



31 May 2024

MINUTES

Ordinary Council Meeting

Date: Wednesday 29 May 2024

Time: 3:00pm

Venue: Council Chamber
92 Nelson Street, Nhill

Council: Cr Brett Ireland – Mayor
Cr Wendy Bywaters – Deputy Mayor
Cr Melanie Albrecht
Cr Debra Nelson
Cr Robert Gersch
Cr Ron Ismay

Officers: Monica Revell – Chief Executive Officer
Petra Croot – Director Corporate & Community Services
Ram Upadhyaya – Director Infrastructure Services

Acknowledgement of Indigenous Community

Hindmarsh Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations as Traditional Owners of Country.

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



Public Access

This meeting is open to members of the public and will be livestreamed from Council's Facebook page at www.facebook.com/hindmarshshirecouncil

Live Streaming Statement

This meeting will be streamed live on the internet and the recording of this meeting will be published on Council's website and/or social media pages after the meeting.

Members of the public attending this meeting may be filmed.

By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in the Council's Live Streaming and Publishing Recordings of Council Meetings Policy is available on the Council's website.

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In Attendance:

Councillors:

Cr Brett Ireland (Mayor), Cr Wendy Bywaters (Deputy Mayor), Cr Robert Gersch OAM, Cr Ron Ismay, Cr Debra Nelson and Cr Melanie Albrecht.

Officers:

Ms Monica Revell (Chief Executive Officer), Mr Ram Upadhyaya (Director Infrastructure Services), and Ms Mary-Ann Speakman (Customer Service and Councillor Support Officer).

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY & LIVE STREAMING STATEMENT

Cr B Ireland opened the meeting at 3:00pm by acknowledging the Indigenous Community and by reading out the live streaming statement.

2 APOLOGIES

Ms Petra Croot (Director Corporate and Community Services).

3 DECLARATION OF INTERESTS

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

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

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

Cr R Gersch declared a general conflict of interest in item 9.1 as a family member is a builder.

Cr R Ismay declared a material conflict of interest in confidential item 16.1 in relation to the decision.

Cr B Ireland declared a general conflict of interest in item 10.4 as he will be the conference attendee.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 8 May 2024 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Ismay/R Gersch

That the Minutes of the Ordinary Council Meeting held on Wednesday 8 May 2024 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

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, questions which have been recently answered, or questions that may contain defamatory comments, 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.

Ross (Fred) Smith – Kiata:

Question is in relation to proposed subdivision at Kiata. Given that the blocks concerned contain an unknown substance on the topsoil and no doubt buried on the proposed blocks for subdivision who is responsible for disposing of this waste?

Is it the Hindmarsh Shire, the Developer / Owner or the proposed new Owners of these blocks? For some years back a much publicized accident occurred involving a car and a

trailer towing Greyhounds. The residents of the homes were only given less than half an hour to relocate due to asbestos built within these homes. Tree of these houses or sites are part of the proposed development and despite specialist asbestos removalists being involved in the removal there is still a lot of unknown pieces of material on the sites.

My question is who is responsible for determining what this substance is and who is responsible for removing it?

Officer Response:

As the material is in the private property, it is the responsibility of the owner/developer to identify asbestos and dispose it appropriately.

Taking this question as a complaint, Council's Environment Health Officer will be collecting a sample of the suspected material and sending it for testing. Depending on the outcome of the test, the officer will then write to the owner of the property with the instruction to remediate the soil to an appropriate standard.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 30 April – 20 May 2024

6.1 Cr IRELAND, MAYOR

Date	Meeting/Event	Location	Comments
07/05/2024	Wimmera Mallee Pioneer Museum Meeting		A debriefing on the difficulties and ultimate cancellation of the rally. Committee members, Mayor and 4 council officers in attendance.
08/05/2024	Council Briefing	Nhill	
08/05/2024	Council Meeting	Nhill	
09/05/2024	Mayoral Matters to media		
09/05/2024	ABC radio interview		Re agenda items.
10/05/2024	Pieces of You jigsaw launch	Dimboola Hub	Culmination of a libraries grant for the benefit of our communities.
13/05/2024	Jeparit town meeting		
20/05/2024	Meeting with Albert Stafford regarding VEP (Visitor Economy Partnership)		

6.2 Cr BYWATERS, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
08/05/2024	Meeting with By Five and Council	Nhill	
08/05/2024	Council briefing meeting and Council meeting	Council chambers Nhill	
10/05/2024	'Pieces of You' Jigsaw puzzle launch, and exhibition	Dimboola	
15/05/2024	Communities of Respect & Equality (CoRE) Leadership Meeting - Women's Health Grampians	Zoom	
16/05/2024	Research interview	Federation University Horsham	
17/05/2024	Municipal	Melbourne	

	Association of Victoria (MAV) State Council Meeting		
20/05/2024	Volunteer Breakfast	Dimboola	
20/05/2024	Meeting with Albert Stafford & Hindmarsh Shire Councillors	Online	Regarding Visitor Economy Stakeholder Sessions / Destination Management Plan Development.

6.3 Cr GERSCH

Date	Meeting/Event	Location	Comments
06/05/2024	Tourist Info Roster		
07/05/2024	Budget Meeting		
08/05/2024	Council Briefing		
08/05/2024	Council meeting		
20/05/2024	Albert Stafford	Zoom	

6.4 Cr ALBRECHT

Date	Meeting/Event	Location	Comments
08/05/2024	Hindmarsh Shire Council Briefing	Nhill	
08/05/2024	Hindmarsh Shire Council Meeting	Nhill	
14/05/2024	Nhill Town Advisory Committee	Nhill	
20/05/2024	Albert Stafford – Victoria Economy Stakeholder Sessions/Destination Management Plan Development	Online	

6.5 Cr ISMAY

Date	Meeting/Event	Location	Comments
08/05/2024	Council briefing meeting	Nhill	
08/05/2024	Council meeting	Nhill	
20/05/2024	Rainbow Town Committee meeting		

6.6 Cr NELSON

Date	Meeting/Event	Location	Comments
30/04/2024	Wimmera Southern Mallee Development		

	meeting		
06/05/2024	Dimboola Progress Association meeting		
08/05/2024	Council briefing meeting	Nhill	
08/05/2024	Council meeting	Nhill	
09/05/2024	Wimmera Southern Mallee LLEN AGM		
10/05/2024	Pieces of You Jigsaw project launch	Dimboola	
11/05/2024	Tower Park Market	Dimboola	
16/05/2024	Fed Uni Foundation Scholarship Awards ceremony	Horsham	
20/05/2024	Volunteers Thank you breakfast	Dimboola	
20/05/2024	Visitor Economy/ destination management plan meeting		

7 CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 4

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 2024/05/17 – Letter from Jennifer Goldsworthy RE Variety of Concerns

Outwards:

- 2024/05/20 – Letter of Congratulations to Nhill Air Show Committee
- 2024/05/20 – Response Letter to Jennifer Goldsworthy

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS M Albrecht/R Ismay

That Council notes the attached correspondence.

CARRIED

Attachment numbers: 2 – 4

8 ASSEMBLY OF COUNCILLORS RECORDS

Responsible Officer: Chief Executive Officer

Attachment Numbers: 5 – 6

Introduction:

As required under S33(9) of Hindmarsh Shire Council's Governance Rules, the attached Assembly of Councillors Records are presented as attachments to the Council agenda for the information of Councillors.

RECOMMENDATION:

That Council notes the Assembly of Councillor Records as presented.

MOVED: CRS W Bywaters/D Nelson

That Council notes the Assembly of Councillor Records with two amendments noting that Cr Bywaters declared a material conflict of interest as she operates an Air BNB, and general conflict of interest as she is a member of the Nhill Silo Project.

CARRIED

Attachment Numbers: 5 – 6

9 PLANNING PERMITS

Cr R Gersch declared a conflict and left the room at 3:16pm.

9.1 APPLICATION FOR PLANNING PERMIT 1822-2023 – DEVELOPMENT OF TWO DWELLINGS TO THE REAR OF THE EXISTING DWELLING, ALTERATIONS TO THE EXISTING CARPORT, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE (3) LOT SUBDIVISION – 173 NELSON STREET NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	145520
Application Number:	PA1822-2023
Application Received:	11 April 2023 (1 May 2023 fee paid), Amended 15 June 2023, 10 October 2023 and 15 February 2024
Subject Land:	173 Nelson Street Nhill VIC 3418 (Lot 1 on TP81575B)
Proposal:	Development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision
Zoning & Overlays:	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6)
Attachment Numbers:	7 – 9

Summary:

This report recommends that Council approves Planning Permit PA1822-2023 for the development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 173 Nelson Street Nhill VIC 3418 (Lot 1 on TP81575B).

