



9 December 2021

To Councillor,  
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, on Wednesday 15 December 2021 commencing at **3:00pm**.



Greg Wood  
**Chief Executive Officer**

**AGENDA**

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## 1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

### ***Acknowledgement of the Indigenous Community***

*Hindmarsh Shire Council acknowledges that this meeting is being held on the lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and we acknowledge them as Traditional Owners of Country.*

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

### ***Opening Prayer***

*Dear Lord,*

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

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

## 2 APOLOGIES

## 3 DECLARATION OF INTERESTS

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

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

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

## 4 CONFIRMATION OF MINUTES

### **RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 24 November 2021 via Zoom as circulated to Councillors be taken as read and confirmed.***

Attachment Number: 1

## 5 PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email [info@hindmarsh.vic.gov.au](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:

06/12/2021 – Petition Received from Liz Chivell RE Jeparit Railway Bridge

### RECOMMENDATION:

#### *That Council*

- 1. receives the petition; and*
- 2. notes that inaccurate information has been circulated through the media regarding the Jeparit Railway Bridge and the cost of refurbishing the bridge. A report presented to Council recommended a new pedestrian bridge be built close to the current Jeparit Railway Bridge to enable users of the Wimmera River Discovery Trail opportunities to view the bridge while crossing the river. No final decision has been made on how trail users will cross the Wimmera River and Council are awaiting the finalisation of the Cultural Heritage Management Plan before considering options at a future Council meeting.*

Attachment Number: 2

## 6 ACTIVITY REPORTS

### COUNCILLOR ACTIVITIES: NOVEMBER/DECEMBER 2021

#### Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
17/11/2021	Australian Citizenship Ceremony	Nhill	It was a privilege to officiate the Australian Citizenship Ceremony and welcome the new citizens.
17/11/2021	Council Plan	Nhill	

	Setting 2022/2023	Actions	
30/11/2021	Bystander Training – 16 Days of Activism Campaign	Zoom	Anouska Dowling – Griffith University provided training on how to be an active bystander and reminded us that everyone has a role to play in challenging and changing social norms that contribute to abusive behaviours. The training was very interesting and thought provoking.
01/12/2021	What if Hindmarsh Shire Council becomes a COVID- 19 hotspot?	Zoom	These sessions were informative and Hindmarsh Shire businesses should contact Emma Ussing - Business Concierge and Hospitality Support Officer if they have any queries regarding COVID-19 requirements for businesses.
02/12/2021	What if Hindmarsh Shire Council becomes a COVID- 19 hotspot?	Zoom	
06/12/2021	Friends of Albacutya Annual General Meeting	Zoom	
07/12/2021	Wimmera Development Association KPIs	Zoom	The Wimmera Development Association Annual General Meeting will be held on 14 December 2021. The new association will formally end and the new entity will commence at this meeting.

**Cr IRELAND, DEPUTY MAYOR**

Date	Meeting	Location	Comments
17/11/2021	Council plan/budget meeting	Nhill	
24/11/2021	Briefing meeting	Zoom	
24/11/2021	Council meeting	Zoom	
30/11/2021	Bystander training	Zoom	
01/12/2021	COVID briefing (regulations, emergency procedures, implications on business)	Zoom	
04/12/2021	Meeting to receive signed petition at Jeparit railway bridge	Jeparit	

**Cr NELSON**

Date	Meeting	Location	Comments
17/11/2021	WSMLLEN finance committee		
24/11/2021	Briefing meeting	Zoom	
24/11/2021	Council meeting	Zoom	
25/11/2021	WSMLLEN Committee of Management meeting	Zoom	
26/11/2021	Hindmarsh Landcare Network AGM	Horsham	
30/11/2021	Bystander Training	Teams	

02/12/2021	Covid-19 zoom webinar	Zoom	
03/12/2021	International day of people with a disability	Dimboola	
03/12/2021	Christmas town party event	Dimboola	

**Cr BYWATERS**

Date	Meeting	Location	Comments
19/11/2021	White Ribbon morning tea	Central Victorian Group Training (CVGT) Office - Horsham	It was wonderful to see men and women come together to stand against the real threat of violence against women in our community. I would like to see more men, of all ages championing the cause. Men standing up for equality sets a great example for young boys, and girls growing up in our community. It was also good to learn more about CVGT and what they do. I'm at the staff member that keen that comes to the Nhill neighbourhood house/ Learning Centre
24/11/2021	Covid-19 test	Nhill Truck Exchange	over 200 people were tested following the state opening up with vaccination rates over 90% and the first outbreak in our Shire. This was quite scary for some people in our community as we have had no Covid cases at all. I would like to congratulate everybody involved in containing the virus. A huge shout out to all our health professionals, Schools, businesses and our community on a job well done. I would like to make a special mention of WWHS CEO Ritchie Dodds and our Mayor, Cr Melanie Albrecht for their leadership, their open, and honest personal approach to the Covid-19 outbreak in Nhill.
24/11/2021	Council briefing and council meeting	Zoom	
25/11/2021	Wimmera southern Mallee Local learning and employment network	Zoom	
25/11/2021	Covid-19 update West Wimmera Health Service	Teams	
26/11/2021	Hindmarsh visitor information Centre, Volunteer	Nhill	
26/11/2021	Hindmarsh Landcare AGM	Horsham	
30/11/2021	Bystander training, 16 days of activism	Online Teams	This was a great initiative and a lot more needs to be done.

	campaign		
02/12/2021	What if Hindmarsh Shire becomes a COVID-19 hotspot, business information Session	Online	
03/12/2021	Disability BBQ Dimboola Library Visitor node	Dimboola	
03/12/2021	Champagne Late night shopping	Dimboola	
03/12/2021	Dimboola Town Committee, Christmas Party and welcome to new residents	Dimboola Library Visitor Node - Dimboola	
06/12/2021	Dimboola Town Committee	Online	Unfortunately, bad internet connection. Minutes will be in the attachments to the council meeting for the communities' information. Cr Nelson is the new town committee Councillor representative.

**Cr GERSCH**

Date	Meeting	Location	Comments
19/11/2021	NWMA meeting		
24/11/2021	Council meeting		
29/11/2021	Remuneration tribunal re allowances		
30/11/2021	WWHS annual meeting		
30/11/2021	Shire equal quality forum		
02/12/2021	Shire update COVID		
03/12/2021	Shire disability day at Dimboola		

**Cr ISMAY**

Date	Meeting	Location	Comments
17/11/2021	Council Planning Meeting		
24/11/2021	Council Briefing Meeting	Zoom	
24/11/2021	Council meeting	Zoom	
04/12/2021	Meeting with Jeparit residents Re: Rail Bridge	Jeparit	

**7 CORRESPONDENCE**

**7.1 GENERAL CORRESPONDENCE**

No Correspondence

## 8 PLANNING PERMITS

### 8.1 PLANNING PERMIT APPLICATION PA1745-2021 – DEVELOPMENT OF A SECOND DWELLING AND SUBDIVISION OF LAND INTO TWO (2) LOTS – 27 FRASER STREET NHILL VIC 3418

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	162800
<b>Application Number:</b>	<b>PA1745-2021</b>
<b>Application Received:</b>	9 September 2021 (Fee paid 22 September 2021)
<b>Applicant:</b>	Dreamworx Drafting and Design
<b>Owner:</b>	Mr Asad Sultan
<b>Subject Land:</b>	27 Fraser Street Nhill VIC 3418 (Crown Allotment 7 Section 23 Township of Nhill, Parish of Balrootan)
<b>Proposal:</b>	Development of a second dwelling and subdivision of land into two (2) lots
<b>Zoning &amp; Overlays:</b>	General Residential Zone – Schedule 1 (GRZ1)
<b>Attachment Number:</b>	3

#### Summary:

This report recommends that Council approve Planning Permit PA1745-2021 for the development of a second dwelling and subdivision of land into two (2) lots on the subject land known as 27 Fraser Street, Nhill VIC 3418 (Crown Allotment 7 Section 23 Township of Nhill, Parish of Balrootan).

#### Background:

On 9 September 2021, Dreamworx Drafting and Design on behalf of Mr Asad Sultan lodged a planning application to the Responsible Authority for the development of a second dwelling and subdivision of land into two (2) lots at 27 Fraser Street Nhill.

#### Proposal Details:

The permit applicant, Dreamworx Drafting and Design seeks approval for the development of a second dwelling and subdivision of land into two (2) lots. The subject land is currently improved by an existing residential dwelling located towards the rear of the lot, which is proposed to be subdivided in a 'battle axe' configuration. A new dwelling is proposed at the front of the lot, comprising a total floor area of approximately 107.95m<sup>2</sup> (including verandah). An attached carport of 21.47m<sup>2</sup> is also proposed.

