



**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD 22 SEPTEMBER 2021 VIA ZOOM, COMMENCING AT 3:00PM.**

**AGENDA**

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Crs R Ismay (Mayor), M Albrecht (Deputy Mayor), D Nelson, B Ireland, W Bywaters, R Gersch.

**In Attendance:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Shauna Johnson (Executive Assistant), Ms Janette Fritsch (Manager Development) and Ms Helen Thomson (Manager Governance and Human Services).

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**1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER**

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

**2 APOLOGIES**

No apologies.

**3 DECLARATION OF INTERESTS**

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

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

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

No conflicts of interest declared.

**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 8 September 2021 via Zoom as circulated to Councillors be taken as read and confirmed.***

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

***That the Minutes of the Ordinary Council Meeting held on Wednesday 8 September***

**2021 via Zoom 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](mailto:info@hindmarsh.vic.gov.au) or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-amble. Offensive, trivial and repetitive questions or questions, which have been recently answered, may be excluded at the discretion of the Mayor.

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

### **Submissions**

Mark Shearwood spoke to his application for a Planning Permit in item 7.1.

Tom Pintarich spoke as an objector to the Planning Permit Application in item 7.1.

## **6 CORRESPONDENCE**

### **6.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 2 – 5

#### **Introduction:**

The following correspondence is tabled for noting by Council.

#### **Inwards:**

- 07/09/2021 – Ministerial Response RE Local Passenger Train Service between Ararat and Nhill
- 09/09/2021 – Letter from Australian Competition & Consumer Commission RE Domestic Mobile Roaming in Rural and Regional Australia

#### **Outwards:**

- 09/09/2021 – Letter to Minister for Small Business RE Public Holiday Request Melbourne Cup Day 2021
- 15/09/2021 – Letter to Anne Simms RE Rainbow B Double Route

**RECOMMENDATION:**

*That Council notes the attached correspondence.*

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

*That Council notes the attached correspondence.*

**CARRIED**

*Attachment Numbers: 2 – 5*

**7 PLANNING PERMITS**

**7.1 PLANNING PERMIT APPLICATION PA1703-2021 – DEVELOPMENT OF TWO DWELLINGS BESIDE THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE LOT SUBDIVISION AT 10 RUSSELL STREET, NHILL, VIC 3418**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 143500  
**Application No:** PA1703-2021  
**Applicant:** Wendy Azzopardi, Dreamworx Drafting and Design Pty Ltd  
**Owner:** Mark Shearwood  
**Subject land:** 10 Russell Street, Nhill, VIC 3418 (Lot 1 on Title Plan 205474X)  
**Proposal:** Development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three lot subdivision  
**Zoning and Overlays:** General Residential Zone Schedule 1  
Environmental Significance Overlay Schedule 6

- Clause 32.08-3 - Subdivision
- Clause 32.08-6 - Building and Works associated with construction of two dwellings
- Clause 42.01-2 – Subdivision, Construct a fence, vegetation removal

**Attachment Numbers:** 6 – 8

**Summary**

This report recommends that Council approve Planning Permit PA1703-2021 for the development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three lot subdivision at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X), subject to standard conditions.

**Background**

Planning Application PA1703-2021 was lodged with Council on 19 January 2021 for the development of two dwellings beside the existing dwelling and a three lot subdivision. The application was amended on 6 April 2021, 7 May 2021 and 14 May 2021 to amend the application form to include the vegetation removal and the construction of fences with two new dwellings and a three lot subdivision as well as to amend the plans pursuant to Section 50 of the *Planning and Environment Act 1987*.

Following the advertising and the one objection being received, the plans were amended on 14/07/2021 to relocate water tanks and show all existing trees and further amended on 17/08/2021 to remove the existing water tanks pursuant to Section 57B of the *Planning and Environment Act 1987*.

**Proposal**

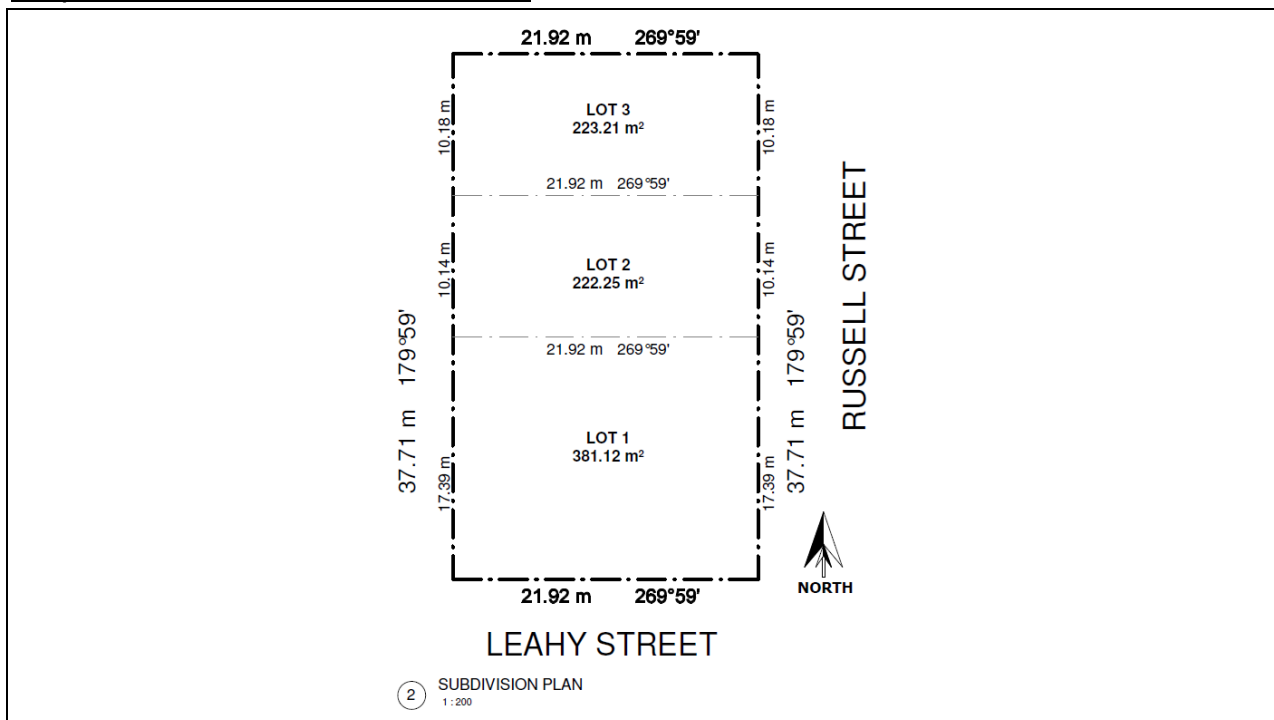
Subdivision

The application proposes the subdivision of the existing 826.58m<sup>2</sup> site into a total of three (3) lots, as follows:

- Lot 1 – 381.12m<sup>2</sup>
- Lot 2 – 222.25m<sup>2</sup>
- Lot 3 – 223.21m<sup>2</sup>

Lot 1 will retain the existing dwelling with a new carport to be constructed fronting Leahy Street. Lots 2 and Lot 3 will both be developed with a single storey dwelling. The lots will be connected to the required services.

Proposed Plan of Subdivision below:



Development

*Lot 1 - Existing dwelling*

The existing single storey dwelling will be retained and the adjoining carport that is accessed from Russell Street will be demolished. A new carport will be constructed fronting Leahy Street. The existing dwelling is set back 1.15 metres from the northern boundary with Lot 2. Vehicle access to the new carport on Lot 1 will be from a double width vehicle crossover from Leahy Street.

*Lot 2 and Lot 3 – New single storey dwelling on both lots*

Lots 2 and 3 will both be developed with a single storey detached dwelling setback 6.0 metres from the front walls of the dwellings to the eastern boundary along Russell Street. The front porches of the dwellings will extend 1.0 metre forward of the front façades to be set back 5.0 metres from the eastern boundary. The two new dwellings will have side setbacks of between zero for the single garages to approximately 1.15 metres or 1.2 metres in between the dwellings and from the northern wall of proposed Unit 2 and the northern boundary.

Both dwellings will be provided with three small bedrooms, an open plan living, kitchen and meals area, bathrooms and laundry and a single garage with a tandem car space in accordance with the car parking requirements of Clause 52.06 Car Parking. Vehicle access to the two new dwellings will be from Russell Street. Council’s Engineers also require that a new double crossover is provided for Lot 1 and new single vehicle crossovers with a minimum width of 3 metres are provided for Lot 2 and Lot 3.