Background:

On 11 April 2023, the applicant, Wendy Azzopardi (Dreamworx Drafting and Design) lodged a planning application to the Responsible Authority for the development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision at 173 Nelson Street Nhill. The application was amended on several occasions to correct the plans and address the requirements of GWMWater.

Proposal Details:

The applicant seeks approval for the development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision. The assessment is based on the amended plans received on 15 February 2024 to address GWMWater's requirements.

The proposed subdivision will create three lots from the existing 900m² site. Proposed Lot 1 (451.89m²) fronts Nelson Street and will contain the existing dwelling. Proposed Lot 2 (223.85m²) and Lot 3 (221.69m²) sit to the south of the existing dwelling and will front Langford Street. The lots will be connected to the required services. The site appears to have access to reticulated power, telecommunications, water and sewer. See Figure 1 for the Plan of Subdivision.

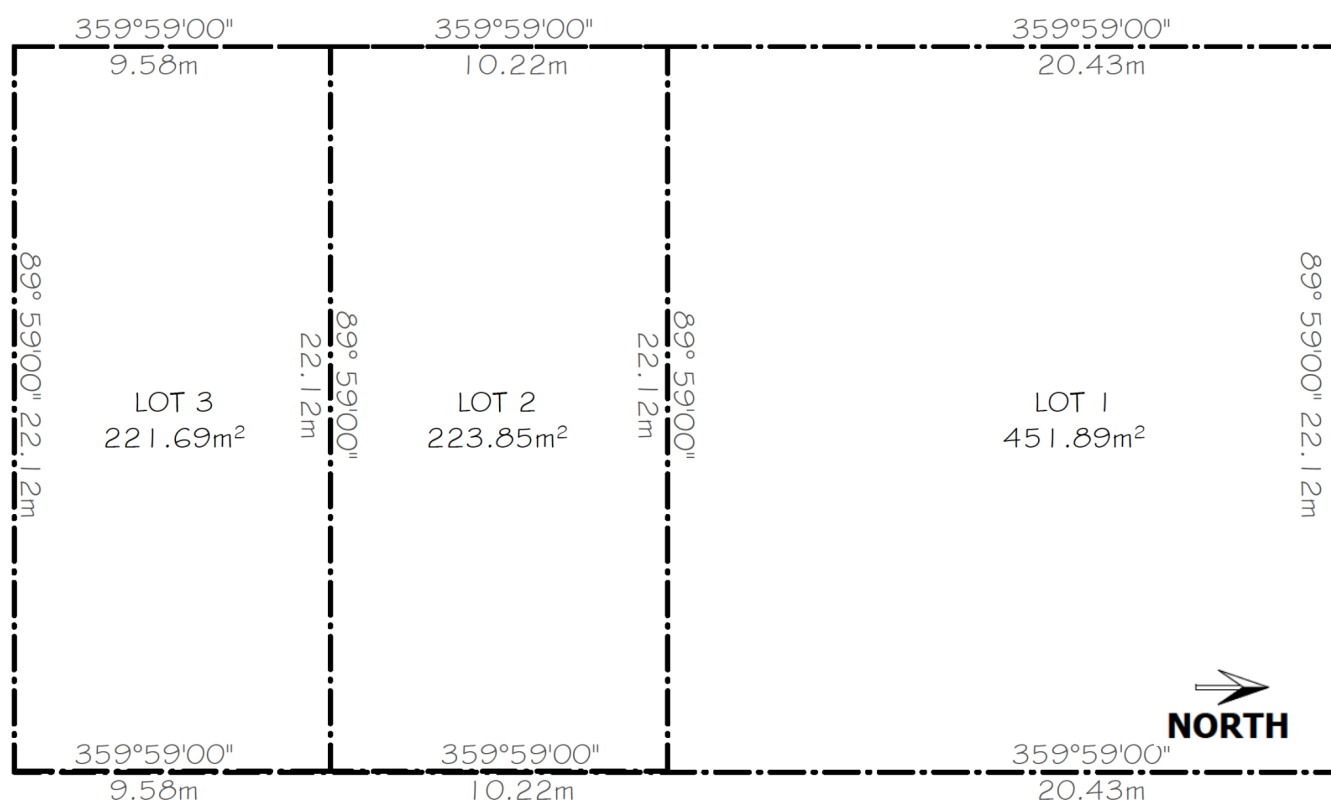


Figure 1 – Plan of proposed subdivision, with Nelson Street to the North

The applicant seeks to develop two new dwellings on proposed Lot 2 and Lot 3 (see Figure 2 and 3 for a Site Plan and Elevations). Each dwelling is single storey with a pitched roof and a gable front porch. External wall cladding consists of a mix of weatherboard and rendered cement sheet and the roof will consist of Colorbond sheeting. The proposed dwellings have similar floor plans with a total floor area of 108m² each, containing:

- Three (3) bedrooms (master bedroom with ensuite);
- Open plan kitchen, dining and living area;
- Bathroom;
- Built in cupboard laundry; and
- Single garage and an additional tandem carparking space.

The amended plans received by Council on 15 February 2024 show the design and layout of Dwelling 3 has been modified slightly to avoid construction of the dwelling over the 3.0m wide sewer easement along the southern boundary. GWMWater has reviewed the amended

plans and provided consent subject to conditions including no external load being applied to GWMWater's assets and no driven piles being permitted for the footings.

To accommodate the development, approximately three (3) small trees and shrubs will be removed on the site and two street trees will be removed from the nature strip on Langford Street. Several outbuildings associated with the existing dwelling will also be demolished, including the existing sunroom on the rear of the dwelling. Colorbond boundary fencing is proposed in between the existing and proposed dwellings.