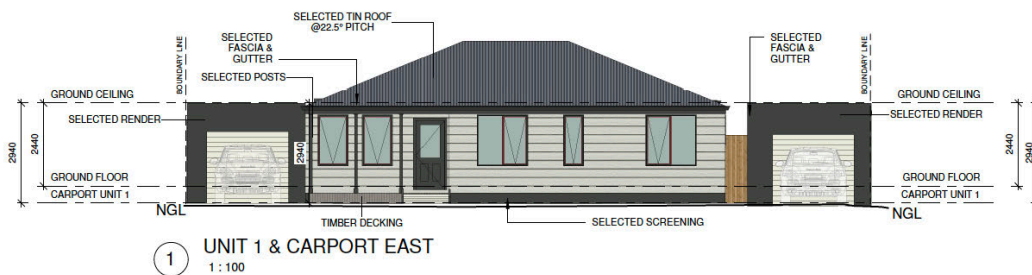
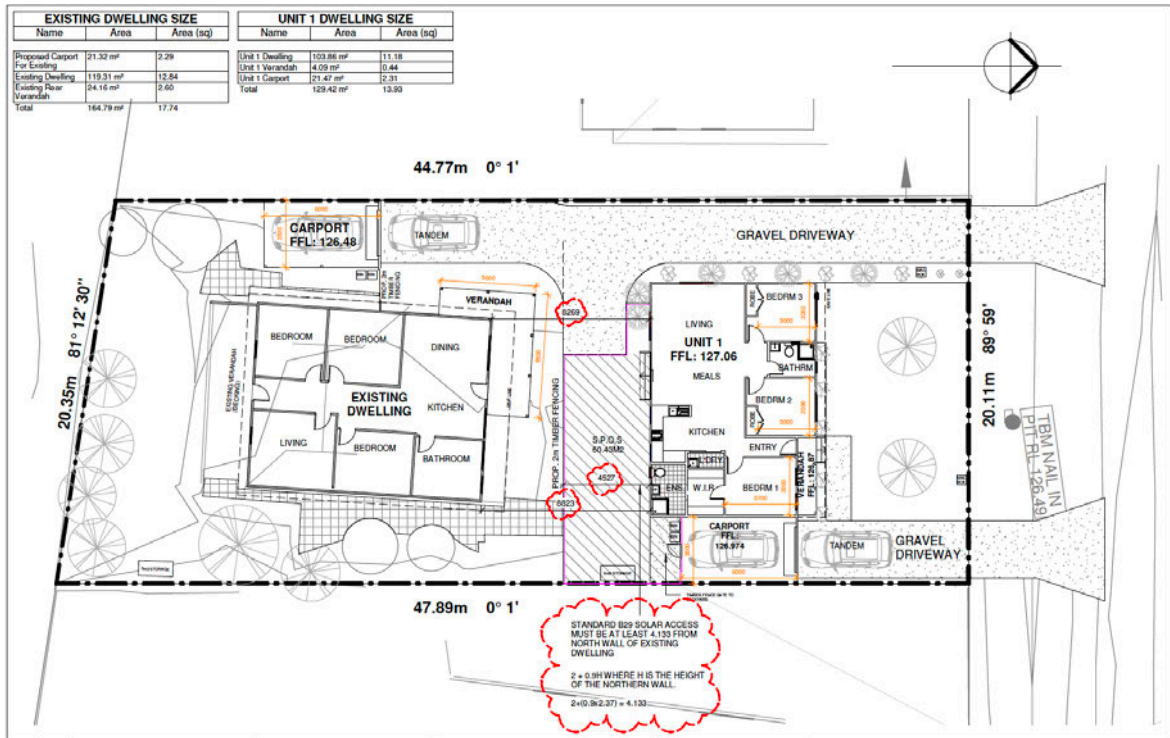
The proposed dwelling is characterised by reference to the following features:

- Floor plan:
  - 1 x Bedroom with walk in robe (WIR) and ensuite;

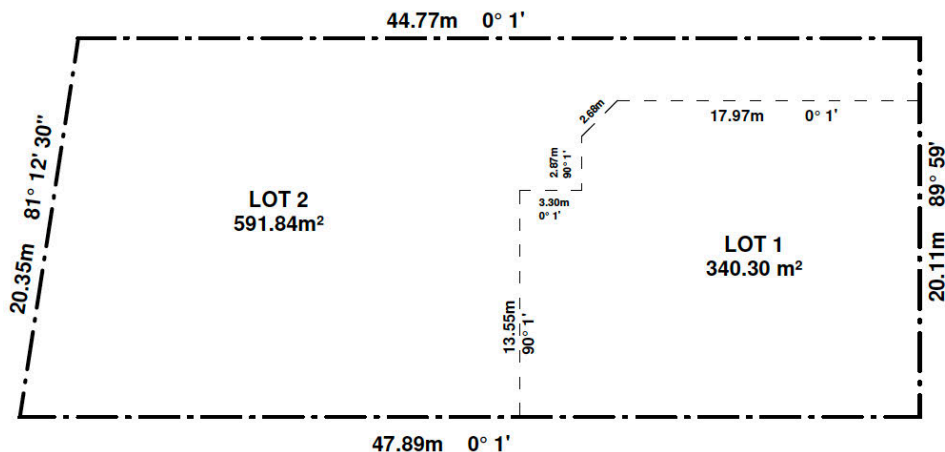


- 2 x Bedrooms with built in robe (BIR);
- Open plan living, meals and kitchen area;
- Combined bathroom/shower with WC; and
- European Laundry adjacent to kitchen.
- External form:
  - A building height of 4.911 metres from natural ground level;
  - Weatherboard cladding; and
  - Tin gable roofing.

Plans of the proposed dwelling are provided below:



The proposed subdivision of land would result in the new dwelling being located on a Lot of 340.3 square metres (proposed Lot 1), and the existing dwelling located on a 'battle axe' lot of 591.84 square metres (proposed Lot 2)



**Requirement for Permit:**

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

- Clause 32.08-3 (General Residential Zone) – A permit is required to subdivide land.
- Clause 32.08-6 (General Residential Zone) – A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

**Definitions:**

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

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

*It includes outbuildings and works normal to a dwelling.*

**Restrictive Covenant or Section 173 Agreement:**

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

**Cultural Heritage Management Plan (CHMP):**

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

**Subject site & locality:**

The subject site is known as 27 Fraser Street Nhill (Crown Allotment 7 Section 23 Township of Nhill, Parish of Balrootan), which comprises a single title of approximately 933 square metres. The land is generally flat, with minimal fall across the site. The land is currently improved by an existing dwelling at the rear of the site, which is proposed to be subdivided onto a separate lot from the new dwelling proposed.

The subject site adjoins residential zoned land to the north, east and west, with land in the Public Use Zone – Schedule 4 (PUZ4) to the south. Land within the General Residential Zone generally comprises lots of between 1,000-2,000m<sup>2</sup> allotments, with some larger land holdings with multiple parcels evident. Immediately adjoining the subject land are single dwellings on residential lots used for such purposes.

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

Aerial Map below – Hindmarsh POZI (2016)



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



**Section 52 Notice of Application**

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

- Letters to adjoining and nearby property owners;
- Erection of a sign on site; and
- A notice in the ‘Nhill Free Press’

One (1) submission has been received to the application regarding sewerage capacity. This submission did not object to the proposal, but seeks for separation of sewer lines between the submitters’ land and the subject site.

Sewerage is a matter regulated by GMW Water as the relevant authority, with the Authority to be referred any subdivision application lodged for certification and all requirements imposed will need to be met before new titles can be issued. Broader capacity of the sewerage system is not a matter that can be addressed as part of this application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
No Section 55 referrals were required for this application.	

<b>Section 52 and Internal Notices</b>	
Engineering	No objection to the development subject to conditions:  1. Proposed New Accesses:

	<p>(a) 2x new single crossovers will need to be constructed/upgraded to the current standard, with a new 375mm drainage pipe and crossover will need to be constructed as per IDM SD-255 standard (see attached).</p> <p>The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.</p> <p>The existing culvert crossings in Fraser St to be removed and drain re-installed to the Responsible Authority satisfaction.</p> <p><b>Condition of permit</b> - a consent to works within road reserve permission is required prior to construction of crossover (see attached).</p> <p>2. Drainage:</p> <p>(a) The LPD should be to the Northern side of the property to the open table drain in the Fraser Street road reserve.</p>
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**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework (PPF):**

Clause 11.01-1L Settlement – Hindmarsh

Clause 15.01-1S Urban design

Clause 15.01-2S Building design

Clause 15.01-3S Subdivision design

Clause 15.01-5S Neighbourhood character

Clause 16.01-1S Housing supply

**Zoning Provisions:**

**Clause 32.08 – General Residential Zone (GRZ)**

**32.08-3 Subdivision**

A permit is required to subdivide land.

**32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

A permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

**Planning Response:**

The key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ and ResCode compliance, with the

overwhelming policy direction being to intensify residential development in such areas in close proximity to jobs, transport and services.