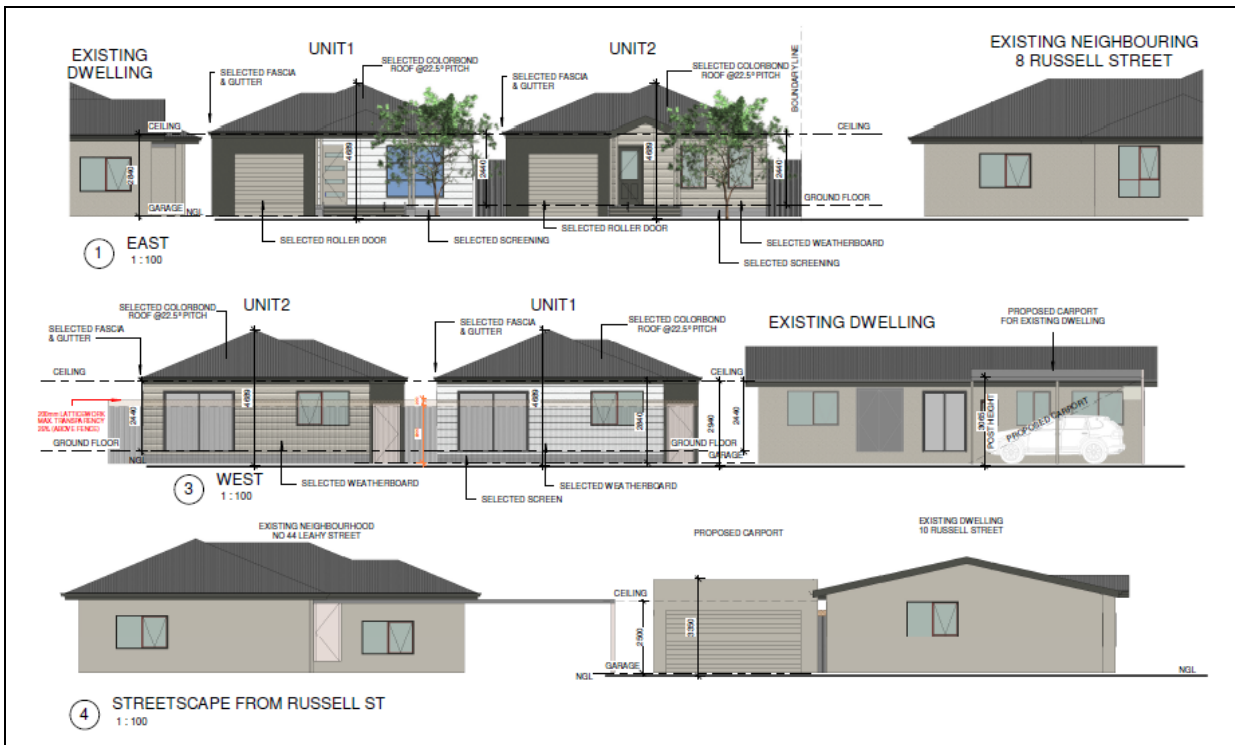
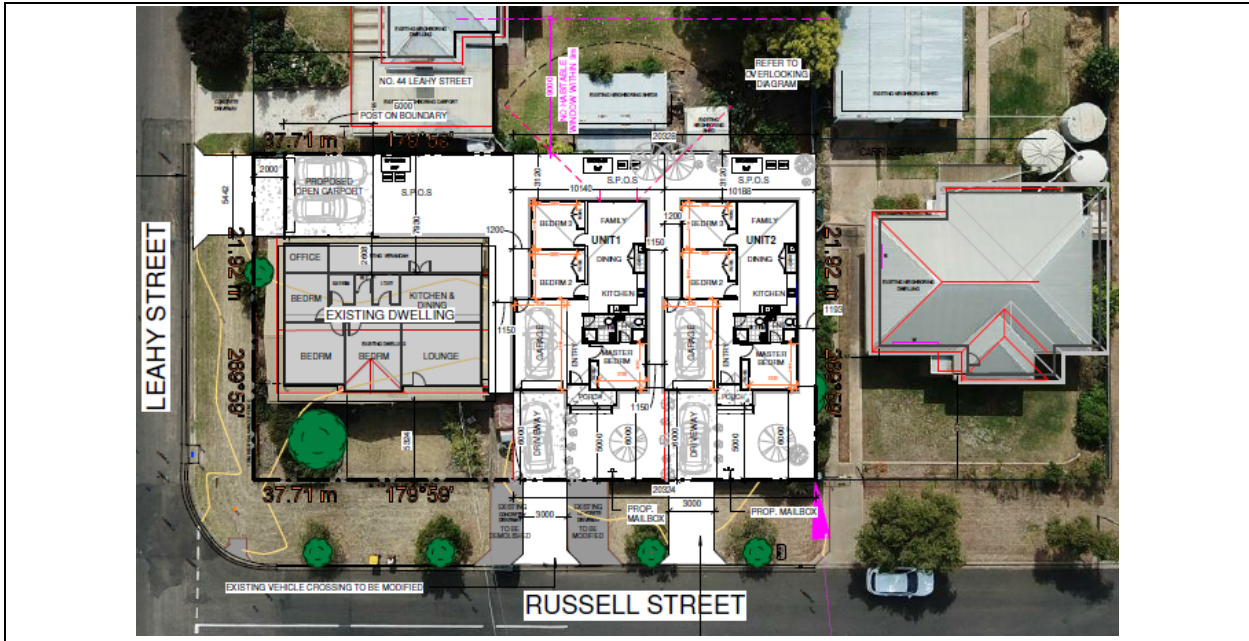
The application proposes the construction of new fences in between the three lots and in between the two new dwellings. There is existing vegetation to also be removed, which consists of seven existing trees on the site.

Demolition Plan (TPO4) showing the existing trees and water tanks to be removed below:

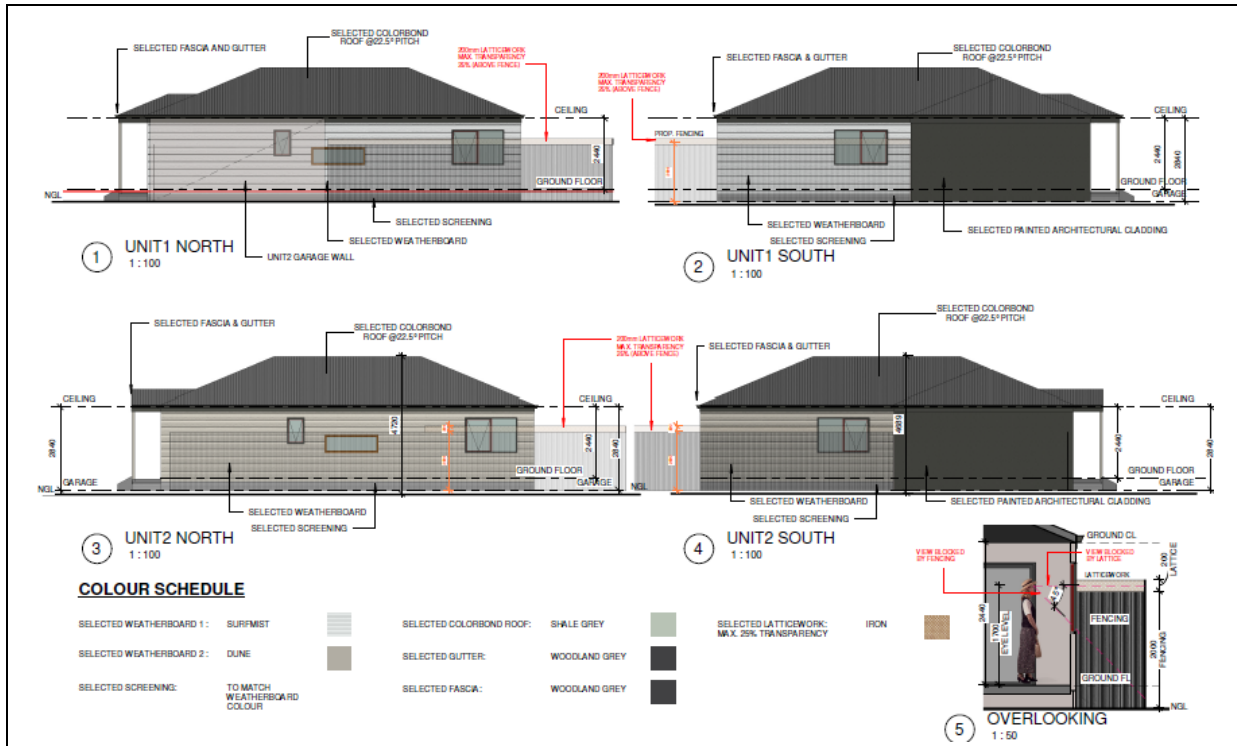


Proposed Ground Floor Plan (TPO6) and Elevations (TPO8 & TPO9) of the dwellings below:









**Requirement for Permit:**

The subject land is located within the General Residential Zone Schedule 1 and the Environmental Significance Overlay Schedule 6.

A planning permit is required to subdivide land under Clause 32.08-3 and to construct two dwellings on a lot under Clause 32.08-6 of the General Residential Zone. A planning permit is also required for vegetation removal and the construction of fences under the Environmental Significance Overlay Schedule 6.

