



2 September 2021

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held via Zoom on Wednesday 8 September 2021 commencing at **3:00pm**.

A handwritten signature in black ink, appearing to read 'greg wood', written over a horizontal line.

Greg Wood
Chief Executive Officer

AGENDA

1. **Acknowledgement of the Indigenous Community and Opening Prayer**

2. **Apologies**

3. **Declaration of Interests**

4. **Confirmation of Minutes**

5. **Public Question and Submission Time**

6. **Activity Reports**

7. **Conference Reports**

7.1 Conference Report – Cr Bywaters

7.2 Conference Report – Cr Ismay

- 7.3 Conference Report – Cr Ireland

8. Correspondence

9. Planning Permit Reports

- 9.1 Planning Permit Application PA1714-2021 – Development of a Shed – for Storage of a Horse Float, Trailer, Plant and Equipment to Maintain the Site at 21a Arnold Street Nhill VIC 3418
- 9.2 Planning Permit Application PA1725-2021 – Four (4) Lot Subdivision at 12 Park Street Dimboola VIC 3414
- 9.3 Planning Permit Application PA1742-2021 – Development of a Dwelling – 112 Ellerman Street Dimboola VIC 3414
- 9.4 Planning Permit Application PA1726-2021 – Extend the Hours and Days of Trading Allowed for the Existing Liquor Licence at 31 Nelson Street Nhill VIC 3418

10. Reports Requiring a Decision

- 10.1 Communities of Respect and Equality Strategy 2021-2025
- 10.2 Melbourne Cup Day Public Holiday 2021
- 10.3 Draft Long Term Financial Plan
- 10.4 Water Fluoridation
- 10.5 Councillor Development – Cr Bywaters

11. Council Committees

- 11.1 Nhill Town Committee
- 11.2 Yurunga Committee of Management

12. Late Reports

13. Notice of Motion

14. Other Business

15. Confidential Matters

- 15.1 Request for Tender – Award Contract for the Management and Operation of Council Owned Swimming Pool Facilities
- 15.2 Extension of Waste Contracts

16. Meeting Closed

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

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

Opening Prayer

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

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

2. APOLOGIES

3. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY MATERIAL OR GENERAL INTEREST IN ANY ITEM ON THE AGENDA.

A Councillor with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict is **general** or **material**; and
- the circumstances that give rise to the conflict of interest.

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

4. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 4 August 2021 at the Nhill Memorial Community Centre as circulated to Councillors be taken as read and confirmed.

Attachment Number: 1

5. PUBLIC QUESTION AND SUBMISSION TIME

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

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

6. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: AUGUST 2021

Cr ISMAY, MAYOR

Date	Meeting	Location	Comments
04/08/2021	Australian Citizenship Ceremony	Dimboola	
	Council Briefing Meeting	Nhill	
	Council Meeting		
05/08/2021	Interview with ABC Radio		
13/08/2021	RCV Border Control Meeting	Zoom	
	Rainbow Enduro Meeting		
17/08/2021	WMT Meeting	Kaniva	
18/08/2021	Free Energy Council Webinar		
	Sod turn with Anne Webster	Albacutya Bridge	
19/08/2021	Meeting with Health Officials RE Merger	Zoom	
	Welcome home for Lucy Stephan	Nhill	
25/08/2021	Citizenship Ceremony, Shelly Kaur		
26/08/2021	Councillor Development Session	Zoom	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
04/08/2021	Council Briefing	Nhill	
	Council Meeting	Nhill	
16/08/2021	Nhill Town Committee	Zoom	Progression of key projects including Dog Park survey, upcoming events and Welcome

			to Nhill packs. Discussion also occurred regarding the desire of the Town Committee to explore painting the Nhill Water Tower.
19/08/2021	Regional Partnership Meeting	Zoom	Presentation by Ballarat Health Services, Wimmera Health Care Group, Edenhope & District Memorial Hospital and Stawell Regional Hospital.
19/08/2021	An Afternoon with Lucy Stephan	Nhill	Congratulations to Lucy Stephan for an outstanding achievement. Lucy was a delight to listen to and already an accomplished public speaker. I would encourage anyone in the community to hear her story if you have the opportunity.

Cr GERSCH

Date	Meeting	Location	Comments
03/08/2021	JP Signing re Shire		
04/08/2021	Council Meeting		
13/08/2021	RCV Board meeting opening of Rural VIC		
19/08/2021	Council welcome for Lucy Stephan		
25/08/2021	Zoom link up Citizenship – Shelly Kaur		
27/08/2021	RCV Board Meeting		
30/08/2021	Zoom Meeting with consultant Joy		
30/08/2021	Zoom Meeting re Grants Commission		

Cr IRELAND

Date	Meeting	Location	Comments
04/08/2021	Citizenship Ceremony	Dimboola Civic Hub	For 2 Dimboola residents
	Council Briefing Meeting	Nhill	
	Council Meeting		
17/08/2021	Wimmera Mallee Pioneer Museum Meeting		
19/08/2021	Civic reception for gold medallist Lucy Stephan	Nhill	
26/08/2021	Yurunga Homestead meeting	Zoom	

Cr NELSON

Date	Meeting	Location	Comments
28/07/2021	Wimmera Southern Mallee LLEN Meeting	Online	
04/08/2021	Council Briefing Meeting	Nhill	
	Council Meeting		
19/08/2021	Civic reception for Lucy Stephan	Nhill	
30/08/2021	VLGGC Information Session	Online	

Cr BYWATERS

Date	Meeting	Location	Comments
29/07/2021	WSM LLEN Committee Meeting	Zoo,	
30/07/2021	WWHS Community Advisory Committee Meeting	Nhill Hospital	
02/08/2021	Dimboola Town Committee Meeting	Online	Minutes attached to August 4 Council Meeting
03/08/2021	Hindmarsh Tourism Meeting	Zoom	
04/08/2021	Council briefing meeting and Council Meeting	Nhill Community Centre	
19/08/2021	An afternoon with Gold medal winner, 2020 Olympian rower Lucy Stephan	Nhill Community Centre	
20/08/2021	Understanding council finances, Municipal Association of Victoria (MAV) workshop	Online Zoom	
23/08/2021 to 29/08/2021	Book Week, Book Hunt!		Thanks to everyone that help make the lock down walks around our towns exciting for our children and families. Many people placed their favourite books, or a picture of a character in their windows or gardens for book week. My book was The Happy Mask. I did see many, including 'Where's Wally' hiding in Miss Pam's garden. Great work everyone!
26/08/2021	Discrimination, harassment and bullying MAV workshop	Zoom	
26/08/2021	West Wimmera Country Women's association (CWA) Group Conference	Zoom	Dimboola CWA hosted the West Wimmera CWA Group conference and I had the pleasure of opening the online conference. Congratulations to the CWA ladies on a job well done!
30/08/2021	Victorian Local Government Grants Commission Information Session	Online	

7. CONFERENCE REPORTS

7.1 CONFERENCE REPORT – CR BYWATERS

Councillor: Cr Wendy Bywaters

Background:

Australian Local Government Women’s Association (ALGWA) Victorian conference hosted by the City of Yarra at the Fitzroy Town Hall, May 2021. The theme was “culture, conduct and retention: The next 100 years of women in local government”.

Summary:

Welcome to Country: We were also treated to a performance by the Djirri Djirri Dancers of the Wurundjeri Women’s Dance Group. Djirri Djirri, meaning Willy Wagtail in their language.

Cr Gabrielle de Vietri, Mayor City of Yarra:

Yarra has a proud history of elevating women in leadership. In 1920, Mary Rogers was elected to City of Richmond Council as the first female elected to any tier of Government in Victoria. This is a legacy that continues through to today. Cr De Vietri is joined by five other diverse women representing Yarra as Councillors. It’s rare to see this type of majority representation in Australian governments, and it’s something Yarra are very proud of.

The Hon. Shaun Leane MP: Minister for Local Government. A quietly spoken Minister Leane spoke to the 273 strong audience of, mostly women about growing up with his widowed mother, a nurse, working night shift to raise her family of eight children. He highlighted his respect and admiration for women and the ALGWA.

Cr Kylie Spears, President ALGWA Vic: Cr Spears highlighted, “Culture is so important in any workplace, and starts with us all as individuals.

Conduct provides a basis for positive culture, and we can’t underestimate how important this is in today’s environment. Considering the Gender Equality Act, respectful relationships are a significant part of conduct.

And finally, retention. Positive conduct and culture provide the strong foundations that lead to retention. Retention is vital in achieving a 50-50 gender balance by 2025.”

Danielle Pepyat: ALGWA Vic Bursary Award Winner 2020. An inspiring woman, Danielle is Coordinator of Council Laws at Maroondah City Council. For the past 7 years, she has held leadership positions with two councils whilst completing a law degree part time.

Helen Haines MP + Winsome McCaughey AO: Women’s Ways of Knowing, Doing and Power Sharing.

Dr Niki Vincent: Changing the culture to achieve gender equality. You can't fix what you can't see. We have a lot of work to do. People of all gender need to do this.

Michael Stefanovic AM: Chief Municipal Inspector, Local Government Inspectorate. Spoke on their role in monitoring local government and ensuring the integrity of elections.

Melissa Scadden: Justitia Lawyer navigating conflict amongst Councillors.

Jill Gallagher AO: Women in Leadership. Born "not a citizen" in 1955, Jill Gallagher AO has spent the last 20 years, advancing Aboriginal health and wellbeing. Fly the flag, respect, and acknowledge Sorry day/ Australia day. Very thought provoking!

Clare McCartin and Vanessa Huxley: Driving local government workplace performance beyond 2021.

Maggie Toko; Leadership: A time to rise up and claim our opportunity. An incredible woman and received a standing ovation.

Natalie Egan & Renee Cassidy: Sexual harassment in local government – Victorian Auditor General Office (VAGO) 2020 performance audit.

Coral Ross & Sandra Wilson: Sexual harassment in local government.

Tessa Sullivan: Sexual harassment, media, workplace laws, legislation, and current social movements.

Dr Samantha Ratnam MLC: Integrity - the key to success

Coral Ross: How to elect more women to council – lessons learned from overseas. Speaking of her research, Ms Ross talked about the initiatives in place around the world to encourage women to participate in government. "What I found was that none of the programs can be properly implemented without money. Programs are in place to 'fix women'" says Coral Ross, discussing her research for the Churchill Fellowship. She said that until the focus is taken off 'fixing women', the issue of retention cannot be resolved: "There will be a revolving door."

Jane Gazzo: The power of music and Helen Reddy's legacy.

Emma Donovan: Special performance of "I am Woman". Another standing ovation.

Kate Oliver, Partner, Maddocks: Assisting Councils with the new Local Government Act 2020.

Nyadol Nyuon: Born in a refugee camp in Itang, Ethiopia, and raised in Kakuma Refugee camp, Kenya. In 2005, at the age of eighteen, she moved to Australia as a refugee.

Since then, Nyadol has completed a Bachelor of Arts from Victoria University and a Juris Doctor from the University of Melbourne. She worked as a commercial litigator at Arnold Bloch Leibler and recently moved to the Department of Justice and Community Safety.

Nyadol is a vocal advocate for human rights, multiculturalism, the settlement of people with refugee experiences, and those seeking asylum. She has worked and volunteered extensively in these areas with a range of organisations.

Nyadol is also a regular media commentator having appeared on ABC's The Drum, as a panellist on Q&A and contributing to The Age, Sydney Morning Herald and the Saturday Paper. She was recently appointed as a regular columnist for the Age.

Key Learnings:

Local Government set the tone (culture) for the community. We cannot fix what we cannot see, education is the key. We have come a long way in 100 years, but we still have a long way to go.

As a Council, we are committed to equality and empowerment for people of all genders, cultures, and abilities. Forums like this help us have brave conversations about the important role of women – and indeed diversity – in local government and politics. May we continue to support and elevate women in all areas of life.

We are all Part of the next 100 years! Let's make local Government a place we want to be!

