



**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD  
WEDNESDAY 1 JUNE 2022 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79  
NELSON STREET NHILL, COMMENCING AT 3:10PM.**

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**AGENDA**

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

**In Attendance:**

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services/Acting Director Infrastructure Services) and Ms Shauna Johnson (Executive Assistant).

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<b>1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER</b>
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Cr M Albrecht opened the meeting at 3:10pm by acknowledging the Indigenous Community and offering the opening prayer.

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<b>2 APOLOGIES</b>
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No apologies.

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<b>3 DECLARATION OF INTERESTS</b>
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A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

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

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

Cr M Albrecht declared a material conflict of interest in item 14.2.

Cr D Nelson declared a material conflict of interest in item 14.2.

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<b>4 CONFIRMATION OF MINUTES</b>
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**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 4 May 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as***

*read and confirmed.*

**MOVED: CRS R Gersch/R Ismay**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 4 May 2022 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.***

**CARRIED**

Attachment Number: 1

## **5 PUBLIC QUESTION AND SUBMISSION TIME**

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

No public questions or submissions.

## **6 ACTIVITY REPORTS**

**COUNCILLOR ACTIVITIES: 27 April – 24 May 2022**

**Cr ALBRECHT, MAYOR**

Date	Meeting	Location	Comments
27/04/2022	Mayoral education with Ruth McGowan	Zoom	
28/04/2022	Meeting with CEO	Nhill	
28/04/2022	Wimmera Development Association Board Meeting	Zoom	
4/05/2022	Council Briefing	Nhill	
4/05/2022	Council Meeting	Nhill	
17/05/2022	IDAHOBIT Event	Dimboola	Zevo Zisin's presentation sharing their story of

	Nevo Zisin Talk		their journey from a small child to an adult, discovering themselves along the way was extremely powerful and insightful. Nevo shared how we can all be good allies.
18/05/2022	Meeting with CEO	Tele-meeting	
18/05/2022	Meeting with CEO Remuneration & Employment Committee Independent Chair	Online	
20/05/2022	Rainbow Local Government Conference	Online	

### Cr IRELAND, DEPUTY MAYOR

Date	Meeting	Location	Comments
28/04/2022	Meeting with Melbourne university regarding possible partnership and grant opportunities for Wimmera Mallee Pioneer Museum	Zoom	Very positive outcome with visit expected 30/6/2022
28/04/2022	Meeting with lions club district co-ordination regarding starting new lions club chapter in Jeparit	Zoom	
28/04/2022	Yurunga Homestead Meeting		
04/05/2022	Council Briefing meeting		
04/05/2022	Council meeting		
05/05/2022	Meeting with Federal MP Dr. Anne Webster for election promise	Nhill District Sporting Club	
05/05/2022	Inspected new cabin and camp kitchen site under construction	Jeparit	
06/05/2022	Meeting with lions district Wimmera co-ordinator	Zoom	
09/05/2022	Jeparit Town Meeting		
17/05/2022	Wimmera Pioneer Museum Meeting		

18/05/2022	Volunteers Morning Tea	Jeparit	
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## Cr BYWATERS

Date	Meeting	Location	Comments
29/04/2022	Hindmarsh Visitors Information Centre	Nhill	
03/05/2022	Nhill Homework Club	The Patch	Run by the WDA's settlement services this worthwhile volunteering experience is looking for more volunteers. Homework club meets every Tuesday after school until 5 pm. A working with children check is essential.
03/05/2022	Wimmera Mallee Pioneer Museum Rally meeting	Jeparit	WMPM Queens birthday. Vintage Rally is the 11th and 12th of June. The museum committee are excited to bring back the event this year with the theme of "Sharing memories". People are invited to get into the spirit of the event by dressing up in period costume.
04/05/2022	Council briefing meeting and Council meeting	Nhill Community Centre	
05/05/2022	Meeting at the Nhill and district sporting club	Davis Park Nhill	The LNP election promise
07/05/2022	Nhill Community Garden, 'Karen food' luncheon	Nhill Community Garden	I had the honour of attending lunch at the Nhill Community Garden. It was wonderful to see the work that the gardeners do in their plots, and to taste the produce of their labour.
07/05/2022	Hindmarsh Live	Hindmarsh Hotel Jeparit	Live music, Melbourne artist Craig Johnston, also known as Delsinki, brought his uncategorizable sound and band including a trombone and saxophone player. Hotel owner Gary Smith has a love for music and bringing it to Jeparit, which is why he opened the Hindmarsh Hotel as a live music venue. Operating under the name "Hindmarsh Live", an additional experience to dine in the Spanish-style hotel was offered pre-concert, with drinks served at the bar.
10/05/2022	Nhill Homework Club	The Patch	
11/05/2022	Meeting with several Nhill, Karen Australian families, Dr Amy Williamson, the new RCH pediatric fellow servicing the Wimmera, Cara	The Patch Nhill	The meeting was to catch up and discuss my interactions to date with some of the Nhill children of families with a refugee background, and if/how we can work together to support local professionals, and families and children through early intervention. Also talked about, were the extra struggles, discrimination, language barriers, and other disadvantages residents

	Miller, WDA, project manager, By Five.		encounter when coming from a refugee background.
13/05/2022	Rainbow Organic Market Garden	Rainbow	
15/05/2022	Nhill Community Market	Jaypex Park	
15/05/2022	ABC TV's Heather Ewart and the Back Roads film crew in Nhill.	Nhill	Back Roads is a series that gives a great insight into our magnificent land and its people. Paw Po, the Nhill Community Garden, Hindmarsh Landcare, and Nhill's Karen Australian residents are set to feature on ABC Melbourne Back Roads later this year.
17/05/2022	IDAHOBIT event Nevo Zisin talk	Dimboola Library	For more information, the event was streamed live on Hindmarsh Shire's Facebook page. I joined because I want to learn how to be a better ally. We all have a part to play in combatting discrimination, and continuing to activate, educate and improve – not just today, but every day. #IDAHOBIT2022
17/05/2022	Wimmera Mallee Pioneer Museum, general Meeting	Jeparit	Planning, and discussions around the Queen's Birthday long weekend, Rally.
18/05/2022	Volunteer appreciation day	Jeparit Library	
18/05/2022	Wimmera Mallee Pioneer Museum	Jeparit	
18/05/2022	Arkona Silo	Arkona	
19/05/2022	Volunteer appreciation day	Nhill Library	
19/05/2022	WSMLLEN Annual General meeting	Horsham	20 years of supporting young people.
24/05/2022	Homework club	The Patch Nhill	

## Cr NELSON

Date	Meeting	Location	Comments
28/04/2022	Local author talk	Dimboola Library	
29/04/2022	Meals on Wheels delivery		
02/05/2022	Dimboola Town Committee meeting		
04/05/2022	Council briefing and meeting		
17/05/2022	IDAHOBIT Day	Dimboola Library	
19/05/2022	Volunteers Cuppa	Dimboola	

		Library	
19/05/2022	WSMLLEN AGM	Horsham	
21/05/2022	Dimboola Town Committee working bee		

#### Cr GERSCH

Date	Meeting	Location	Comments
29/04/2022	NWMA Regional Meeting		
04/05/2022	Council meeting		
05/05/2022	Anne Webster meeting with Nhill Sporting Club		
15/05/2022	Chair Friends of Boyeo meeting		
19/05/2022	Nhill Volunteers acknowledgement		

#### Cr ISMAY

Date	Meeting	Location	Comments
27/04/2022	RREC meeting Rainbow		
04/05/2022	Council briefing meeting	Nhill	
04/05/2022	Council meeting	Nhill	
05/05/2022	Davis Park meeting with Dr Anne Webster		
12/05/2022	Onsite meeting with Craig Cocrane	GrainCorp	
16/05/2022	Rainbow Town committee meeting		
17/05/2022	Onsite meeting with Bernard Young, Simon Landrigan	Rear of Rainbow Library	
18/05/2022	Volunteer afternoon tea/ thank you	Rainbow Library	
23/05/2022	Open Albacutya Bridge to traffic with CEO	Albacutya	

**MOVED: CRS R Gersch/R Ismay**

**That Council:**

- **write returning politician Dr Anne Webster and congratulate her on retaining her**



*seat of Mallee; and*

- *write to the Hon Catherine King, Minister for Infrastructure, Transport and Regional Development and Local Government, and congratulate her on her return to parliament and her appointment to those portfolios and invite her to visit Hindmarsh Shire.*

**CARRIED**

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## **7 CORRESPONDENCE**

### **7.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment Number:** 2

**Introduction:**

The following correspondence is attached for noting by Council.