**Subject Site and Locality**

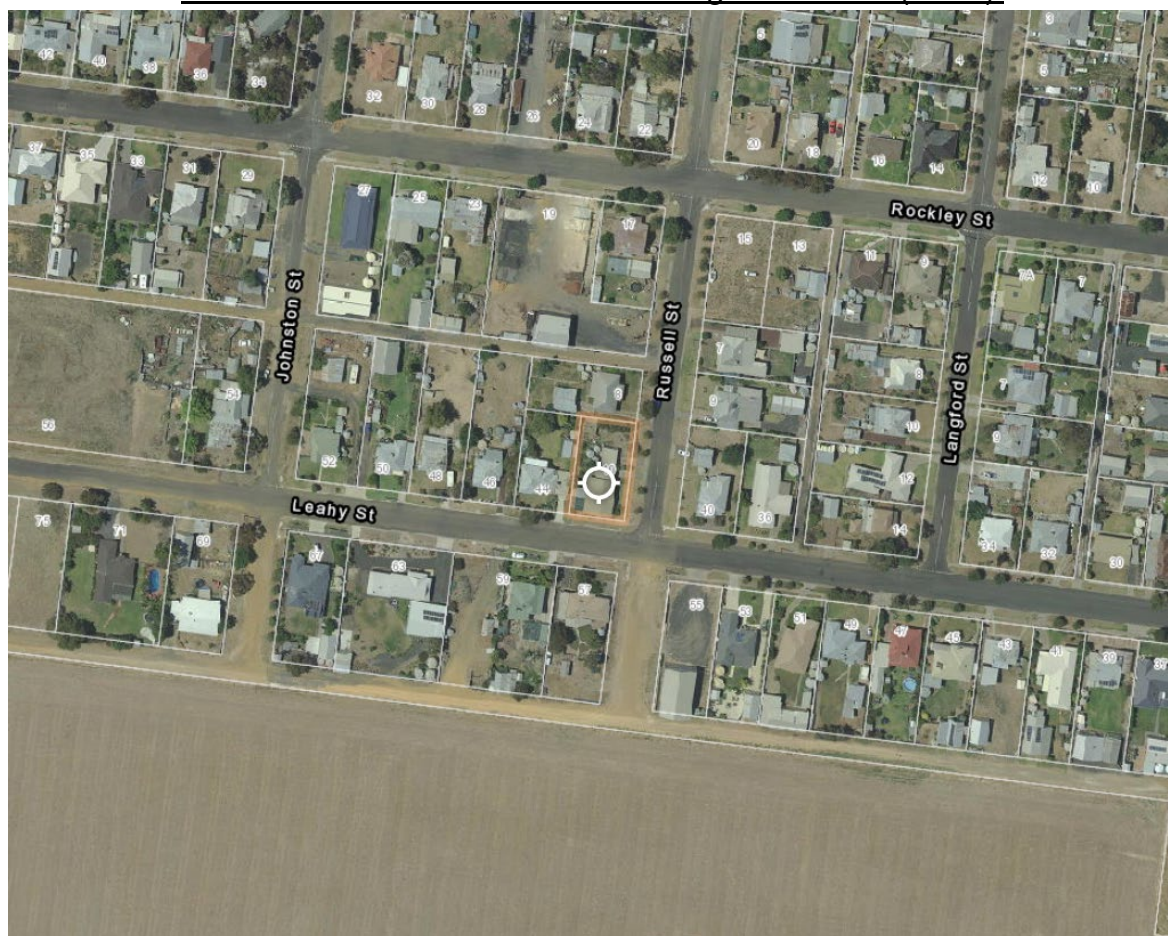
The subject site is located on the western side of Russell Street and the northern side of Leahy Street in Nhill. The site has a total area of approximately 826.58m<sup>2</sup>. The site contains a single storey weatherboard dwelling, a carport, a shade structure, a shed, three water tanks and existing trees. There are no easements on the site, but the adjoining land to the north has a carriageway and entry easement in favour of the site. The site is within an established residential area within Nhill. The commercial centre of Nhill is located approximately 730 metres to the east of the site.

The adjoining property to the north at 8 Russell Street is developed with a single storey weatherboard dwelling and detached garage. There is a carriageway easement and right of entry to sewerage pipes easement on this adjoining property. The easement is in favour of the subject land.

The adjoining property to the west at 44 Leahy Street is developed with a single storey weatherboard dwelling, carport and two sheds. To the east on the opposite side of Russell Street is a single storey detached dwelling and shed. There are a variety of detached

dwellings located on the eastern and western sides of Russell Street and the southern side of Leahy Street on similar sized lots.

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



**Restrictive Covenant or Section 173 Agreement**

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

**Cultural Heritage Management Plan (CHMP)**

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

**Advertising**

**Section 52 Notice of Application**

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two public notices on site, with one sign fronting Russell Street and one sign fronting Leahy Street for a period of 14 days.
- Placing an advertisement in the Nhill Free Press on 26 May 2021.
- The application being made available for public viewing on Council's website.

The notification has been carried out correctly by Council on behalf of the applicant.

Council has received one (1) objection to date from the owner of the adjoining property to the north at 8 Russell Street.

The objection has raised concerns with the proposed development, which have been summarised as follows:

- Impact on neighbourhood character.
- Overdevelopment of the site.
- Loss of privacy through overlooking from Unit 2.
- Vegetation removal of a number of native trees and no proposed trees.
- The external materials may be combustible and cause a fire.
- Potential for overload on existing infrastructure from the development.
- Removal of the existing iron fence for construction of a timber fence is not supported in a termite prone area.
- Water tanks affects useable open space.

The applicant has provided a written response to the objection received. The applicant amended the plans after advertising to clarify the existing trees to be removed, the water tanks to be removed, the screening measures proposed to prevent overlooking and to revise the boundary fencing to be 2.0m high Colorbond fence.

The amended plans were not advertised pursuant to Section 57B of the *Planning and Environment Act 1987* as it was determined that the amendments would not cause material detriment to any person or property.

The objector provided a written response to the amended plans but did not withdraw their objection.

## **Referrals**

### **External Referrals**

#### Section 55

##### Powercor Australia

The application was referred to Powercor Australia who advised:

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

##### GWM Water

The application was referred to GWM Water who advised:

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

##### Wimmera Catchment Management Authority (Wimmera CMA)

The application was referred to WCMA who advised:

- No objection. Note provided about potential flooding larger in height and extent than a 1% AEP flood may occur in the future.

Internal Referrals

The application was referred internally to the following Departments:

Engineering

No objection to the development subject to conditions requiring:

- Proposed new access to Leahy St:
  - A new Double crossover shall be constructed as per IDM- 240 standard and at the location and size to the satisfaction of the Responsible Authority.
- Proposed new access to Unit 1:
  - A new Single crossover shall be constructed as per IDM- 240 standard and at the location and size to the satisfaction of the Responsible Authority.
  - The existing crossovers in Russell St are to be demolished and the nature strip, kerb and channel to be reinstated, to match in with new crossovers to the satisfaction of the Responsible Authority.
- Proposed new access to Unit 2:
  - A new Single crossover shall be constructed as per IDM- 240 standard and at the location and size to the satisfaction of the Responsible Authority.
- Tree removal – the following is required in accordance with the *HSC Street and Reserve Tree Technical Management Guidelines*.
  - Applicant shall be responsible for arranging through Council, the removal of nature strip trees impacted by the proposed construction of the new crossovers in Russell Street, Nhill
  - Applicant to fund the removal cost including stump grinding, compensation costs for lost trees and the cost of supply, planting and 2 years maintenance for replacement trees.
- The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.
- Condition of permit - a Consent to Works within road reserve permit is required prior to construction of each crossover.

**Planning Scheme:**

Planning Scheme Requirements:

**Municipal Planning Strategy (MPS)**

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-2 Environmental and landscape values

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-5 Building Environment and heritage

*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 (PPF)**

Clause 11.01-1S Settlement

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

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

Clause 11.01-1L Settlement – Hindmarsh includes strategies to:

*Retain existing residential zones and promote residential development within these zones*

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

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

Clause 15.01-2S Building Design objective is:

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

Clause 15.01-3S Subdivision design objective is:

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

Clause 15.01-5S Neighbourhood character objective is:

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 16.01-1S Housing Supply

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

Clause 16.01-2S Housing Affordability objective is:

*To deliver more affordable housing closer to jobs, transport and services.*

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

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

Clause 19.03-3S Integrated water management objective is:

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

### Planning Response:

The 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.

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

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

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

#### Clause 32.08-3 Subdivision

##### Permit requirement

A permit is required to subdivide land.

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

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

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

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

##### Permit requirement

A permit is required to:

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

This Clause requires applications under this provision to be assessed against the requirements of Clause 55. The application complies with the provisions of Clause 55 as detailed later in this report.

#### Planning Response:

The application is generally consistent with the Municipal Planning Strategy and Planning Policy Framework as discussed above. 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.

Amended Plans are required as conditions to ensure the details on the plans are consistent and to ensure the design details for boundary fencing, trellis above and crossovers comply with the relevant objectives and standards in Clause 55.

A Section 173 Agreement is required to ensure that the permit holder/owner agrees to construct the proposed development in accordance with the plans endorsed to the permit or alternatively, the approved dwellings are constructed in accordance with the plans endorsed to the permit before the subdivision to be finalised, which can be addressed as conditions.

### **Clause 42.01 Environmental Significance Overlay Schedule 6 (ESO6)**

#### 42.01-2 Permit requirement

A permit is required to:

- Construct a fence if specified in a schedule to this overlay.
- Remove vegetation.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

#### 42.01-5 Decision guidelines

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

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

### **Schedule 6 to the ESO – Catchments of Wetlands Conservation Value**

#### 3.0 Permit requirement (relevant to application)

A permit is required for:

- Vegetation removal
- Construction of a fence that may obstruct the flow of water

A permit is not required for:

- Construction of a building

#### Planning Response:

The demolition plan (TP04), landscape plan (TP011) and proposed site plan (TP05) are not consistent in relation to trees to be removed and retained.

The demolition plan (TPO4) shows the existing vegetation to be removed consists of three trees, including two on the northern boundary and one on the western boundary.

The landscape plan (TP011) shows three trees to be removed consisting of two on the northern boundary and one approximately 7m east of the west boundary.

The proposed site plan (TP05) does not show the retention of the existing tree in the rear secluded open space area for the existing dwelling, which is shown to be retained on the demolition plan (TP04)



An on-site inspection identified five trees on the northern boundary to be removed.

These inconsistencies need to be rectified on the plans to confirm the removal of seven trees.

These trees are not of significant species, and their removal will not affect the primary catchment area for the wetlands of conservation value within the surrounding area of Nhill. The demolition plan and landscape plan both show the retention of two trees adjacent to the front and southern side of the existing dwelling. The landscape plan (TP11) proposes four new trees to be planted in the front and rear gardens of Unit 1 and Unit 2 on the site.

The construction of the fences between the lots and in between the dwellings will not adversely impact on the flow of water into the water catchment within the area. The Wimmera CMA has also advised they have no objections to the proposal. However, notations of the internal boundary fences are required on the proposed site plan (TPO5) as a condition.