7.2 CONFERENCE REPORT – CR ISMAY

Councillor: Mayor, Cr Ron Ismay

Background:

2021 Rural Councils Victoria Summit, held in Nagambie from 26 May to 28 May 2021.

Summary:

Regionalisation:

- The gap between the coastal and inland areas is closing.
- Attraction of people is very competitive.
- City dwellers are stressed out.
- Lack of land and building materials is a major drawback.
- 10 - 15 % of city people will move to regional areas, work from home.
- We will not go back to "normal"

Bernard Salt AM:

Rural Victoria has the scale of a small country but it is a patchwork of communities, each with unique assets and attributes. I think the outlook for this collective is stronger and more positive because of the pandemic, the new census (August 2021) will capture this shift as part of the Australian penchant for lifestyle, and in which case, the 2020s could really be the time for Victoria's councils to shine.

My thoughts:

- Need to have dedicated info sessions around the August census.
- This is where the State / Federal Government will focus with regard to funding for the next four years.
- Do another campaign to encourage vacant home owners to sell, particularly with the strong demand and favourable prices.
- Actively promote our shire over the next 12/18 months, Radio, TV, and Website.
- Get involved in <https://movetomore.com.au/>

Recycling:

- Divert 80% of waste from landfill by 2030
- Cut total waste generation by 15% per capita by 2030
- Halve volume of organic material going to landfill between 2020-2030
- All households have access to a food and organic waste services (recycling/compost) by 2030
- Up to \$250,000 to support community-based projects engaging communities with local solutions for low waste living
- Up to \$500,000 for Councils for circular economy projects.

My Thoughts:

- We are severely handicapped by the tyranny of distance; it would be great to develop something local.
- Some sort of shredder/ tub grinder to minimise the size of waste. Compaction.

Key Learnings:

All in all, a great conference as always, although cut short because of lockdown.

7.3 CONFERENCE REPORT – CR IRELAND

Councillor: Cr Brett Ireland

Background:

I was privileged to attend the 2021 Rural Councils Victoria Summit at Mitchelton Winery in Nagambie from Wednesday 26 May to Friday 28 May 2021.

Summary:

There was a variety of speakers ranging from the urban sprawl, the future of waste, attracting large food manufacturers to rural Victoria, affordable housing and finally the keynote presenter, Bernard Salt, who spoke on Census results and “demographic destiny”.

Key Learnings:

My key learning areas revolved around personally meeting and conversing with many CEO’s, Mayors and Councillors from a variety of the 38 rural Councils, and understanding our “like” problems whether a large or small municipality.

Additional benefit was gained by understanding the trends that are occurring with migration to regional Victoria and why people leave the country for periods of their life and then return later on. An instance of this is after the age of 20, a large proportion of young adults leave rural Victoria and appear to then return around 50 years of age.

I summarise below some of the key points that I found very interesting and that I feel the community would be interested in:

- A presenter spoke of the ‘Move to More’ campaign ran in Melbourne and advised that 1 in 5 people were prepared to move rural. 70% of these were prepared to move 200kms or more (what is called outside family zone).

It was noted that no more people than normal were coming, but less were leaving. This is leaving a NET increase in migration.

- It was also shown that one job created in a population of under 1000 people had 31 times the impact of a job created in a populous of 100,000.
- Speakers addressed the possibility of attracting large food or beverage companies to the country and have researched which towns or cities have ready-made premises to accommodate same. I personally would think the costs of distribution may be a huge deterrent.
- Recycling is a big issue and it appears there is a push for 4-bins per household being general waste, paper, cans and glass, and organic. Obviously in our shire, the logistics and expense of pick up will be a problem.
- My highlight probably was when Bernard Salt spoke of the 21 key elements a town needs to survive. Some were not relevant to our very small towns. These elements consisted of school, hospital, doctors, etc.

He did state, however, that every single town needed one of them at the top to survive, calling it “a united community”. We need to ask ourselves, do we fall into

that category?

- It was interesting to note that before COVID, 5% of people worked from home (this includes our farmers). During COVID, this rose to 35% and is expected to correct back to around 15-17% which is a significant increase.

For every 5% increase, there is 600,000 less commuters a day in our cities. Obviously this has a significant impact on pollution and carbon emission, etc.

In finalising, it was an informative and rewarding experience.

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 - 10

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 05/08/2021 – Letter from Nhill Agricultural & Pastoral Inc. RE Cancellation of Nhill Show Day
- 12/08/2021 – Written proposal from Hamish and Lucy Merrett RE Nhill Main Drain
- 30/08/2021 – Letter from Anne Simms RE Speed Limit Change Taverner Street Rainbow
- 31/08/2021 – Letter from Jim's Butchery RE Business Closure

Outwards:

- 11/08/2021 – Letter Response to Nhill Agricultural & Pastoral Inc. RE Cancellation of Nhill Show Day
- 16/08/2021 – Letter Response to Hamish and Lucy Merrett RE Nhill Main Drain
- 17/08/2021 – Letter Response to Barengi Gadjin Land Council Aboriginal Corporation RE Ebenezer Road Closure Request
- 19/08/2021 – Letter Response to Wendy Werner RE Wimmera Discovery Trail
- 01/09/2021 – Letter Response to Jim's Butchery RE Business Closure

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Numbers: 2 – 10

9. PLANNING PERMITS

9.1 PLANNING PERMIT APPLICATION PA1714-2021 – DEVELOPMENT OF A SHED – FOR STORAGE OF A HORSE FLOAT, TRAILER, PLANT AND EQUIPMENT TO MAINTAIN THE SITE AT 21A ARNOLD STREET NHILL VIC 3418

Responsible Officer: Director Infrastructure Services.
File: Planning – Applications – PA1714-2021.
Assessment: 200341
Application No. **PA1714-2021**
Applicant: Jodie Senior, North West Planning
Owner: Hayley Jane Merrett.
Subject Land: 21A Arnold Street, Nhill VIC 3418.
Proposal: Development of a shed for storage of a horse float, trailer, plant and equipment to maintain the site.
Zoning & Overlays: Farming Zone (FZ)
No Overlays
Relevant Clauses: Clause 35.07-4 Farming Zone (Buildings and Works)
Attachment Numbers: 11 - 13

Summary:

This report recommends that Council approve Planning Permit PA1714-2021 for the development of a shed for storage of a horse float, trailer, plant and equipment to maintain the site at 21A Arnold Street, Nhill, 3418, formally described as Lot 2 on PS604789J (refer to figure 1). The land is currently vacant and void of any remnant vegetation.

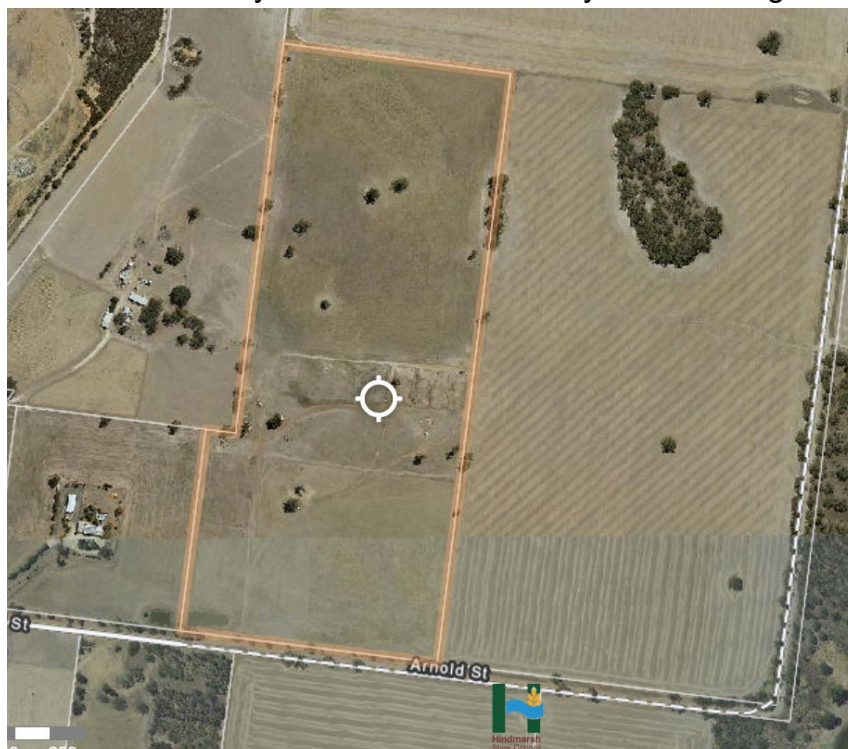


Figure 1: Sites Location (source: Council Community Maps)

Background:

The application has been lodged by North West Planning on behalf of Ms Hayley Merrett for development of a shed for storage of a horse float, trailer, plant and equipment to maintain the site. The application was received on 5 August, 2021 and was considered to be satisfactory to proceed to public notification on the same day (refer to permit history below).

Permit History:

The Owner had originally submitted an application on 16 October 2020 for the use of the land for Domestic Animal Husbandry - Keeping and Breeding of more than five Domestic Dogs, referenced as Planning Application PA1689-2020. Whilst this application was being assessed, the Permit Applicant applied for the development of a shed on the same lot of land on 19 November, 2020 (PA1694-2020). Both applications were assessed and a request for further information was sought from the Applicant seeking to address the concerns of Councils Engineer, By-Laws Officer, Environmental Health Officer and further particulars being required from Councils Planning Officers as to the use and development of both applications.

The Permit Applicant subsequently engaged a professional Town Planning firm to assist in the management of both applications and upon the advice of Council Officers a combined application was resubmitted on 14 April 2021, addressing both the Domestic Animal Husbandry and the Development of the Shed (PA1714-2021). Council Officers had ongoing concerns about the Domestic Animal Husbandry component of the application and requested further particulars from the Applicant. On 27 July, 2021, the Applicant advised (via her Town Planning Consultant) that the Domestic Animal Husbandry component of the applicant was to be withdrawn. An Amended Application was received on 5 August, 2021.

Given the extensive assessment of this application since 19 November, 2020, it was determined that all matters raised in previous request for information were addressed and the application could proceed to public notification.

Proposal Details:

The proposal seeks to obtain a planning permit to allow the development of a shed for storage of a horse float, trailer, plant and equipment to maintain the 27.64 ha site. The application for a Planning Permit is required under Clause 35.07-4 of the Hindmarsh Shire Planning Scheme whereby:

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

- *A building or works associated with a use in Section 2 of Clause 35.07-1.*

The proposed development (shed) is considered a Section 2 Use (that is, permit required), as it is associated in part with the animal keeping (horses) as well as for storage of horse float, trailers and other plant and equipment for maintaining the site. Should a

permit be issued, the preamble to the permit (that is what the permit allows) will only permit the shed being used for what is applied for, that is to say, the shed cannot be used for any other purpose unless the written consent is given by Council.

The proposed shed is 9 metres in length x 6 metres in width with an overall height of 3.229 metres and is to be steel constructed. The shed will be enclosed on three sides with Zincalume cladding. The shed is to be positioned approximately 16 metres from the eastern boundary and approximately 295m from the western boundary. The closest dwelling is 535m from the location of the proposed shed.



Figure 2: Site Plan prepared by North West Planning dated 20/08/2021.

It is considered that the use, scale, colour and placement of the shed are all considered acceptable.

Requirement for Permit:

- A planning permit is required under the following clause of the Hindmarsh Planning Scheme:
- Clause 35.07-4 (Farming Zone) – a permit is required to construct or carry out buildings and works associated with a use in Section 2 of Clause 35.07-1.

The proposed shed is considered a Section 2 Use as it is associated in part with the keeping of horses as well as storage of horse float, trailers and other plant and equipment for maintaining the site.