When assessing the application against the state policies in the PPF, there is clear support for the proposed increase in density on the site as the site is well serviced by infrastructure and community services. This ensures efficient use of infrastructure and supports the usual preference that established residential areas experience residual increase in population and density. State policy also encourages new medium density housing to respect neighbourhood character, to which the proposal responds satisfactorily encouraging housing diversity in established areas with access to services.

The built form of the development will achieve architectural and urban design outcomes that contribute positively to the local urban character as required by Clause 15.01-1S of the Scheme given scale, bulk and mass in relation to the adjoining sites. The built form of the dwellings and the area of secluded private open space for each dwelling is appropriate, there are ample landscaping opportunities within the site. The intensity of the development is consistent with relevant Planning Policy.

In conjunction with the subdivision of the land, a Section 173 Agreement will be required as a condition of approval to ensure that the development of land occurs as approved under this permit, or as may otherwise be amended with the approval of Council.

The proposal will not affect rooftop solar systems and meets the relevant objectives of Clause 55 as applicable to this proposal.

**Overlay Provisions:**

No overlays apply to the subject land.

**Particular Provisions:**

**Clause 52.06 – Car Parking**

**Clause 52.06-5 – Number of Car Parking Spaces**

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

**Planning Response:**

Each dwelling (existing and new) are proposed to be developed with a single carport and a tandem car space in front of the carport. Each dwelling will therefore meet the requirements of the Scheme in relation to car parking numbers.

**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 subdivision is a two (2) lot subdivision and given the size of the lots and development form, it is considered unlikely that either lot will be further subdivided. Given this, no public open space contribution is required.

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

Provisions in this clause apply to an application to:

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

**Planning Response:**

The development comprises the construction of a dwelling with at least one dwelling existing on the lot, and therefore the provisions of Clause 55 apply. An assessment against the relevant objectives and standards of Clause 55 is provided below.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE				
55.02-1 Neighbourhood Character	Met?	Standard B1	Met?	Comments
To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.	Yes	The design response must be appropriate to the neighbourhood and the site.	Yes	As discussed through this report, the character of the area primarily consists of single storey residences on typically 1,000sqm lots with various outbuildings and varied setbacks. Dwelling age, typology and form is also variable in the surrounding area.
		The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site	Yes	
To ensure that development responds to the features of the site				The proposal represents a small infill development of existing residential land zoned and serviced for such purposes. The

<i>and the surrounding area</i>				<p>proposal provides for a new dwelling with conventional built form with appropriate setbacks to Fraser Street, while retaining the existing dwelling to the rear of the property. This development form is consistent with the broader character despite comprising smaller lots/open space than typically found in the streetscape.</p> <p>For these reasons, it is considered that the proposal is an appropriate intensification in the GRZ having regard to the context of the subject land and surrounding area.</p>
<b>55.02-2 Residential Policy</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</i></p>	Yes	<p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	Yes	<p>A response to relevant Planning Policy has been provided with the application, and applicable policy has been assessed in this report.</p>
<b>55.02-3 Dwelling Diversity</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i></p>	N/A	<p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> <li><i>• Dwellings with a different number of bedrooms.</i></li> <li><i>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i></li> </ul>	N/A	<p>The development is for two (2) dwellings only</p>
<b>55.02-4 Infrastructure</b>	<b>Met?</b>	<b>Standard B4</b>	<b>Met?</b>	<b>Comments</b>



<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	Yes	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p>	Yes	All reticulated services are available to the land and will be connected per the requirements of the relevant authority.
		<p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p>	Yes	The development will not unreasonably impact service capacity.
		<p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	Yes	As above.
<p><b>55.02-5 Integration With The Street</b></p>	Met?	<b>Standard B5</b>	Met?	<b>Comments</b>
<p>To integrate the layout of development with the street</p>	Yes	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p>	Yes	Each dwelling is provided with individual vehicular and pedestrian access.
		<p>Development should be oriented to front existing and proposed streets</p>	Yes	The new dwelling is orientated to Fraser Street, with the existing dwelling unchanged.
		<p>High fencing in front of dwellings should be avoided if practicable</p>	N/A	No front fencing proposed
		<p>Development next to existing public open space should be laid out to complement the open space.</p>	N/A	Not applicable.

<b>55.03 SITE LAYOUT AND BUILDING MASSING</b>				
<b>55.03-1 Street Setback</b>	<b>Met?</b>	<b>Standard B6</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</p>	Yes	<p>Walls of buildings should be set back from streets the distance specified below: There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</p> <ul style="list-style-type: none"> <li>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</li> </ul> <p>There is an existing building on one abutting allotment</p>	Yes	Complies with average street setback of adjoining allotments.

		<p><i>facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> </ul> <p><i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> <li>• <i>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> </ul> <p><i>The site is on a corner.</i></p> <ul style="list-style-type: none"> <li>• <i>Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> <li>• <i>Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> <li>• <i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></li> </ul>		
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		<ul style="list-style-type: none"> <li>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</li> </ul>		
		Porches, pergolas and verandahs that are < 3.6m high and eaves may encroach ≤ 2.5m into the setbacks of this standard	N/A	Not applicable.
<b>55.03-2 Building Height</b>	<b>Met?</b>	<b>Standard B7</b>	<b>Met?</b>	<b>Comments</b>
To ensure that the height of buildings respects the existing or preferred neighbourhood character	Yes	The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.	Yes	Complies.
		Changes of building height between existing buildings and new buildings should be graduated.	Yes	Both dwellings are single storey, consistent with the surrounding streetscape.
<b>55.03-3 Site Coverage</b>	<b>Met?</b>	<b>Standard B8</b>	<b>Met?</b>	<b>Comments</b>
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site	Yes	The site area covered by buildings should not exceed 60 per cent	Yes	Building site coverage = 33.52%
<b>55.03-4 Permeability</b>	<b>Met?</b>	<b>Standard B9</b>	<b>Met?</b>	<b>Comments</b>
To reduce the impact of increased stormwater run-off on the drainage system	Yes	The site area covered by the pervious surfaces should be at least 20% of the site	Yes	Permeable area = 51.4%
To facilitate on-site stormwater infiltration		The stormwater management system should be designed to: <ul style="list-style-type: none"> <li>Meet the current best practice performance objectives for</li> </ul>	Yes	A permit condition will require the submission of a stormwater management plan

		<p><i>stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i></p> <ul style="list-style-type: none"> <li>• <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i></li> </ul>				
<b>55.03-5 Energy Efficiency</b>	<b>Met?</b>	<b>Standard B10</b>	<b>Met?</b>	<b>Comments</b>		
<p><i>To achieve and protect energy efficient dwellings and residential buildings</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i></p>	Yes	<p><i>Buildings should be:</i></p> <ul style="list-style-type: none"> <li>• <i>Orientated to make appropriate use of solar energy</i></li> <li>• <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i></li> <li>• <i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i></li> </ul>	Yes	<p>The existing dwelling orientation or solar access opportunities are not changing. The new dwelling provides for windows of all habitable rooms on northern or western elevations to allow solar access, and the height and form of the new dwelling will not unreasonably affect solar access on other existing dwellings.</p>		
		<p><i>Living areas and private open space should be located on the north side of the development if practicable</i></p>			No	<p>The SPOS for the proposed dwelling is located on the southern side of the dwelling, which could practicably be avoided through a revised design. However, the POS area provides sufficient setbacks from the southern boundary that solar access will still be achieved to this area, and solar protection can be considered a positive attribute for climatic conditions in the Wimmera over the summer period.</p>
		<p><i>Developments should be designed so that solar access</i></p>			Yes	<p>Complies (noting comments above regarding POS)</p>

		<i>to north-facing windows is maximised</i>		
<b>55.03-6 Open Space</b>	<b>Met?</b>	<b>Standard B11</b>	<b>Met?</b>	<b>Comments</b>
<i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i>	N/A	<i>If any public or communal open space is provided on site, it should:</i> <ul style="list-style-type: none"> <li>• <i>Be substantially fronted by dwellings, where appropriate</i></li> <li>• <i>Provide outlook for as many dwellings as practicable</i></li> <li>• <i>Be designed to protect any natural features on the site</i></li> <li>• <i>Be accessible and useable</i></li> </ul>	N/A	N/A
<b>55.03-7 Safety</b>	<b>Met?</b>	<b>Standard B12</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure the layout of development provides for the safety and security of residents and property</i>	Yes	<i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i>	Yes	The entrances to each dwelling are readily identifiable from the street and internal accessways.
		<i>Planting which creates unsafe spaces along streets and accessways should be avoided</i>	Yes	No such plantings proposed.
		<i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i>	Yes	Each car parking space and internal accessway is afforded good passive surveillance from the dwellings and the public realm.
		<i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i>	Yes	The development does not present opportunity for inappropriate use as a public thoroughfare.
<b>55.03-8 Landscaping</b>	<b>Met?</b>	<b>Standard B13</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage development that respects the landscape character of the neighbourhood</i>  <i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i>  <i>To provide appropriate landscaping</i>	Yes	<i>The landscape layout and design should:</i> <ul style="list-style-type: none"> <li>• <i>Protect any predominant landscape features of the neighbourhood</i></li> <li>• <i>Take into account the soil type and drainage patterns of the site</i></li> <li>• <i>Allow for intended vegetation growth and structural protection of buildings</i></li> <li>• <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i></li> <li>• <i>Provide a safe, attractive and functional environment for residents</i></li> </ul>	Yes	The landscaping plan submitted appropriately responds to the characteristics of the site and surrounding area. The pot sizes for the proposed canopy trees are not considered sufficient, which can be addressed by permit conditions.