**Inwards:**

No inwards correspondence.

**Outwards:**

- 12/05/2022 – Letter to Wimmera Mallee Pioneer Museum Endorsing New Members of Committee

**RECOMMENDATION:**

*That Council notes the attached correspondence.*

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

*That Council notes the attached correspondence.*

**CARRIED**

*Attachment Number: 2*

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## **8 PLANNING PERMITS**

### **8.1 VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION**

**Responsible Officer:** Acting Director Infrastructure Services

### Introduction:

This report provides an update on VicSmart permits processed by Council for the period 01 January 2022 to 31 March 2022.

This report also lists the Planning Applications approved under delegation by the CEO for the same period.

### Discussion:

The VicSmart planning permit process is a statutory process that was introduced to streamline 'simple' planning permit applications.

Key features of VicSmart include:

- A 10 business day permit process
- Applications are not advertised
- Information to be submitted with applications and what Council can consider is pre-set
- The CEO or his delegate decides the application.

The table below lists the VicSmart permits that have been approved within this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Statutory Days
NIL.						

The following Planning Permit Applications were approved under delegation by the Chief Executive Officer.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date Approved	Statutory Days
PA1718-2021	1 Dimboola Rd Nhill VIC 3418	Development of Two dwellings at the rear of existing dwelling, vegetation removal, construction of fences and a three lot subdivision of two existing lots.	04/05/2021	Clause 32.08 – (General Residential Zone) 32.08-3 – subdivide land. 32.08-6 – construct 2 dwellings on a lot Clause 42.01-2 (Environmental	11/01/2021  <i>See note 1.</i>	N/A

				Significance Overlay Schedule 6) Remove vegetation and construct fences.		
PA1759-2021	92 Taverner St Rainbow VIC 3424	Alterations of Access to a Road in a Road Zone Category 1 for new dwelling	01/12/2021	Clause 52.29-2 (Land Adjacent to a Road zone, Category 1) – A permit is required to create or alter access.	17/01/2022	25
PA1763-2022	4 William St Dimboola VIC 3414	Removal of Vegetation	07/01/2022	Clause 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required for vegetation removal, including planted vegetation.	14/02/2022	12
PA1764-2022	140 Propodollah Extension Rd Nhill VIC 3418	Development of earthworks associated with the construction of an agricultural outbuilding	11/01/2022	Clause 42.01-2 - (Environmental Significance Overlay Schedule 6) A permit is required to undertake earthworks.	14/02/2022	31

PA1672-2020	145 Lloyd St Dimboola VIC 3414	Amendment Application – Buildings and Works to construct a carport (instead of shed) & endorse amended plans	13/12/2021	Clause 44.04-2 (Land Subject to Inundation Overlay) – A permit is required to construct a building in the LSIO.	09/03/2022	40
PA1761-2021	51 Rainbow Rises Rd, Rainbow VIC 3424	Use for a Place of Assembly (car racing event)	12/12/2021	Clause 35.0-7-1 (Farming Zone) - - Use as a POA is Section 2 use (in the FZ) for the car parking and competitor pit area, access and the amenities and facilities areas	10/03/2021	6
PA1767-2022	30 Queen Street Nhill VIC 3418	Alteration of Access to a Road in a Transport Zone 2	01/02/2022	Clause 52.29-2 (Land Adjacent to a Principal Road Network) – A permit is required to create or alter access.	16/03/2022	30

*Note 1: A Notice of Decision to Grant a Permit was issued 24/11/2021. Following no Appeal lodged at VCAT the Permit was issued on 11/01/2022.*

**Options**

N/A

**Link to Council Plan:**

Facilitating and supporting economic development.

**Financial Implications:**

Fees associated with planning permit applications and amendments are set by the State in accordance with the Planning and Environment (Fees) Regulations 2016. These fees are currently being applied to all applications received by Council.

**Risk Management Implications:**

Risk is managed appropriately by adhering to the VicSmart process.

**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 – Janette Fritsch, Manager Development

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

Officer Responsible – Monica Revell, Acting Director Infrastructure

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

**Communications Strategy:**

Nil

**Next Steps:**

Next Report to be provided July 2022.

**RECOMMENDATION:**

***That Council notes the Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 January 2022 to 31 March 2022.***

***MOVED: CRS R Gersch/R Ismay***

***That Council notes the Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 January 2022 to 31 March 2022.***

**CARRIED**

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**8.2 APPLICATION FOR PLANNING PERMIT 1754-2021 – SUBDIVISION OF LAND INTO TWO (2) LOTS, USE OF LAND FOR A MUSEUM AND REDUCTION IN CAR PARKING REQUIREMENTS – 36-38 VICTORIA STREET DIMBOOLA VIC 3414**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	29400
<b>Application Number:</b>	<b>PA1754-2021</b>
<b>Application Received:</b>	26 October 2021 (Fee paid 5 November 2021)
<b>Applicant:</b>	Ferguson Perry Surveying
<b>Owner:</b>	Mr Ian Lehmann and Mrs Maureen Lehmann
<b>Subject Land:</b>	36-38 Victoria Street Dimboola VIC 3414 (Lot 1 TP402647T Township and Parish of Dimboola)
<b>Proposal:</b>	Subdivision of land into two (2) lots, use of land for a museum and reduction in car parking requirements
<b>Zoning &amp; Overlays:</b>	General Residential Zone – Schedule 1 (GRZ1) Environmental Significance Overlay – Schedule 6 (ESO6)
<b>Attachment Number:</b>	3

**Summary:**

This report recommends that Council approve Planning Permit PA1754-2021 for the subdivision of land into two (2) lots, use of land for a museum and reduction in car parking requirements on the subject land known as 36-38 Victoria Street, Dimboola VIC 3414 (Lot 1 TP402647T Township and Parish of Dimboola).

**Background:**

On 26 October 2021, Ferguson Perry Surveying on behalf of Ian and Maureen Lehmann lodged a planning application to the Responsible Authority for the subdivision of land into two (2) lots, use of land for a museum and reduction of car parking requirements at 36-38 Victoria Street, Dimboola.

Planning Permit PA1452-2014 was issued by Council on 9 October 2014 for the construction of a dwelling and use of land for a museum, with the museum part of this permit having now expired as the use did not commence.