Definitions:

Clause 73.03 of the Hindmarsh Planning Scheme defines Store as:

Land used to store goods, machinery, or vehicles.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposed development is not within part of the land that is affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject Site & Locality:

The 27.64 ha subject site is located on the northern side of Arnold Street and has the following interfaces:

South	to Arnold Street	360.24 metres
North	Property ID number 100400 Arnold Street	320.50 metres
West	21 Arnold Street and Allotment 53 Nhill-Netherby Road	827.51 metres
East	Allotment 44A Arnold Street	828 metres

Table 1: Lot interfaces to adjoining properties (source: Plan of Subdivision 604789J)

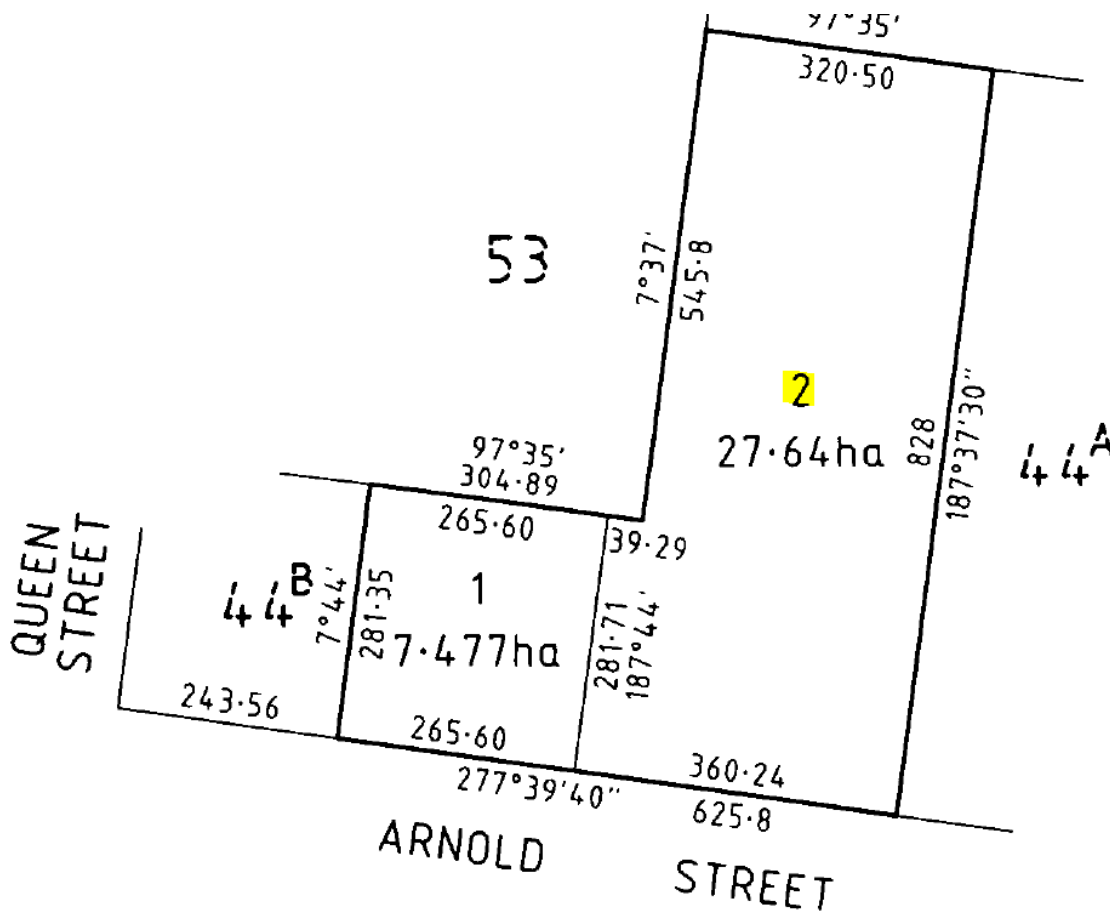


Figure 2: Plan of Subdivision of the Subject Site.

Land surrounding the subject land, comprises of a mixed variety of land use and developments, include farming, residences in a rural living environment, grain storage facility and the local landfill site. To the north, west and east, the land is zoned Farming and to the south (opposite Arnold Street) are smaller lots in the Rural Living Zone. The subject site is situated approximately 1.5km from the Nhill Township.

Advertising:

Section 52 Notice of application

Under Clause 52.06-4 of the Hindmarsh Planning Scheme, the application was not exempt from public notification. Advertising commenced on 5 August, 2020 by:

- Sending notices to the owners and occupiers of the adjoining land.
- Placing one public notice on site fronting Arnold Street for a period of 14 days (erected 11 August 2021).
- The application being made available for public viewing on Council's website.

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

A statutory declaration form has been received from the applicant.

Council has not received any objections to date.

Referrals:

Section 52 Referrals:

The application was not required to be referred to external Agencies or Statutory Authorities.

Internal Referrals:

The application was referred to Councils Engineering Officer who had no objection to the issuing of a permit subject to conditions.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework (PPF)

Clause 12.03-1S – River Corridors, Waterways, Lakes and Wetlands.

The objective of this policy is to protect and enhance river corridors, waterways, lakes and wetlands. The site is not within a river corridor or a wetland nor is it in an area of conservation value.

Clause 14.01-1S – Protection of Agricultural Land.

The objective of this policy is to protect the State's agriculture base by preserving productive farmland. The size of the lot at 27.64 ha and the strategic positioning of the

shed to the eastern boundary ensures that any future farming activity that occurs on the lot will not be interrupted. Furthermore, the shed is ancillary to the present use which is the keeping of horses and is to be used to store machinery to maintain the property and as such, it is not considered an incompatible use.

Clause 14.01-2S – Sustainable Agriculture Land Use.

The objective of this policy is to encourage sustainable agriculture land use. The proposed shed is modest in size, scale and appearance and does not endanger or erode the productive rural vale of the land.

Municipal Planning Strategy (MPS)

Clause 02-03 “Strategic Directions” was introduced into the Hindmarsh Planning Scheme on 10 June 2021 via amendment C19hind. The policy considerations of this clause include;

- Clause 02.03-2 (Environmental and Landscape Values).
- Clause 02.03-3 (Environmental Risks and Amenity).
- Clause 02-03-5 (Built Environment and Heritage).

Planning Response:

When assessed against these provisions, the proposed shed does not result in a ‘policy clash’ causing the application to be refused.

Zoning and Overlay Provisions

As highlighted above the development of the shed is triggered under the Farming Zone provisions of Clause 35.07-4 (Farming Zone) – a permit is required to construct or carry out buildings and works associated with a use in Section 2 of Clause 35.07-1. No Overlays apply to the property.

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The proposed shed does not contravene the objectives of the Zone, given:

- The subject land is not used for high productive farming land.

- The subject land was previously used for grazing purposes. The land is currently used for grazing by the existing horses on the land, as well as goats and some sheep at times.
- The shed does not remove the remaining land to be continued as grazing land.
- The proposed development is not likely to have an effect or be affected by the surrounding land uses, as the land use in the area varies significantly between farming rural living and industrial.

In considering applications such as this, the Applicant needs to respond to and Council needs to consider, the Decision Guidelines of Clause 35.07-6, which of particular relevance to this application are:

General issues:

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

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Environmental issues:

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues:

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

The proposed 54 sqm shed is modest in built form, appearance and structure that will not be foreign to the landscape, noting the presence of other large sheds nearby. The proposed colour Zinalume cladding is respectful to the surrounds and is site well away from nearby residential and as such will not have any impact onto the amenity of residents residing at these properties. No vegetation will be lost or impacted by this proposal and as highlighted throughout this report, there will be no loss to prime agricultural land. The design, siting and use of the shed at this location is considered acceptable.

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:

- 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.

Response:

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and Municipal Strategic Statements contained in the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

- 05/08/2021 – Amended Application lodged (Fee transferred from original application)
- 05/08/2021 – Public Notice instructions sent to applicant
- 05/08/2021 – Public notification commenced – letters sent to adjoining and nearby residents
- 11/08/2021 – Public notice (sign) erected on site by the applicant
- 12/08/2021 – Referral response received from Engineering with conditions
- 25/08/2021 – Notification period ceased
- 26/08/2021 – Statutory Declaration for the advertising received from the applicant
- 08/09/2021 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 08 September 2021 (13 statutory days).

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

Link to Council Plan:

- Strategic Objective 1.3 A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
- Strategic Objective 3.1 A strong rural economy and thriving towns.

Financial Implications:

There are no financial implications anticipated for Council.

Risk Management Implications:

There may be an expectation that granting of the permit may indicate approval for the secondary access portion of Arnold Street through to the property, to be upgraded to residential access.

This risk has been addressed through a note on the permit that any future request to upgrade the road will require Council permission and associated costs would be at the applicant's expense.

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: Stephen Michael O'Brien, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

Communications Strategy:

Advise the applicant of Councils decision.

Next Steps:

Issue the planning permit and endorse the plans if approved.

RECOMMENDATION:

That Planning Permit PA1714-2021 be approved for the development of a shed for the storage of a horse float, trailer, plant and equipment to maintain the site at 21A Arnold Street Nhill, 3418, subject to the following conditions:

- 1. The proposed use as shown on the endorsed plans must not be altered or modified without the consent in writing of the Responsible Authority.***
- 2. The location of the shed must be undertaken with the plan submitted by North West Planning dated 20 August, 2021 and cannot be altered without the consent of the Responsible Authority. A copy of this plan forms part of this permit.***
- 3. The permitted shed must be undertaken with the plans prepared by D&G Steel Sheds referenced 7/11/2020 version 2.6.28.0. A copy of these plans forms part of this permit.***

Engineering Conditions:

Access:

- 4. Prior to the development occurring, the current access to the property at the western side of the lot must be upgraded to current standard, with a new 375mm drainage pipe and in accordance with the IDM SD-255 Standards, to the satisfaction of the Responsible Authority.***
- 5. Prior to the development occurring, the vehicle crossing(s) must be constructed at the applicant's expense to provide for safe ingress and egress to the site to the satisfaction of the Responsible Authority.***

Stormwater:

6. Stormwater from the shed is required to be directed to a rainwater tank with overflow directed downhill and away from the structure.

Time Limit

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

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started, or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

****End of Conditions****

Notes

- Any request for a variation of this Permit shall be lodged with the relevant fee as determined under *the Planning & Environment (Fees) Regulations 2016*.
- A Consent to Works within Road Reserve Permit is required prior to the construction of the crossover. Application forms are available on Council's website or by contacting the Engineering department.
- Granting of this permit does not approve upgrade of Arnold Street from secondary access to residential access. Any such request would require Council approval and associated costs would be the responsibility of the applicant.
- Legal Point of Discharge will be advised in association with the building permit application.

Attachment Numbers: 11 - 13

**9.2 PLANNING PERMIT APPLICATION PA1725-2021 – FOUR (4) LOT
SUBDIVISION AT 12 PARK STREET DIMBOOLA VIC 3414**

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 200579
Application No: **PA1725-2021**
Applicant: Mr Ian Lehmann C/- Angela Plazzer Ferguson Perry
Surveying Pty Ltd
Owner: Maureen Lehmann
Subject land: 12 Park Street, Dimboola, VIC 3414 (Lot 1 on Plan of

- Proposal:** Subdivision 713225A)
Four lot (4) subdivision
- Zoning and Overlays** General Residential Zone Schedule 1 (GRZ1)
Environmental Significance Overlay Schedule 6 (ESO6)
- Clause 32.08-3 - Subdivision
 - Clause 42.01-2 - Subdivision
- Attachment Numbers:** 14 - 15

Summary

This report recommends that Council approve Planning Permit PA1725-2021 for a four (4) lot subdivision at 12 Park Street, Dimboola VIC 3414 (Lot 1 on Plan of Subdivision 713225A), subject to standard conditions.

Background

Planning Application PA1725-2021 was lodged with Council on 7 June 2021 for a five (5) lot subdivision. The plan of subdivision for the application was amended on 5 July 2021 to propose a four (4) lot subdivision instead of a five (5) lot subdivision.