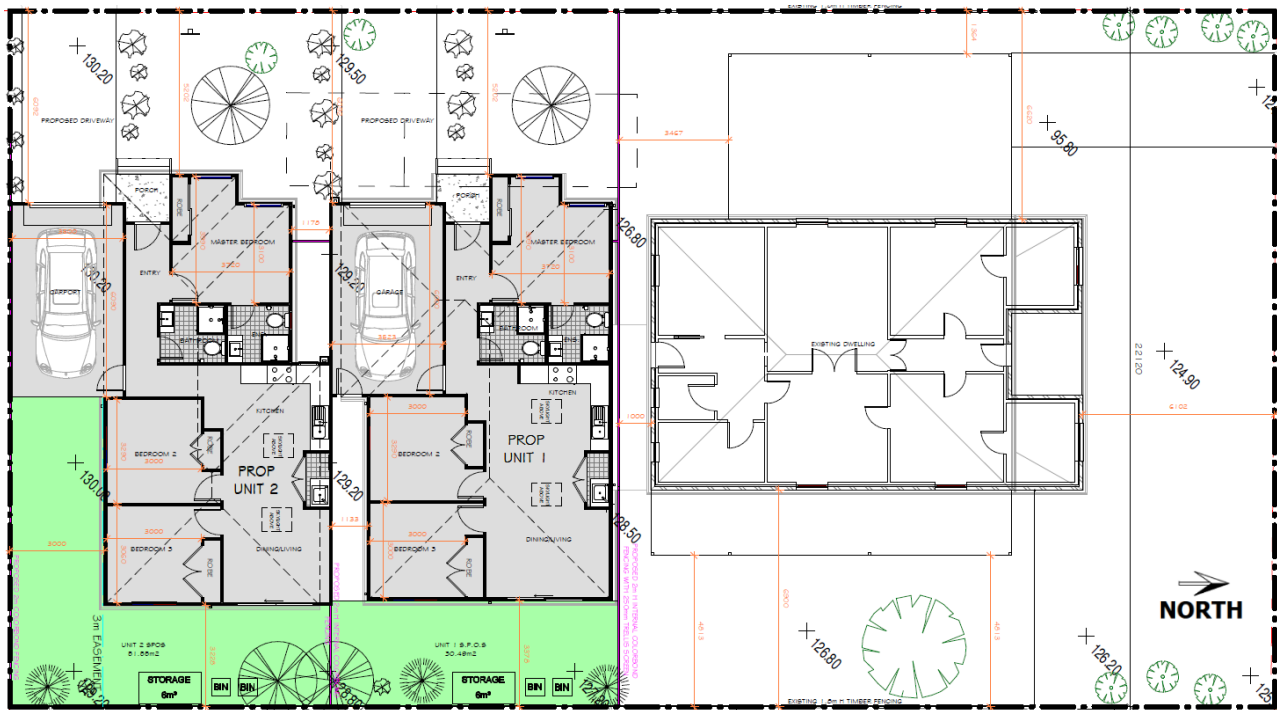


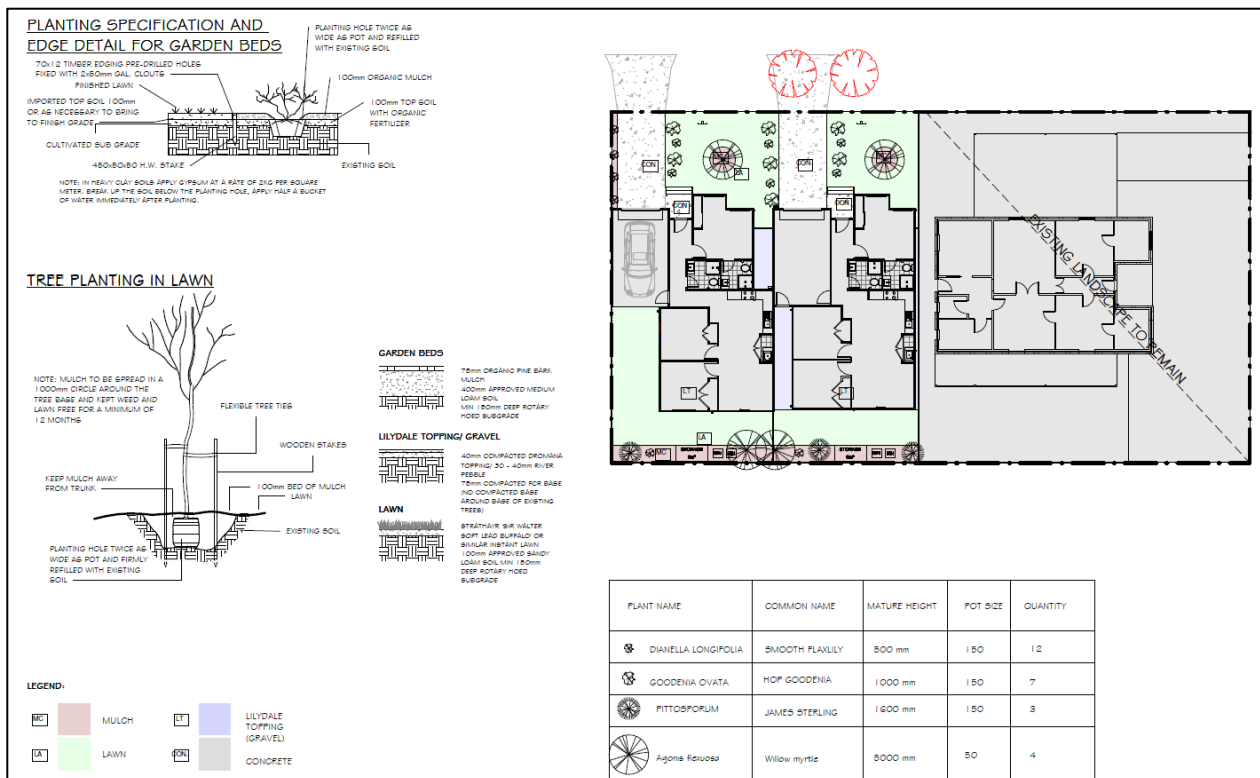
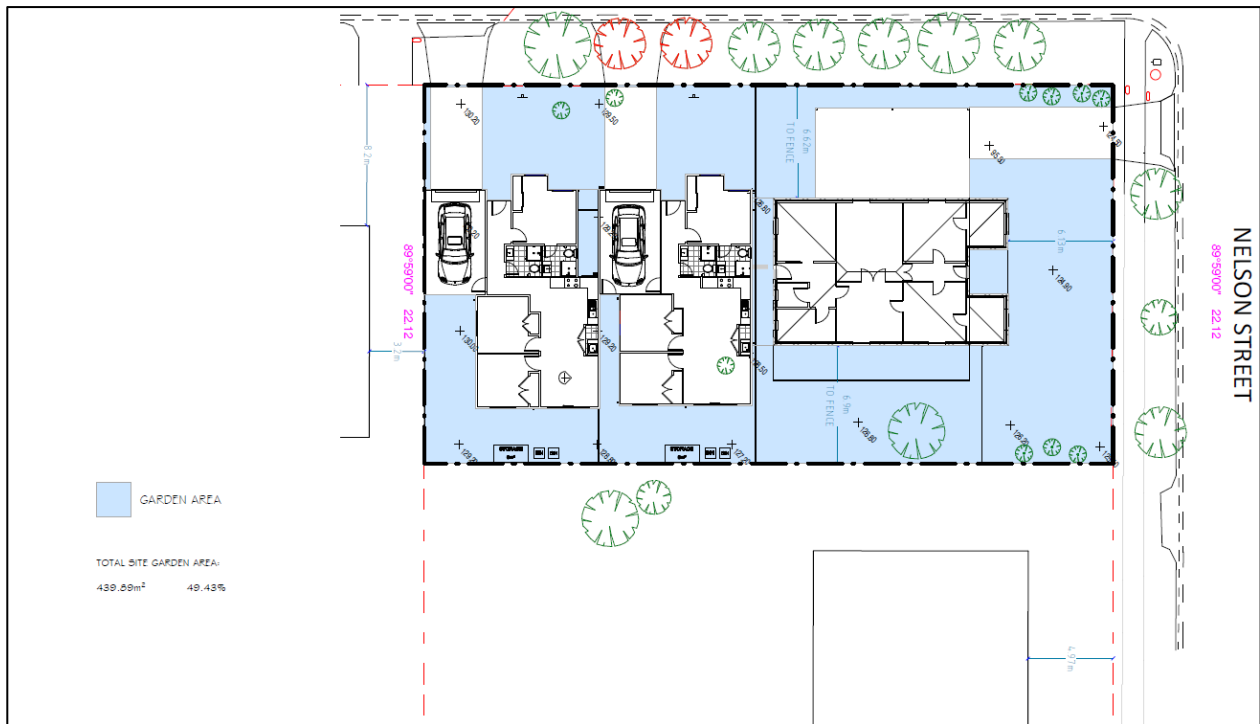
Figure 2 – Amended Site Plan



Figure 3 – North and West Elevations and Colour Schedule



Figure 4 – East and South Elevations



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Langford Street to the west. There are single dwelling lots immediately to the south and west.

The subject site and surrounding area within the General Residential Zone Schedule 1, and is affected by the Environmental Significance Overlay Schedule 6 for catchments of wetlands of conservation value. Lots in the area are generally between 600-1600m² and mostly contain single dwellings.



Figure 7: Aerial Map showing site surrounds – Hindmarsh POZI



Figure 8: Aerial Map with Zoning – Hindmarsh POZI

Requirement for Permit:

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

- Clause 32.08-3 (General Residential Zone) – A permit is required to subdivide land.
- Clause 32.08-6 (General Residential Zone) – A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to construct a fence that may obstruct the flow of water.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required for vegetation removal.
- Clause 42.01-2 (Environmental Significance Overlay) – A permit is required to subdivide land.

Definitions:

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

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

It includes outbuildings and works normal to a dwelling.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners.
- Erection of a sign on site.
- Placing a notice on Council's website.

No objections were received in relation to the application.

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
Wimmera Catchment Management Authority	<p>No objection, No conditions.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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. • Vegetation within ESO 6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland.
Grampians Wimmera Mallee Water	<p>Does not object to the granting of a permit subject to conditions.</p> <ol style="list-style-type: none"> 1. The owner/ applicant must provide individually metered water services to each dwelling in accordance with GWMWater's requirements. 2. The owner/ applicant must install sewerage mains and associated works to individually serve each lot/ dwelling of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements. 3. The owner/ applicant must disconnect and abandon the existing property sewer connection point and provide individual sewer services to each dwelling ensuring it is clear of any buildings and in accordance with GWMWater's requirements. 4. The owner/ applicant must provide GWMWater with an updated drainage plans for each dwelling submitted by a qualified plumber.