**Proposal Details:**

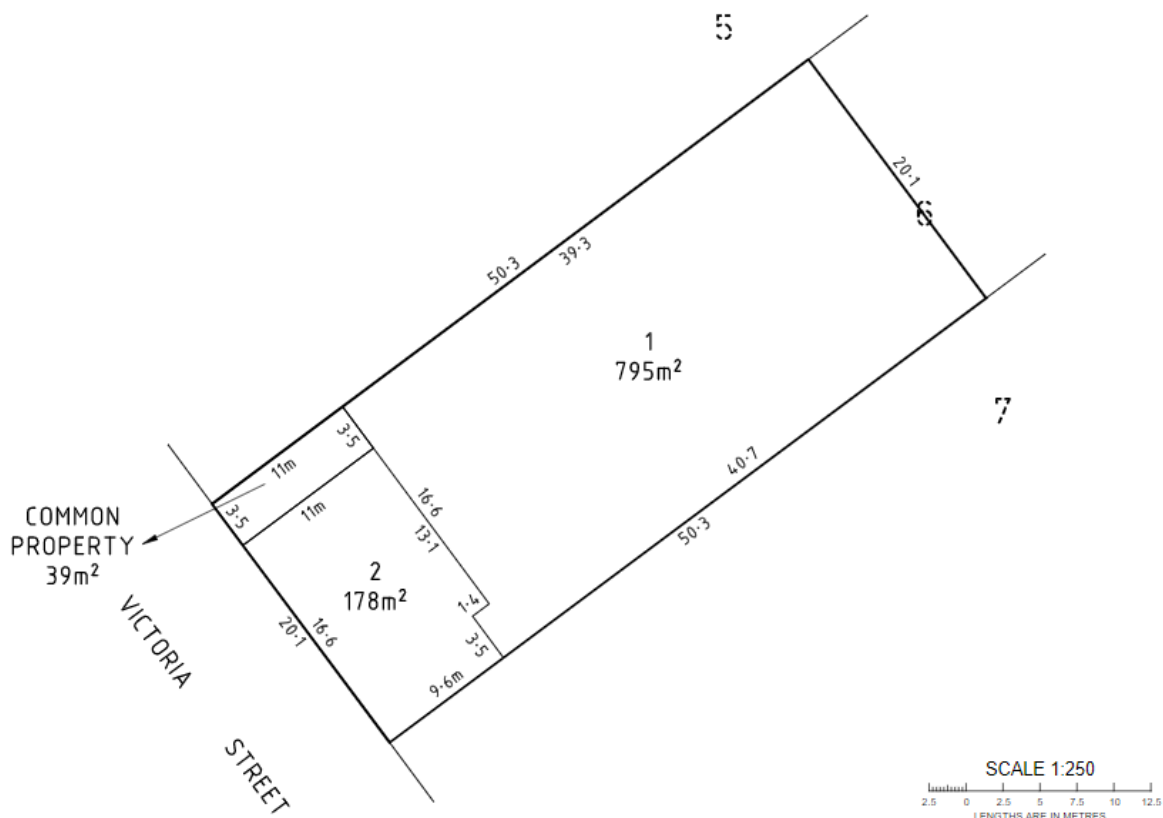
The permit applicant, Ferguson Perry Surveying on behalf of Ian and Maureen Lehmann seeks approval for the subdivision of land into two (2) lots, use of land for a Museum and reduction of car parking requirements. The subject land is currently improved by an existing dwelling pursuant to Planning Permit PA1452-2014, and the former café (coffee house) building at the front of the site.

The museum is proposed in the former coffee house building, with no works proposed to this structure. A maximum of 20 persons are expected at any one time in the museum, with varying operating hours based on demand. The museum is proposed to focus on musical

history of the area. As no on site car parking is proposed for the use (with 6 spaces required under the Scheme), a reduction of this requirement is sought.

The subdivision proposes to separate the dwelling from the museum building in a 'battleaxe' configuration, with each building to be divided onto separate titles. Proposed Lot 1 containing the dwelling would be 795m<sup>2</sup> in area, with proposed Lot 2 containing the museum to be 178m<sup>2</sup> in area. Access is proposed by a 39m<sup>2</sup> common property along the northern boundary to Victoria Street.

Plans of the proposed subdivision are provided below:



### Requirement for Permit:

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

- Clause 32.08-2 (General Residential Zone) – A permit is required to use land for a place of assembly (museum)
- Clause 32.08-3 (General Residential Zone) – A permit is required to subdivide land.
- Clause 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required to subdivide land.
- Clause 52.06-3 (Car Parking) – A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 of the Scheme for a new use.

### Definitions:

Museum - Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.

**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.

**Subject site & locality:**

The subject site is known as 36-38 Victoria Street Dimboola, which comprises a single title with an area of approximately 1,012m<sup>2</sup>. The land is generally flat, with minimal fall across the site. The land is currently improved by an existing dwelling (to be contained on proposed Lot 1), and a former café building which is proposed to be used as a museum (proposed Lot 2). Access to each lot is proposed by a common property accessway on the northern boundary to Victoria Street.

The subject site adjoins residential zoned land to the north, south and east, with land in the Commercial 1 Zone to the west. Land within the General Residential Zone generally comprises lots of between 500-1,000m<sup>2</sup> allotments, generally improved by single residential dwellings or vacant blocks capable of development with dwellings. Land in the Commercial 1 Zone comprises varying commercial activities, dwellings and vacant land.

Immediately adjoining the subject land to the north is 40 Victoria Street, comprising a lot with dwelling under construction in the General Residential Zone. South of the site is 32 Victoria Street, comprising a single dwelling in the General Residential Zone. At the rear of the site to the east is 41 Church Street, comprising a single residential dwelling in the General Residential Zone. Opposite the site to the west is 37 Victoria Street, comprising a single dwelling in the Commercial 1 Zone.

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

Site photos:



Front of subject site from Victoria Street



Existing access and dwelling from Victoria Street





Abutting property at 40 Victoria Street (house under construction now)



Aerial Map below – Hindmarsh POZI





Aerial Map with Zoning and Overlays below – Hindmarsh POZI



**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; and
- Erection of a sign on site;

No objections or submissions have been received to the application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
Wimmera CMA	Consent, no conditions.  Response received <b>24 February 2022.</b>

<b>Section 52 and Internal Notices</b>	
GMW Water	Conditional consent.  Response received <b>6 April 2022.</b>
Engineering	Consent, no conditions.  Response received <b>7 March 2022.</b>

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 11.01-1L Settlement – Hindmarsh

Clause 15.01-1S Urban 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)**

**Clause 32.08-2 Use of Land**

A permit is required to use land for a place of assembly (museum).

**32.08-3 Subdivision**

A permit is required to subdivide land.

**Clause 32.08-13 Decision Guidelines**

Before deciding on an application, the Responsible Authority must consider, as appropriate:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Non-residential use and development

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

**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 non-residential land use in the zone, with the overwhelming policy direction being to intensify residential development in such areas in close proximity to jobs, transport and services.

The subject land was formerly a café (coffee house), with the existing built form and siting of works on the land reflective of this history. There is limited opportunity to change the built form, with the existing development form and past use creating opportunity for low intensity non-residential uses to be compatible with residential land use and development in the surrounding area. The proposed museum is considered low intensity, with a maximum patronage of 20 persons, sited opposite a Commercial Zone and with ample on-street car parking in the area.

As each building is existing, no impacts to rooftop solar systems will result and the proposal is generally consistent with Clause 56, noting that no assessment is required for a subdivision that subdivides land into lots each containing a dwelling or car parking space. While Lot 2 is not a dwelling structure, as the building is existing and to be used for non-residential purposes, compliance with ResCode for this lot does not inform the assessment of this proposal in any meaningful way.

**Overlay Provisions:**

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

**42.01-2 Subdivision**

A permit is required to subdivide land.

**Clause 5.0 to Schedule 6 of Clause 42.01-2 Decision guidelines** (relevant to the application)

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- The Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines.

**Planning Response:**

Given that no development is proposed under this application, it is considered that the proposed subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands in Hindmarsh Shire.

In addition, the application was referred to the Wimmera CMA as required by the ESO6, which did not object to the grant of a permit nor require any conditions to be imposed as part of the subdivision.

**Particular Provisions:**

**Clause 52.06 – Car Parking**

*A permit is required to:*

- *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*

**Planning Response:**

Clause 52.06-5 provides that 0.3 car parking spaces per patron is required for a Place of Assembly use. As a maximum of 20 persons are proposed to attend the site at any one time, six (6) car parking spaces would be required. A reduction of this number to 0 is sought.