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.

### **Particular Provisions**

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

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

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

Table 1: Car parking requirement

<u>Use</u>	<u>Rate</u>	<u>Car Parking Measure</u>
Dwelling	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)

#### Planning Response:

The existing dwelling will have a double carport setback 2.0 metres from the southern boundary to Leahy Street. The two new dwellings, Unit 1 and Unit 2, will have a single garage and an area in front for a tandem car space. The three dwellings will each have the two car spaces required to comply with this Clause.

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

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage

of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

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

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

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

Planning Response:

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

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

The application has been assessed against the requirements of Clause 55 and complies with the objectives and standards of the relevant Clauses. The key standards and objectives are discussed below.

Clause 55.02 Neighbourhood character and Infrastructure

- The existing single storey detached weatherboard dwelling will be retained. The two single storey weatherboard dwellings will be located to the north of the existing dwelling. The two new dwellings will be oriented towards Russell Street. The new dwellings will be setback a minimum of 5.0 metres for the porches and 6.0 metres for the front walls from Russell Street.
- The proposal introduces a more intensive type of medium density residential development with smaller building footprint and less spacing between the dwellings than the established dwellings in the neighbourhood. However, the design details of the new dwellings, which consists of weatherboard type 'Weathertex' cladding and Colorbond hipped roof forms, will respect the scale and design of surrounding dwellings and respect the character of the area to comply with Standard B1 and the objectives in Clause 55.02-1.
- The development will satisfy residential planning policy and will contribute to a medium density housing opportunities for increased housing availability within Nhill in accordance with Standard B2 and the objective in Clause 55.02-2.

- The development will be provided with the required utility services and infrastructure will be connected to the dwellings in accordance with conditions of the relevant service authorities. It is noted that the water and sewer servicing authority, GWM Water, has advised they have no objections to the development subject to a number of conditions being met, which will be included as conditions on any decision.
- The three dwellings will all be orientated to Russell Street. The two new dwellings will introduce a built form into the street that is of a higher density than the adjoining dwellings, however, the dwellings will satisfactorily integrate with the street to comply with Standard B5 and the objective in Clause 55.02-5.
- The proposal therefore satisfies the relevant standards and the objectives of this Clause.

#### Clause 55.03 Site Layout and Building Massing

- The proposed dwellings will have front setbacks of 6.0 metres that are consistent with the front setback of the front wall of the existing dwelling. The 2.0 metre side setback of the double carport will match the side setback of the existing dwelling and will be acceptable in the streetscape. Although the new dwellings will have lesser side setbacks and a smaller building footprint than the existing dwelling, the built form will have a similar building scale and heights as the existing dwelling. The front setbacks of the new dwellings will be appropriately landscaped. The landscape plan shows new planting of trees and shrubs for landscaping on the site. The proposal therefore satisfies the objective in Clause 55.03-1.
- The building height of the two new dwellings will be similar in height to the existing dwelling and will respect the neighbourhood character in accordance with Standard B7 and the objective in Clause 55.03-2.
- The applicant has calculated the site coverage of the buildings on the site to be approximately 46.2%, which is less than the maximum 60% in Standard B8. Although the site coverage for the area for the two new dwellings will be higher than the existing dwelling and the adjoining dwellings, the visual bulk of the new development will be acceptable in the neighbourhood and will comply with the objective in Clause 55.03-3.
- The applicant has calculated the permeability of the development as approximately 43.1%, which is higher than the required 20% in Standard B9. The landscape plan (TP11) shows the area for the two new dwellings will have less permeability than the overall site average due to the smaller lot areas and the extent of concrete and lilydale toppings for the two new dwellings. The existing water tanks have been removed from the plans to allow for more useable secluded open space areas, which will reduce the on-site capacity for stormwater retention and reuse. The stormwater runoff from the dwellings will need to be designed to discharge to Council's drainage system in accordance with the Legal Point of Discharge. The plans comply with the objective in Clause 55.03-4.
- The living area windows of the two new dwellings face north for solar access, however the living areas and private space areas are located on the west side of the site. The layout of the development makes some use of daylight and solar access, although it is less than ideal in terms of overall energy efficiency. The proposal will not adversely

impact on solar access to existing habitable room windows of dwellings on the neighbouring properties.

- The landscaping proposed on the landscape plan (TP11) will respect the landscape character of the neighbourhood to comply with Standard B13 and the objective in Clause 55.03-8.
- The vehicle access to the three dwellings will require a double crossover for the double carport of the existing dwelling and single crossovers for each of the two new dwellings. There are currently two existing crossovers on Russell Street and no crossovers on Leahy Street. Although the development will result in one additional crossover, this is acceptable and respects the neighbourhood character. The access will be constructed to Council design requirements of the IDM and will comply with Standard B14 and the objective in Clause 55.03-9.
- The location of parking for all three dwellings will be convenient and will protect residents from vehicular noise within the development and will comply with Standard B15 and the objective in Clause 55.03-10.

#### Clause 55.04 Amenity Impacts

- The proposed side and rear setbacks of the two new single storey dwellings will have adequate separation from the side and rear boundaries to ensure the height and setbacks respect neighbourhood character and limit adverse amenity impacts on the adjoining dwellings. The setbacks will comply with Standard B17 and the objective in Clause 55.04-1.
- The proposed single garages of Units 1 and 2 each have a wall that will be located on the new lot boundaries between Lots 1 and 2 and between Lots 2 and 3 on the site. There are no walls proposed on the external boundaries of the site. The location, length and height of the two walls will not impact on the amenity of existing dwelling on Lot 1 and the adjoining dwellings to the north and west and complies with Standard B18 and the objective in Clause 55.04-2.
- The layout of the two new dwellings will allow adequate daylight into existing habitable room windows in accordance with Standard B19 and the objective in Clause 55.04-3.
- The siting of the buildings will ensure that any overshadowing is within the prescribed limits in Standard B21. The new buildings do not significantly overshadow existing secluded open space to meet the objective in Clause 55.04-5.
- There are limited views from the habitable room windows of the existing dwelling and the two new dwellings within 9 metres of the habitable room windows and secluded open space areas of the adjoining property to the west (44 Leahy Street) due to the location of two existing sheds adjacent to the western boundary. There is some potential for views from the habitable room windows of proposed Unit 2 within 9 metres of habitable room windows and secluded open space areas of the adjoining property to the north (8 Russell Street).
- The elevations (TP08 & TP09) show there will be 2.0 metre high Colorbond boundary fences and 200m trellis screen above to achieve a 1.7m screen above floor level to prevent overlooking from the rear verandah and the family room of Unit 2 into the habitable room windows and secluded open space of the adjoining property to the north (8 Russell Street). The site plan (TPO5) and landscape plan (TP11) show a 1.8

metre high Galvanised boundary fence along the western and northern boundaries of the site. These inconsistencies need to be rectified on the plans to confirm the 2.0m height of the new Colorbond boundary fences and trellis screen required to comply with Standard B22 and the objective in Clause 55.04-6.

- The elevations (TP08 & TP09) show details of the internal boundary fences to prevent internal views between the existing and proposed dwellings on the site. The site plan (TP05) also needs to show the same details to ensure there is a 1.7m screen above floor level to prevent internal overlooking to comply with Standard B23 and the objective in Clause 55.04-7.

#### Clause 55.05 On Site Amenity and Facilities

- The three dwellings will have entries that should be easily made accessible for people with limited mobility. The dwellings are all oriented toward and have visible front entries from Russell Street. The proposal will comply with Standards B25 and B26 and the objectives in Clauses 55.01-1 and 55.05-2.
- Private open space will be located at the rear of each dwelling and faces west. The existing dwelling will have approximately 56.39m<sup>2</sup> of secluded open space that has a minimum dimension of 5 metres and a front and side open space area of approximately 140m<sup>2</sup>, which is a total of 196.39m<sup>2</sup>. Unit 1 will have approximately 31.6m<sup>2</sup> of secluded open space that has a minimum dimension of 3 metres and a front open space area of approximately 36m<sup>2</sup>, which is a total of 67.6m<sup>2</sup>. Unit 2 will have approximately 31.7m<sup>2</sup> of secluded open space that has a minimum dimension of 3 metres and a front open space area of approximately 37m<sup>2</sup>, which is a total of 68.7m<sup>2</sup>. The provision of open space complies with the minimum of 25m<sup>2</sup> secluded open space and 40m<sup>2</sup> overall to meet Standard B28 and the objective in Clause 55.05-4.
- The living areas of the dwellings will generally have a north-western orientation. Proposed Unit 1 and Unit 2 will have north and west facing living areas, which results in acceptable northern orientation for the dwellings. The west facing secluded open space areas of the two new dwellings are likely to require some shading measures due to the dwellings not having eaves. The site layout and solar access is acceptable on balance due to the north to south orientation of the site and generally satisfies the objective in Clause 55.05-5.
- External storage sheds of 6m<sup>3</sup> are provided for each dwelling in the rear private open space areas. Bin storage areas and letterbox areas are also detailed on the plans. There will be adequate storage facilities for each dwelling to comply with Standard B30 and the objective in Clause 55.05-6.

#### Clause 55.06 Detailed Design

- The design detail of the two new dwellings and the carport for the existing dwelling will comprise single storey detached building forms, hipped roof forms, façade articulation and window and door proportions that will be in keeping with the prevailing character of dwellings in the area. Although the proposal will result in a higher density than the surrounding development, the design and scale will be adequately respectful of the existing neighbourhood character to comply with Standard B31 and the objective in Clause 55.06-1.

- The site services required for the existing dwellings and two new dwellings will be provided on site and includes spaces for bin and recycling storage areas and mailboxes. The provision of services will satisfy Standard B34 and the objective in Clause 55.06-4.