	<p>5. The owner/ applicant must enter a Build Over Easement Agreement with GWMWater for structures which encroach on sewerage easements.</p> <p>6. The owner/ applicant must ensure the construction will place no additional load on any GWMWater water or sewer assets. Where footings or piers are proposed for the foundations of structures, they must extend to a minimum depth to the angle of repose to the invert level of the trench of any water or sewer mains. Upon request, developer must demonstrate that no external load is applied to GWMWater's assets. Driven piles are not permitted.</p>
Powercor	<p>No objection, subject to conditions:</p> <ul style="list-style-type: none"> • 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. • The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. • 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). <p>Notes:</p> <ul style="list-style-type: none"> • Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works. • 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.
Department of Transport	<p>No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Prior to the commencement of construction of the dwellings, the crossover and driveway to Nelson Street are to be constructed to the satisfaction of the responsible authority. • At all times, driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Section 52 and Internal Notices

Engineering	<p>Access/Vehicle crossovers:</p> <ul style="list-style-type: none"> • Before the issue of a statement of compliance, the existing crossover that provides access from Nelson Street to the existing dwelling must be upgraded to the current standard, to the satisfaction of the Responsible Authority.
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	<ul style="list-style-type: none">• Before the issue of a statement of compliance, independent access from Langford Street to each new unit must be provided by way of a crossover, constructed to the satisfaction of the Responsible Authority.• The crossovers must be constructed as per IDM SD-240 standard and at a location and of a size deemed satisfactory to 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. <p>Note: A consent to works within road reserve permit is required prior to construction of the crossovers. https://www.hindmarsh.vic.gov.au/register-for-permits</p> <p>Drainage:</p> <ul style="list-style-type: none">• Before the issue of a statement of compliance, all stormwater and surface water discharging from the existing dwelling and the new units must be directed to the legal point of discharge (LPD) in the Langford Street road reserve to the satisfaction of the Responsible Authority.• Connection to the legal point of discharge can be applied for with the building permit application.
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Planning Assessment:

Planning Scheme Requirements:

Municipal Planning Strategy

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

Council's strategic directions for built environment and heritage includes the need to:

- Promote urban design and architecture that reflects the characteristics, aspirations and cultural identity of the community.

Clause 02.04 Strategic Framework Plans

Nhill Framework Plan

Planning Policy Framework:

Clause 11.01-1L Settlement – Hindmarsh

Clause 13.02-1S Bushfire planning
Clause 15.01-1S Urban design
Clause 15.01-2S Building design
Clause 15.01-3S Subdivision design
Clause 15.01-5S Neighbourhood character
Clause 16.01-1S Housing supply

Planning Response:

The proposed subdivision and development of two single storey dwellings will encourage housing diversity and affordability in a residential zone that is in proximity to existing services and facilities. The proposed development will result in building design and layout that differs to the established residential development of one dwelling on a lot. However, the proposal will allow infill residential development to be accommodated within the town, which is encouraged in Clause 11.01-1L Settlement and Clause 02.03-1 Settlement and housing. The proposed development will adequately respect the character of the area in accordance with Clause 15.01-5S. The subdivision will require new infrastructure to be connected to service the lots and the future dwellings on Lot 2 and Lot 3 in accordance with Clauses 19.03-2S and 19.03-3S. The proposal will generally comply with the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development.

Zoning Provisions: Clause 32.08 – General Residential Zone

Clause 32.08 – General Residential Zone (GRZ)

The objectives of the General Residential Zone are:

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

Permit Requirements

- *32.08-3 Subdivision:* A permit is required to subdivide land. An assessment against Clause 56 is required (detailed later in the report).
- *32.08-7 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings:* A permit is required to construct a dwelling if there is at least one dwelling existing on the lot. An assessment against Clause 55 is required (detailed later in the report).

32.08-4 Construction or extension of a dwelling, small second dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400-500 sqm	25%

Above 500-600 sqm	30%
	35%

32.08-14 Decision Guidelines

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

Planning Response:

The application is generally consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. An assessment against Clause 55 ResCode and Clause 56 Residential Subdivision compliance will be provided later in the report. The development will provide more than 25% garden area on each of the three lots including Lot 1 which will have an area of 451.89 sqm to comply with Clause 32.08-4.

The development will alter the existing character of the area, but the new building form will adequately respect the neighbourhood character of the area. The development will encourage a diversity of housing types and housing growth in this location with good access to services and transport in Nhill. The proposal will therefore comply with the purpose and objectives of the zone.

Overlay Provisions:

The subject land is encumbered by Clause 42.01 - Environmental Significance Overlay - Schedule 6 (ESO6). The objective of the ESO6 is to:

- Ensure that land use and development within the primary catchment areas (ESO6) of wetlands of conservation value (ESO5), does not impact on the ecological condition of these wetlands.

Permit Requirements

- *Clause 42.01-2 (Environmental Significance Overlay)* – A permit is required for vegetation removal.
- *Clause 42.01-2 (Environmental Significance Overlay)* – A permit is required to subdivide land.
- *Clause 42.01-2 (Environmental Significance Overlay)* – A permit is required to construct a fence that may obstruct the flow of water.

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 Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.

Planning Response:

The proposal includes the removal of approximately three (3) trees on the site and two (2) street trees in the road reserve on Langford Street for the new crossovers to Lot 2 and Lot 3, in addition to the construction of Colorbond fences and a subdivision. The proposed development and subdivision will not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands. The construction of the fences between the lots and the removal of vegetation will not adversely impact on the flow of water into the water catchment within the area.

The landscape plan (TP11) proposes four new trees to be planted in the front and rear gardens of the new Dwelling 2 and Dwelling 3 on the site. The application is generally consistent with the Municipal Planning Strategy and Planning Policy Framework subject to conditions as discussed above. The application complies with the environmental objectives of Schedule 6 of the ESO. The application has been referred to the Wimmera Catchment Management Authority in accordance with Clause 66.04, who provided no objection and no conditions.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06-5 – Number of Car Parking Spaces

Table 1 of this clause provides that two (2) car parking spaces are required for each dwelling having 3 or more bedrooms, one of which must be covered.

Planning Response:

The existing dwelling contains an existing carport and driveway which accommodates one covered car parking space and one uncovered car parking spaces. The proposed dwellings each contain a single garage and a tandem car parking space in front of the garage, achieving one covered car parking space and one uncovered car parking space for each dwelling. As such, the proposal meets the requirements of the Scheme in relation to car parking numbers and design standards for car parking.

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.

Planning Response:

The proposed subdivision does not provide any land for the purposes of public open space. As such, a public open space contribution is required to be paid in accordance with 18(1)(b) of the *Subdivision Act 1988*. The proposed subdivision creates an additional two lots within Nhill which places increased demand on existing public open spaces within the township.

As such, the full 5% contribution will be required as a condition in accordance with this Clause.

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

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot, in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Planning Response:

The development comprises the construction of two dwellings with one dwelling existing on the lot, and therefore the provisions of Clause 55 apply. Minor changes to the plans are required to clearly show the windows of the bedrooms 2 and 3 of proposed units 1 and 2 on the ground floor plan and to include notations of the maximum height of the carport/garage and garage walls from ground level to ensure compliance, which will be included as amended plans conditions. An assessment against the relevant objectives and standards of Clause 55 is provided in Attachment 2.

Clause 56 – Residential Subdivision

Provisions in this Clause apply to an application to subdivide land in a General Residential Zone. These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Planning Response:

The proposed subdivision is sought in conjunction with an application for development where one lot will contain an existing dwelling and two lots are proposed to each contain a dwelling. Given the two proposed dwellings do not currently exist, an assessment against Clause 56 has been undertaken and is in Attachment 3.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.

- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Clause 65.02– Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate (relevant to the application):

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Planning Response:

As previously discussed, the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The development provides for a diversity of housing types and housing options in an area well connected to private and public services. The development is unlikely to adversely impact the adjacent environment of Nhill Lake and will not adversely impact the surrounding residential area. Services are required to be connected and will be managed by conditions. There is no staging of the subdivision proposed. The proposal will enable the orderly planning of the area.

Discussion:

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

The proposal complies with the objectives of the relevant provisions of the PPF and MPS for the reasons discussed in the relevant policy section above.

Clause 32.08 General Residential Zone

The proposal complies with the purpose and decision guidelines of Clause 32.08 for the reasons outlined in the planning response to the zone as discussed above.

Clause 42.01 Environmental Significance Overlay – Schedule 6

The proposal complies with the purpose and decision guidelines of Clause 42.01 for the reasons outlined in the planning response to the overlay as discussed above.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposal complies with the relevant objectives and decision guidelines of Clause 55 for the reasons outlined in the planning response to this clause as discussed above.

Clause 56 Residential Subdivision

The proposal complies with the relevant objectives and decision guidelines of Clause 56 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.

Processing Times:

13/04/2023 – Application received.

01/05/2023 – Application fee paid.

08/05/2023 – Further information was requested.