The existing built form coverage of the site prevents any meaningful opportunity to provide car parking spaces on site, which would occupy a disproportionate site area for no discernible benefit. Ample on-street car parking is provided on Victoria Street, both in front of the former coffee house building and on the road reserve nearby that could readily accommodate the required car parking demands of the use. As such, the reduction is considered appropriate in this instance.

Given the small number of spaces involved and characteristics of the area, no independent Car Park Demand Assessment has been required to be provided by the applicant, and it is noted that Council's Engineering Department have not raised any concerns in relation to the proposal.

**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 56 – Residential Subdivision**

Provisions in this clause apply to an application to subdivide land in a General Residential Zone. However, no assessment is required for an application to subdivide land into lots each containing an existing dwelling or car parking space.

As noted above, the proposal subdivides an existing dwelling and non-residential building (which would not be required to meet ResCode as it is not a residential development/use) into separate lots. Given this, no ResCode assessment has been undertaken. It is noted that any proposal to re-develop Lot 2 containing the museum for residential purposes, would require a Planning Permit and a ResCode assessment at that stage (as the lot is less than 300m<sup>2</sup> in area).

**General Provisions**

**Clause 65 - Decision Guidelines**

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

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

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

- The matters set out in Section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

**Clause 65.02– Approval of an application to subdivide land**

Before deciding on an application 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.
- The impact the development will have on the current and future development and operation of the transport system.

**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 subdivision provides for a diversity in lot sizes reflecting existing buildings on the land, and housing/non-residential use 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 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 52.06 Car Parking**

The proposal complies with the relevant objectives and decision guidelines of Clause 52.06 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, Environmental Significance Overlay – Schedule 6 and Clause 52.06 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:**

26/10/2021 The application was received.  
05/11/2021 The fee was paid.  
22/11/2021 Further information was requested  
17/12/2021 Further information response provided  
18/01/2022 Additional fee required for amended application (in further information response)  
25/01/2022 Additional fee paid  
07/02/2022 Additional further information was requested  
15/02/2022 Further information response provided  
22/02/2022 Application referred to WCMA, GWM and Engineering  
24/02/2022 WCMA referral response provided.  
28/02/2022 Additional information provided relating to lot areas.  
01/03/2022 The application was notified  
07/03/2022 Engineering response received  
23/03/2022 Notice Statutory Declaration received  
06/04/2022 GWM referral response received.  
01/06/2022 The report is being presented to Council at the meeting held 01 June 2022 (71 Days)

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

**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, Acting 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.

**Link to Council Plan:**

N/A.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

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

**RECOMMENDATION:**

***That Council approves planning application PA1754-2021 for the subdivision of land into two (2) lots, use of land for a museum and reduction of car parking requirements on the subject land known as 36-38 Victoria Street Dimboola VIC 3414 (Lot 1 TP402647T Township and Parish of Dimboola), subject to the following conditions:***

**Endorsed Plans**

- 1. The subdivision and use as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.***
- 2. 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.***

3. *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.*
4. *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.*

**Use Conditions**

5. *The use must not detrimentally affect the amenity of the neighbourhood, including through the:*
  - (a) *Transport of materials, goods or commodities to or from the land.*
  - (b) *Appearance of any building, works or materials.*
  - (c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
6. *No more than 20 persons may attend the museum at any one time, except with the written consent of the Responsible Authority.*
7. *Except with the written consent of the Responsible Authority, the museum must only operate between the following hours:*
  - (a) *Monday – Sunday: 8am to 6pm*

**GWM Water Conditions**

8. *The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.*
9. *The owner/applicant must provide three metre wide easements in favour of GWMWater over the existing sewer main located at the rear of proposed Lot 1.*
10. *The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements or provide an owners corporation to manage all common sewer property services.*
11. *The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.*

**Time Limit**

12. *The above-mentioned planning permit as it relates to use will expire if either of the following circumstances arise:*
  - (a) *The use does not commence within two (2) years of the date of issue of this permit.*
  - (b) *The use is discontinued for a period of two (2) or more years.*

*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*

13. *The above-mentioned planning permit as it relates to subdivision will expire if either of the following circumstances arise:*
  - (a) *The plan of subdivision is not certified within two (2) years of the date of*

- this permit; or*
- (b) 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.*

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

*That Council approves planning application PA1754-2021 for the subdivision of land into two (2) lots, use of land for a museum and reduction of car parking requirements on the subject land known as 36-38 Victoria Street Dimboola VIC 3414 (Lot 1 TP402647T Township and Parish of Dimboola), subject to the following conditions:*

**Endorsed Plans**

- 1. The subdivision and use as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.*
- 2. 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.*
- 3. 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.*
- 4. 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.*

**Use Conditions**

- 5. The use must not detrimentally affect the amenity of the neighbourhood, including through the:*
  - (a) Transport of materials, goods or commodities to or from the land.*
  - (b) Appearance of any building, works or materials.*
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- 6. No more than 20 persons may attend the museum at any one time, except with the written consent of the Responsible Authority.*
- 7. Except with the written consent of the Responsible Authority, the museum must only operate between the following hours:*
  - (a) Monday – Sunday: 8am to 6pm*

**GWM Water Conditions**

8. *The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.*
9. *The owner/applicant must provide three metre wide easements in favour of GWMWater over the existing sewer main located at the rear of proposed Lot 1.*
10. *The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements or provide an owners corporation to manage all common sewer property services.*
11. *The plan of subdivision submitted for certification must be referred to GWMWater in accordance with Section 8 of the Subdivision Act.*

**Time Limit**

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

- (a) The use does not commence within two (2) years of the date of issue of this permit.*
- (b) The use is discontinued for a period of two (2) or more years.*

*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*

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

- (a) The plan of subdivision is not certified within two (2) years of the date of this permit; or*
- (b) 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.*

**CARRIED**

Attachment Number: 3

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### **8.3 APPLICATION FOR PLANNING PERMIT 1772-2022 – SUBDIVISION OF LAND INTO TWO (2) LOTS – 16-18 HINDMARSH STREET DIMBOOLA VIC 3414**

**Responsible Officer:** Acting Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 23760  
**Application Number:** **PA1772-2022**  
**Application Received:** 16 March 2022 (Fee paid 24 March 2022)  
**Applicant:** Mrs Julie Lee

**Owner:** Mr Ivan Berry and Mrs Julie Lee  
**Subject Land:** 16-18 Hindmarsh Street Dimboola VIC 3414 (Lot 1 TP821905K and Lot 1 TP821906H Township and Parish of Dimboola)  
**Proposal:** Subdivision of land into two (2) lots  
**Zoning & Overlays:** General Residential Zone – Schedule 1 (GRZ1)  
Environmental Significance Overlay – Schedule 6 (ESO6)  
**Attachment Number:** 4

**Summary:**

This report recommends that Council approve Planning Permit PA1772-2022 for the subdivision of land into two (2) lots on the subject land known as 16-18 Hindmarsh Street, Dimboola VIC 3414 (Lot 1 TP821905K and Lot 1 TP821906H Township and Parish of Dimboola).