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

The application has been assessed against the requirements of Clause 56 and complies with the relevant objectives and standards of the Clause. The key standards and objectives are discussed below.

The subdivision will generally respect the existing neighbourhood character (Standard C6) and is consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The subdivision achieves a higher lot diversity for the overall area in compliance with Standard C7 (Lot diversity and distribution). All lots are oriented towards the street to comply with Standard C10 (Street orientation).

The new crossovers for access to the lots from Leahy Street and Russell Street will need to be constructed to IDM-240 standard to comply with Standard C21. The new crossovers must be constructed before the issue of a Statement of Compliance or before the occupation of the dwellings in accordance with Council's design standards. The construction of the crossovers to Council's design standards will be addressed as conditions.

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

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

### **General Provisions**

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

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

#### Clause 65.01 Approval of an application or plan (relevant to the application)

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 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.*

Clause 65.02 Approval of an application to subdivide land

Before deciding on an application or approval of a plan, the Responsible Authority must consider, 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 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.*

Planning Response:

The application complies with the relevant decision guidelines as outlined above. The proposal will allow for medium density infill development of the site for residential purposes and the associated subdivision of the lots. The proposal complies with the Municipal Planning Strategy and Planning Policy Framework.



The two new dwellings will increase the diversity of housing stock in Nhill. The proposed development and subdivision will result in a noticeable change and increase to the density of the site, but this will not unreasonably impact on the environment and will not adversely impact on the amenity of the area subject to conditions. The proposal will facilitate the orderly planning of the area.

The subdivision and the area and dimension of the lots to be created are small when compared to the area and dimension of the adjacent lots. However, the subdivision is regarded as an appropriate planning outcome as it will be linked to the proposed development, which will be controlled by a condition requiring a Section 173 Agreement. The density of the proposed development is acceptable on balance within this residential area in Nhill. The subdivision will be connected to the required services, which will be included as conditions.

### **Response to Objection**

The Objector has raised concerns about the proposal, which centre on issues of neighbourhood character, overdevelopment and density, infrastructure, loss of privacy, vegetation removal and lack of replanting of trees and design details. In response to the concerns raised, the following comments are provided:

#### Neighbourhood Character

- The proposal for medium density housing on the site is a tight development that will result in a higher density and building footprint than generally exists within the surrounding residential area. The single storey scale, bulk and design of the new buildings will generally respect the prevailing single storey design, bulk and scale of the adjoining dwellings within this residential area.

#### Density

- The proposal is acceptable on balance having regard to the need to encourage infill development of medium density housing within established residential areas that adequately respects the built form and prevailing character of the area.

#### Overdevelopment

- The proposal complies with the objectives of Clause 55 and although it introduces a higher density and greater building footprint, the development is not an excessive overdevelopment of the site.

#### Infrastructure

- The required infrastructure will need to be connected to the dwellings and the lots. Specific conditions to upgrade and provide new infrastructure have been required by the servicing authorities including GWM Water, Powercor, the Wimmera CMA and Council's Engineers.

The existing water tanks have been removed to allow the open space areas to be more useable and functional, although this limits the ability for stormwater retention to occur

on site. There are 2.0 metre high Colorbond boundary fences proposed along the north and west boundaries with 200mm trellis screening above to prevent overlooking to the adjoining properties.

Loss of privacy

- The proposed 2.0 metre high Colorbond boundary fences and 200mm trellis screening above along the rear part of the northern boundary will provide a 1.7 metre high screen above floor level which will prevent overlooking from Unit 2 to the habitable room windows and secluded open space within 9 metres on the objector's property to the north. The screening measures proposed will comply with the overlooking standard and objective as discussed in the Clause 55 assessment above.

Vegetation Removal and Replanting

- The proposal includes the removal of seven trees on site. The landscape plan (TP11) shows the planting of four new trees in the front and rear garden areas of the two new dwellings which is acceptable.

Design Details

- The design details of the dwellings incorporate 'Weathertex' cladding for the external walls, which has the appearance of weatherboards and is a well-known building material that would be fire rated to be used for the construction of buildings in Victoria. The Colorbond roof cladding is also a well-known and used building material for the construction of buildings in Victoria. The proposed materials and colour tones for the development will blend in with the prevailing materials and colours of the adjacent dwellings and are appropriate within this residential area as discussed in the Clause 55 assessment above.

**Strategic, Statutory and Procedural Requirements:**

On balance, the proposal is generally consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone and the Environmental Significance Overlay Schedule 2, Clause 52.06, Clause 53.01, Clause 55, Clause 56 and Clause 65 of the Hindmarsh Planning Scheme subject to conditions.

**Report to Council:**

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

**Processing Times:**

19/01/2021	Application lodged
04/02/2021	Fee received
10/02/2021	Further information requested
06/04/2021	Response to further information and amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
04/05/2021	Further information requested

04/05/2021	Response to further information and amended application form and amended plans received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
06/05/2021	Further information requested
12/05/2021	Response to further information
14/05/2021	Written consent from the applicant to amend the application received pursuant to Section 50 of the <i>Planning and Environment Act 1987</i>
20/05/2021	Public Notice instructions sent to applicant - HSC requested to undertake notification on the behalf of the applicant
20/05/2021	Public notification commenced – letters sent
26/05/2021	Public notice – sign erected by Council on site
26/05/2021	Public notice – advertisement in the Nhill Free Press
27/05/2021	External referral to WCMA and Internal referrals to Engineering and Building sent
01/06/2021	Objection received
01/06/2021	Response to internal referrals received
03/06/2021	External referrals to GWM Water and Powercor sent
04/06/2021	Response from Powercor received
10/06/2021	Advertising period ends
11/06/2021	Response from GWM Water received
11/06/2021	Advertising fee paid to Council
22/06/2021	Response from WCMA received, thus all external and internal referrals received
14/07/2021	Amended plans received
17/08/2021	Amended plans received
22/09/2021	Presented to Council for approval

The report is being presented to Council for approval at the meeting held 22 September 2021 (36 statutory days).

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

**Link to Council Plan:**

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

**Financial Implications:**

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

**Risk Management Implications:**

There may be risks to be managed by Council if a Notice of Decision to Grant a Planning Permit is issued, and an appeal is lodged by the objector with VCAT.

**Conflict of Interest:**

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

**Communications Strategy:**

Advise the applicant of the Council's decision.

**Next Steps:**

Issue a Notice of Decision to Grant a Planning Permit if approved by Council.

**RECOMMENDATION:**

***That a Notice of Decision to Grant a Planning Permit PA1703-2021 be issued, to allow the Development of two dwellings at the rear of the existing dwelling, vegetation removal, construction of fences and a three lot subdivision at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X), subject to the following conditions:***

**Amended Plans**

- 1. Before the commencement of the development, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but amended to show:***
  - a) An amended Demolition Plan (TP04), Landscape Plan (TP11) and Proposed site Plan (TP05) to show notations for:***
    - i) The seven trees to be removed.***
  - b) An amended Proposed Site Plan (TP05) to show notations for:***
    - i) The proposed 2.0m high Colorbond boundary fences along the north and west boundaries and remove the references to the existing 1.8m high galvanised fences.***
    - ii) The location of the 2.0m high Colorbond internal boundary fences and 200mm trellis screen in between the three dwellings.***
    - iii) The existing concrete driveway areas on Russell Street to be reinstated to kerb and channel and nature strip.***
  - c) An amended Proposed Ground Floor Plan (TPO6) to show notations for:***
    - i) The existing concrete driveway areas on Russell Street to be reinstated to kerb and channel and nature strip.***

- d) **An amended West Elevation (TPO8) to show notations for:**
  - i) **The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.**
- e) **An amended Streetscape (TPO8) to refer to Leahy Street (not Russell Street).**
- f) **An amended North Elevation (TPO9) to show notations for:**
  - i) **The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.**
  - ii) **The colour schedule to include the proposed 2.0m high Colorbond boundary fence.**
- g) **An amended Landscape Plan (TP11) to show notations for:**
  - i) **The proposed 2.0m high boundary fences along the north and west boundaries and remove the references to the existing 1.8m high galvanised fences.**
  - ii) **The two existing street trees adjacent to the new crossovers to Unit 1 and Unit 2 to be removed and replaced with two new street trees to the siting requirements of Council.**

#### **Endorsed Plans**

- 2. **The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.**
- 3. **The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.**

#### **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:**
  - a) **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:**
    - i) **The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1703-2021.**

**The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.**

**OR**

- b) *Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1703-2021 and an occupancy permit has been issued.*

**General Requirements**

5. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
6. *All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.*
7. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
8. *The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.*

**Landscaping**

9. *Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.*
10. *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.*

**Waste management**

11. *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.*

**Engineering Conditions**

**Access/Vehicle Crossovers**

12. *Before the occupation of the dwellings approved by this permit, new crossovers must be constructed to each lot from Leahy Street and Russell Street to the satisfaction of the Responsible Authority.*

*In this regard, a double crossover must be constructed for Lot 1 from Leahy Street, a single crossover must be constructed for Lot 2 from Russell Street and a single crossover must be constructed for Lot 3 from Russell Street.*

13. *The crossovers must be constructed as per IDM- 240 standard and at a location and of a size to the satisfaction of the Responsible Authority.*
14. *Before the occupation of the dwellings approved by this permit, the existing crossovers in Russell St must be demolished and the nature strip, kerb and*

*channel must be reinstated, to match in with new crossovers to the satisfaction of the Responsible Authority.*

- 15. The vehicle crossovers must be removed and constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

#### **Street Trees**

- 16. In accordance with the HSC Street and Reserve Tree Technical Guidelines the Applicant must:**