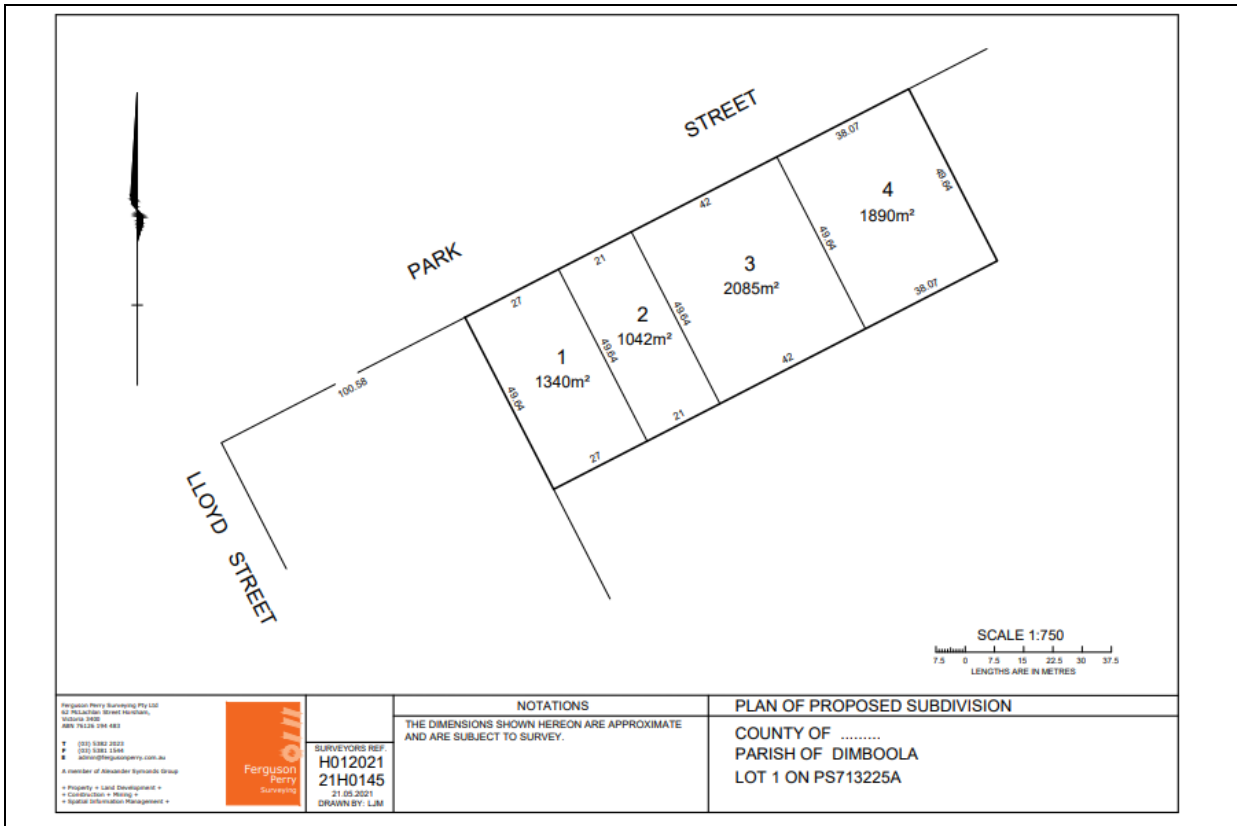
Proposal

The application proposes the subdivision of the existing 6357m² site into a total of four (4) lots, as follows:

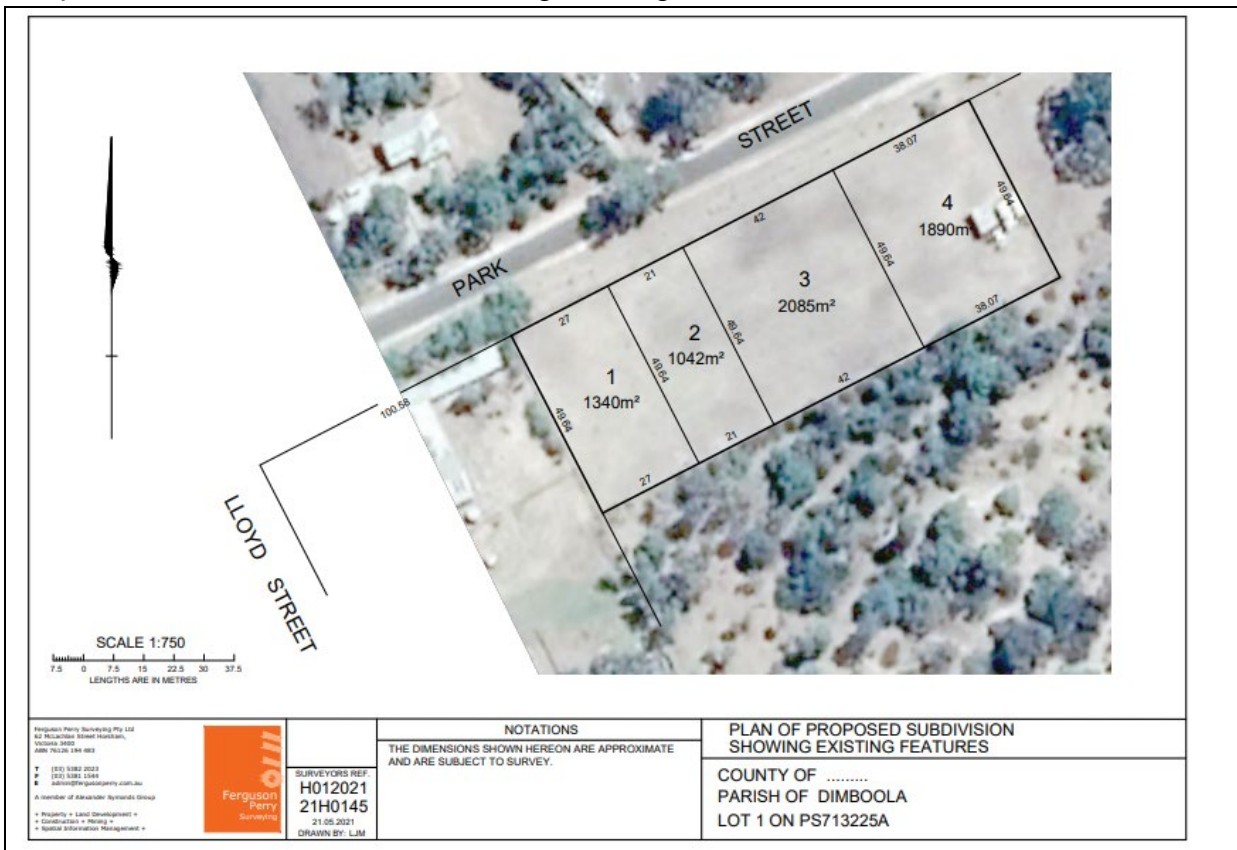
- Lot 1 – 1340m²
- Lot 2 – 1042m²
- Lot 3 – 2085m²
- Lot 4 – 1890m²

Lots 1, 2 and 3 are vacant and Lot 4 will retain a small shed. The lots will be connected to the required services.

Proposed Plan of Subdivision below:



Proposed Plan of Subdivision showing existing features below:



Requirement for Permit:

The subject land is located within the General Residential Zone Schedule 1, the Environmental Significance Overlay Schedule 6 and a small part of the land is within the Floodway Overlay and the Land Subject to Inundation Overlay.

A planning permit is required to subdivide land under Clause 32.08-3 Subdivision of the General Residential Zone.

A planning permit is also required to subdivide land under Clause 42.01-2 of the Environmental Significance Overlay, Clause 44.03-3 of the Floodway Overlay and the Clause 44.04-3 of the Land Subject to Inundation Overlay.

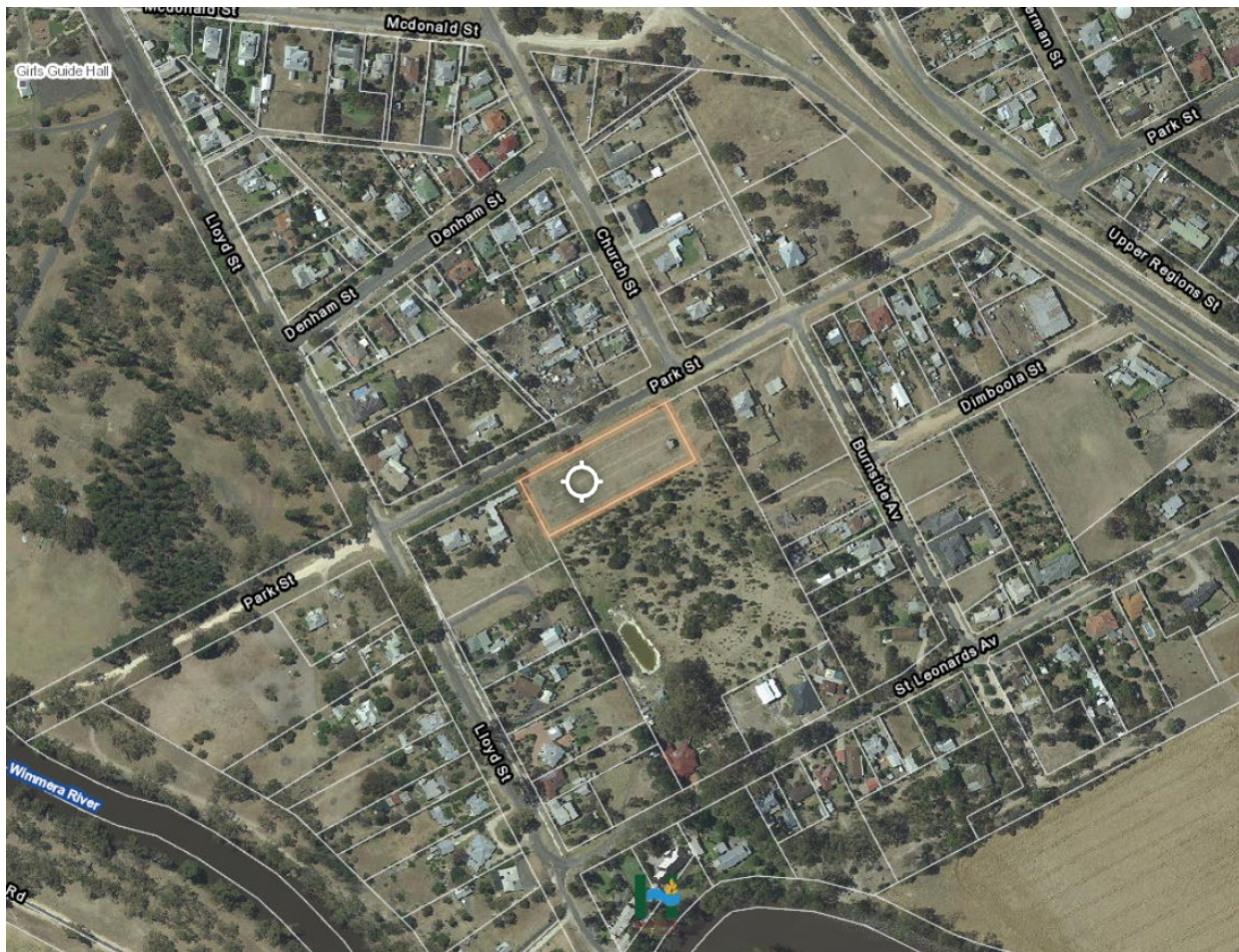
Subject Site and Locality

The subject site is located on the south-western side of Park Street, Dimboola. The site has a total area of approximately 6357m². The site is predominantly vacant land and contains a small shed at the eastern end.

The site is within an established residential area within Dimboola. The commercial centre of Dimboola is located approximately 700 metres to the north-west of the site.

The adjacent property to the south and east at 7-11 St Leonards Avenue is developed with a single storey dwelling fronting to St Leonards Avenue, a dam and scattered native trees and shrubs. To the south-west at 20 Lloyd Street is single storey dwelling and outbuildings and planted vegetation and some native trees. To the north-east at 18-22 Park Street is a single storey dwelling, outbuildings and native trees. There are a variety of detached dwellings located on the north-western side of Park Street on similar sized lots to the proposed lots.

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



Site History/Planning Permit History

Planning Permit 1162A/2008 was approved for a two lot subdivision, which created the subject lot, Lot 1 with an area of 6357m² fronting Park Street and a balance lot, Lot 2 with an area of 2.853 ha fronting St Leonards Avenue to the south. New titles for this previous subdivision were issued on 18 March 2015. There is a restriction on the title of Lot 2 in favour of Lot 1 that restricts future development in the south-western part of Lot 2 to a maximum height of 1.8m. The restriction is not included on Lot 1.

Restrictive Covenant or Section 173 Agreement

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

Cultural Heritage Management Plan (CHMP)

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

Advertising

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.

- Placing one public notice on site fronting Park Street for a period of 14 days.
- The application being made available for public viewing on Council's website.

The applicant has submitted a statutory declaration to confirm the public notice was erected on the site for the required time as directed by Council. The notification has been carried out correctly the applicant.

One phone enquiry was received in relation to the proposed subdivision.

Council has not received any objections to date.

Referrals:

External Referrals

Section 55

Powercor Australia

The application was referred to Powercor Australia who advised:

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

GWM Water

The application was referred to GWM Water who advised:

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

Wimmera Catchment Management Authority (Wimmera CMA)

The application was referred to WCMA who advised:

- No objection subject to a condition for no fill to be placed on the land. Note provided about potential flooding larger in height and extent than a 1% AEP flood may occur in the future.