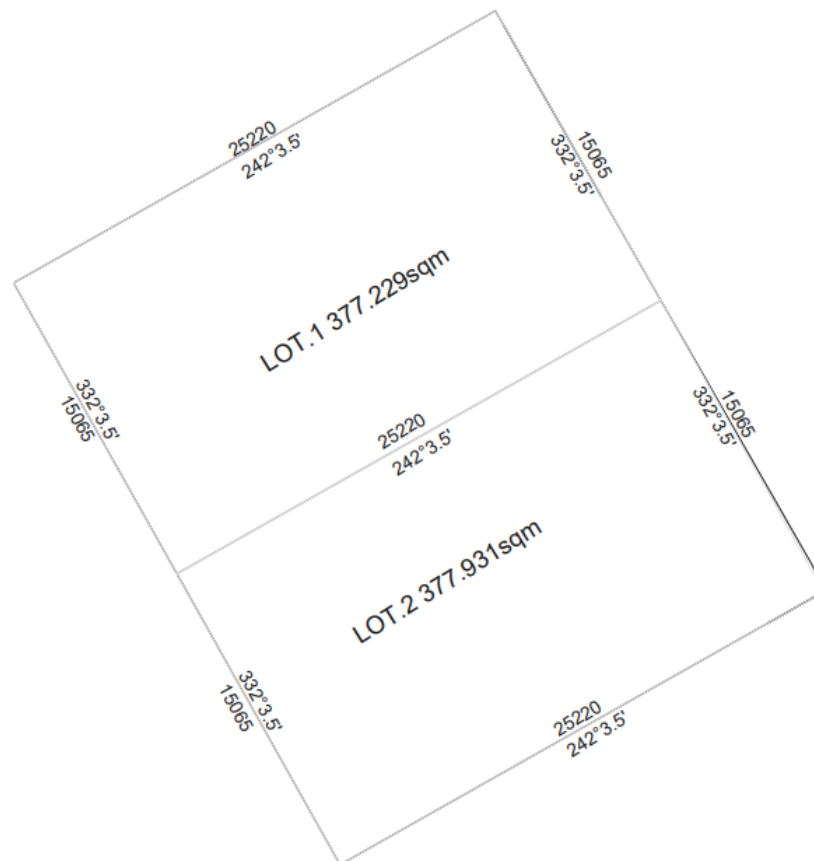
**Background:**

On 16 March 2022, Mrs Julie Lee lodged a planning application to the Responsible Authority for the subdivision of land into two (2) lots at 16-18 Hindmarsh Street, Dimboola.

**Proposal Details:**

The permit applicant, Mrs Julie Lee seeks approval for the subdivision of land into two (2) lots. The subject land is currently vacant residential land in 2 titles, which is proposed to be subdivided (re-subdivided) in a side by side configuration. Each proposed lot will have an area of 377m<sup>2</sup> and be accessed from Hindmarsh Street.

Plans of the proposed subdivision are provided below:



**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 42.01-2 (Environmental Significance Overlay – Schedule 6) – A permit is required to subdivide land.

**Definitions:**

No relevant definitions apply.

**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 16-18 Hindmarsh Street, Dimboola, which comprises two (2) titles with a combined area of approximately 755m<sup>2</sup>. The land is generally flat, with minimal

fall across the site. The land is currently vacant and has been so for an extended period of time.

The subject site adjoins residential zoned land to the north, south and west, with land in the Transport Zone 1 to the east. Land within the General Residential Zone generally comprises lots of between 750-1,000m<sup>2</sup> allotments, with some larger land holdings evident.

Immediately adjoining the subject land to the north is 20 Hindmarsh Street, comprising a single dwelling. Opposite the site to the west is 15 and 17 Hindmarsh Street, each 1,000m<sup>2</sup> lots comprising a single dwelling. To the east is the railway corridor, while to the south of the land is High Street.

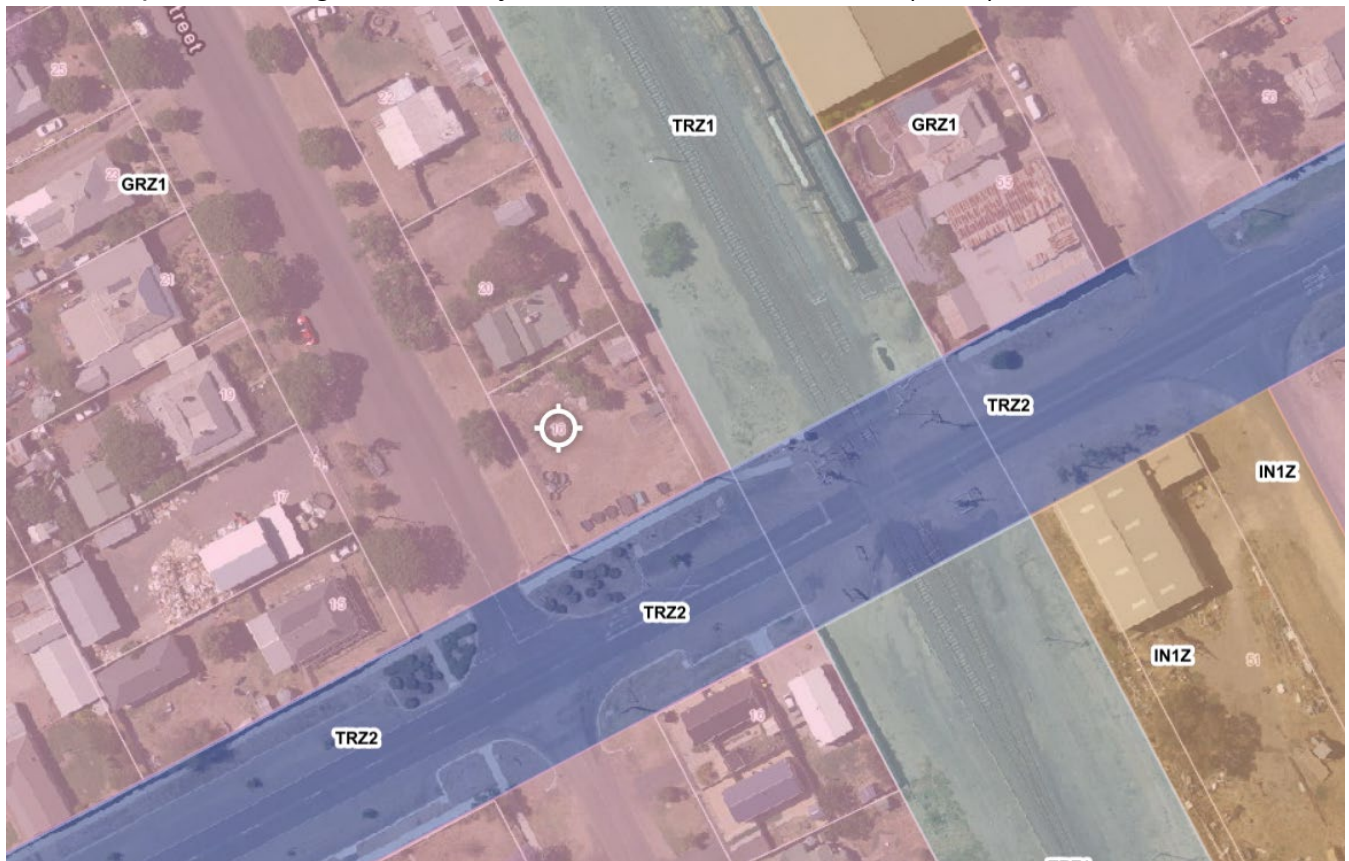
The site appears to have access to reticulated power, telecommunications, water and sewer.

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 'Dimboola Banner'

No objections or submissions have been received to the application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
Wimmera CMA	Consent, no conditions.  Response received <b>08 April 2022.</b>

<b>Section 52 and Internal Notices</b>	
Department of Transport	No response received.
GMW Water	Conditional consent.  Response received <b>12 April 2022.</b>
VicTrack	Conditional consent.

	Response received <b>24 May 2022</b> .
Engineering	Conditional consent.  Response received <b>9 May 2022</b> .

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

Clause 11.01-1L Settlement – Hindmarsh

Clause 15.01-1S Urban 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.

**Clause 32.08-13 Decision Guidelines**

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

**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 intensity 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 housing to respect neighbourhood character, to

which the proposal responds satisfactorily, encouraging housing diversity in established areas with access to services.