<p><i>To encourage the retention of mature vegetation on the site</i></p>		<p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i></p>		
<p><b>55.03-9 Access</b></p>	<p><b>Met?</b></p>	<p><b>Standard B14</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i></p>	<p>Yes</p>	<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> <li>• <i>33% of the street frontage, or</i></li> <li>• <i>if the width of the street frontage is less than 20m, 40% of the street frontage</i></li> </ul> <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street</i></p> <p><i>The location of crossovers should maximize the retention of on-street car parking spaces</i></p> <p><i>The number of access point to a road in a Road Zone should be minimised</i></p> <p><i>Developments must provide access for service, emergency and delivery vehicles</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>Complies (less than 33%)</p> <p>Complies.</p> <p>Crossover locations are designed to minimise impacts on on-street car parking.</p> <p>The site does not abut a Road Zone.</p> <p>Complies.</p>
<p><b>55.03-10 Parking Location</b></p>	<p><b>Met?</b></p>	<p><b>Standard B15</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p><i>To provide convenient parking for resident and visitor vehicles</i></p> <p><i>To protect residents from vehicular noise within developments</i></p>	<p>Yes</p>	<p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> <li>• <i>Be reasonably close and convenient to dwellings and residential buildings</i></li> <li>• <i>Be secure</i></li> <li>• <i>Be well ventilated if enclosed</i></li> </ul> <p><i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where</i></p>	<p>Yes</p> <p>Yes</p>	<p>Complies.</p> <p>Complies (1m with windows &gt;1.4m in height).</p>

		<i>window sills are at least 1.4m above the accessway</i>		
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<b>55.04 AMENITY IMPACTS</b>				
<b>55.04-1 Side And Rear Setback</b>	<b>Met?</b>	<b>Standard B17</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i>	Yes	<i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i>	Yes	Complies.
		<i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5m into the setbacks of this standard</i>	Yes	N/A
		<i>Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard</i>	Yes	N/A
<b>55.04-2 Wall On Boundaries</b>	<b>Met?</b>	<b>Standard B18</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i>	N/A	<i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</i> <ul style="list-style-type: none"> <li><i>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i></li> <li><i>• Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i></li> </ul>	N/A	No walls on boundaries proposed.

		<i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i>	N/A	N/A
		<i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i>	N/A	N/A
<b>55.04-3 Daylight To Existing Windows</b>	<b>Met?</b>	<b>Standard B19</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into existing habitable room windows</i>	Yes	<i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot</i>	Yes	All existing habitable room windows will have access to the requisite light court.
		<i>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window.</i>  <i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</i>  <i>Refer to Diagram B2</i>	N/A	Not applicable to this development.
<b>55.04-4 North Facing Windows</b>	<b>Met?</b>	<b>Standard B20</b>	<b>Met?</b>	<b>Comments</b>



<p>To allow adequate solar access to existing north-facing habitable room windows</p>	<p>Yes</p>	<p>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window.</p> <p>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p> <p>Refer to Diagram B3</p>	<p>Yes</p>	<p>Complies.</p>
<p><b>55.04-5 Overshadow Open Space</b></p>	<p><b>Met?</b></p>	<p><b>Standard B21</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p>To ensure buildings do not significantly overshadow existing secluded private open space</p>	<p>Yes</p>	<p>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September</p>	<p>Yes</p>	<p>The development complies with the Standard for all existing dwellings.</p>
		<p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced</p>	<p>N/A</p>	<p>Not applicable.</p>
<p><b>55.04-6 Overlooking</b></p>	<p><b>Met?</b></p>	<p><b>Standard B22</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p>To limit views into existing secluded private open space and habitable room windows</p>	<p>Yes</p>	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a</p>	<p>Yes</p>	<p>No overlooking can occur from the development as proposed</p>

		<i>45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i>		
		<i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i> <ul style="list-style-type: none"> <li><i>• offset a minimum of 1.5m from the edge of one window to the edge of the other</i></li> <li><i>• have sill heights of at least 1.7m above floor level</i></li> <li><i>• have fixed, obscure glazing in any part of the window below 1.7m above floor level</i></li> <li><i>• have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</i></li> </ul>	N/A	As above.
		<i>Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard</i>	N/A	As above.
		<i>Screens used to obscure a view should be:</i> <ul style="list-style-type: none"> <li><i>• perforated panels or trellis with a maximum of 25% openings or solid translucent panels</i></li> <li><i>• permanent, fixed and durable</i></li> <li><i>• designed and coloured to blend with the development</i></li> </ul>	N/A	As above.
<b>55.04-7 Internal Views</b>	<b>Met?</b>	<b>Standard B23</b>	<b>Met?</b>	<b>Comments</b>
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development</i>	N/A	<i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development</i>	N/A	Not applicable to this development.

<b>55.04-8 Noise Impacts Objective</b>	<b>Met?</b>	<b>Standard B24</b>	<b>Met?</b>	<b>Comments</b>
<i>To contain noise sources in developments that may affect existing dwellings</i>	Yes	<i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i>	Yes	No such plant or equipment required.
<i>To protect residents from external noise</i>		<i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties</i>	Yes	The site is located in a typical residential area with typical noise sources and emissions.
		<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	Yes	The subject land is not located near a busy road or industry. While a railway line is located to the south, the new dwelling is separated from

<b>55.05 ON-SITE AMENITY AND FACILITIES</b>				
<b>55.05-1 Accessibility</b>	<b>Met?</b>	<b>Standard B25</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	Yes	<i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i>	Yes	Each dwelling entry is at ground level and accessible to persons with limited mobility.
<b>55.05-2 Dwelling Entry</b>	<b>Met?</b>	<b>Standard B26</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide each dwelling or residential building with its own sense of identity</i>	Yes	<i>Entries to dwellings and residential buildings should:</i> <ul style="list-style-type: none"> <li>• <i>be visible and easily identifiable from streets and other public areas</i></li> <li>• <i>provide shelter, a sense of personal address and a transitional space around the entry</i></li> </ul>	Yes	Each entry is readily identifiable and visible from the street, and provides a porch/verandah as a transitional space to same.
<b>55.05-3 Daylight To New Windows</b>	<b>Met?</b>	<b>Standard B27</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into new habitable room windows</i>	Yes	<i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none"> <li>• <i>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i></li> <li>• <i>a verandah provided it is open for at least one third its perimeter, or</i></li> <li>• <i>a carport provided it has two or more open sides</i></li> </ul>	Yes	All new habitable room windows are provided with the requisite light courts.

		<i>and is open for at least one third of its perimeter</i>		
<b>55.05-4 Private Open Space</b>	<b>Met?</b>	<b>Standard B28</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide adequate private open space for the reasonable recreation and service needs of residents</i>	Yes	<p><i>A dwelling or residential building should have private open space:</i></p> <ul style="list-style-type: none"> <li>• <i>an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</i></li> <li>• <i>a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</i></li> <li>• <i>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</i></li> </ul>	Yes	Complies.
<b>55.05-5 Solar Access To Open Space</b>	<b>Met?</b>	<b>Standard B29</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings</i>	Yes	<i>The private open space should be located on the north side of the dwelling or residential buildings</i>	No	As discussed above, the POS for the proposed dwelling is located on the southern aspect, which is not envisaged by this Standard and could conceivably be avoided. However as also discussed, in this instance it is considered acceptable.
		<p><i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall</i></p> <p>Refer to Diagram B29</p>	Yes	Complies (refer plan sheet TP07).
<b>55.05-6 Storage</b>	<b>Met?</b>	<b>Standard B30</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide adequate storage facilities for each dwelling</i>	Yes	<i>Each dwelling should have convenient access to at least 6m<sup>3</sup> of externally accessible, secure storage space</i>	Yes	Each dwelling is provided external storage of the requisite size.