Internal Referrals

The application was referred internally to the following Departments:

- Engineering – Comments and conditions required.

Proposed new accesses:

- Four (4) new Single crossovers shall be constructed as per IDM- 255 standard and at a location and of a size to the satisfaction of the Responsible Authority.
- The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.
- Condition of permit – a consent to works within road reserve permission is required prior to construction of each crossover.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

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

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 11.01-1L Settlement - Hindmarsh

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

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

Clause 15.01 Built Environment

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 objective is:

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.

Planning Response:

The subject land is in proximity to existing services and facilities in Dimboola and the subdivision will comply with the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development. The proposal will provide three additional lots to allow further infill development within the town, which is encouraged in Clauses 02.03-1 Settlement and housing.

Clause 32.08 – General Residential Zone

Clause 32.08-3 Subdivision

Permit requirement

A permit is required to subdivide land.

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, 56.04-5, 56.05-2, 56.06-1, 56.06-3 and 56.06-6

Schedule 1 to the General Residential Zone

There are no relevant requirements for subdivision in the Schedule.

Planning Response:

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

Standard conditions are required to ensure the four lots are connected to the required services before new titles can be issued.

Clause 42.01 Environmental Significance Overlay (ESO)

42.01-2 Permit requirement (relevant to application)

A permit is required to:

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

42.01-5 Decision guidelines

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

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

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value (ESO6)

3.0 Permit requirement

There are no relevant permit requirements for subdivision in the Schedule.

Planning Response:

The application is consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. The application complies with the decision guidelines of the ESO.

The Wimmera CMA has advised they have no objections to the proposal subject to a condition requiring no fill to be placed on the land.

Clause 44.03 Floodway Overlay (FO)

44.03-3 Subdivision

A permit is required to subdivide the land. A permit may only be granted to subdivide land if the following applies:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.

44.03-7 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay

Schedule to the FO

There are no permit requirements for subdivision in the Schedule.

Clause 44.04 Land Subject to Inundation Overlay

44.04-3 Subdivision

A permit is required to subdivide the land.

44.04-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

Schedule to the LSIO

There are no permit requirements for subdivision in the Schedule.

Planning Response:

The proposal complies with the relevant decision guidelines of the FO and LSIO for the following reasons:

- The subdivision complies with the MPS and PPF as discussed above.
- The proposal is consistent with the local floodplain development plan of the WCMA.
- The subdivision will require a condition recommended by the WCMA to ensure no fill is placed on the land without the written prior consent of the Wimmera CMA.

- There is only a small part of flood risk land in the south-west corner of proposed Lot 1. The subdivision will ensure that any future development will be protected from flooding, which will ensure the risk to life, health and safety is minimal.
- The proposal is unlikely to have any adverse effect on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities
- The proposal is unlikely to have an adverse effect on the river health values.

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

Clause 56 – Residential Subdivision

The application has been assessed against the requirements of Clause 56 and complies with the relevant objectives and standards of the Clause including the following:

- The subdivision will respect the existing neighbourhood character (Standard C6) and is consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework.
- The subdivision achieves a 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).
- The new crossovers for access to the four lots from Park Street will need to be constructed to IDM-255 standard to comply with Standard C21. The new crossovers must be constructed before the issue of a Statement of Compliance. The construction of the crossovers to Council's design standards will be addressed as a 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 requires conditions for new crossovers to be constructed for access to the lots. Conditions are required for the provision of suitable infrastructure for the lots.
- 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, relevant matters, as appropriate.

Clause 65.02 Approval of an application to subdivide land

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

Planning Response:

The application complies with the relevant decision guidelines as outlined above. The proposal is supportive of and complies with the Municipal Planning Strategy and Planning

Policy Framework, having regard to the benefit the proposal will have for the infill development of the site for residential purposes and the related subdivision of the lots.

The area and dimension of the four lots to be created are in keeping with the prevailing lot sizes in the area. The subdivision will be connected to the required services, which will be included as conditions.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone and the Environmental Significance Overlay Schedule 6, Clause 56 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

07/06/2021 – Application lodged

24/06/2021 – Further information requested

30/06/2021 – Fee received

01/07/2021 – Written response to further information and amended application form received in SPEAR pursuant to Section 50 of the *Planning and Environment Act 1987*

05/07/2021 – Amended plans received in SPEAR pursuant to Section 50 of the *Planning and Environment Act 1987*

13/07/2021 – External referrals and internal referral sent via SPEAR

28/07/2021 – Responses all received to external and internal referrals

30/07/2021 – Public notice – sign erected by the applicant on site

17/08/2021 – Statutory declaration for the advertising received from the applicant.

08/09/2021 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 08 September 2021 (32 statutory days).

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

Link to Council Plan:

Strategic Objective 3.1.6 Encourage investment in housing stock to address housing shortages.

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 – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision

Next Steps:

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

RECOMMENDATION:

That Planning Permit PA1725-2021 be approved, to allow a four (4) lot subdivision at 12 Park Street, Dimboola, VIC, 3414 (Lot 1 on Plan of Subdivision 713225A), subject to the following conditions:

Endorsed Plans

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

Engineering Conditions

Access/Vehicle Crossovers

- 2. Before the issue of a Statement of Compliance under the Subdivision Act 1988, new crossovers must be constructed to each lot from Park Street to the satisfaction of the Responsible Authority.***
- 3. The crossovers must be constructed as per IDM-255 standard and at a location and of a size to the satisfaction of the Responsible Authority.***

4. ***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.***

Public Open Space Contribution for Subdivision

5. ***Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme.***

Mandatory Telecommunications Conditions

6. ***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.***
7. ***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

8. ***The owner / applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.***
9. ***The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.***

- 10. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GMMWater's approval.**
- 11. The owner/applicant must pay to GMMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GMMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.**
- 12. The owner/applicant must provide three metre wide easements in favour of GMMWater over all existing and proposed sewers located within private land.**
- 13. The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff.**
- 14. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GMMWater standards. This includes compaction and air pressure testing as directed by GMMWater.**
- 15. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GMMWater's asset register for all sewerage works upon completion.**
- 16. The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act.**

Powercor Australia Conditions

- 17. The letter (dated 16 July 2021) shall be supplied to the applicant in its entirety.**
- 18. 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.**
- 19. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards.**

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- 20. 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.

Wimmera Catchment Management Authority Condition

21. No fill is to be introduced to the property without the written prior consent of the Wimmera CMA.

Subdivision Expiry

22. The subdivision will expire if:

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

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

Notes:

Planning

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

Engineering

- A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction of 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>

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

Wimmera CMA

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00159 in your correspondence with us.

Attachment Numbers: 14 - 15

9.3 PLANNING PERMIT APPLICATION PA1742-2021 – DEVELOPMENT OF A DWELLING – 112 ELLERMAN STREET DIMBOOLA VIC 3414

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	22180
Application Number:	PA1742-2021
Application Received:	20 August 2021 (Fee paid 24 August 2021)
Applicant:	Swanbuild Pty Ltd
Owner:	Mr Bruce and Mrs Vicki Westendorf
Subject Land:	112 Ellerman Street Dimboola VIC 3414 (Lot 1 PS631108K Parish of Dimboola)
Proposal:	Development of a Dwelling
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6) Bushfire Management Overlay (BMO)
Attachment Number:	16

Summary:

This report recommends that Council approve Planning Permit PA1742-2021 for the development of a dwelling on the subject land known as 112 Ellerman Street, Dimboola VIC 3414 (Lot 1 PS631108K Parish of Dimboola).

Background:

On 20 August 2021, Swanbuild Pty Ltd on behalf of Mr Bruce and Mrs Vicki Westendorf lodged a planning application to the Responsible Authority for the development of a dwelling on the subject land at 112 Ellerman Street, Dimboola.

Proposal Details:

The permit applicant, Swanbuild Pty Ltd seeks approval for the development of a dwelling. The subject land is currently vacant residential land, with approval under Planning Permit VS1734-2021 for the development of fencing. The proposed dwelling would be sited at the front of the lot and comprise a total floor area of approximately 205.9m² (including decking).

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

- Floor plan:
 - 1 x Bedroom with walk in robe (WIR) and ensuite;
 - 2 x Bedrooms with built in robe (BIR);
 - Open plan family, meals and kitchen area;
 - Combined bathroom/shower with separate adjoining WC; and
 - Separate laundry.
- External form:
 - A building height of 5.974 metres from natural ground level;
 - Weatherboard cladding; and
 - Colorbond gable roofing.

Requirement for Permit:

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

- Clause 44.06-2 (Bushfire Management Overlay) – A permit is required to construct a building or construct or carry out works associated with an accommodation use.

Definitions:

Dwelling – *A building used as a self-contained residence which must include:*

- a) *a kitchen sink;*
- b) *food preparation facilities;*
- c) *a bath or shower; and*
- d) *a toilet and wash basin.*

It includes outbuildings and works normal to a dwelling.

Restrictive Covenant or Section 173 Agreement:

The subject site is subject to Section 173 Agreement AJ014917R (PA1228-2009), which provided requirements for the subdivision of the larger parcel that created the subject land. The proposal is not contrary to the provisions of this agreement.

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is not within land affected identified as an area of Aboriginal Cultural Heritage Sensitivity and is an exempt activity under Regulation 9 of the Regulations.

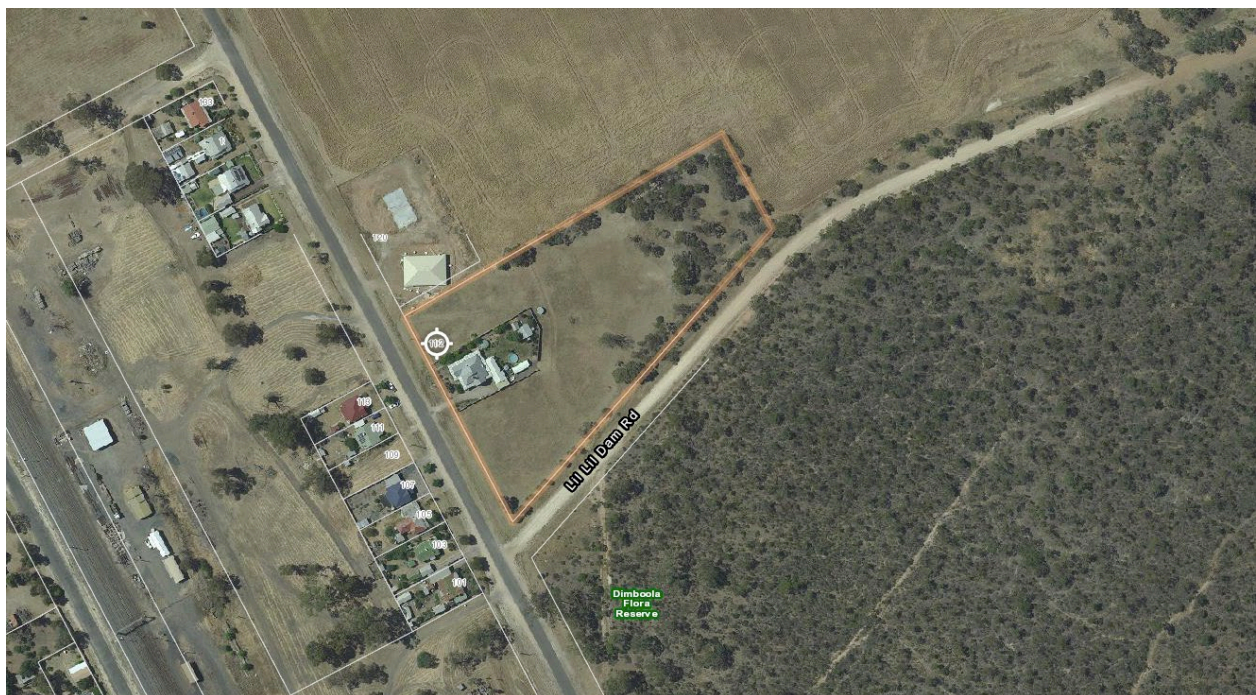
Subject site & locality:

The subject site is known as 112 Ellerman Street Dimboola (Lot 1 on Plan of Subdivision 631108K, Parish of Dimboola), which comprises a single title of approximately 1,623 square metres. The land is generally flat, with minimal fall across the site. The land is currently vacant, having been created as part of a 3 lot subdivision of the larger parcel to the rear of the subject lot.