In accordance with requirements to ensure garden area is provided on subdivided lots less than 400m<sup>2</sup>, a Section 173 Agreement will be required as a condition of approval to ensure that any future development of each lot provides a minimum of 25% garden area as defined in the Hindmarsh Planning Scheme.

The proposal will not affect rooftop solar systems and meets the relevant objectives of Clause 56 as applicable to this proposal. An assessment against the relevant provisions of Clause 56 is provided further in this report.

**Overlay Provisions:**

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

**42.01-2 Subdivision**

A permit is required to subdivide land.

**Clause 5.0 to Schedule 6 of Clause 42.01-2 Decision guidelines** (relevant to the application)

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- The Incorporated Document titled Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines.

**Planning Response:**

Given that no development is proposed under this application, it is considered that the proposed subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands in Hindmarsh Shire.

In addition, the application was referred to the Wimmera CMA as required by the ESO6, which did not object to the grant of a permit nor require any conditions to be imposed as part of the subdivision.

**Particular Provisions:**

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

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

**53.01-1 – Exemption from public open space requirement specified in the scheme** *A subdivision is exempt from a public open space requirement specified in this scheme if:*

- *It is one of the following classes of subdivision:*

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

### **Planning Response:**

The proposed 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 56 – Residential Subdivision**

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

An assessment against the relevant objectives and standards of Clause 56 is provided below.

<b>LIVEABLE AND SUSTAINABLE COMMUNITIES</b>				
<b>56.03-5 Neighbourhood Character</b>	<b>Met ?</b>	<b>Standard C6</b>	<b>Met ?</b>	<b>Comments</b>
<i>To design subdivisions that respond to neighbourhood character</i>	Yes	<i>Subdivision should</i> <ul style="list-style-type: none"> <li>● <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</i></li> <li>● <i>Respond to and integrate with the surrounding urban environment.</i></li> <li>● <i>Protect significant vegetation and site features</i></li> </ul>	Yes	As discussed earlier in this report, the proposed subdivision is consistent with the character of the area; typically comprising a combination of single dwellings on allotments of 750-1,000m <sup>2</sup> . The proposal supports planning policy relating to infill development, with the subdivision appropriately responding to the site characteristics of the

				land and providing integration with the surrounding urban environment.
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LOT DESIGN				
56.04-2 Lot Area and Building Envelopes	Met ?	Standard C8	Met ?	Comments
<i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i>	Yes	<i>An application to subdivide land that creates lots of less than 300sqm should be accompanied by information that shows:</i> <ul style="list-style-type: none"> <li><i>That the lots are consistent or contain a building envelope that is consistent with a development approved under this scheme, or</i></li> <li><i>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</i></li> </ul>	N/A	N/A
		<i>Lots of between 300sqm and 500sqm should:</i> <ul style="list-style-type: none"> <li><i>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</i></li> <li><i>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10m x 15m, or 9m x15m if a boundary wall is nominated as part of the building envelope</i></li> </ul>	Yes	Each lot can contain the requisite building envelope.

		<i>If lots of between 300sqm and 500sqm are proposed to contain buildings that are built to the boundary, the long axis of the lots should be within 30°E and 20°W of N unless there are significant physical constraints that make this difficult to achieve.</i>	N/A	No development on boundaries proposed.
		<i>Lots greater than 500sqm in area should be able to contain a rectangle measuring 10m x 15m, and may contain a building envelope.</i>	N/A	No lots over 500m <sup>2</sup> proposed.
		<i>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</i> <ul style="list-style-type: none"> <li><i>• The objectives of the relevant standard are met, and</i></li> <li><i>• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</i></li> </ul>	N/A	N/A
		<i>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</i> <ul style="list-style-type: none"> <li><i>• The building envelope must meet Standards A10 and A11 and Clause 54 in relation to the adjoining lot, and</i></li> </ul>	N/A	N/A



		<ul style="list-style-type: none"> <li><i>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</i></li> </ul>		
		<p><i>Lot dimensions and building envelopes should protect:</i></p> <ul style="list-style-type: none"> <li><i>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</i></li> <li><i>Existing or proposed easements on lots.</i></li> <li><i>Significant vegetation and site features.</i></li> </ul>	Yes	Lot dimensions and existing building forms ensure that future dwelling development will not unreasonably inhibit solar access. No significant vegetation is provided on the land.
<b>56.04-3 Solar Orientation</b>	<b>Met ?</b>	<b>Standard C9</b>	<b>Met ?</b>	<b>Comments</b>
<i>To provide good solar orientation of lots and solar access for future dwellings</i>	Yes	<i>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</i>	Yes	Appropriate solar orientation is provided.
		<p><i>Lots have appropriate solar orientation when:</i></p> <ul style="list-style-type: none"> <li><i>The long axes of lots are within the range N20°W to N30°E, or E20°N to E30°S.</i></li> <li><i>Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within N20°W to N30°E.</i></li> <li><i>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</i></li> </ul>	Yes	Complies.

56.04-5 Common Area	Met ?	Standard C11	Met ?	Comments
To identify common areas and the purpose for which the area is commonly held.	N/A	<p><i>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</i></p> <ul style="list-style-type: none"> <li><i>The common area to be owned by the body corporate, including any streets and open space;</i></li> <li><i>The reasons why the area should be commonly held;</i></li> <li><i>Lots participating in the body corporate</i></li> <li><i>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</i></li> </ul>	N/A	No common property is proposed.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.				
To maintain direct public access throughout the neighbourhood street network				

ACCESS AND MOBILITY MANAGEMENT				
56.06-8 Lot Access	Met ?	Standard C21	Met ?	Comments
To provide for safe vehicle access between roads and lots.	Yes	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.	Yes	Access to be provided via new crossovers from Hindmarsh Street to the satisfaction of the Responsible Authority.
		Vehicle access to lots of 300sqm or less in area and lots with frontage of 7.5m or less should be provided via rear or side access lanes, places or streets.	N/A	Lots >300sqm
		The design and construction of a crossover should meet the requirements of the relevant road authority.	Yes	Crossovers will be constructed to the satisfaction of the Responsible Authority.



<b>INTEGRATED WATER MANAGEMENT</b>				
<b>56.07-1 Drinking Water Supply</b>	<b>Met ?</b>	<b>Standard C22</b>	<b>Met ?</b>	<b>Comments</b>
<i>To reduce the use of drinking water</i>	Yes	<i>The supply of drinking water must be:</i> <ul style="list-style-type: none"> <li><i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</i></li> <li><i>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</i></li> </ul>	Yes	Will comply with GMW Water requirements
<i>To provide adequate, cost-effective supply of drinking water</i>	Yes			
<b>56.07-2 Reused and Recycled Water</b>	<b>Met ?</b>	<b>Standard C23</b>	<b>Met ?</b>	<b>Comments</b>
<i>To provide for the substitution of drinking water for non-drinking water purposes with reused and recycled water,</i>	Yes	<i>Reused and recycled water supply systems must be:</i> <ul style="list-style-type: none"> <li><i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</i></li> <li><i>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i></li> </ul>	Yes	As above.
<b>56.07-3 Waste Water Management</b>	<b>Met ?</b>	<b>Standard C24</b>	<b>Met ?</b>	<b>Comments</b>
<i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an</i>	Yes	<i>Waste water systems must be:</i> <ul style="list-style-type: none"> <li><i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority.</i></li> </ul>	Yes	As above.