- **Be responsible for arranging through Council, the removal of nature strip trees impacted by the construction of the proposed new crossovers in Russell Street, Nhill;**
- **Fund the removal cost including stump grinding, compensation costs for lost trees and the cost of supply, planting and 2 years maintenance for replacement trees;**

**all to the satisfaction of the Responsible Authority.**

#### **Drainage**

- 17. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) to the eastern side of the property to the kerb and channel in the Russell Street road reserve to the satisfaction of the Responsible Authority.**
- 18. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.**

#### **Public Open Space Contribution for Subdivision**

- 19. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than seven (7) days before the issue of a Statement of Compliance for the subdivision.**

#### **Mandatory Telecommunications Conditions**

- 20. The owner of the land must enter into an agreement with:**

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



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

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

**Grampians Wimmera Mallee Water Conditions**

- 22. The owner / applicant must provide individually metered water services to each lot in accordance with GWMWater's requirements.**
- 23. The owner / applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWMWater's specifications and requirements.**
- 24. The owner / applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.**
- 25. The owner / applicant must disconnect the existing sewer for the existing house on the property and reconnect to a new point constructed within the new lot boundary.**
- 26. The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.**
- 27. The owner/applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.**
- 28. The owner/applicant must provide three metre wide easements in favour of GWMWater over all existing and proposed sewers located within private land.**
- 29. The owner/applicant must provide written notification of commencement of the works to enable GWMWater to organise inspections and coordinate with its staff.**
- 30. The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWMWater standards. This includes compaction and air pressure testing as directed by GWMWater.**
- 31. The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all water and sewerage works upon completion.**
- 32. The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.**

33. *The owner / applicant must provide GWMWater with an updated drainage plan for each lot submitted by a qualified plumber.*
34. *The owner / applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GWMWater's standards.*

**Powercor Australia Conditions**

35. *The letter dated 4 June 2021 shall be supplied to the applicant in its entirety.*
36. *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.*
37. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards.*  
*Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.*
38. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*  
*Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.*

**Development Expiry**

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

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

**Subdivision Expiry**

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

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

**Notes:**

***Building***

- This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- A Building Permit will be required for fencing including any trellis above 2m.

***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***

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

***Powercor***

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

***Wimmera CMA***

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00115 in your correspondence with us.

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

***That a Notice of Decision to Grant a Planning Permit PA1703-2021 be issued, to allow the Development of two dwellings at the rear of the existing dwelling, vegetation***

**removal, construction of fences and a three lot subdivision at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X), subject to the following conditions:**

**Amended Plans**

- 1. Before the commencement of the development, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but amended to show:**
  - a) An amended Demolition Plan (TP04), Landscape Plan (TP11) and Proposed site Plan (TP05) to show notations for:**
    - i) The seven trees to be removed.**
  - b) An amended Proposed Site Plan (TP05) to show notations for:**
    - i) The proposed 2.0m high Colorbond boundary fences along the north and west boundaries and remove the references to the existing 1.8m high galvanised fences.**
    - ii) The location of the 2.0m high Colorbond internal boundary fences and 200mm trellis screen in between the three dwellings.**
    - iii) The existing concrete driveway areas on Russell Street to be reinstated to kerb and channel and nature strip.**
  - c) An amended Proposed Ground Floor Plan (TPO6) to show notations for:**
    - i) The existing concrete driveway areas on Russell Street to be reinstated to kerb and channel and nature strip.**
  - d) An amended West Elevation (TPO8) to show notations for:**
    - i) The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.**
  - e) An amended Streetscape (TPO8) to refer to Leahy Street (not Russell Street).**
  - f) An amended North Elevation (TPO9) to show notations for:**
    - i) The 0.5m height difference between the natural ground level and the finished floor level of Unit 1 and Unit 2.**
    - ii) The colour schedule to include the proposed 2.0m high Colorbond boundary fence.**
  - g) An amended Landscape Plan (TP11) to show notations for:**
    - i) The proposed 2.0m high boundary fences along the north and west boundaries and remove the references to the existing 1.8m high galvanised fences.**
    - ii) The two existing street trees adjacent to the new crossovers to Unit 1 and Unit 2 to be removed and replaced with two new street trees to the siting requirements of Council.**

**Endorsed Plans**

- 2. The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or**

**statutory rule or local law or any other reason without the written consent of the Responsible Authority.**

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

**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:**

- a) 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:**
- i) The development of the lots will be constructed in accordance with the plans endorsed to Planning Permit PA1703-2021.**

**The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.**

**OR**

- b) Provide evidence to the responsible authority that the approved dwellings have been constructed in accordance with the plans endorsed to Planning Permit PA1703-2021 and an occupancy permit has been issued.**

**General Requirements**

- 5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
- 6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 8. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.**

**Landscaping**

- 9. Before the occupation of the dwellings approved by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.**

**10. 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.**

**Waste management**

**11. 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.**

**Engineering Conditions**

**Access/Vehicle Crossovers**

**12. Before the occupation of the dwellings approved by this permit, new crossovers must be constructed to each lot from Leahy Street and Russell Street to the satisfaction of the Responsible Authority.**

*In this regard, a double crossover must be constructed for Lot 1 from Leahy Street, a single crossover must be constructed for Lot 2 from Russell Street and a single crossover must be constructed for Lot 3 from Russell Street.*

**13. The crossovers must be constructed as per IDM- 240 standard and at a location and of a size to the satisfaction of the Responsible Authority.**

**14. Before the occupation of the dwellings approved by this permit, the existing crossovers in Russell St must be demolished and the nature strip, kerb and channel must be reinstated, to match in with new crossovers to the satisfaction of the Responsible Authority.**

**15. The vehicle crossovers must be removed and constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

**Street Trees**

**16. In accordance with the HSC Street and Reserve Tree Technical Guidelines the Applicant must:**

- **Be responsible for arranging through Council, the removal of nature strip trees impacted by the construction of the proposed new crossovers in Russell Street, Nhill;**
- **Fund the removal cost including stump grinding, compensation costs for lost trees and the cost of supply, planting and 2 years maintenance for replacement trees;**

**all to the satisfaction of the Responsible Authority.**

**Drainage**

**17. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) to the eastern side of the property to the kerb and channel in the Russell Street road reserve to the satisfaction of the Responsible Authority.**

**18. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.**

**Public Open Space Contribution for Subdivision**

**19. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay a Public Open Space Contribution to the Responsible Authority of 5% of the site value. Such payment will satisfy in full any Public Open Space requirement under the Planning Scheme. The payment must be made no less than seven (7) days before the issue of a Statement of Compliance for the subdivision.**

**Mandatory Telecommunications Conditions**

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

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

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

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

**Grampians Wimmera Mallee Water Conditions**

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

**23. The owner / applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GMMWater's specifications and requirements.**

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



25. *The owner / applicant must disconnect the existing sewer for the existing house on the property and reconnect to a new point constructed within the new lot boundary.*
26. *The owner / applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWMWater's approval.*
27. *The owner/applicant must pay to GWMWater a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWMWater's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.*
28. *The owner/applicant must provide three metre wide easements in favour of GWMWater over all existing and proposed sewers located within private land.*
29. *The owner/applicant must provide written notification of commencement of the works to enable GWMWater to organise inspections and coordinate with its staff.*
30. *The owner/applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWMWater standards. This includes compaction and air pressure testing as directed by GWMWater.*
31. *The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWMWater's asset register for all water and sewerage works upon completion.*
32. *The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.*
33. *The owner / applicant must provide GWMWater with an updated drainage plan for each lot submitted by a qualified plumber.*
34. *The owner / applicant must ensure any existing water or sewer services and GWMWater assets made redundant by this development are abandoned, at the owner's cost, in accordance with GWMWater's standards.*

#### **Powercor Australia Conditions**

35. *The letter dated 4 June 2021 shall be supplied to the applicant in its entirety.*
36. *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.*
37. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards.*  
*Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.*
38. *The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*  
*Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.*

#### **Development Expiry**

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

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

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

**Subdivision Expiry**

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

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

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

**Notes:**

**Building**

- This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- A Building Permit will be required for fencing including any trellis above 2m.

**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**

- Legal Point of Discharge (LPD) can be applied for with the dwellings building permit application.
- A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.
- Standard designs / drawings of vehicle crossings can be obtained from Council's Engineering Department.
- Any proposed crossover shall have satisfactory clearance to any side entry pit, power or telecommunications pole, manhole cover or street tree. Any relocation, alteration or

replacement required shall be in accordance with the requirements of the relevant authority and shall be at the permit holder's expense.

- Street trees must be removed and/or replaced in accordance with Council's Street and Reserve Tree Technical Guidelines.

#### **Powercor**

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

#### **Wimmera CMA**

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00115 in your correspondence with us.

#### **CARRIED**

*Attachment Numbers: 6 – 8*

## **8 REPORTS REQUIRING A DECISION**

### **8.1 ADVISORY COMMITTEE POLICY**

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

**Attachment Numbers:** 9 – 10

#### **Introduction:**

This report recommends that Council adopts the Advisory Committee Policy that has been developed to assist Council's Advisory Committees.

#### **Discussion**

The Local Government Act 2020 (Act) received royal assent on 24 March 2020 requiring Council's across Victoria to undergo significant changes. One of the changes made to the Act was the exclusion of section 86 Committees. As a result of this change, Council transitioned the four Section 86 Town Committees to Advisory Committees.

The Advisory Committees were established by way of Council Resolution on 19 August 2020, along with a Terms of Reference to govern their functioning.

As the year has gone on and Committees have been able to resume more normal operations following the COVID-19 Pandemic, it has become clear that more guidance and controls

should be put in place to ensure the good governance of Council and increase ease of functioning for the Committees.