The subject site adjoins residential zoned land to the east, south and west, with a partial abuttal to land in the Farming Zone to the north. Land within the General Residential Zone generally comprises lots of between 1,000-2,000m² allotments, with some larger land holdings evident. Immediately adjoining the subject land are single dwellings on residential lots used for such purposes.

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

Aerial Map below – Hindmarsh POZI (2016)



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



Section 52 Notice of Application

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as it is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act under Clause 44.06-7 of the Hindmarsh Planning Scheme.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Country Fire Authority	Conditional consent. Response dated 25 August 2021

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 13.02-1S Bushfire planning

Zoning Provisions:

The proposed development works do not trigger a Planning Permit under the zone controls as a dwelling is a Section 1 use and the Lot has an area greater than 300 square metres.

Overlay Provisions:

Clause 44.06 – Bushfire Management Overlay (BMO)
44.06-2 Buildings and works

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

Particular Provisions:

Clause 53.02 – Bushfire Planning

53.02-1 Application

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

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications

Planning Response:

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

The permit applicant has provided the Bushfire Hazard Landscape Assessment (BHLA), Bushfire Hazard Site Assessment (BHSA) and Bushfire Management Statement (BMS) as required by Clause 44.06. The bushfire assessment has characterised surrounding vegetation as 'grassland' with subsequent impacts on the defendable space and Bushfire Attack Level (BAL) construction standards required. This assessment is supported and reflective of vegetation characteristics based on the criteria of AS3959-2009.

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

Type 2 landscapes are defined as:

- *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.*
- *Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.*

- *Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.*

As the subject land is located within the General Residential Zone, the requirements of Clause 53.02-3 (Pathway 1) apply. This requires the Responsible Authority to consider the following measures:

Clause 53.02-3 – Dwellings in existing settlements – Bushfire protection objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level

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

Measure	Requirement
AM 1.1	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> ▪ The maximum separation distance between the building and the bushfire hazard. ▪ The building is in close proximity to a public road. ▪ Access can be provided to the building for emergency service vehicles.
AM 1.2	<p>A building provides the defensible space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.</p> <p>A building is constructed to the bushfire attack level:</p> <ul style="list-style-type: none"> ▪ That corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5, or ▪ The next lower bushfire attack level that corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply: <ul style="list-style-type: none"> - A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling. - A minimum bushfire attack level of BAL12.5 is provided in all circumstances.
AM 1.3	<p>A building is provided with:</p> <ul style="list-style-type: none"> ▪ A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. ▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

The proposed dwelling is sited to ensure the proposal best achieves the maximum separation distance between the building and the bushfire hazard, commensurate with the objectives of the Clause. The dwelling is sited in close proximity to Ellerman Street; with access available for emergency service vehicles. Bushfire risk to the site is mitigated to an acceptable level by the provision of suitable defensible space on site. The works are suitably designed to minimise bushfire risk, by minimising the areas where fuel can build up which will reduce the impact of any fire event on the building. The requisite water supply and BAL ratings have been incorporated into the Bushfire Management Plan for approval.

While landscape risk cannot be eliminated, the subject site is well removed from the greatest landscape hazards (being the woodland/mallee to the east and south), with grassland being the prevailing vegetation type in close proximity to the subject land. In the event of a bushfire emergency, fire intensity to the subject land will be lessened as a result of this characteristic.

Based on the above, approved measures 1.1-1.3 are considered to be met and the underlying objectives have been achieved.

Clause 53.02-3.1 – Decision Guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the approved measures have been incorporated into the application.

While it is trite to observe that the subject site is not immune from bushfire risk, the proposed mitigation measures captured through this development provide an appropriate level of defence and land management measures to ensure that the risk is reduced to an acceptable level. The measures proposed can be readily and practically implemented on the site and the risk to the site overall is low in context of BMO planning applications. All approved measures have been incorporated into the application which have been supported by the CFA.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

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

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the BMO and Clause 53.02 are appropriately met, with the development considered to appropriately ensure the protection of human life. The application is therefore considered to be reflective of orderly planning.

Discussion:

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

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

Clause 44.06 Bushfire Management Overlay

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

Clause 53.02 Bushfire Planning

The proposal complies with the purpose and decision guidelines of Clause 53.02 for the reasons outlined in the planning response to this clause as discussed above.

Clause 65 Decision Guidelines

The proposal complies with the relevant decision guidelines of Clause 65 as discussed above.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Bushfire Management Overlay and Clause 53.02 Bushfire Planning in the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

20/08/2021 – Application lodged

23/08/2021 – External referral to the CFA

24/08/2021 – Fee received

25/08/2021 – Response received from CFA providing conditional consent

08/09/2021 – The report is being presented to Council at the meeting held 08 September 2021 (15 days).

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

Link to Council Plan:

Strategic Objective 3.1.6 Encourage investment in housing stock to address housing shortages.

Financial Implications:

The development will have positive financial implications through an 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 interests to disclose.

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

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

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

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

RECOMMENDATION:

That Council approves planning application PA1742-2021 for the development of a dwelling on the subject land known as 112 Ellerman Street Dimboola VIC 3414 (Lot 1 PS631108K Parish of Dimboola), subject to the following conditions:

Endorsed Plans

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

Mandatory Bushfire Condition

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

Country Fire Authority Condition

- 3. The Bushfire Management Plan sheet 2 of 3 – Bushfire Management Plan (dated 06.08.2021); prepared by Shane Muir Consulting Engineers must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.***

Time Limit

- 4. This permit will expire if one of the following circumstances arises:***
 - a) The development is not started within two (2) years of the date of issue of this permit; or***
 - b) The development is not completed within four (4) years of the date of issue of this permit.***

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

*****End of Conditions*****

Notes:

A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Team (Phone: 03 5391 4444) for any works that may be required on the road reserve.

Attachment Number: 16

9.4 PLANNING PERMIT APPLICATION PA1726-2021 – EXTEND THE HOURS AND DAYS OF TRADING ALLOWED FOR THE EXISTING LIQUOR LICENCE AT 31 NELSON STREET NHILL VIC 3418

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 127760
Application No. **PA1726-2021**
Applicant: Mr Neil Clark, Zero Inn Motel
Owner: Ejup Kolasinac and Vera Kolasinac
Subject land: 31 Nelson Street, Nhill, VIC 3418 (Lots 3 and 4 Block C on PS000484) – Zero Inn Motel
Proposal: Extend the hours and days of trading allowed for the existing liquor licence
Zoning and Overlays: Commercial 1 Zone (C1Z)
Environmental Significance Overlay Schedule 6 (ESO6)
Relevant Clauses: Clause 52.27 Licensed Premises
Attachment Numbers: 17 - 18

Summary:

This report recommends that Council approve Planning Permit PA1726-2021 to Extend the hours and days of trading allowed for the existing liquor licence at 31 Nelson Street, Nhill, VIC 3418 (Lots 3 and 4 Block C on PS000484) for the Zero Inn Motel, subject to standard conditions.

Background:

Planning Application PA1726-2021 was lodged with Council on 15 June 2021. The application fee was paid on 22 June 2021. The planning application form was amended on 28 June 2021.

The current hours and days of the trading for the existing liquor licence are as follows:

- Monday to Friday – Between 5pm and 10pm.

Proposal details:

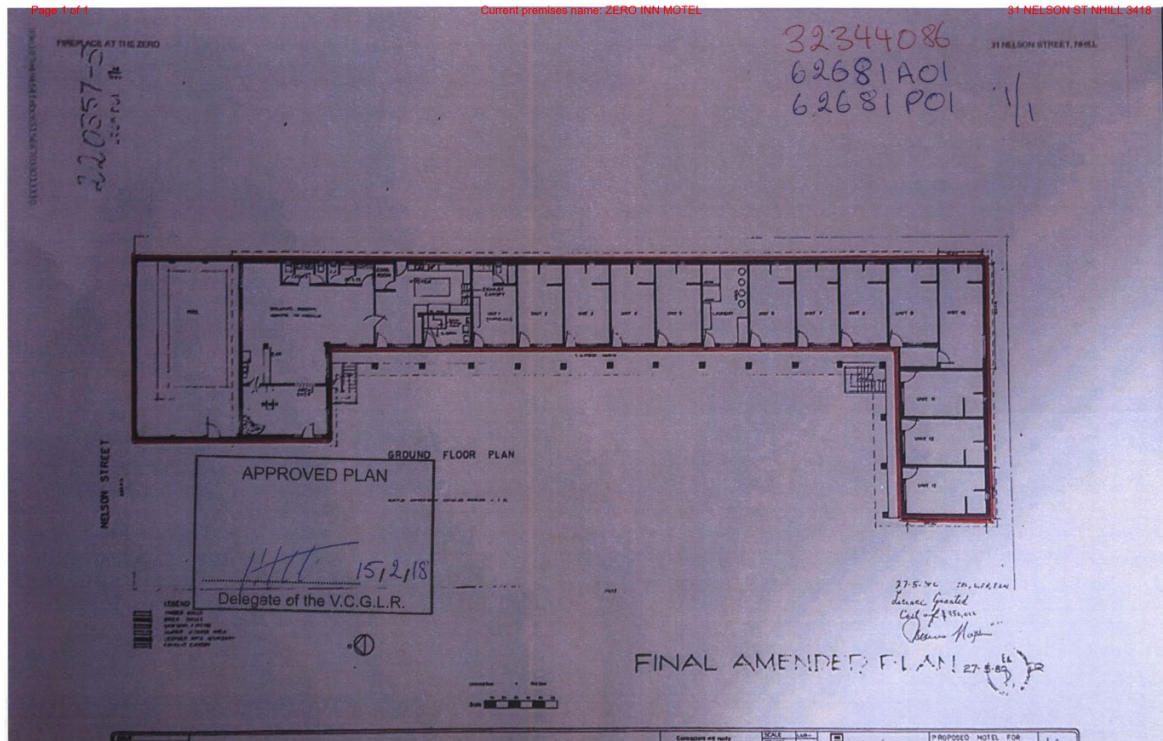
The proposed extension to the hours and days of trading for the existing liquor licence (Restaurant and Café Licence) are as follows:

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

- Any other day: 7.00am-11.00pm.

The existing red line area defining the area where liquor can be sold and consumed on the site includes the restaurant area and the motel units and will not be altered as part of the proposal. The maximum capacity of 50 patrons is also not proposed to be altered.

Existing Red Line Area Plan below:



Requirement for Permit:

The subject land is located within the Commercial 1 Zone.

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

- A licence is required under the *Liquor Control Reform Act 1998*.
- The hours of trading allowed under a licence are to be extended.

Restrictive Covenant or Section 173 Agreement

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

Cultural Heritage Management Plan (CHMP)

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

Subject Site and Locality

The subject site is located on the southern side of Nelson Street and is occupied by the Zero Inn Motel. The site is situated approximately 740m to the east of the centre of the commercial area of Nhill.

The site adjoins a residential area to the east, south and west and a Road Zone Category 1 (Western Highway) to the north, which is the main highway between Melbourne and Adelaide. There is a railway reservation located on the northern side of the highway.

The site is within the Commercial 1 Zone. The surrounding land is within the General Residential 1 Zone.

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



Advertising:

Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing one public notice on site fronting Nelson Street for a period of 14 days.
- The application being made available for public viewing on Council’s website.

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

A statutory declaration form has been received from the applicant.

Council has not received any objections to date.

Referrals:

External Referrals

Section 55

No referrals required.

Section 52

VCGLR – Response received - Does not intend to offer any comment or submission on the above application.

Police - No issues in regard to the proposed permit application.

Internal Referrals

The application was referred internally to the following Department:

- Environmental Health – No actions required.

Planning Scheme:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-6 Economic Development

Clause 02.04 Strategic Framework Plans - Nhill Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement- Wimmera Southern Mallee

Clause 15.01-5S Neighbourhood character

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.02-1S Business

Clause 17.04-1S Facilitating tourism

Clause 17.04-1R Tourism - Wimmera Southern Mallee

Planning Response:

The proposal is supported by the relevant planning policies in the MPS and PPF relating to Settlement and Economic Development. The proposal will provide economic opportunities for the existing motel business that provides short-term accommodation and further encourage tourism within Nhill in accordance with Clauses 17.01-1S, 17.01-1R, 17.02-1S, 17.04-1S and 17.04-1R.