<i>environmentally friendly manner.</i>		<ul style="list-style-type: none"> <li>• <i>Consistent with any relevant approved domestic waste water management plan.</i></li> </ul>		
		<i>Reticulated waste water must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i>	Yes	As above.
<b>56.07-4 Urban Run-Off Management</b>	<b>Met ?</b>	<b>Standard C25</b>	<b>Met ?</b>	<b>Comments</b>
<i>To minimise damage to properties and inconvenience to residents from urban run-off.</i>	Yes	<p><i>The urban stormwater management system must be:</i></p> <ul style="list-style-type: none"> <li>• <i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i></li> <li>• <i>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</i></li> <li>• <i>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) as amended.</i></li> <li>• <i>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</i></li> </ul>	Yes	Will comply with Council requirements.

<i>To ensure that the street operates adequately during major storm events and provides for public safety.</i>	Yes	<i>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</i>	Yes	As above.
<i>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</i>	Yes	<i>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</i> <ul style="list-style-type: none"> <li><i>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</i></li> <li><i>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</i></li> </ul>	Yes	As above.
		<i>For storm events greater than 20% AEP and up to and including 1% AEP standard:</i> <ul style="list-style-type: none"> <li><i>Provision must be made for the safe and effective passage of stormwater flows.</i></li> <li><i>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</i></li> <li><i>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>d_a V_{ave} &lt; 0.35m^2/s</math> (where, <math>d_a</math> = average depth in metres and <math>V_{ave}</math> = average velocity in metres per second).</i></li> </ul>	Yes	As above.
		<i>The design of the local drainage network should:</i> <ul style="list-style-type: none"> <li><i>Ensure run-off is retarded to a standard required by the</i></li> </ul>	Yes	As above.

		<p>responsible drainage authority.</p> <ul style="list-style-type: none"> <li>• Ensure that every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Where possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>• Ensure that inlet and outlet structures take account of the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overload flow in a safe and predetermined manner.</li> <li>• Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul>		
		Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.	N/A	As above.

SITE MANAGEMENT				
56.08-1	Site Management	Met ?	Standard C26	Met ?
				Comments

<i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i>	Yes	<i>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</i> <ul style="list-style-type: none"> <li><i>Erosion and sedimentation.</i></li> <li><i>Dust</i></li> <li><i>Run-off</i></li> <li><i>Litter, concrete and other construction wastes.</i></li> <li><i>Chemical contamination.</i></li> <li><i>Vegetation and natural features planned for retention.</i></li> </ul>	Yes	Limited amenity impacts can be expected from a 2 lot vacant subdivision. No special requirements (such as a CMP) are considered warranted in this instance.
<i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i>	N/A	<i>Recycled materials should be used for the construction of streets, shared paths and other infrastructure where practicable.</i>	N/A	Street network and associated infrastructure is existing.
<i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i>	N/A			

UTILITIES				
<b>56.09-1 Shared Trenching</b>	<b>Met ?</b>	<b>Standard C27</b>	<b>Met ?</b>	<b>Comments</b>
<i>To maximise the opportunities for shared trenching.</i>	N/A	<i>Reticulated services for water, gas, electricity and telecommunications should be</i>	N/A	Will be installed as per service authority requirements.

<i>To minimise constraints on landscaping within street reserves.</i>	N/A	<i>provided in shared trenching to minimise construction costs and land allocation for underground services.</i>		
<b>56.09-2 Electricity, Telecommunications and Gas</b>	<b>Met ?</b>	<b>Standard C28</b>	<b>Met ?</b>	<b>Comments</b>
<i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i>  <i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i>	Yes	<i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i>	Yes	Will comply with service authority requirements.
	Yes	<i>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</i>	N/A	None shown
		<i>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant</i>	Yes	Will comply with service authority requirements.

		<i>telecommunications servicing authority.</i>		
		<i>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</i>	Yes	Will comply with service authority requirements.

## General Provisions

### Clause 65 - Decision Guidelines

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

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

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

- The matters set out in Section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the 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.
- The impact the use or development will have on the current and future development and operation of the transport system

#### Clause 65.02– Approval of an application to subdivide land

Before deciding on an application 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
- The impact the development will have on the current and future development and operation of the transport system.

**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 subdivision provides for a diversity in lot sizes 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 56 Residential Subdivision**

The proposal complies with the relevant objectives and decision guidelines of Clause 56 for the reasons outlined in the planning response to this clause as discussed above.

**Clause 65 Decision Guidelines**

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

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the General Residential Zone, Environmental Significance Overlay – Schedule 6 and Clause 56 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:**

16/03/2022 The application was received.

24/03/2022 The fee was paid.

07/04/2022 The application was referred.

07/04/2022 The application was notified (last notice given 20/4/2022).

01/06/2022 The report is being presented to Council at the meeting held 1 June 2022 (55 Days)

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

**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, Acting 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.

**Link to Council Plan:**

N/A.

**Financial Implications:**

Nil.

**Risk Management Implications:**

Nil.

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

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

**RECOMMENDATION:**

***That Council approves planning application PA1772-2022 for the subdivision of land into two (2) lots on the subject land known as 16-18 Hindmarsh Street Dimboola VIC 3414 (Lot 1 TP821905K and Lot 1 TP821906H Township and Parish of Dimboola), subject to the following conditions:***

**Endorsed Plans**

- 1. The 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.***

**Subdivision Conditions**

- 2. Before the issue of Statement of Compliance under the Subdivision Act 1988, the holder of this permit must 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. Each lot must provide a minimum of 25% garden area (as defined in the Hindmarsh Planning Scheme) as part of any development of the land for a dwelling or residential building.***The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.***
- 3. 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.***
- 4. 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.***
- 5. 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.***
- 6. The owner of the land must enter into an agreement with:
  - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in******

*accordance with the provider's requirements and relevant legislation at the time; and*

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

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

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

#### **Engineering Conditions**

- 7. Before the issue of a Statement of Compliance, a new crossover must be constructed to each lot from Hindmarsh Street to the satisfaction of the Responsible Authority.*

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

- 8. Any redundant vehicle crossovers must be removed and reinstated with kerb, channel and nature strip prior to the issue of a Statement of Compliance.*

#### **GWM Water Conditions**

- 9. The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.*
- 10. The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.*
- 11. The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.*

#### **VicTrack Conditions**

- 12. Prior to the issue of a Statement of Compliance for any stage abutting the railway reserve, or other time agreed in writing with VicTrack, the permit holder must*

*install a visually transparent 1.8 metre high black coated chain mesh fence along the boundary abutting the rail reserve, to the satisfaction of VicTrack and the rail operators, at the full cost to the permit holder.*

- 13. VicTrack and the rail operator will not be responsible for the maintenance of any fencing constructed along the railway boundary.*
- 14. No drainage or effluent must enter VicTrack land and must be collected and directed to the legal point of discharge.*

**Time Limit**

- 15. The above-mentioned planning permit will expire if either of the following circumstances arise:*
- (a) The plan of subdivision is not certified within two (2) years of the date of this permit; or*
  - (b) 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*

**Note:**

**Engineering**

*A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 444) before the construction, alteration or upgrade of any vehicle crossovers or any works conducted in the road reserve.*

**VicTrack**

*VicTrack request only the referral of the relevant stages of this subdivision that abut the rail corridor.*

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

*That Council approves planning application PA1772-2022 for the subdivision of land into two (2) lots on the subject land known as 16-18 Hindmarsh Street Dimboola VIC 3414 (Lot 1 TP821905K and Lot 1 TP821906H Township and Parish of Dimboola), subject to the following conditions:*

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**Subdivision Conditions**

- 2. Before the issue of Statement of Compliance under the Subdivision Act 1988, the holder of this permit must 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. Each lot must provide a minimum of 25% garden area (as defined in the Hindmarsh Planning Scheme) as part of any development of the land for a dwelling or residential building.***

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

- 3. 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.***
- 4. 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.***
- 5. 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.***
- 6. The owner of the land must enter into an agreement with:***
  - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
  - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

