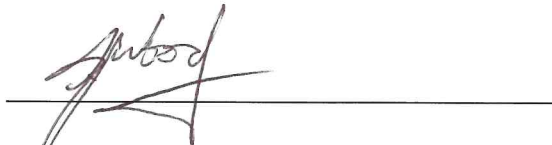


Wendy Bywaters  
**Councillor**

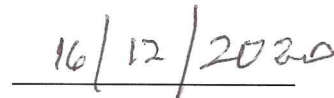


Date

Signature witnessed by:



Greg Wood  
**Chief Executive Officer**



Date