Clause 34.01 – Commercial 1 Zone

There is no planning permit required under the zone.

Particular Provisions

Clause 52.27 Licensed Premises

Purpose

To ensure that licensed premises are situated in appropriate locations.

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

Scope

These provisions apply to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*.

Permit required (relevant to the application)

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.
- The hours of trading allowed under a licence are to be extended.

Referral of applications

An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines

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

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

Planning Response:

- There is no Section 55 Referral required under Clause 66 of the Scheme as the proposed hours will not extend past 1am.
- The proposal complies with Municipal Planning Strategy and the Planning Policy Framework as discussed above.
- The sale or consumption of liquor permitted by the liquor licence will not adversely impact on the amenity of the surrounding area.
- The increase in the hours of operation within this Commercial 1 Zone is appropriate and is unlikely to have any impacts on the amenity of the surrounding area.
- The existing number of patrons (50) licensed to be sold liquor on the site will not be altered.
- There will be no cumulative impacts from existing licensed premises and the extended hours of the licensed premises on the amenity of the surrounding area.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01 Approval of an application or plan

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

Planning Response:

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework, having regard to the economic benefit the proposal will have for the existing motel business to have extended hours and days of trade for their liquor licence. The proposal will not impact on the amenity of the area and will facilitate the orderly planning of the area to comply with this Clause.

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

- 15/06/2021 – Application lodged
- 22/06/2021 – Application fee paid
- 25/06/2021 – Further information requested
- 28/06/2021 – Response to further information and amended application received pursuant to Section 50 of the *Planning and Environment Act 1987*
- 15/07/2021 – Public Notice instructions sent to applicant
- 15/07/2021 – Public notification commenced – letters sent
- 15/07/2021 – Internal referral to Environmental Health sent
- 19/07/2021 – External referrals to VCGLR and Police sent
- 20/07/2021 – External referrals and internal referrals all received
- 23/07/2021 – Public notice (sign) erected on site by the applicant
- 09/08/2021 – Statutory declaration for the advertising received from the applicant
- 08/09/2021 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 08 September 2021 (47 statutory days).

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

Link to Council Plan:

Strategic Objective 3.1 A strong rural economy and thriving towns.
Strategic Objective 3.2 A thriving tourist industry.

Financial Implications:

The proposal will have positive financial implications through a potential increase in the motel business and potential to attract visitors to Nhill.

Risk Management Implications:

There are no risks to be managed by Council, except if the planning permit is not approved, Council could be seen to be restricting business opportunities within the municipality.

Conflict of Interest:

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

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

RECOMMENDATION:

That Planning Permit PA1726-2021 be approved, to extend the hours and days of trading allowed for the existing liquor licence at 31 Nelson Street, Nhill VIC 3418 (Lots 3 and 4 Block C on PS000484) – Zero Inn Motel, subject to the following conditions:

Endorsed Plans

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

Hours of Operation

2. The sale and consumption of liquor must not occur outside the following hours:

- **Sunday: between 10.00am-11.00pm.**
- **Good Friday: between 12.00noon-11.00pm.**
- **ANZAC Day (not being a Saturday or Sunday): between 12.00noon-11.00pm.**
- **Any other day: between 7.00am-11.00pm.**

Unless otherwise approved in writing by the Responsible Authority.

Amenity

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

Permit Expiry - Use

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

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

****End of Conditions****

Attachment Numbers: 17 - 18

10. REPORTS REQUIRING A DECISION

10.1 COMMUNITIES OF RESPECT AND EQUALITY STRATEGY 2021-2025

Responsible Officer: Director Corporate and Community Services
Attachment Number: 19

Introduction:

The purpose of this report is for Hindmarsh Shire Council to recommit to Communities of Respect and Equality (CoRE) by endorsing the second iteration of the CoRE Strategy.

Discussion:

CoRE is an alliance of organisations, businesses, clubs and groups that are committed to creating safe, equal and respectful communities in the Grampians region. The Vision of the CoRE Strategy 2021-2025 is:

A safe, equal and respectful society for everyone - where women and their children live free from gender-based violence and every person is valued, heard, respected and empowered.

Hindmarsh Shire Council signed up to the initial CoRE Strategy in 2017 and developed an action plan based on the Strategy which was adopted by the Chief Executive Officer in September of 2017.

The second iteration of the CoRE Strategy builds on the 2017 CoRE Strategy and the progress that has been made over the last four years. The CoRE Strategy 2021-2025 also considers the *Gender Equality Act 2020* and the work that defined entities are currently undertaking in the implementation of that piece of landmark legislation.

There are minimum requirements of being a CoRE member which are outline as follows:

Members agree to:

- integrate and resource relevant activities;
- make changes to their organisation's planning, policies and operations;
- work collaboratively with other members to share knowledge, resources and ideas; and
- communicate on progress, insights and challenges that will help monitor and build the capacity of the CoRE Alliance.

All CoRE members are expected to:

- secure leadership support (CEO or equivalent, and the leadership team);
- have an organisation wide CoRE action plan which evolves over time;
- appoint a CoRE liaison person (CoRE coordinator or champion); and
- report on progress annually.

Support is provided to organisations through:

- one on one consultations with Women's Health Grampians Regional Consultants who provide expertise and tailored advice;
- leadership briefings to increase knowledge and organisational commitment;
- training programs on a variety of topics, including: gender equity, prevention of violence against women, active bystanders, and intersectionality;
- organisation-wide programs such as Act@Work;
- community of practice events to build members' capacity to implement change and provide a forum for members to share knowledge and insights; and
- an extensive suite of practical resources to assist organisations to take action.

Hindmarsh Shire Council is committed to implementing the CoRE Strategy 2021-2025 alongside the requirements of the *Gender Equality Act 2020*.

Options:

1. Council can endorse the CoRE Strategy 2021-2025.
2. Council can not endorse the CoRE Strategy 2021-2025.

Link to Council Plan:

Strategic Objective 4.3 An engaged skilled Council and workforce capable of meeting community needs.

Financial Implications:

N/A

Risk Management Implications:

N/A

Relevant legislation:

Gender Equality Act 2020

Local Government Act 2020

Community engagement:

N/A

Gender equality implications:

Recommitting to CoRE and signing up to the CoRE Strategy 2021-2025 will build on the work Council is doing under the *Gender Equality Act 2020*.

Confidential Declaration:

N/A

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate & 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 prepare a media release outlining Councils commitment to the CoRE Strategy 2021-2025.

Next Steps:

Following approval the Chief Executive Officer will sign the CoRE Charter which commits Council to the CoRE Strategy 2021-2025. Officers will then review the Act@Work Action Plan with reference to the CoRE Strategy 2021-2025 and the Gender Equality Principles outlined in the *Gender Equality Act 2020* and in line with the preparation of the Gender Equality Action Plan.

RECOMMENDATION:

That Council endorses the CoRE Strategy 2021-2025.

Attachment Number: 19

10.2 MELBOURNE CUP DAY PUBLIC HOLIDAY 2021

Responsible Officer: Chief Executive Officer

Introduction:

This report seeks Council approval to observe the Melbourne Cup Public Holiday throughout the Hindmarsh municipality for 2021.

Discussion:

At the Council meeting held on Wednesday 23 June 2021 Council resolved to write to the Minister for Small Business expressing a preference for a substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show and Nhill Show.

Following the uncertainty around COVID-19 restrictions and subsequent lockdowns, Nhill Agricultural and Pastoral Incorporated wrote to Council on 5 August 2021 notifying Council on the Cancellation of the Nhill Annual Show Day for 2021 and requesting their request for the substitute public holiday be withdrawn.

Dimboola Agricultural and Pastoral Society have also cancelled their Annual Show for 2021. Jeparit and Rainbow Agricultural and Pastoral Societies have not yet notified Council of their intention.

At the date of writing this report, the Minister for Small Business has not yet gazetted the alternative public holidays for Rainbow Show and Nhill Show. Following the decision by Council officers will write to the Minister for Small Business notifying of the cancellation of the request.

Options:

1. Council can notify the Minister for Small Business of the decision to withdraw the request for substitute public holidays in Rainbow and Nhill and observe the Melbourne Cup Day public holiday throughout the Hindmarsh Municipality;
2. Council can notify the Minister for Small Business of the decision to continue with the nomination of substitute public holidays for Rainbow and Nhill.

Link to Council Plan:

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

Financial Implications:

No Financial Implications.

Risk Management Implications:

There are no risk management implications.

Relevant legislation:

Public Holidays Act 1993 section 8A(1)

Community engagement:

Council officers will prepare a media release notifying the Hindmarsh municipality of the decision to observe the Melbourne Cup Day public holiday for 2021.

Gender equality implications:

A gender impact assessment was not completed.

Conflict of Interest:

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

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:

Council officers will prepare a media release and write to the A&P societies notifying of the decision to observe the Melbourne Cup Day public holiday for 2021.

RECOMMENDATION:

That Council writes to the Minister for Small Business withdrawing the request to observe substitute public holidays in lieu of the Melbourne Cup Day public holiday for 2021.

10.3 DRAFT LONG TERM FINANCIAL PLAN

Responsible Officer: Director Corporate and Community Services

Attachment Number: 20

Introduction:

This report presents the Draft Long Term Financial Plan 2021/22 to 2030/31 in accordance with the *Local Government Act 2020* and recommends that adopt the draft Long Term Financial Plan 2021/22 to 2030/31 and invite community submissions.

Discussion:

Under section 91 of the *Local Government Act 2020* council must develop, adopt and keep in force a Financial Plan for a period of at least 10 years. The Long Term Financial Plan is required to be adopted by 31 October 2021.

The Long Term Financial Plan is a new requirement of the Local Government Act 2020, previously Council was required to develop a Strategic Resource Plan which included the budget year and following three year budgets. This has previously been included as part of the annual budget process.

In developing the Long Term Financial Plan, Council has taken into account the 2021/2022 budget, Council Plan and Community Vision initiatives, and need to maintain service levels and asset renewal. The Financial Plan is based on the best available information at the time of preparation and will be updated annually as necessary.

The following assumptions have been made in the development of the Long Term Financial Plan 2021/22 to 2030/31.

Escalation Factors % movement	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
CPI	1.5%	2.0%	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Growth	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Rates & Charges	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Statutory fees & fines	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
User fees	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Grants - Operating	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Grants - Capital*	1.5%	0.0%	0.0%	0.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Contributions - monetary	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Contributions - non-mometary	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other income	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Employee costs	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Materials & Services	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Depreciation	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Other expenses	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

*increases are applied on known recurrent capital grants

The draft Long Term Financial Plan 2021/22 to 2030/31 will be made available for public inspection and the receiving of submissions for the period Thursday 9 September 2021 to Friday 1 October 2021. Council will be advised of any submissions received at the 6 October 2021 Council meeting.

The Long Term Financial Plan will be available for public inspection at Council Customer Service Centres (subject to COVID-19 restrictions) or online on Council's website.

Options:

Council must prepare and advertise its Long Term Financial Plan pursuant to the *Local Government Act 2020*.

Link to Council Plan:

Strategic Objective 4.1 Long-term financial sustainability –
Continue to focus on responsible financial management in budgeting and long term financial planning.

Financial Implications:

The Long Term Financial Plan is based on the 2021/22 annual budget, Council Plan and Community Vision initiatives, maintaining service levels and asset renewal.

Risk Management Implications:

A strong and robust long term financial plan will ensure Council remains financially sustainable into the future, reducing risk to the organisation.

Relevant legislation:

Local Government Act 2020

Community engagement:

Community consultation was undertaken in both the development of the 2021/22 annual budget, Council Plan 2021-2025 and Community Vision 2040 which have informed the preparation of the Long Term Financial Plan.

The draft Long Term Financial Plan will be available for public submissions between Thursday 9 September 2021 and Friday 1 October 2021.

Gender equality implications:

No gender impact assessment was completed.

Conflict of Interest:

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

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

Communications Strategy:

Advertisements will be placed in local newspapers, Council's e-newsletters and on Council's Facebook page informing of the preparation of the Long Term Financial Plan.

Copies of the draft Long Term Financial Plan will be available at Council's Customer Service Centres (subject to Covid-19 restrictions) and on Council's website.