15/06/2023 – Further information partly received.
17/07/2023 – Email sent requesting corrected plans.
10/10/2023 – Amended plans received.
02/11/2023 – Advertising commenced, and external and internal referrals sent.
23/11/2023 – Advertising completed.
12/12/2023 – Referral sent to GWMWater.
19/12/2023 – Objection received from GWMWater requiring amended plans.
15/02/2024 – Amended plans received from the applicant.
27/02/2024 – Amended plans referred to GWMWater.
30/04/2024 – Full copy of GWMWater S55 referral response received.
30/04/2024 – All referral responses received.
29/05/2024 – Report presented to Council for approval on 29 May 2024 (103 days).

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

Link to Council Plan:

Objective – Support healthy living and provide services and activities for people of all ages and abilities.

Financial Implications:

Nil

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Environmental Sustainability	Buildings will be required to be built to current standards and meet environmental requirements.
Community Needs	There is a need in the community for additional housing, approval of the permit will provide Nhill with an additional two dwellings.

Relevant legislation:

This planning permit application has been considered under the requirements of the *Planning and Environment Act 1987*.

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: Ram Upadhyaya, Director Infrastructure Services

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

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 Council's decision.

Next Steps:

Issue a Planning Permit.

RECOMMENDATION:

That Council issues a Planning Permit PA1822-2023 for development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 173 Nelson Street Nhill Vic 3418, subject to the following conditions:

THIS PERMIT ALLOWS:

<i>Planning Scheme Clause No.</i>	<i>Description of what is allowed</i>
<i>Clause 32.08-3 (GRZ)</i>	<i>Subdivide land</i>
<i>Clause 32.08-7 (GRZ)</i>	<i>Construction and extension of two or more dwellings on the lot</i>
<i>Clause 42.01-2 (ESO)</i>	<i>Construction of a fence that may obstruct the flow of water, vegetation removal and subdivide land</i>

CONDITIONS:

Compliance with documents approved under this permit

- 1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.***

Approved and endorsed plans – changes required

- 2. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:***
 - a) be prepared to the satisfaction of the responsible authority.***
 - b) be drawn to scale with dimensions.***
 - c) submitted in electronic form.***
 - d) be generally in accordance with the plans forming part of the application and identified as the Ground Floor Plan and Elevations Sheets 1 and 2, being TP 08, TP 13 and TP 14, Rev D date 08/02/2024, Dreamworx Drafting & Design, but amended to show the following details:***

- i) *The location of the external windows for bedrooms 2 and 3 of proposed units 1 and 2 to be shown on the ground floor plan.*
- ii) *Notations of the dimensions of the maximum height of the carport/garage and garage walls including the parapets of proposed units 1 and unit 2 from ground level on the external and proposed internal boundaries to be shown on the elevations.*

Layout not altered

3. *The layout of the development and subdivision must not be altered from the layout on the approved and endorsed plans 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.

Section 173 Agreement or Construction of Dwellings to Occupancy Permit

4. *Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must either:*

Enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which specifies that:

- a) *The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1822-2023.*

The owner of the land must pay all the reasonable costs of preparation, execution and registration of the Section 173 Agreement on title.

OR

- b) *Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1822-2023 and an occupancy permit has been issued.*

Development Conditions

Site Cleared of Building Materials and Debris

5. *Upon completion of the development, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.*

Boundary Walls

6. *Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.*

Concealed Service Pipes and Equipment

7. *All pipes, fixtures, fittings vents, plant and equipment servicing any building on the site (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.*

External Lighting

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

External Materials and Colours

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

Landscaping

10. *Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be planted and established to the satisfaction of the Responsible Authority.*
11. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.*

Waste Management

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

Subdivision Conditions

Payment in lieu of Open Space Provision under the Planning Scheme

13. *Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the owner or permit holder must pay a monetary contribution for public open space of 5 per cent of the site value of all the land in the subdivision intended to be used for residential purposes, in accordance with Clause 53.01 of the Planning Scheme and Section 18 of the Subdivision Act 1988.*

Telecommunications

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

- **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**
- **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.**

15. 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 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**
- **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.**

Reticulated Services

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

Engineering Conditions

Access

- 17. Before the issue of a Statement of Compliance, the existing crossover that provides access to Lot 1 and the existing dwelling on Lot 1 must be upgraded to the current standard, to the satisfaction of the Responsible Authority.**
- 18. Before the issue of a Statement of Compliance, independent access from Langford Street to each of Lot 2 and Lot 3 must be constructed by way of a crossover, all to be constructed to the satisfaction of the Responsible Authority.**
- 19. The crossovers must be constructed as per IDM SD-240 standard and at a location and of a size deemed satisfactory, to the satisfaction of the Responsible Authority.**
- 20. The vehicle crossovers must be constructed at the expense of the permit holder**

or owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority.

Drainage

- 21. *Before the issue of a Statement of Compliance, all stormwater and surface water discharging from the existing dwelling on Lot 1 and the proposed dwellings on Lot 2 and Lot 3 must be directed to the legal point of discharge (LPD) in the Langford Street road reserve to the satisfaction of the Responsible Authority.***

GWMWater

- 22. *The owner/ applicant must provide individually metered water services to each dwelling in accordance with GWMWater's requirements.***
- 23. *The owner/ applicant must install sewerage mains and associated works to individually serve each lot/ dwelling of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.***
- 24. *The owner/ applicant must disconnect and abandon the existing property sewer connection point and provide individual sewer services to each dwelling ensuring it is clear of any buildings and in accordance with GWMWater's requirements.***
- 25. *The owner/ applicant must provide GWMWater with an updated drainage plans for each dwelling submitted by a qualified plumber.***
- 26. *The owner/ applicant must enter a Build Over Easement Agreement with GWMWater for structures which encroach on sewerage easements.***
- 27. *The owner/ applicant must ensure the construction will place no additional load on any GWMWater water or sewer assets. Where footings or piers are proposed for the foundations of structures, they must extend to a minimum depth to the angle of repose to the invert level of the trench of any water or sewer mains. Upon request, developer must demonstrate that no external load is applied to GWMWater's assets. Driven piles are not permitted.***

Powercor

- 28. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.***
- 29. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.***
- 30. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).***

Department of Transport and Planning

- 31. *Prior to the commencement of construction of the dwellings, the crossover and driveway to Nelson Street are to be constructed to the satisfaction of the responsible authority.***

- 32. At all times, driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).**

Expiry – Development

- 33. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:**

- a) The development is not started within 2 years of the issued date of this permit.**
- b) The development is not completed within 4 years of the issued date of this permit.**

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Expiry – Subdivision

- 34. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:**

- a) The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.**
- b) A statement of compliance is not issued within 5 years of the date of certification.**

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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 permission is required prior to construction of the crossovers.**
<https://www.hindmarsh.vic.gov.au/register-for-permits>
- Connection to the legal point of discharge can be applied for with the building permit application.**

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.**

- *Vegetation within ESO6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland.*

Powercor

- *Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake works*
- *Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make electricity supplies available, with the cost of such works generally borne by the applicant.*

MOVED: CRS M Albrecht/R Ismay

That Council issues a Planning Permit PA1822-2023 for development of two dwellings to the rear of the existing dwelling, alterations to the existing carport, vegetation removal, construction of fences and a three (3) lot subdivision on the subject land known as 173 Nelson Street Nhill Vic 3418, subject to the following conditions:

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CONDITIONS:

Compliance with documents approved under this permit

1. ***At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.***

Approved and endorsed plans – changes required

2. ***Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:***
 - a) ***be prepared to the satisfaction of the responsible authority.***
 - b) ***be drawn to scale with dimensions.***
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08, TP 13 and TP 14, Rev D date 08/02/2024, Dreamworx Drafting & Design, but amended to show the following details:

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Authority.

Boundary Walls

- 6. Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.***

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- 7. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the site (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.***

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19. The crossovers must be constructed as per IDM SD-240 standard and at a location

and of a size deemed satisfactory, to the satisfaction of the Responsible Authority.