**55.06 DETAILED DESIGN**

<b>55.06-1 Design Detail</b>	<b>Met?</b>	<b>Standard B31</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage design detail that respects the existing or preferred</i>	Yes	<p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> <li>• <i>Facade articulation and detailing,</i></li> <li>• <i>Window and door proportions,</i></li> </ul>	Yes	The existing and proposed dwelling are single storey, commensurate with the prevailing streetscape of a scale and intensity appropriate for the

<i>neighbourhood character</i>		<ul style="list-style-type: none"> <li>• <i>Roof form, and</i></li> <li>• <i>Verandahs, eaves and parapets,</i></li> </ul> <i>should respect the existing or preferred neighbourhood character.</i>		location for the reasons discussed in this assessment.
		<i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character</i>	Yes	The carport for each dwelling integrates with the built form of the respective dwellings, and will not dominate the streetscape from Fraser Street.
<b>55.06-2 Front Fences</b>	<b>Met?</b>	<b>Standard B32</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	N/A	<i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i>	N/A	No front fencing proposed.
		<i>A front fence within 3m of a street should not exceed:</i> <ul style="list-style-type: none"> <li>• <i>Streets in a Road Zone – 2m</i></li> <li>• <i>Other Streets – 1.5m</i></li> </ul>	N/A	No front fencing proposed.
<b>55.06-3 Common Property</b>	<b>Met?</b>	<b>Standard B33</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i>  <i>To avoid future management difficulties in areas of common ownership</i>	N/A	<i>Developments should clearly delineate public, communal and private areas</i>	N/A	No Common Property is proposed.
		<i>Common property, should be functional and capable of efficient management</i>	N/A	As above.
<b>55.06-4 Site Service</b>	<b>Met?</b>	<b>Standard B34</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that site services can be installed and easily maintained</i>  <i>To ensure that site facilities are accessible, adequate and attractive</i>	Yes	<i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically</i>	Yes	The design of the dwellings provides sufficient space for all services to be accommodated and maintained efficiently and economically, including in easements if required.
		<i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development</i>	Yes	All such site facilities are of appropriate size, sited appropriately and integrate with the development.

		<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	Bin storage is readily accommodated at the side of each dwelling, easily accessible and moveable to the street frontage and not visible from the street.
		<i>Mailboxes should be provided and located for convenient access</i>	Yes	Mailboxes are appropriately located, clearly identifiable for each dwelling and conveniently accessible.

**Clause 56 – Residential Subdivision**

Provisions in this clause apply to an application to subdivide land in a General Residential Zone.

These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

**Planning Response:**

The proposed subdivision is sought in conjunction with an application for development where each lot will contain an existing or approved dwelling. As such, an assessment against Clause 56 is not required to be undertaken.

**General Provisions**

**Clause 65 - Decision Guidelines**

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

**Clause 65.01– Approval of an application or plan**

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

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

**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 staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas

### **Planning Response:**

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. As explored through this report, the development provides for a diversity in housing types and housing options in an area well connected to private and public services. No natural hazards issues are identified in relation to the site and no staging or common property is required. The application is therefore considered to be reflective of orderly planning.

### **Discussion:**

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

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

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

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

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

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

**Clause 65 Decision Guidelines**

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

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the General Residential Zone and Clause 55 of the Hindmarsh Planning Scheme.

**Report to Council:**

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

**Processing Times:**

09/09/2021 The application was received.

22/09/2021 The fee was paid.

05/10/2021 Further information was requested from the applicant.

12/10/2021 Further information was received.

25/10/2021 The application was notified (last notice given 03/11/2021)

15/12/2021 The report is being presented to Council at the meeting held 15 December 2021 (55 days).

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

**Link to Council Plan:**

Facilitating and supporting economic development.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Conflict of Interest:**

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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



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

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

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit if approved by Council.

**RECOMMENDATION:**

*That Council approves planning application PA1745-2021 for the development of a second dwelling and subdivision of land into two (2) lots on the subject land known as 27 Fraser Street Nhill VIC 3418 (Crown Allotment 7 Section 23 Township of Nhill Parish of Balrootan), subject to the following conditions:*

**Amended Plans Required**

- 1. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), 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 and three copies must be provided.*

*The plans must be generally in accordance with the plans submitted but modified to show:*

- a) Pedestrian access from Fraser Street to Dwelling 1 via a concrete path separate to the driveway; and*
- b) Amended landscaping in accordance with Condition 3 of this permit.*

**Endorsed Plans**

- 2. The development and subdivision 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.*

**Stormwater Management**

- 3. Prior to the commencement of any works hereby permitted, a Stormwater Management Plan must be submitted and approved by Council. The Stormwater must be designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*

**Landscaping**

- 4. Concurrent with the plans required by Condition 1 of this permit, an amended landscaping plan to the satisfaction of the Responsible Authority must be*

***submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.***

***The plan must be drawn to scale and must show the following:***

- a) Details of surface finishes of pathways and driveways;***
- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;***
- c) Landscaping within all open areas of the site to the satisfaction of the Responsible Authority;***
- d) Pot sizes to be a minimum of 250mm for canopy trees and 200mm for shrubs; and***
- e) Installed height of canopy trees to be at least 1.5 metres.***

- 5. All landscaping shown on the endorsed plans must be established on the site prior to the occupation of the development.***

***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.***

#### **Development Conditions**

- 6. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.***
- 7. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.***
- 8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
- 9. 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***

#### **Subdivision Conditions**

- 10. Before the issue of Statement of Compliance under the Subdivision Act 1988, the holder of this permit must:***

- a) Provide evidence to the Responsible Authority that the development approved by the Hindmarsh Shire Council has been constructed in accordance with the plans endorsed to Planning Permit PA1745-2021 and an occupancy permit has been issued;***

***Or***

- b) Enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the Planning and Environment Act 1987, to the effect that:***
  - i. Any buildings on the land must be constructed in accordance with the plans endorsed under Planning Permit PA1745-2021 issued by Hindmarsh Shire Council.***

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

- 11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 12. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
- 13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
- 14. 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.***

***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:***

- c) 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***
- d) 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.***

#### **Engineering Conditions**

- 15. Before the occupation of the dwelling approved by this permit, new single crossovers must be constructed to each lot from Fraser Street to the satisfaction of the Responsible Authority.***

***The crossovers must be constructed as per IDM-255 standard and at a location and of a size to the satisfaction of the Responsible Authority at the full cost of the permit holder.***

- 16. The existing culvert crossing(s) in Fraser Street must be removed and drain reinstalled to the satisfaction of the Responsible Authority prior to occupation of the development.***

- 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 northern side of the property to the open table drain in the Fraser 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.**
- 19. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.**

**Time Limit**

**20. The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:**

- a) The development is not started within two (2) years of the date of this permit;  
or**
- b) The development is not completed within four (4) years of the date of this permit.**

**The above-mentioned planning permit as it relates to subdivision will expire if either of the following circumstances arise:**

- c) The plan of subdivision is not certified within two (2) years of the date of this permit; or**
- d) The subdivision is not completed within five (5) years of the date of certification.**

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

Attachment Number: 3

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## **9 REPORTS REQUIRING A DECISION**

### **9.1 YOUTH STRATEGY 2021-2025**

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

**Attachment Numbers:** 4 – 6

**Introduction:**

The report presents the Hindmarsh Shire Council Youth Strategy 2021-2025 for adoption.

**Discussion:**

At the Council meeting held on Wednesday 20 October 2021 council resolved to make the draft Hindmarsh Shire Council Youth Strategy 2021-2025 available for public comment.

The Hindmarsh Shire Council Youth Strategy 2021-2025 (**Strategy**) builds on the Youth Strategy 2016-2020 in providing direction, information and identifying gaps in youth opportunities and programs for young people, their families and Council.

The objective of the Strategy is to provide Council with a practical, achievable and measurable plan to define their role in local and regional development with recommendations on how to sustainably improve the engagement of youth within Hindmarsh Shire. The Strategy will enable Council to better understand current and future needs of young people, potential barriers to inclusion and participation, and provide direction and measurable outcomes for youth sustainability and community livability within Hindmarsh Shire.

In consultation with young people and stakeholders across the Shire, through surveys, workshops and Youth Council meetings, the Youth Strategy has been developed and amended to prioritise youth leadership, empowerment and inclusion. The Strategy has been made available in both English and S'gaw (Karen).

The Youth Strategy's overarching objectives are to:

- Ensure that Hindmarsh Shire Council's processes and spaces welcome, involve and empower young people;
- Build partnerships with community groups and organisations to expand the potential of youth services;
- Create a community that is future-safe, ensuring young people have opportunities to live, learn, earn and contribute to their community;
- Understand and address the systemic and structural barriers to inclusion, participation and representation;
- Facilitate spaces and events that create opportunities for connection and community.
- Advocate for young people to be able to access the health, wellbeing and support services that they need.

The Strategy has been developed been developed using the following methodology.

1. Data Collecting:  
Research and consultation, youth surveys, review of industry standards and relevant documents and procedures.
2. Analysis:  
Workshopping identified issues with young people, problem solving, continuing to receive feedback and ideas from social media surveys and Youth Council.
3. Development:  
Compiling information and data, identifying key actions and scope, development of document.
4. Review:  
Youth Council review and approve developed strategy for Council.