RECOMMENDATION:

That Council

- 1. Approves the draft Long Term Financial Plan 2021/22 to 2030/31 for the purposes of public consultation in accordance with the Local Government Act 2020,***
- 2. Gives public notice of the preparation of the draft Long Term Financial Plan 2021/22 to 2030/31 inviting written submissions from the public for the period Thursday 9 September 2021 to Friday 1 October 2021, and***
- 3. Considers public submissions from those who have requested that they be heard in support of their submission and the formal adoption of the Long Term Financial Plan 2021/22 to 2030/31 at the Council meeting held on Wednesday 6 October 2021.***

Attachment Number: 20

10.4 WATER FLUORIDATION

Responsible Officer: Director Infrastructure Services

Attachment Number: 21

Introduction:

This report is to inform Council of the results of public consultation with regards to submissions received about the water fluoridation program and for Council to consider whether or not to actively advocate for a water fluoridation program.

Discussion:

Council Resolved at its Ordinary Council Meeting on the 5 February 2020 that Council undertake public consultation to determine the level of support for Council to advocate for the implementation of water fluoridation across the Shire's town water supplies.

Unfortunately due to COVID-19, Community Consultation was not able to proceed until February 2021. Prior to Council requesting submissions be made, information about the benefits of fluoridation programs were distributed through our Community Consultation meetings in March 2021, as well as a media release and various Facebook posts. Community advertising requesting feedback from Hindmarsh Shire Residents started on 17 May 2021 with submissions closing on 30 June 2021.

Twenty-six (26) Submissions were received and the full submissions are attached for Councillors information. Of the 26 Submissions, 25 were from Hindmarsh Residents, and 1 was a Regional submission.

Of the 25 submissions received from Hindmarsh Shire Residents, 8 were supportive of fluoridation, and 17 were against. The majority of submissions maintained that a healthy diet and education was a priority over introducing fluoride into water.

Unfortunately studies have shown that in low socio-economic residents are more likely to be unable to sustain a healthy diet. The effect this has on young children exasperates the dental issues that they may face in the future.

Fluoride in drinking water is helpful because it:

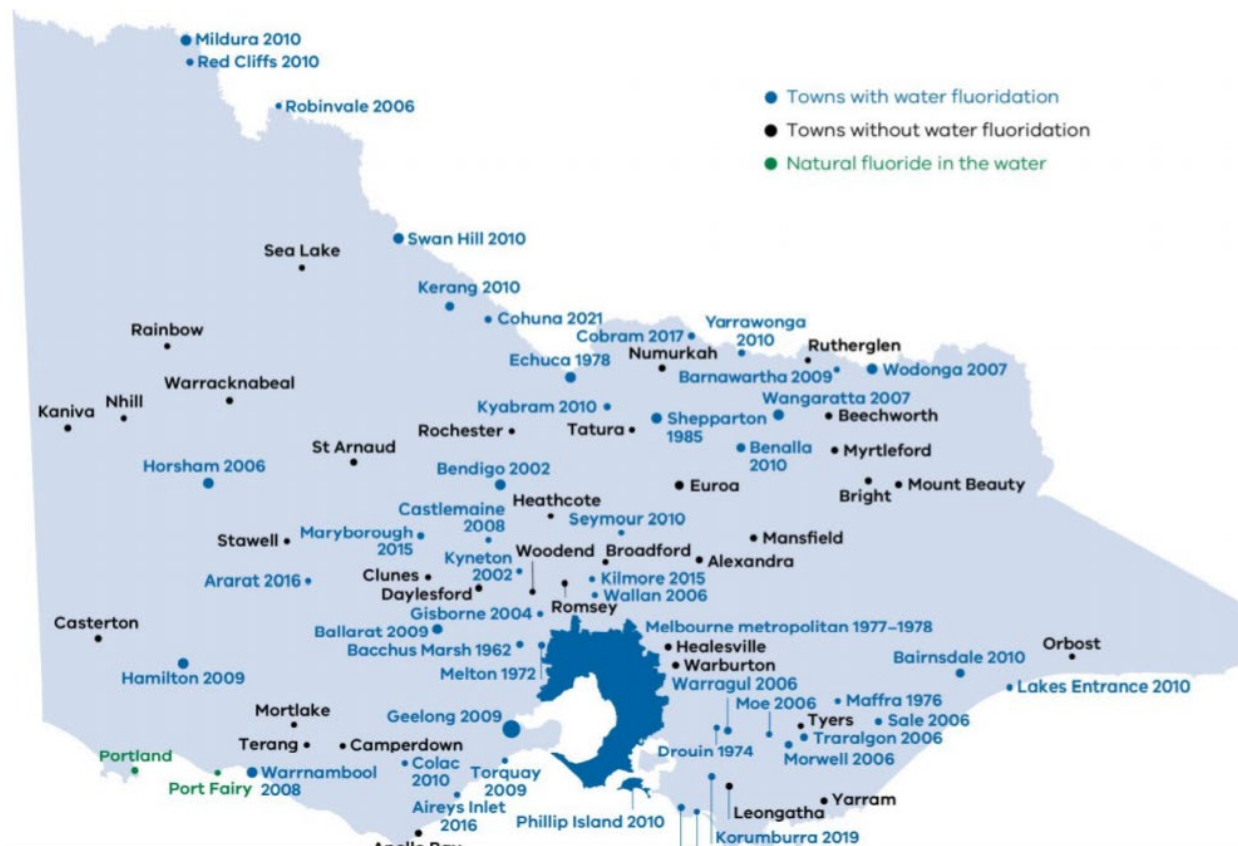
- helps protect against tooth decay in people of all ages, regardless of education, income, motivation or access to dental and health care;
- repairs damage to teeth caused by food and drinks; and
- can reduce the impacts of tooth decay including discomfort, pain and the cost of dental treatment.

There is a common misconception that because we use toothpaste which contains fluoride it doesn't need to be added to the water. Using fluoridated drinking water and toothpaste with fluoride provide important and complementary benefits. Fluoridated drinking water keeps low levels of fluoride in saliva and in dental plaque all day. Together,

the two sources offer more protection than using either one alone

Australia’s peak health body, the National Health and Medical Research Council (NHMRC), strongly recommends community water fluoridation as a safe, effective and ethical way to help reduce tooth decay across the population. The NHMRC has specified the compounds that are acceptable to add to drinking water for this purpose. These are sodium fluoride, sodium fluorosilicate and fluorosilicic acid.

About 96 percent of Victorians have access to fluoridated water. This is broken down into 99 percent of communities in metropolitan Melbourne and 87 percent in rural and regional areas (refer to Figure 1).



In 2020 the government released the Victorian action plan to prevent oral disease 2020–30. The plan sets out a vision to achieve good oral health for all Victorians by 2030, with a focus on reducing the gap in oral health for people who are at higher risk of oral disease. This includes providing water fluoridation to Victorian communities that do not currently have access, funding public dental care for eligible people, providing free annual oral health check-ups and the follow up care needed to children in government schools through the Smile Squad program, and other oral health promotion and oral disease prevention programs. The Water Fluoridation Program is State legislated and will continue whether Council advocates for it or not when money is available.

Options:

1. Council can choose to actively advocate for the implementation of a water fluoridation program, and continue to support healthy initiatives through other agencies with regards to health and education including but not limited to the Wimmera Health Service and Dental Services.
2. Council can choose to support fluoridation of our water supply should it become available, and continue to support health initiatives through other agencies with regards to health and education including but not limited to the Wimmera Health Service and Dental Services.

Link to Council Plan:

Strategic Objective 1.2.4 Advocate for enhanced services in community and mental health.

Financial Implications:

Nil

Risk Management Implications:

Nil

Relevant Legislation:

The *Health (Fluoridation) Act 1973* regulates safe and effective addition of fluoride to drinking water.

Victorian action plan to prevent oral disease 2020–30

Community Engagement:

Community Engagement has been completed and is covered in the discussion.

Gender equality implications:

N/A

Conflict of Interest:

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

Officer /Author Responsible – Angela Hoy, Director Infrastructure Services

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

Communications Strategy:

Write to the authors of the submissions received advising them of Council resolution.

Next Steps:

Council will discuss a partnership with Wimmera Health Services are other interested parties to advocate for water fluoridation.

RECOMMENDATION:

That Council actively advocates for the implementation of a water fluoridation program, and continues to support healthy initiatives through other agencies with regards to health and education, including Wimmera Health Services, Dental Services and other key organisations.

Attachment Number: 21

10.5 COUNCILLOR DEVELOPMENT – CR BYWATERS

Responsible Officer: Chief Executive Officer

Attachment Number: 22

Introduction:

This report considers a request from Cr Bywaters to undertake training through MAV.

Discussion:

Cr Bywaters has requested to complete the following training being offered through the Municipal Association of Victoria (MAV) during August and September 2021 totaling \$1,485 (incl GST).

- Understanding Council Finances (\$220 incl GST);
- Discrimination, Bullying and Harassment (complimentary);
- Resilience and Wellbeing (\$440 incl GST);
- Meeting Procedures (\$385 incl GST);
- Community Leadership (\$440 incl GST); and
- Sexual Harassment (complimentary).

Council allocates an annual budget of approximately \$15,000 (excl GST) for Councillor Development and mayoral attendance at meetings. The training is based on \$2,000 (excl GST) per Councillor and an additional \$3,000 (excl GST) for mayoral attendance at conferences/meetings as Council's delegate.

Council has previously allocated approximately \$10,000 (excl GST) for Councillor Development training at the meeting held on 4 August 2021. Cr Bywaters share of this would be \$1,667, leaving \$333 remaining from her 2021/2022 training allocation

To allow Councillors the opportunity to complete training as it arises, it is proposed that Councillors are able to bring forward up to half of the following year's individual allocation (ie \$1,000). This would not be available in the final year of a council term, which would also be pro-rata because it only runs for part of a financial year. This will enable a Councillor to undertake training of up to \$3,000 in one year with a reduced amount in the second year.

Options:

1. Council can approve the training request for Cr Bywaters in full totaling \$1,485 (incl GST).
2. Council can choose amend the training request to reduce the cost.
3. Council can choose to not approve the training request for Cr Bywaters.

Link to Council Plan:

Strategic Objective 4.3 An engaged skilled Council and workforce capable of meeting community needs.

Financial Implications:

Council has an annual budget allocation of \$15,000 for 2021/2022 for Councillor Training, Conferences and Seminars. \$10,000 was allocated at the meeting held on 4 August 2021 for Councillor Development.

Risk Management Implications:

Undertaking training will increase skills and knowledge of Council.

Relevant legislation:

N/A

Community engagement:

N/A

Gender equality implications:

No gender impact assessment was completed.

Conflict of Interest:

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

Author & Officer Responsible – Greg Wood, Chief Executive Officer

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

RECOMMENDATION:

That Council approves the training request from Cr Bywaters to attend the following MAV training sessions totaling \$1,350 (excl GST):

- ***Understanding Council Finances;***
- ***Discrimination, Bullying and Harassment;***
- ***Resilience and Wellbeing;***
- ***Meeting Procedures;***
- ***Community Leadership; and***

- **Sexual Harassment.**

Funded through:

- **the balance of 2021/2022 Cr Bywaters Councillor Development \$333 (excl GST),**
- **brought forward 2022/2023 Cr Bywaters Councillor Development allocation \$1000 (excl GST) and**
- **Cr Bywaters contribution \$17**

Attachment Number: 22

11. COUNCIL COMMITTEES

11.1 NHILL TOWN COMMITTEE

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

Introduction:

The Nhill Town Committee held its meetings on 16 August 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee meeting held on 16 August 2021.

Attachment Number: 23

11.2 YURUNGA COMMITTEE OF MANAGEMENT

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

Introduction:

The Yurunga Committee of Management held its meetings on 17 June 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Committee of Management meeting held on 17 June 2021.

Attachment Number: 24

12. LATE REPORTS

13. NOTICES OF MOTION

14. OTHER BUSINESS

15. CONFIDENTIAL REPORTS

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

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

RECOMMENDATION:

That the meeting be closed in accordance with section 66 (2) (a) of the Local

Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020:

- 15.1 Request for Tender – Award Contract for the Management and Operation of Council Owned Swimming Pool Facilities – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 15.2 Extension of Waste Contracts – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**

16. MEETING CLOSE