- 20. The vehicle crossovers must be constructed at the expense of the permit holder or owner to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

Drainage

- 21. Before the issue of a Statement of Compliance, all stormwater and surface water discharging from the existing dwelling on Lot 1 and the proposed dwellings on Lot 2 and Lot 3 must be directed to the legal point of discharge (LPD) in the Langford Street road reserve to the satisfaction of the Responsible Authority.**

GWMWater

- 22. The owner/ applicant must provide individually metered water services to each dwelling in accordance with GWMWater's requirements.**
- 23. The owner/ applicant must install sewerage mains and associated works to individually serve each lot/ dwelling of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.**
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- 25. The owner/ applicant must provide GWMWater with an updated drainage plans for each dwelling submitted by a qualified plumber.**
- 26. The owner/ applicant must enter a Build Over Easement Agreement with GWMWater for structures which encroach on sewerage easements.**
- 27. The owner/ applicant must ensure the construction will place no additional load on any GWMWater water or sewer assets. Where footings or piers are proposed for the foundations of structures, they must extend to a minimum depth to the angle of repose to the invert level of the trench of any water or sewer mains. Upon request, developer must demonstrate that no external load is applied to GWMWater's assets. Driven piles are not permitted.**

Powercor

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- 30. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).**

Department of Transport and Planning

31. *Prior to the commencement of construction of the dwellings, the crossover and driveway to Nelson Street are to be constructed to the satisfaction of the responsible authority.*
32. *At all times, driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).*

Expiry – Development

33. *This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:*

- a) *The development is not started within 2 years of the issued date of this permit.*
- b) *The development is not completed within 4 years of the issued date of this permit.*

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Expiry – Subdivision

34. *This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:*

- a) *The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.*
- b) *A statement of compliance is not issued within 5 years of the date of certification.*

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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 permission is required prior to construction of the crossovers.*
<https://www.hindmarsh.vic.gov.au/register-for-permits>
- *Connection to the legal point of discharge can be applied for with the building permit application.*

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.*
- *Vegetation within ESO6 plays a number of different roles depending on the proximity of the vegetated land to the high-value wetland.*

Powercor

- *Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake works*
- *Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make electricity supplies available, with the cost of such works generally borne by the applicant.*

CARRIED

Attachment Numbers: 7 – 9

Cr R Gersch returned to the room at 3:21pm.

10 REPORTS REQUIRING A DECISION

10.1 DRAFT 2024/2025 BUDGET (INCORPORATING THE LONG-TERM FINANCIAL PLAN FOR 2024/2025 – 2033/2034 AND THE REVENUE AND RATING PLAN)

Responsible Officer: Director Corporate and Community Services
Attachment Number: 10

Introduction:

This report presents the draft 2024/2025 Annual Budget (incorporating the draft Long-Term Financial Plan for 2024/2025-2033/2034 and draft Revenue and Rating Plan) in accordance with the Local Government Act 2020. The report includes a recommendation that Council adopt the draft 2024/2025 Annual Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan and invites community submissions.

Discussion:

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

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

A requirement of the *Local Government Act 2020* is that all Victorian Local Governments adopted a Revenue and Rating Plan by 30 June 2021. The Revenue and Rating Plan was developed and adopted on 23 June 2021 and has been revised in conjunction with preparation of the 2024/2025 Budget. The updated draft Revenue and Rating Plan was developed to retain the current differentials for farm and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount) and non-farm vacant land (100 percent penalty).

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

The draft 2024/2025 budget has been developed to balance the retention of existing community service levels and maintenance and renewal of assets, as well as new initiatives to improve amenity and make Hindmarsh a better place to live. It replicates the format of the four Key Results Areas used in the 2021-2025 Council Plan, namely:

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

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

Rates and Charges

The rates and charges calculated for 2024/2025 are based on revaluation figures as at 1 January 2024. The draft Revenue and Rating Plan includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

The Victorian State Government rate cap increase for 2024/2025 has been set at 2.75%. The cap, in line with the Essential Services Commission (ESC) calculation method, applies the increase to the average rates payable per assessment.

The total amount to be raised by general rates and charges in 2024/2025 is \$10.039m which is an increase of \$0.18m from 2023/2024.

Capital Works:

The 2024/2025 draft budget includes capital works expenditure of \$6.335m. The proposed key initiatives for the 2024/2025 financial year are outlined below. Further details are included in the relevant sections of the budget document.

Community Infrastructure

- \$100,000 for the maintenance at the Dimboola & Nhill Depots
- \$350,000 for Council's contribution towards a grant application for upgrades at the Dimboola Swimming Pool, along with automatic dosing machines at Jeparit and Rainbow Swimming Pools
- \$50,000 for repairs to the Nhill Historical Society building.

Tourism

- \$102,000 for completion of the Llew Schilling Silo Project
- \$10,000 for Tourism Signage
- \$30,000 for replacement the laundry at the Riverside Holiday Park Dimboola

Infrastructure

- Reseals and Final Seals: council will undertake reseal and final seal projects totalling \$614,000 in 2024/2025. These include River Road and Katyl Roads in Dimboola, Nhill Murrayville Rd in Nhill, Broadway St and Four Mile Beach Rd in Jeparit and Elizabeth and Railway Streets in Rainbow.
- Sealed Road Construction; Council will undertake sealed road construction projects totalling \$472,000 in 2024/2025. These include Tarranyurk East Road, Netherby Baker Road and Old Minyip Road. \$2.122m will go to sealed road construction on the Dimboola Minyip Road and Lorquon Netherby Road if Council is successful with a grant funding application.

- Road Resheet Projects: council will undertake resheet works on the Dimboola Minyip Road
- Unsealed Road Construction: Council will undertake unsealed road construction on Boundary Road, Tarranyurk West, Tarranyurk East, Keams and McKenzie Roads.

The draft 2024/2025 Budget incorporating the updated draft Rating and Revenue Plan and the draft Long Term Financial Plan have been prepared for approval by Council. Under Council's Community Engagement Policy the draft budget, updated draft Revenue and Rating Plan and draft Long Term Financial Plan will be made available for public inspection and the receiving of submissions for the period Friday 31 May 2024 to Friday 21 June 2024. Council will be advised of any submissions received at the 26 June 2024 Council meeting.

A number of consultation sessions have been planned including farmer consultation in Dimboola, Jeparit, Nhill, Rainbow and Yanac; drop-in sessions in Dimboola, Jeparit, Nhill and Rainbow; and attendance at the June meetings of the Dimboola Progress Association, Jeparit Town Committee, Nhill Town Committee and Rainbow Town Committee.

The draft 2024/2025 Budget incorporating the revised Revenue and Rating Plan and draft Long Term Financial Plan will also be available for public inspection at Council's Customer Service Centers or online on Council's website.

Options:

Council must formally prepare and advertise its 2024/2025 Budget pursuant to sections 94 and 96 of the *Local Government Act 2020*. The draft Revenue and Rating Plan must be prepared pursuant to section 93 of the *Local Government Act 2020*.

Link to Council Plan:

The 2024/2025 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2021-2025.

Financial Implications:

The 2024/2025 draft Budget is consistent with the parameters set out in Council's ten-year financial plan.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Financial Sustainability	The preparation of the Budget is a statutory requirement

Relevant legislation:

Local Government Act 2020

Community engagement:

The draft budget will be advertised from 31 May through to 21 June 2024. A number of consultation sessions have been planned including farmer consultation in Dimboola, Jeparit, Nhill, Rainbow and Yanac; drop-in sessions in Dimboola, Jeparit, Nhill and Rainbow; and attendance at the June meetings of the Dimboola Progress Association, Jeparit Town Committee, Nhill Town Committee and Rainbow Town Committee.

Gender equality implications:

A gender impact assessment is not required on the draft budget. Initiatives contained within the budget will be assessed prior to implementation and gender impact assessments completed where the project or plan has a direct and significant impact on the public.

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 – Petra Croot, Director Corporate and Community Services.

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

Author – Heather Boyd, Manager Finance.

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

Communications Strategy:

In line with Council's Community Engagement Policy, it is proposed that the draft budget be made available to allow for submissions for the period from Friday 31 May 2024 to Friday 21 June 2024. Submissions will be considered at the Council meeting on Wednesday 26 June 2024.

Copies of the draft 2024/2025 budget, including the draft Revenue and Rating Plan and Draft Long Term Financial Plan will be available at Council's Customer Service Centres and on Council's website.

Next Steps:

Submissions in relation to the 2024/2025 Budget incorporating the Revenue and Rating Plan and Long-Term Financial Plan will be presented to the 26 June Council meeting for consideration and adoption.

RECOMMENDATION:

That Council:

- 1. approves the draft 2024/25 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan for the purposes of public consultation in***

accordance with the Local Government Act 2020;

- 2. gives public notice of the preparation of the draft 2024/2025 Budget, incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan, inviting written submissions from the public for the period from Thursday 31 May 2024 to Friday 21 June 2024;*
- 3. considers public submissions and the formal adoption of the draft budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan at the Council meeting on Wednesday 26 June 2024; and*
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the draft 2024/2025 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan if required.*

MOVED: CRS W Bywaters/D Nelson

That Council:

- 1. approves the draft 2024/25 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan for the purposes of public consultation in accordance with the Local Government Act 2020;*
- 2. gives public notice of the preparation of the draft 2024/2025 Budget, incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan, inviting written submissions from the public for the period from Thursday 31 May 2024 to Friday 21 June 2024;*
- 3. considers public submissions and the formal adoption of the draft budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan at the Council meeting on Wednesday 26 June 2024; and*
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the draft 2024/2025 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan if required.*

CARRIED

Attachment Number: 10

10.2 DRAFT COUNCIL PLAN ACTIONS 2024-2025

Responsible Officer: Director Corporate and Community Services

Attachment Number: 11

Introduction:

This report presents the Council Plan draft Action Plan 2024/2025, including Public Health and Wellbeing Plan actions, Community Action Plan actions and Economic Development Strategy actions and recommends advertising the draft Action Plan 2025/2024 in accordance with Council's Community Engagement Policy from Thursday 30 May 2024 to Wednesday 19 June 2024.