Whilst Council has an integral part to play in the development and growth of young people, communities and other agencies all have an opportunity under the strategy to support the needs and aspirations of young people living within Hindmarsh Shire.

The Hindmarsh Shire Youth Council will continue to meet to review progress and discuss further initiatives, whilst keeping Council updated. This ongoing partnership between Youth Council, Council and community stakeholders is vital to ensure the strategy remains relevant and has community participation at a strategic level.

The draft Hindmarsh Shire Youth Strategy 2021 – 2025 was made available for public inspection and the receiving of submissions for the period Thursday 21 October until Friday 19 November 2021. No public submissions were received. Following advice from the Hindmarsh Shire Youth Council the infographic has been simplified to plain English and the text has been reduced.

**Options:**

1. Council can adopt the draft Youth Strategy 2021 – 2025; or
2. Council can make changes to the draft Youth Strategy 2021 – 2025 and then adopt the draft Youth Strategy 2021 - 2025.

**Link to Council Plan:**

A community well informed and engaged: Use a broad range of communication and engagement techniques with information accessible in different languages.

A range of effective and accessible services to support the health and wellbeing of our community: Continue to support and facilitate Hindmarsh Shire Youth Council including the development and implementation of a Youth Strategy.

Provide arts and cultural activities that strengthen social connection: Facilitate and support arts, music, and cultural community events, celebrations and activities to build social connection.

**Financial Implications:**

An allocation of funding through the State Government's FreeZA grants program is available for recreational, creative and training initiatives identified in the strategy. Additional funding is allocated through Hindmarsh Shire Council's budget to maintain the Youth Council, and support the Youth Officer in delivering the Strategy's objectives. Council will also continue to seek new funding opportunities for youth-related initiatives.

**Risk Management Implications:**

Ensure events proposed by the strategy fit within the scope of Councils public liability coverage and that the strategy is aligned with community expectations and Councils goals as identified within the Council plan.

**Relevant legislation:**

N/A

**Community engagement:**

Council Officers have completed youth and community engagement with schools, student leaders, Youth Council, stakeholder organisations and relevant individuals. Following the adoption of the Strategy, it will be made available for community comment on Council's website and at its Customer Service Centres. Council has engaged a translation service to translate the Youth Strategy into S'gaw (Karen) so that it is accessible to our significant Karen Community.

**Gender equality implications:**

A Gender Impact Assessment was undertaken on the plan. The Plan does not include gender stereotypes, uses inclusive non-gendered language and ensures that Council's activities are inclusive and representative of our diverse population.

**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 – Petra Croot, Youth and Community Development Officer

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

**Communications Strategy:**

The Youth Strategy will be forwarded to relevant community groups and organisations including schools and youth organisations.

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

**RECOMMENDATION:**

***That Council adopts the Hindmarsh Shire Council Youth Strategy 2021-2025.***

*Attachment Numbers: 4 – 6*

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**9.2 HUMAN RIGHTS POLICY**

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

**Attachment Number:** 7

**Introduction:**

This report seeks Council adoption of the Human Rights Policy.

**Discussion:**

At the Council meeting held on Wednesday 20 October 2021, Council resolved to advertise the draft Human Rights Policy inviting written submissions from the public.

The Human Rights Policy has been developed with reference to The Charter of Human Rights and Responsibilities (**the Charter**). The Charter is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights set out in the Charter.

Twenty fundamental human rights are protected in the Charter. In certain circumstances, some rights may be limited. However, this must be necessary and reasonable, and there must be clear reasons for the decision.

The Charter protects human rights in Victoria in three main ways:

- Public authorities, including local government and Victoria Police, must act in ways that are compatible with human rights and take relevant human rights into account when making decisions.
- Human rights must be taken into account when Parliament makes new laws.
- Courts and tribunals must interpret and apply all laws compatibly with human rights.

The Policy places an obligation on Council to act in accordance with the human rights set out in the Charter.

The Human Rights Policy was advertised from 21 October to 19 November 2021. At the closing of submissions Council received one response from Evan Young of Rainbow. Evan's response was not directly related to providing feedback on the policy, but in regard to Council adhering to the Chief Health Officers directives regarding vaccinations: (expletive language has been redacted)

*"The hypocrisy of Council is unfathomable, you don't give a rats a about human rights, nor do you even understand them.*

*You talk of Human Rights while violating at least half of the 20 listed in this proposal.*

*You make me sick to my soul and I am bitterly disappointed in each and every Councillor.*

*Sincerely an unvaxxed citizen whose rights are being violated every single fuing day.*

*Fk you,*

*Evan Young*

*Rainbow."*

While Council understands that the vaccine mandates have been difficult on people who choose not to be vaccinated, council is required to follow the directions that have been issued by the Chief Health Officer.



**Options:**

1. Council can adopt the Human Rights Policy.
2. Council can amend the Human Rights Policy before adopting the Human Rights Policy.

**Link to Council Plan:**

Communities feel safe and are resilient.  
Strong governance practices.

**Financial Implications:**

Nil.

**Risk Management Implications:**

Setting a clear Human Rights Policy will assist with managing the risk of infringing on people's human rights.

**Relevant legislation:**

*Local Government Act 2020*

*Charter of Human Rights and Responsibilities Act 2006*

**Community engagement:**

Council engaged with the community by inviting comments and feedback on the draft Policy from 21 October 2021 until 19 November 2021.

**Gender equality implications:**

A gender impact assessment has been undertaken on the draft Human Rights Policy. The Policy uses gender neutral language and doesn't contain any harmful gender stereotypes.

**Conflict of Interest:**

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Helen Thomson, Manager Governance and Human Services

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

**Communications Strategy:**

The Policy will be placed on Council's website.

**Next Steps:**

A copy of the Policy will be available on Council's website and from Customer Service Centres.

**RECOMMENDATION:**

***That Council adopts the Human Rights Policy.***

*Attachment Number: 7*

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### **9.3 COUNCIL MEETING DATES 2022**

**Responsible Officer:** Chief Executive Officer

**Introduction:**

This report seeks approval from Council for the 2022 meeting dates and their advertisement in the local media.

**Discussion:**

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

It is proposed that Council hold one meeting per month, commencing at 3:00pm, except for June having two meetings due to legislative requirements to adopt the budget and November having two meetings to accommodate the annual statutory meeting.

Council will continue to live stream Council meetings throughout 2022, which will mean that all meetings will need to be held in Nhill.

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

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

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

**Options:**

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

**Link to Council Plan:**

Strong governance practices.

**Financial Implications:**

Nil

**Risk Management Implications:**

Not applicable

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Council will continue to livestream meetings to allow community members who are unable to attend in person the opportunity to view Council meetings.

**Gender equality implications:**

No gender impact assessment was completed.

**Conflict of Interest:**

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

Author & Officer Responsible – Greg Wood, Chief Executive Officer

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

**Communications Strategy:**

Council meeting dates will be published in local newspapers, on Council's website and through Council's social media platforms.

**RECOMMENDATION:**

***That Council holds Council meetings at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill and sets the following times and dates for 2022:***

<b>WEDNESDAY</b>	<b>TIME</b>
<b><i>2 February 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>2 March 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>6 April 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>4 May 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>1 June 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>29 June 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>27 July 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>31 August 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>28 September 2022</i></b>	<b><i>3:00pm</i></b>
<b><i>26 October 2022</i></b>	<b><i>3:00pm</i></b>

<b>WEDNESDAY</b>	<b>TIME</b>
<b>9 November 2022 (Annual Statutory Meeting)</b>	<b>6:00pm</b>
<b>23 November 2022</b>	<b>3:00pm</b>
<b>14 December 2022</b>	<b>3:00pm</b>

#### 9.4 ADVISORY COMMITTEES

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

**Attachment Number:** 8

##### **Introduction:**

This report seeks to appoint members to Hindmarsh Shire Town Committees for the year of 2022.

##### **Discussion:**

On 22 September 2021 Council adopted the Advisory Committee Policy (**Policy**). This Policy sets out the process for receiving nominations and making appointments to Town Committees.

On 13 October 2021 Council advertised in local papers and on Facebook requesting nominations for the four town committees. The selection criteria for town committee membership was that nominees must work, study or reside in the town (or in the district surrounding the town) and must want to help the town committee fulfill its core purpose. Nominations could be done by completing the online form available on Council's website or submitting a hard copy application.

At the close of nominations on Wednesday 1 December 2021 37 nominations were received. One nominee wrote to Council withdrawing their nomination after submitting. People wishing to nominate for a town committee were required to give a short outline of what they could bring to the town committee. The nominations are included in Attachment 8.