Council Officers have prepared an Advisory Committee Policy (Policy) to assist Council and the Committees. The Policy sets out various items pertaining to Advisory Committees including:

- Formation;
- Powers and functions;
- Governance;
- Membership;
- Appointment;
- Conflict of interest;
- Confidential information;
- Media;
- Financial management;
- Fundraising;
- Sponsorship;
- Volunteering;
- Events; and
- Incident reporting.

Council Officers have updated the Terms of Reference to be consistent with the Policy.

The changes include:

- Increasing membership cap to eleven (including Councillor representative).
- Removing the ability for Advisory Committees to establish Sub-Committees, but providing that they can establish a working group for specific projects or events.
- Including reference to the code of conduct provided for in the Policy.
- Membership has been changed from two years to one year.
- Including the process for being appointed to and Advisory Committee in the Terms of Reference.

### **Consultation with Town Committees**

Council officers forwarded the draft Policy to Town Committees on 09 August 2021. We received some detailed feedback and questions from the Jeparit Town Committee which have been taken into account in presenting the final draft Policy to Council.

### **Options:**

1. Council can choose to adopt the Advisory Committee Policy and updated Terms of Reference.
2. Council can choose to amend the Advisory Committee Policy or Terms of Reference and then adopt.
3. Council can choose not to adopt the Advisory Committee Policy and/or updated Terms of Reference.

**Link to Council Plan:**

Strategic Objective 4.6

An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

**Financial Implications:**

Nil.

**Risk Management Implications:**

Advisory committees pose a significant risks to Council including governance risks and liability risks. The Policy and Terms of Reference address the governance risks of Advisory Committees provided the procedures set out are followed by the Committees.

The liability risks that Advisory Committees pose for Council primarily stem from events. Advisory Committees run events on behalf of Council as volunteer of Council, therefore appropriate controls need to be in place to ensure that the event is safe and that Council's insurance would cover any accident or harm. The risks associated with events is addressed by the Policy and the Events Checklist that needs to be completed by Advisory Committees six weeks before running an event. The Events Checklist requires committees to liaise with relevant Council Officers to ensure the correct permits are obtained and requires a risk assessment to be completed.

**Relevant legislation:**

*Local Government Act 2020*

**Community Engagement:**

Council Officers have engaged with the committees in the development of this policy.

**Gender Equality Implications:**

The Policy states that membership should aim to be equitable in gender, diversity and include local indigenous representation wherever possible.

**Confidential Declaration:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Helen Thomson, Manager Governance and Human Services

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

**Communication Strategy:**

Following adoption a copy of the Policy will be provided to the Advisory Committees and officers will work with Committees in its implementation.

**RECOMMENDATION:**

***That Council adopts the Advisory Committee Policy and updated Terms of Reference.***

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

***That Council adopts the Advisory Committee Policy and updated Terms of Reference.***

**CARRIED**

*Attachment Numbers: 9 – 10*

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## **8.2 DOMESTIC ANIMAL MANAGEMENT PLAN**

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

**Attachment Number:** 11

**Introduction:**

This report seeks Council adoption of the Domestic Animal Management Plan 2021-2025 in accordance with the *Domestic Animals Act 1994* following the public submission period.

**Discussion:**

The *Domestic Animals Act 1994* (Act) requires council to prepare a Domestic Animal Management Plan (Plan) every four years. The plan must set out a method for evaluating whether the animal management services provided by council are adequate to give effect to requirements of the Act and the *Domestic Animal Regulations 2015* (Regulations). Council's current Domestic Animal Management Plan was for the period 2017 – 2021.

Council Officers have prepared the Domestic Animal Management Plan 2021 – 2025 in line with the requirements outlined in the Act and the Regulations. The plan was available for inspection and submissions from 05 August 2021 until 06 September 2021. Council did not receive any submissions from the Hindmarsh community in relation to the Domestic Animal Management Plan 2021 – 2025.

The Plan's overarching objectives of the plan are to:

1. Promote and encourage responsible pet ownership in the Hindmarsh Shire Community;
2. Contribute to the health and wellbeing of pets and people in the Hindmarsh Shire Community; and

3. Reduce domestic animal nuisance issues and dog attacks.

The Plan outlines programs for the training of authorised officers along with programs, services and strategies to:

- ensure that people comply with the Act, the regulations and any related legislation;
- minimise the risk of attacks by dogs on people and animals;
- address any over-population and high euthanasia rates for dogs and cats;
- encourage the registration and identification of dogs and cats;
- minimise the potential for dogs and cats to create a nuisance;
- effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations;
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable;
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

**Options:**

1. Council can adopt the Domestic Animal Management Plan 2021 – 2025; or
2. Council can make changes to the Domestic Animal Management Plan 2021 – 2025 and then adopt.

**Link to Council Plan:**

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

**Financial Implications:**

The plan makes commitments to ensuring Council's Local Law Officers have the appropriate training to enable them to safely and competently do their job. These costs are allocated in Council's annual budget for training.

**Risk Management Implications:**

Council's Domestic Animal Management Plan is an important part of the risk management process associated with domestic animals in the Shire. The plan sets out strategies and actions that aim at reducing the risk of issues that domestic animals can cause in the community including:

- overpopulation of cats;
- domestic animal businesses operating outside of the law;
- dog attacks;
- nuisance issues such as barking dogs and dog faeces; and

- threats to native wildlife.

**Relevant legislation:**

*Local Government Act 2020*

*Domestic Animal Management Act 1994*

*Domestic Animal Regulations 2015*

**Community engagement:**

Council Officers have completed the community engagement in accordance with the community engagement plan. Community engagement involved making the draft plan available to community from 05 August 2021 until 6 September 2021 and inviting submissions. Council did not receive any submissions from the community in relation to the Domestic Animal Management Plan 2021 – 2025.

**Gender equality implications:**

A Gender Impact Assessment was undertaken on the plan. The Plan does not include gender stereotypes and uses inclusive non-gendered language.

**Confidential Declaration:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Monica Revell, Director Corporate & Community Services

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

Author – Helen Thomson, Management Governance and Human Services

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

**Communications Strategy:**

Council Officers will make the Plan available on Council's website.

**Next Steps:**

1. Place the adopted Plan on Council's website.
2. Forward the adopted Plan to the Secretary of the Department of Economic Development, Jobs, Transport and Resources.

**RECOMMENDATION:**

***That Council adopts the Domestic Animal Management Plan 2021-2025 in accordance with the Domestic Animal Management Act 1994.***



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

***That Council adopts the Domestic Animal Management Plan 2021-2025 in accordance with the Domestic Animal Management Act 1994.***

**CARRIED**

*Attachment Number: 11*

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### **8.3 BUILDING INSURANCE RECOUPMENTS FOR COMMUNITY GROUPS**

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

**Introduction:**

The purpose of this report is to provide Council an update on 2021/2022 annual insurance recoupments for community groups and organisations who use Council owned facilities and buildings and are generally required to reimburse Council for the cost of the building insurance.

**Discussion:**

Council owns many buildings and facilities throughout the Shire where they are primarily occupied by community groups and organisations. Council often charges a small token amount of rent for the use of the buildings, but requires for the community groups to reimburse Council for the costs of building insurance based on the annual premium.

Council's total premium for building insurance for the 2021/2022 year was \$117,183.91. Council uses a formula to work out the percentage of the premium that a particular building makes up based on the value of the building on the insurance asset register. The total figure that was to be recouped for the 2021/20 year amounted to approximately \$26,000.00.

After several enquiries from community groups who were concerned about being able to afford the invoice and several discussions with the Senior Management Team, the decision was made to not seek reimbursement for building insurance for 2021/22.

The following factors were considered when discussing building insurance for Community Groups and Organisations:

1. The groups have not been able to meet and function as they usually would due to the COVID-19 Pandemic. There has been little to no organised community sport running and therefore there has been limited opportunity for community groups to bring in any substantial revenue.
2. Due to the limited organised community sport and other such activities, the groups have not been occupying the buildings or facilities as they would have done in usual years.

The decision to waive the recoupment costs for 2021/22 financial year will hopefully provide our community groups with some respite from the challenging year that we have all faced.

**Options:**

1. Council can note the report.

**Link to Council Plan:**

Strategic Objective 1.1	An actively engaged community
Strategic Objective 1.3	A community that is physically active with access to a wide range of leisure, sporting and recreation facilities
Strategic Objective 4.6	An organisation that takes its risk management responsibilities seriously

**Financial Implications:**

The reduced income will be noted against COVID-19 Pandemic expenses and savings will be made throughout the year to compensate for this reduced income.

**Risk Management Implications:**

There is some financial risk in waiving the insurance recoupments for the 2021/22 financial year, however, the benefit the decision makes to the Hindmarsh community outweighs the financial risk imposed on Council.

**Relevant legislation:**

N/A

**Community engagement:**

N/A

**Gender equality implications:**

N/A

**Confidential Declaration:**

N/A

**Conflict of Interest:**

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

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

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

**Communications Strategy:**

Community groups will be informed about this decision and a media release will be placed on Council's website.

**Next Steps:**

1. Write to community groups advising them of the decision.
2. Write a media release about the decision and place media release on Council's website.

**RECOMMENDATION:**

***That Council notes the report.***

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

***That Council notes the report.***

**CARRIED**

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#### **8.4 COUNCIL PLAN 2021-2025, INCORPORATING THE HEALTH AND WELLBEING PLAN, AND COMMUNITY VISION 2040**

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

**Attachment Numbers:** 12 – 16

**Introduction:**

The report seeks Council adoption of the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 in accordance with the *Local Government Act 2020*.

**Discussion:**

At the Council meeting held on Wednesday 4 August 2021 Council resolved to approve the draft Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 for the purposes of public consultation.