Discussion:

At the Council meeting held on Wednesday 22 September 2021, Council resolved to adopt the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040.

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

In developing the Plan, it was intended to be a living document that will be reviewed and updated annually. The plan contains annual actions, allowing Council to adapt to our changing environment and inform the budget for each financial year. The development of the 2024/2025 Action Plan was informed through community consultation in the initial development of the plan along with consultation sessions around the Community Action Plan and Economic Development Strategy.

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

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

Actions for 2024/2025 are set against four key themes:

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

The draft Action Plan 2024/2025 will be made available to allow for submissions for the period Thursday 30 May 2024 to Wednesday 19 June 2024. Submissions will be considered at the Council meeting held on Wednesday 26 June 2024.

Options:

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

Link to Council Plan:

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides initiatives and activities under the four key themes. The annual action plan details action items to be undertaken during the financial year.

Financial Implications:

Cost of Council Plan Actions for 2024/2025 will be contained within the annual budget 2024/2025 and long-term financial plan.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Community Needs	Delivery on actions identified by the community ensures that Council is prioritizing community needs.
Governance	The preparation of the Council Plan, incorporating the Health and Wellbeing Plan, and Community Vision is a statutory requirement.

Relevant legislation:

Local Government Act 2020

Public Health and Wellbeing Act 2008

Community engagement:

The development of the 2024/2025 Action Plan was informed by community consultation in the initial development of the plan along with consultation sessions around the Community Action Plan and Economic Development Strategy. The draft Action Plan will be made available for public submissions in line with Council's Community Engagement Policy.

Gender equality implications:

Actions identified in the plan that have a direct and significant impact on the community will be subject to a GIA.

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, Chief Executive Officer

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

Copies of the draft Council Plan Actions 2024/2025 will be available at Council's Customer Service Centres and on Council's website.

RECOMMENDATION:

That Council:

- 1. approves the draft Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 for the purposes of public consultation;***
- 2. gives public notice of the preparation of the draft Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 inviting written submissions from the public for the period Thursday 30 May 2024 to Wednesday 19 June 2024; and***
- 3. considers public submissions and the formal adoption of the Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 at the Council meeting on Wednesday 26 June 2024.***

MOVED: CRS R Gersch/M Albrecht

That Council:

- 1. approves the draft Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 for the purposes of public consultation;***
- 2. gives public notice of the preparation of the draft Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 inviting written submissions from the public for the period Thursday 30 May 2024 to Wednesday 19 June 2024; and***
- 3. considers public submissions and the formal adoption of the Council Plan Actions 2024/2025 incorporating the Health and Wellbeing Plan Actions 2024/2025 at the Council meeting on Wednesday 26 June 2024.***

CARRIED

Attachment Number: 11

10.3 GOVERNANCE REPORT

Responsible Officer: Chief Executive Officer

Attachment Numbers: 12 – 13

Introduction:

This report:

- presents the draft Fee Waiver and Reduction Policy, recommended to be made available for public comment for the period 30 May 2024 to 13 June 2024.
- presents the amended Councillor Interaction with Developers Policy, recommended for adoption with minor changes that support compliance with the *Privacy and Data Protection Act 2014*.

Discussion:

Fee Waiver and Reduction Policy

This Policy establishes Council's position in relation to requests to partially or fully waive various types of fees and charges. Its purpose is to manage these requests in a consistent, transparent, and equitable manner that is aligned with Council's goals and priorities. This Policy applies to discretionary fees and charges set by Council as defined in the Fees and Charges Schedule of the Annual Budget and should be read in conjunction with that document.

Exclusions to the scope of this Policy include:

- Statutory fees, which should only be waived, fully or partially, pursuant to relevant legislation.
- Circumstances in which another Council policy that includes a fee waiver component is more applicable.
- Fines and penalties, which should be referred to existing appeal mechanisms.
- Insurance fees.
- Venue hire bonds.
- Bad debts write off.
- Reversal of incorrectly charged fees.
- Council rates and property charges.

The Policy applies to any not-for-profit organisation, incorporated association, or unincorporated community group that provides a community benefit to the residents of the Shire and wishes to apply to have a fee and/or charge waived or reduced. Fee waivers and reductions may also be considered at the CEO's discretion in exceptional circumstances, including but not limited to, those experiencing family violence and those impacted by natural disasters and extreme weather events.

The Policy outlines clear approval processes for such requests, ensuring that facilities and services are utilised in the best interest of our community.

Councillor Interaction with Developers Policy

This policy was adopted in 2023 to increase the transparency and integrity of planning and property development decisions in Hindmarsh Shire. A minor amendment has been made to better provide for privacy requirements under *the Privacy and Data Protection Act 2014* as they relate to the public register published under the Policy. The following text has been inserted under section 4.9:

“In order to comply with the Privacy and Data Protection Act 2014, the names of the parties to an interaction (other than Councillors) will not be released and will instead be substituted with a descriptor to enable the reader to understand the relationship of the third party to Council. For example, the parties may be described as “the landowner of 1234 Wombat Crescent and a Director of XYZ Planning Consultants” rather than using the individual’s names. Names of businesses or organisations will be provided where appropriate.”

The adoption of the Policy will clearly set out how Councillors should interact with developers as well as create the ground rules for interactions, help with transparency and manage community expectations. It is recommended that Council adopt the Policy with the minor amendment.

Options:

1. Council can endorse the draft Fee Waiver and Reduction Policy for community consultation for the period 30 May 2024 to 13 June 2024 and adopt the amended Councillor Interaction with Developers Policy.
2. Council can choose to amend the draft Fee Waiver and Reduction Policy prior to endorsement for a community consultation period and/or amend the amended Councillor Interaction with Developers Policy.
3. Council can not endorse the draft Fee Waiver and Reduction Policy for a period of community consultation and/or not endorse the amended Councillor Interaction with Developers Policy, retaining the current Councillor Interaction with Developers Policy.

Link to Council Plan:

A community well informed and engaged.
Strong governance practices.

Financial Implications:

The intention of the Fee Waiver and Reduction Policy is that there would be a negligible impact on revenue forecasts in the adopted Council budget and that it would be applied infrequently. The financial impact of this Policy also extends to lost revenue where services or facilities with discretionary fees are not utilised due to financial barriers.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
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Governance	Currently, Council has no policy or procedure for waiving or reducing fees and this is managed differently in each area of the organisation. This policy resolves a significant risk posed by possible unmanaged reduction requests and approvals, including fraudulent behaviour. The amendments to the Councillor Interaction with Developers Policy ensures Council is supporting the information privacy principles as contained within the <i>Privacy and Data Protection Act 2014</i> .
Community Needs	The Fee Waiver and Reduction Policy supports projects, events and activities that are in the community interest by decreasing barriers to accessing services and facilities contained within Council's discretionary cost-recovery fees and charges model.

Relevant legislation:

Local Government Act 2020

Privacy and Data Protection Act 2014

Community engagement:

The draft Fee Waiver and Reduction Policy will be made available for public submissions in accordance with Council's Community Engagement Policy. The Policy will be made available online and in hardcopy form at Council offices, with the submission period being advertised via Council's e-news, social media, newsletters, website, and physical posters. Council will utilise our new EHQ platform to enable community members to provide feedback.

Gender equality implications:

The policies listed in this report impact the community, however that impact has been determined to not be significant enough to warrant a GIA.

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, Chief Executive Officer

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

Author – Petra Croot, Director Corporate and Community Services

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

Communications Strategy:

As per community engagement plan noted above.

Next Steps:

As Above.

RECOMMENDATION:

That Council:

- 1. endorses the draft Fee Waiver and Reduction Policy for a period of community consultation from 30 May 2024 to 13 June 2024; and***
- 2. adopts the amended Councillor Interaction with Developers Policy.***

MOVED: CRS R Ismay/W Bywaters

That Council:

- 1. endorses the draft Fee Waiver and Reduction Policy for a period of community consultation from 30 May 2024 to 13 June 2024; and***
- 2. adopts the amended Councillor Interaction with Developers Policy.***

CARRIED

Attachment Numbers: 12 – 13

Cr B Ireland declared a conflict and left the room at 3:43pm.