The nominations are as follows:

<b>Jeparit Town Committee</b>	<b>Nhill Town Committee</b>	<b>Rainbow Town Committee</b>	<b>Dimboola Town Committee</b>
Sharon Reilly	Rhys Webb	Maxwell Clark	Heidi Bruce
Craige Proctor	Alana Storey	Mike Sullivan	Karen Bennet
Alan Hewitt	Jenny Dufty	Graham Nuske	Kaylene Pietsch
Louise Dillon	Rosslyn Leith Dean	Alison Ey	Lewis Catania
Cheryl Quinn	Darrell Hall	Colleen Petschel	Prudence Cook
Mel Wagener	Brock Stephens	Allira Roberts	Owen Pietsch
Teresa Smith		Belinda Eckermann	Chan Uoy
Jason Hutson		Greg Roberts	Sharyn Cook
Rebecca Schultz		Callum Bull	Mary Mason
Elizabeth Chivell		Bill Hutson	William Eldridge

(withdrawn)			
			Tony Schneider

The Terms of Reference for Town Committees set the minimum membership as 5 and the maximum membership as 11. None of the Town Committee nominations have exceeded the membership limit and all have met the 5-person minimum required for an Advisory Committee.

**Options:**

1. Council can choose to appoint members to the Town Committees as per the Officer recommendation.
2. Council can choose not to appoint members to the Town Committees as per the Officer recommendation.

**Link to Council Plan:**

A community well informed and engaged: Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings

**Financial Implications:**

The Advisory Committee will provide Council advice on spending money on projects that the Committee identifies as priorities for the relevant town. Each town committee has a separate ledger and budget allocation to spend on town committee projects. All expenditure must be approved by a Council officer or by Council (where the expenditure is over \$2,000).

**Risk Management Implications:**

Council Advisory Committees are required to follow Council Risk Management processes when it comes to planning events and projects. Expenditure on behalf of Advisory Committees is subject to Council's internal financial controls.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Council has advertised the nominations for the Town Committees in the local papers and on Facebook.

**Gender equality implications:**

A Gender Impact Assessment was undertaken on the Policy which outlines the process for appointment members of the community to Advisory Committees. The Policy requires that Council must consider gender equality and diversity when setting membership of advisory committees for the upcoming year.

**Conflict of Interest:**

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

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

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

**Communications Strategy:**

Council officers will liaise with the nominees who are appointed to the Town Committees and advise they have been appointed to the relevant Town Committee.

**Next Steps:**

1. Contact appointees and let them know they were successful in their nomination to the Advisory Committee.
2. Set the first meeting for the 2022 year where the Chairperson and Secretary will be elected and invite previous Chairpersons to attend to give the Committee a handover report.

**RECOMMENDATION:**

**1. That Council appoint the following members to the Jeparit Town Committee:**

1. **Sharon Reilly**
2. **Craige Proctor**
3. **Alan Hewitt**
4. **Louise Dillon**
5. **Cheryl Quinn**
6. **Mel Wagener**
7. **Teresa Smith**
8. **Jason Hutson**
9. **Rebecca Schultz**

**2. That Council appoint the following members to the Nhill Town Committee:**

1. **Rhys Webb**
2. **Alana Storey**
3. **Jenny Dufty**
4. **Rosslyn Leith Dean**
5. **Darrell Hall**
6. **Brock Stephens**

**3. That Council appoint the following members to the Rainbow Town Committee:**

1. **Maxwell Clark**
2. **Mike Sullivan**

3. ***Graham Nuske***
4. ***Alison Ey***
5. ***Colleen Petschel***
6. ***Allira Roberts***
7. ***Belinda Eckermann***
8. ***Greg Roberts***
9. ***Callum Bull***
10. ***Bill Hutson***

**4. That Council appoint the following members to the Dimboola Town Committee:**

1. ***Heidi Bruce***
2. ***Karen Bennet***
3. ***Kaylene Pietsch***
4. ***Lewis Catania***
5. ***Prudence Cook***
6. ***Owen Pietsch***
7. ***Chan Uoy***
8. ***Sharyn Cook***
9. ***Mary Mason***
10. ***William Eldridge***
11. ***Tony Schneider***

*Attachment Number: 8*

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## **9.5 NHILL TOWNSCAPE AND LAKE MASTERPLAN**

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

**Attachment Numbers:** 9 – 10

### **Introduction:**

This report seeks Council endorsement of the Nhill Townscape and Nhill Lake Concept Plan (the Plan).

### **Discussion:**

In 2019 WMT received funding through the Australian Government's *Building Better Regions Fund* to implement projects aimed at increasing visitor stay and visitor spend across the Wimmera Mallee Region. One element of this was the development of a region-wide Streetscape and Caravan Strategy.

From this higher-level strategy, two projects per WMT member Council were selected for the development of in-depth concept / masterplans which included the Nhill Townscape Plan.

Consultants Thompson and Hay were engaged by Wimmera Mallee Tourism to develop a 10-year detailed masterplan and cost plan. An initial face-to-face public meeting was held at Goldsworthy Park on 10 March 2021 which was followed by online public submissions. Further consultation was held following the release of the draft plan.

Significant feedback was received around the perceived removal of the large slide. The plans however recommend “*Carry out an audit of existing play equipment and consolidate suitable equipment within a central play space*” with no specific plan to remove the existing slide.

The extent of consultation was impacted by the COVID-19 pandemic which limited face-to-face opportunities, and timelines dictated by the project funding agreement.

However, future opportunities for community consultation will arise during the planning and implementation phases of individual elements of the plan.

Significant feedback was received by members of the Nhill Lake Committee and the plans for upgrades at the lake were developed from these discussions and feedback.

The aim of the Nhill Townscape Plan is to establish an exciting, visionary concept to enhance the pedestrian and visual connections between Nhill’s town centre, Goldsworthy Park, Centenary Park, Jaypex Park, Caravan Park and Nhill Lake through the upgrade and establishment of a universal access path, signage and amenity tree planting. (*Wimmera Mallee Town & Tourism Strategy, Hindmarsh Shire, 2020, p12*).

Major benefits will be ‘Improving the pedestrian and visual link to Jaypex Park will increase community and visitor amenity and positive experience to a significant recreation hub. This will also better connect the Nhill Lake boardwalk encouraging visitors to stay longer and enjoy the town’s facilities and natural attractions.

A stronger link to this area also provides amenity for visitors to the caravan park’. (*Wimmera Mallee Town & Tourism Strategy, Hindmarsh Shire, 2020, p12*)

The Plan presents an exciting and visionary townscape strategy featuring a broad range of initiatives that can be implemented over a period of years as stand-alone projects under the guidance of an overarching vision.

As is often the case, projects are developed and established with limited review or alignment to previous or existing projects when internal or external funding opportunities become available.

Over time this ad hoc development creates a mixture of styles and concepts that require additional expenditure to change or update components to create better alignment.

Endorsement of this plan will put in place a guiding and overarching strategic document that can be utilised to create a unified ‘image’ of Nhill and present cohesive attractions that when combined, will establish a strong attraction for visitors to stop, stay and spend money in town while creating a streetscape that local residents will be proud of and take pride in.



Nhill is unique amongst Hindmarsh Shire townships as being the only town of significant size that has the Western Highway passing directly through it.

Whilst this creates issues with the volume of heavy vehicle traffic, it also provides the township with a significant opportunity to increase the economic benefits of the visitor economy by capitalising on the traffic traveling through the main business and shopping precinct.

The challenge of increasing the rates of people to stop can be mitigated by providing incentives and infrastructure that encourages them to stop, shop, explore and subsequently spend money in the town.

Beautifying the township and increasing attraction to 'capture' passing traffic, and also creating greater amenities and liveability for the local community were themes addressed in the Nhill Townscapes project.

The Plan provides conceptual plans and key recommendations for the revitalisation of four main areas:

#### **Goldsworthy Park**

- Feature pathway to link war memorials, playground and existing pedestrian pathways.
- Realignment of vehicle parking (subject to Vic Roads approval)
- Plantings

#### **Centenary Park**

- Establishment of a cultural interpretative trail.
- Establishment of a desert garden
- Formalise vehicle parking areas
- Establishment of a multicultural sculpture
- Establishment of a highway screen banner
- Establishment of a pedestrian pathway Pine Street – Nhill Lake

#### **Jaypex Park**

- Establish pedestrian crossings over the Western Highway
- Formalise vehicle parking
- Establish a regional playground
- Develop a new large picnic shelter
- Establish new pedestrian pathways
- Relocation of the existing sound shell
- Establish a new pedestrian bridge linking Jaypex Park to the Nhill Caravan Park

#### **Nhill Lake**

- Establishment of a pedestrian pathway Nhill Lake - Pine Street

- Redevelop Towns Lane
- Establish plantings to improve water quality into Nhill Lake (Water Sensitive Urban Design)
- Improve boat ramp access and parking
- Extend the walking trail around the lake
- Expand facilities for toilets, picnic areas, shelters, playground and exercise equipment
- Improve parking in adjacent streets
- Improve the lake foreshore

The above items provide a brief overview of the key recommendations and need to be prioritised as some are achievable in the short term whilst others will be long term.