Under section 90 of the *Local Government Act 2020* council must prepare and adopt a Council Plan for a period of at least the next 4 financial years after the general election. Council is also required under section 88 of the *Local Government Act 2020* to maintain a Community Vision that has been developed with its community for the period of at least the next 10 financial years.

Both the Council Plan and Community Vision are required to be adopted by 31 October 2021.

The Council Plan 2021-2025 incorporates the Community Vision and Public Health and Wellbeing Plan. In developing the Vision, Council Plan and Health and Wellbeing Plan Council has taken into account 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.

Our Vision for Hindmarsh is:

Working together to be a connected, inclusive and prosperous community.

Council will achieve the vision 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.

The Community Vision and Council Plan follows four key themes:

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

The Health and Wellbeing Plan will focus on five key areas:

- Healthy Eating
- Active Living
- Social Connectivity
- Improving Mental Health
- Preventing all forms of violence and injury.

The plan has been prepared as 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.

Following discussions with the Department of Health and Human Services the following changes have been made to allow for approval to allow the Health and Wellbeing Plan to be incorporated into the Council Plan:

- Additional demographics have been included supporting Health and Wellbeing initiatives;
- Additional text has been included in the introduction to the Health and Wellbeing Plan expanding on our work with key stakeholders;
- The word encouraging has been replaced with supporting under the Social Connectivity theme; and
- An additional theme and initiatives have been added focusing on preventing all forms of violence and injury.

The draft Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 was made available for public inspection and the receiving of submissions for the period Monday 9 August 2021 to Friday 10 September 2021. At the

closing of public submissions four submissions were received which were provided to Councillors on 6 September 2021 for consideration and are also attached to the Council agenda.

**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.

**Financial Implications:**

Initiatives and activities within the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, will be contained within the annual budget and long term financial plan.

**Risk Management Implications:**

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 Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 were developed following consultation with the community through an online survey and in person community conversation sessions.

Community conversation sessions included round table discussions where participants were asked to consider and discuss a series of questions with Councillors and staff members.

**Gender equality implications:**

No gender impact assessment is 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, Director Corporate & Community Services  
In providing this advice as the Author & Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

Copies of the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 will be available at Council's Customer Service Centres and on Council's website.

**RECOMMENDATION:**

*That Council having considered submissions*

- 1. Adopts the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 pursuant to the Local Government Act 2020 and Public Health and Wellbeing Act 2008;*
- 2. Gives public notice of the adoption of the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 and makes available for public inspection on Council's website and at Council Customer Service Centres;*
- 3. Authorises officers to notify in writing, each person who has made a formal submission to the draft Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040; and*
- 4. Acknowledges the contribution of submitters to the Council Plan, Community Vision and Health and Wellbeing Plan process, and thanks them for their contribution.*

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

*That Council having considered submissions*

- 1. Adopts the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 pursuant to the Local Government Act 2020 and Public Health and Wellbeing Act 2008;*
- 2. Gives public notice of the adoption of the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 and makes available for public inspection on Council's website and at Council Customer Service Centres;*
- 3. Authorises officers to notify in writing, each person who has made a formal submission to the draft Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040; and*
- 4. Acknowledges the contribution of submitters to the Council Plan, Community Vision and Health and Wellbeing Plan process, and thanks them for their contribution.*

**CARRIED**

Attachment Numbers: 12 – 16

## 8.5 ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2021

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

**Attachment Number:** 17 – 18

### **Introduction:**

The purpose of this report is to provide Council with the audited Annual Financial Statements and Performance Statement for the year ended 30 June 2021 and for Council to adopt the statements pending no material change to the reports presented.

### **Discussion:**

The *Local Government Act 2020* (Act) requires a resolution of Council to adopt the In-Principle Financial Statements and In-Principle Performance Statement. The Act also requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, under Section 99 (2) and (3) of the Act.

The Financial and Performance Statements were prepared in accordance with the requirements of the Act and the applicable accounting standards. Copies of the Statements were provided to Crowe (external auditor acting for the Victorian Auditor-General's Office). The audit of the Statements has now been completed.

The Financial and Performance Statements will be presented to Council's Audit and Risk Committee meeting on Tuesday 21 September 2021 with the recommendation being, pending no material change to the Statements, that Council:

1. Adopts the In-Principle Financial Statements for the year ended 30 June 2021;
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2021;
3. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.

At the time of preparing this report, the Audit and Risk Committee meeting had not been held and the closing letter from the Victorian Auditor-General's Office (VAGO) had not yet been received. Any VAGO correspondence received will be provided as a late addition to this report.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial and Performance Statements for inclusion in Council's Annual Report 2020/21.

The 2020/21 Financial Statements show a comprehensive surplus of \$2.39 million.

Total revenue for the financial year was \$23.00m, a decrease of \$3.66m from the previous financial year. The decrease is largely due to the finalisation of disaster recovery grant during 2019/2020 for flood recovery works.

Total expenditure for the financial year was \$20.60m a decrease of \$1.28m from the previous financial year. The decrease is largely due to the finalisation of the flood recovery expenditure.

At 30 June 2021 Council held \$17.319m cash at bank. This is largely due to a number of grants for the 2021/22 financial year being received prior to 30 June 2021 and a number of capital works projects not being completed during the 2020/21 financial.

Capital works expenditure was \$6.49m for 2020/21, a decrease of \$3.59 from 2019/20. The decrease is due to a number of items of plant not being purchased prior to the end of the financial year and a reduction in expenditure on roads.

**Options:**

Council must comply with its obligations under the *Local Government Act 2020* by passing the resolutions required by Section 99. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or appoint all Councillors to certify with any two Councillors to sign. Once all certifications are received the Annual Report must be forwarded to the minister by 30 September 2021.

**Link to Council Plan:**

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

**Financial Implications:**

There are no financial implications in this process. The statements outline financial performance for the previous year but costs for their production are part of normal operating expenditure.

**Risk Management Implications:**

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Not applicable

**Gender equality implications:**

No gender impact assessment is 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, Director Corporate & Community Services  
In providing this advice as the Author & Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

Following signing of the final form of the Statements, the Statements will be included in Council's Annual Report for 2020/21 as well as being available on Council's website.

**RECOMMENDATION:**

*That, pending no material changes to the Statements, Council:*

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2021; and*
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.*

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

*That, pending no material changes to the Statements, Council:*

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2021; and*
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.*

**CARRIED**

*Attachment Numbers: 17 – 18*

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**9 COUNCIL COMMITTEES**

**9.1 YURUNGA COMMITTEE OF MANAGEMENT**

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

**Attachment Numbers:** 19 – 22

**Introduction:**

The Yurunga Committee of Management held its meeting on 15 July 2021. The purpose of this report is to note the minutes from this meeting along with the Annual and Financial reports that have been provided. A copy of the minutes and reports are included as attachments for the information of Council.

**RECOMMENDATION:**

*That Council notes the:*

1. *minutes of the Yurunga Committee of Management meeting held on 15 July 2021;*
2. *Annual report of the Yurunga Committee of Management for 2021;*
3. *Annual Financial report of the Yurunga Committee of Management for the period 1 July 2020 to 31 August 2021; and*
4. *Annual Financial report balancing sheet for the Yurunga Committee of Management for the period 1 September 2020 to 31 August 2021.*

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

**That Council notes the:**

1. *minutes of the Yurunga Committee of Management meeting held on 15 July 2021;*
2. *Annual report of the Yurunga Committee of Management for 2021;*
3. *Annual Financial report of the Yurunga Committee of Management for the period 1 July 2020 to 31 August 2021; and*
4. *Annual Financial report balancing sheet for the Yurunga Committee of Management for the period 1 September 2020 to 31 August 2021.*

**CARRIED**

*Attachment Numbers: 19 – 22*

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## **9.2 DIMBOOLA TOWN COMMITTEE**

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

### **Introduction:**

The Dimboola Town Committee held its meetings on 6 September 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

### **RECOMMENDATION:**

***That Council notes the minutes of the Dimboola Town Committee meeting held on 6 September 2021.***

**MOVED: CRS W Bywaters/D Nelson**

***That Council notes the minutes of the Dimboola Town Committee meeting held on 6 September 2021.***

**CARRIED**

*Attachment Number: 23*

### 9.3 YANAC HALL AND RECREATION RESERVE COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Numbers:** 24 – 25

**Introduction:**

The purpose of this report is to note the Annual and Financial reports that have been provided by the Yanac Hall and Recreation Reserve Community Asset Committee. A copy of the reports are included as attachments for the information of Council.

**RECOMMENDATION:**

*That Council notes the:*

- 1. Annual report of the Yanac Hall and Recreation Reserve Community Asset Committee for 2021; and*
- 2. Annual Financial report of the Yanac Hall and Recreation Reserve Community Asset Committee for the period 1 July 2020 to 30 June 2021.*

**MOVED: CRS M Albrecht/R Gersch**

*That Council notes the:*

- 1. Annual report of the Yanac Hall and Recreation Reserve Community Asset Committee for 2021; and*
- 2. Annual Financial report of the Yanac Hall and Recreation Reserve Community Asset Committee for the period 1 July 2020 to 30 June 2021.*

**CARRIED**

*Attachment Numbers: 24 – 25*

### 10 LATE REPORTS

No late reports.

### 11 NOTICES OF MOTION

No notices of motion.

### 12 OTHER BUSINESS

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

*That the Council meeting scheduled for 3pm on Wednesday 6 October 2021 be moved to 3pm on Wednesday 20 October 2021.*

**CARRIED**

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**13 CONFIDENTIAL REPORTS**

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

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

No confidential reports.

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**14 MEETING CLOSE**

There being no further business, Cr R Ismay declared the meeting closed at 3:51pm.

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