10.4 NATIONAL GENERAL ASSEMBLY OF THE LOCAL GOVERNMENT ASSOCIATION

Responsible Officer: Chief Executive Officer

Introduction:

This report seeks approval of expenses for the Mayor to attend the Australian Local Government Association (ALGA) Annual Conference in Canberra from Tuesday 2 July to Friday 5 July 2024.

Discussion:

The National General Assembly of the Local Government is due to be held in Canberra from 2 to 5 July. The theme of the assembly is Building Community Trust with the aim of bringing people together at a grassroots level to work collaboratively for the public good.

The National General Assembly is attended by Council's from across Australia and provides an opportunity for Hindmarsh to network with other Local Government leaders. The program includes an address from the Prime Minister and various keynote speakers.

Council's Councillor Expense Entitlements Policy requires any interstate travel by Councillors be approved by a resolution of Council. At the Statutory Meeting in November 2023 Council nominated the Mayor as the delegate for the Australian Local Government Association.

Options:

1. Council can approve the attendance at the National General Assembly of Local Government from 2 to 5 July 2024 for the Mayor.
2. Council can decide not to send a delegate to the National General Assembly of Local Government from 2 to 5 July 2024.

Link to Council Plan:

Strong governance practices

Financial Implications:

Council budgets annually for costs for the delegate to attend the ALGA in Canberra. Council will incur costs associated with conference registration (\$1,395), airfares (approximately \$449), accommodation (\$1,020) and incidentals for the delegate attending.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	No risk management implications.

Relevant legislation:

Local Government Act 2020

Community engagement:

Not Applicable

Gender equality implications:

A gender impact assessment is not required.

Conflict of Interest:

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

Author & Officer Responsible – Monica Revell, Chief Executive Officer

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

Communications Strategy:

Not Applicable

Next Steps:

Cr Ireland will provide Council with a report regarding the National General Assembly at a future Council meeting.

RECOMMENDATION:

That Council approves costs associated for the Mayor to attend the National General Assembly of Local Government in Canberra from 2 to 5 July 2024 including conference registration, airfares, accommodation and incidentals.

MOVED: R Gersch/M Albrecht

That Council approves costs associated for the Mayor to attend the National General Assembly of Local Government in Canberra from 2 to 5 July 2024 including conference registration, airfares, accommodation and incidentals.

CARRIED

Cr B Ireland returned to the room at 3:45pm.

10.5 MELBOURNE CUP DAY PUBLIC HOLIDAY 2024

Responsible Officer: Chief Executive Officer

Attachment Numbers: 14 – 15

Introduction:

This report outlines the procedure and options for the declaration of substitute public holidays for Melbourne Cup Day 2024.

Discussion:

In 2011, the Victorian Government amended the *Public Holidays Act 1993* to give regional Councils the ability to request alternative local public holiday arrangements in lieu of Melbourne Cup Day. Council need to make the request at least 90 days prior to Melbourne Cup Day.

The Public Holidays Act 1993 section 8A(1) states:

Council may request substitute holiday for Melbourne Cup Day

- (1) A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*
 - (a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and*
 - (b) that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.*
- (2) A request under subsection (1) must—*
 - (a) be made at least 90 days before the Melbourne Cup Day to which the request relates; and*
 - (b) specify the day or 2 half-days of the substituted public holiday; and*
 - (c) specify the reasons for making the request.*
- (3) In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.*
- (4) A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.*

Since 2012, Hindmarsh Shire Council has successfully applied to the Minister for Small Business for substitute public holidays to Melbourne Cup Day for the Rainbow and Nhill agricultural shows, as these are held each year on weekdays. Dimboola and Jeparit districts continued to take Melbourne Cup Day as a public holiday, as their respective agricultural shows fall on a weekend.

The show societies have indicated they are planning to hold agricultural shows in 2024 on the following dates:

Rainbow Tuesday 15 October 2024;
Nhill Thursday 17 October 2024;
Dimboola Saturday 19 October 2024;
Jeparit Sunday 20 October 2024.

The Nhill Show public holiday incorporates the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert.

The Rainbow show public holiday incorporates the localities of Rainbow, Albacutya and Kenmare.

Options:

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November, 5 November 2024;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

Link to Council Plan:

A range of effective and accessible services to support the health and wellbeing of our community.

Facilitating and supporting economic development.

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:

By providing a public holiday for the Rainbow and Nhill Show this will allow community members to attend.

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 Responsible – Monica Revell, Chief Executive Officer

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

Author – Shauna Johnson, Executive Assistant

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

Communications Strategy:

Rainbow and Nhill A&P Societies will be contacted and advertisements will be placed in each of the local papers following approval of the Gazettal by the Minister for Small Business.

Next Steps:

If Council chooses to endorse substituting public holidays' in lieu of Melbourne Cup Day for the Rainbow and Nhill Show Days, Council officers will write to the Minister for Small Business requesting the substitute days to be gazette in the Victorian Government Gazette.

RECOMMENDATION:

That Council writes to the Minister for Small Business expressing a preference for the following:

- 1. a substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 15 October 2024) for the localities of Rainbow, Albacutya and Kenmare within the Shire;*
- 2. a substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 17 October 2024) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and*
- 3. Melbourne Cup Day for the remainder of the Shire.*

MOVED: CRS W Bywaters/R Ismay

That Council writes to the Minister for Small Business expressing a preference for the following:

- 1. a substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 15 October 2024) for the localities of Rainbow, Albacutya and Kenmare within the Shire;*
- 2. a substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 17 October 2024) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and*
- 3. Melbourne Cup Day for the remainder of the Shire.*

CARRIED

Attachment Numbers: 14 – 15

11 COUNCIL COMMITTEES

11.1 ADVISORY COMMITTEES

Responsible Officer: Chief Executive Officer

Attachment Numbers: 16 – 19

Introduction:

The following Hindmarsh Shire Council Advisory Committee held a meeting on the following date:

- **Nhill Township Advisory Committee**
General meetings on 12 March 2024 and 9 April 2024
- **Jeparit Township Advisory Committee**
General meeting on 13 May 2024

A copy of the minutes for each meeting are included as an attachment for the information of Council.

Appointment of New Committee Members:

Alina Rosenthal has submitted a Committee Membership Expression of Interest form to join the Nhill Township Advisory Committee. This has been attached as a confidential attachment for the information of Council.

Next steps:

Advisory Committee Minutes will be published on Council's website and a letter will be sent to Alina with the outcome of their committee membership expression of interest request.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Nhill Township Advisory Committee meetings held on 12 March 2024 and 9 April 2024;***
- 2. notes the minutes of the Jeparit Township Advisory Committee meeting held on 13 May 2024; and***
- 3. endorses Alina Rosenthal as a member of the Nhill Township Advisory Committee.***

MOVED: CRS R Ismay/D Nelson

That Council:

- 1. notes the minutes of the Nhill Township Advisory Committee meetings held on 12 March 2024 and 9 April 2024;***
- 2. notes the minutes of the Jeparit Township Advisory Committee meeting held on 13 May 2024; and***

3. endorses Alina Rosenthal as a member of the Nhill Township Advisory Committee.

CARRIED

Attachment Numbers: 16 – 19

11.2 COMMUNITY ASSET COMMITTEES

Responsible Officer: Chief Executive Officer

Attachment Number: 20

Introduction:

The following Hindmarsh Shire Council Community Asset Committees held meetings on the following dates:

- **Wimmera Mallee Pioneer Museum Community Asset Committee**
General meeting on 16 April 2024

A copy of the minutes for each meeting are included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 16 April 2024.

MOVED: CRS R Ismay/M Albrecht

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 16 April 2024.

CARRIED

Attachment Number: 20

12 LATE REPORTS

No late reports.

13 NOTICES OF MOTION

No notices of motions.

14 OTHER BUSINESS

No 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 part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

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

- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

RECOMMENDATION:

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

16.1 CONTRACT AWARD 2023-2024-28 CONSTRUCTION OF AN AMENITIES BUILDING AT RAINBOW RISES EVENTS CENTRE – 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.

MOVED: CRS R Gersch/M Albrecht

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

16.1 CONTRACT AWARD 2023-2024-28 CONSTRUCTION OF AN AMENITIES BUILDING AT RAINBOW RISES EVENTS CENTRE – 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.

CARRIED

16 LATE CONFIDENTIAL REPORTS

17 RESUMING INTO PUBLIC SESSION

18 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 4:14pm.