As indicated previously within this report, the implementation of actions will also be subject to further community consultation, detailed design and planning, internal budget allocations and external funding opportunities.

As an example, a short term action would be the construction of a new pedestrian bridge crossing a creek / drain and linking Jaypex Park to the Nhill Caravan Park.

Currently patrons accessing either facility are required to walk out onto the Western Highway and the car parking area.

An allocation of funds in Councils 2021/2022 Annual Budget is available to undertake this work.

**Options:**

1. Council can choose to endorse the Nhill Townscape and Lake Concept Plan as presented and request officers to develop an implementation plan, that will include further Community Consultation and planning for of individual components.
2. Council can decline to endorse the Townscape and Lake Concept Plan and request further consultation and development.

**Link to Council Plan:**

*Our Community*

Council's mission is to increase accessible services to enable the community to be healthy, active and engaged.

- Provide arts and cultural activities that strengthen social connection
- A range of effective and accessible services to support the health and wellbeing of our community
- A diverse community
- Recognise respect and support Traditional Owners

*Built and Natural Environment*

Council's mission is to provide infrastructure essential to support the community; and to protect and enhance our natural environment.

- Well-maintained physical assets and infrastructure to meet community and

organisational needs

- Environmentally sustainable practices
- Attractive streetscapes

#### *Competitive and Innovative Economy*

Council's mission is to foster a sustainable and diversified local economy where economic growth is encouraged and supported.

- Facilitating and supporting economic development
- Develop and promote local tourism opportunities that attract visitation

#### **Financial Implications:**

Council has allocated \$20,000 in the 2021/2022 to undertake a recommendation from the Plan.

The Plan will be utilised as a guiding and strategic document for prioritising and funding of a staged implementation program.

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

Risk Management implications will be addressed during the implementation stages of individual elements of the Plan.

#### **Relevant Legislation:**

*Local Government Act 2020*

#### **Community Engagement:**

Initial community engagement has been held in establishing the Plan but further community engagement / consultation will be held as part of the development of detailed plans.

#### **Gender Equality Implications:**

A gender impact assessment has not been undertaken yet.

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

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

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

Author: Jeff Woodward, Tourism and Economic Development Officer  
In providing this advice as the Author, I have no interests to disclose.

#### **Communications Strategy:**

Communication strategies and stakeholder engagement will be established during the implementation stages of individual elements of the Plan.

#### **RECOMMENDATION:**

**That Council:**

- 1. endorses the Nhill Townscape and Lake Concept Plan as presented and request officers to develop an implementation plan, that will include further community consultation and planning for of individual components; and**
- 2. allocates funding from the 2021/2022 Nhill Streetscape ledger to construct a new pedestrian bridge crossing a creek / drain and linking Jaypex Park to the Nhill Caravan Park.**

Attachment Numbers: 9 – 10

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## **9.6 WIMMERA MALLEE TOURISM REGIONAL CABIN INSTALLATION PROJECT: CO-CONTRIBUTION FOR REGIONAL TOURISM INVESTMENT FUND APPLICATION**

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

**Introduction:**

This report seeks Council's commitment to allocate \$300,000 in the 2022-23 budget for co-contribution towards a grant application through the Victoria State Governments Regional Tourism Investment Fund for the installation of six new cabins at Riverside Holiday Park Dimboola, Rainbow Caravan Park and Jeparit Caravan Park.

**Discussion:**

In November 2021 the Victorian State Government announced the Regional Tourism Investment Fund to, 'support new and innovative tourism infrastructure projects that will increase visitation, drive private investment, and deliver more jobs.'

Preliminary discussions with members of *Tourism, Events and Visitor Economy (TEVE)* team suggested a large regional project would be a stronger application to smaller individual LGA projects. This concept was raised with Wimmera Mallee Tourism as Yarriambiack, Buloke and Hindmarsh had all submitted unsuccessful cabin projects for the 2021 (Round 5) BBRF grant.

The current Regional Tourism Investment Fund has provided an opportunity to apply for a regional project which will see the instalment of new cabins across the four WMT shires. A regional approach will present a stronger application and can directly leverage of the recent significant investment around the Silo Art Trail, by addressing an accommodation gap highlighted in numerous region-wide studies, strategies and plans.

The further installation of cabins aligns with the caravan park master plans, and importantly continues to address the accommodation gap highlighted numerous regional reports, including *Wimmera Southern Mallee Destination Management Plan (2019)*, *Silo Art Extension Project: gap analysis (2020)*, and the *Silo Art Extension Project: priority investment overview (2020)*.

The success of the cabins installed at the RHP in 2017 is evident in the booking statistics. During the busier holiday periods the current cabins are generally fully booked out demonstrating the market for further cabins at the RHP.



- 2-bedroom standard cabins have averaged 68.4% occupancy from Jan 2018 to December 2021\*.
- All Abilities Access 2-bedroom cabin has averaged 51.4% from Jan 2018 to December 2021\*.

\*During 2020 and 2021 the caravan park was closed to non-essential guests for significant periods as per COVID-19 lockdowns.

With the completion of the Albacutya Silo Art, and Llew Shillings Silo project being implemented there will be a substantial opportunity for cabin accommodation at the Rainbow Caravan Park. Arkona Silo Art, aiming for instalment in March/April 2022, will continue the Silo Art Trail visitation through Jeparit. This along with the Wimmera River Discovery Trail will increase visitor attraction to Jeparit delivering an opportunity for increased cabin accommodation capacity at the Jeparit Caravan Park.

There has been significant tourism funding delivered across the Wimmera Mallee Tourism region and Hindmarsh Shire Council over the previous three years, plus a side effect of COVID-19 has seen a greater focus on Victorians visiting areas within the state which, outside of lockdown restrictions, has led to a growth in visitation to our region. To fully capitalise on the tourism infrastructure investment and marketing opportunities, in terms of converting visitor numbers into increased visitor economy it is crucial to attract and facilitate longer stays in our towns. This regional cabins project is an opportunity to continue delivering recommendations from the caravan parks masterplans and filling the accommodation gap.

The Victorian State Government will fund projects in our region at a 3:1 ratio. Hindmarsh Shire's component of the application will be a \$1.2m project (\$900,000 grant and \$300,000 Hindmarsh Shire contribution).

**Link to Council Plan:**

Facilitating and supporting economic development.

Develop and promote local tourism opportunities that attract visitation: Develop master plans for all Council owned and operated caravan parks and seek funding to support the implementation of actions and upgrades including cabin accommodation.

**Financial Implications:**

A budget allocation of \$300,000 will be included in the 2022/2023 annual budget as a co-contribution towards the grant application.

**Risk Management Implications:**

Risk Management implications will be addressed during the implementation stages of project if successful in obtaining funding

**Conflict of Interest:**

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

Author: Jeff Woodward, Tourism and Economic Development Officer

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

Communication strategies and stakeholder engagement will be established during the implementation stages of individual elements of the Plan.

**Options:**

1. Council can support the allocation of \$300,000 of the 2022-2023 budget as co-contribution to the funding of six cabins through a Wimmera Mallee Tourism regional application for Regional Tourism Investment Fund.
2. Council can ask officers to consider other options for the funding of further cabins.

**RECOMMENDATION:**

***That Council:***

1. ***submits an application to the Regional Tourism Investment Fund for cabins at Riverside Holiday Park Dimboola, Rainbow Caravan Park and Jeparit Caravan Park; and***
2. ***Refers the allocation of \$300,000 to the 2022/2023 annual budget process as a co-contribution towards the project.***

### 10.1 JEPARIT TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 11

**Introduction:**

The Jeparit Town Committee held its meeting on 8 November 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 Jeparit Town Committee meeting held on 8 November 2021.*

*Attachment Number: 11*

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### 10.2 RAINBOW TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 12

**Introduction:**

The Rainbow Town Committee held its meetings on 25 October 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 Rainbow Town Committee meeting held on 25 October 2021.*

*Attachment Number: 12*

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### 10.3 DIMBOOLA TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 13

**Introduction:**

The Dimboola Town Committee held its meetings on 6 December 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 December 2021.***

*Attachment Number: 13*

**11 LATE REPORTS**

**12 NOTICES OF MOTION**

**13 OTHER BUSINESS**

**14 CONFIDENTIAL REPORTS**

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

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



**RECOMMENDATION:**

*That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020:*

- 14.1 AUSTRALIA DAY AWARDS 2022 – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it contains personal information;**
- 14.2 FUTURE QUARRY SUPPLIES – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**
- 14.3 REQUEST FOR QUOTE – AWARD FOR PURCHASE OF ONE (1) WATER TRUCK this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;**

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<b>15 MEETING CLOSE</b>
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