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

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

#### **Engineering Conditions**

- 7. Before the issue of a Statement of Compliance, a new crossover must be***

*constructed to each lot from Hindmarsh Street to the satisfaction of the Responsible Authority.*

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

- 8. Any redundant vehicle crossovers must be removed and reinstated with kerb, channel and nature strip prior to the issue of a Statement of Compliance.*

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- 9. The owner/applicant must provide individual sewer services to each lot in accordance with GWMWater's requirements.*
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- 11. The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.*

**VicTrack Conditions**

- 12. Prior to the issue of a Statement of Compliance for any stage abutting the railway reserve, or other time agreed in writing with VicTrack, the permit holder must install a visually transparent 1.8 metre high black coated chain mesh fence along the boundary abutting the rail reserve, to the satisfaction of VicTrack and the rail operators, at the full cost to the permit holder.*
- 13. VicTrack and the rail operator will not be responsible for the maintenance of any fencing constructed along the railway boundary.*
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- (b) 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*

**Note:**

**Engineering**

***A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 444) before the construction, alteration or upgrade of any vehicle crossovers or any works conducted in the road reserve.***

**VicTrack**

***VicTrack request only the referral of the relevant stages of this subdivision that abut the rail corridor.***

**CARRIED**

Attachment Number: 4

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<b>9 REPORTS REQUIRING A DECISION</b>
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**9.1 COUNCIL PLAN 2021-2025 AND HEALTH AND WELLBEING PLAN 2021-2025  
ACTION PLAN 2022/2023**

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

**Attachment Number:** 5

**Introduction:**

This report presents the Council Plan 2021-2025 and Health and Wellbeing Plan 2021-2025 draft Action Plan 2022/2023. The report includes a recommendation that Council adopt the draft Action Plan 2022/2023 and invites community submissions.

**Discussion:**

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

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

In developing the Plan, it was intended to be a living document that will be reviewed and updated annually. The plan contains annual actions, allowing Council to adapt to our changing environment and inform the budget for each financial year.

The development of the 2022/2023 Action Plan was informed through community consultation in the initial development of the plan along with consultation sessions held during March 2022.

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

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

Actions for 2022/2023 are set against four key themes:

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

The Health and Wellbeing Actions 2022/2023 focus on five key areas:

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

The draft Action Plan will be made available to allow for submissions for the period Thursday 2 June 2022 to Friday 24 June 2022. Submissions will be considered at the Council meeting held on Wednesday 29 June 2022.

**Options:**

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

**Link to Council Plan:**

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides initiatives and activities under the four key themes.

**Financial Implications:**

Actions for 2022/2023 will be contained within the annual budget 2022/2023 and long term financial plan.

**Risk Management Implications:**

The preparation of the Council Plan, incorporating the Health and Wellbeing Plan, and Community Vision is a statutory requirement.

**Relevant legislation:**

Local Government Act 2020

Public Health and Wellbeing Act 2008



**Community engagement:**

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

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

**Gender equality implications:**

No gender impact assessment is required.

**Conflict of Interest:**

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

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

**Communications Strategy:**

Copies of the Council Plan 2021-2024 incorporating the Health and Wellbeing Plan Actions 2022/2023 will be available at Council's Customer Service Centres and on Council's website.

**RECOMMENDATION:**

***That Council:***

- 1. approves the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 for the purposes of public consultation;***
- 2. gives public notice of the preparation of the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 inviting written submissions from the public for the period Thursday 2 June 2022 to Friday 24 June 2022;***
- 3. considers public submissions and the formal adoption of the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 at the Council meeting on Wednesday 29 June 2022.***

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

***That Council:***

- 1. approves the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 for the purposes of public consultation;***
- 2. gives public notice of the preparation of the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 inviting written submissions from the public for the period Thursday 2 June 2022 to Friday 24 June 2022;***

3. ***considers public submissions and the formal adoption of the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Actions 2022/2023 at the Council meeting on Wednesday 29 June 2022.***

**CARRIED**

Attachment Number: 5

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## 9.2 ASSET PLAN 2022-2032

**Responsible Officer:** Acting Director Infrastructure Services

**Attachment Number:** 6

### Introduction:

This report presents the Asset Plan 2022-2032 for adoption in accordance with the Local Government Act 2020.

### Discussion:

Section 92 of the *Local Government Act 2020* requires Council to develop, adopt and keep in force an Asset Plan. The scope of an Asset Plan is for a minimum period of ten financial years and needs to be adopted by 30 June 2022.

Thereafter, Council should review and adopt an Asset Plan by 31 October in the year following a general election of Council.

The Asset Plan has been developed with the aim of maintaining existing service levels and provides information to inform the community on how Council controlled assets are to be managed. This information will inform Council's Annual Budget preparation and longer term planning.

The Asset Plan must include the following:

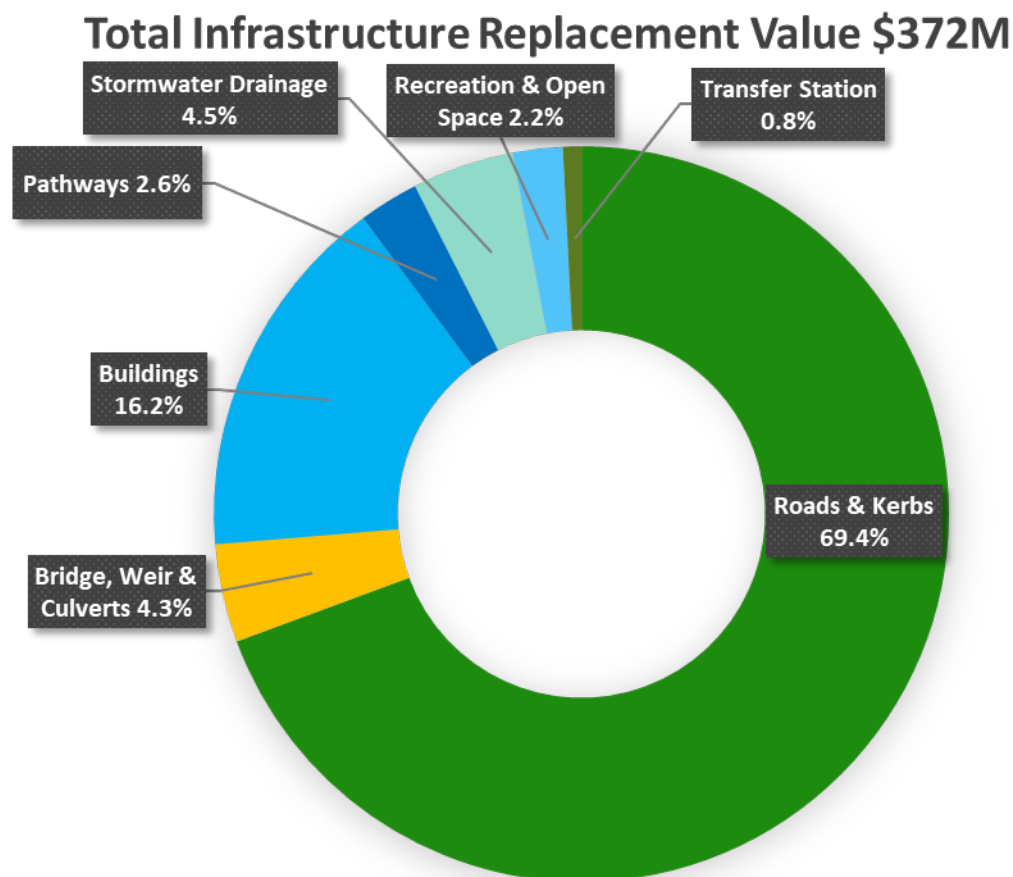
- information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure under the control of the Council.
- 10-year financial forecast\modelling to maintain Council Infrastructure to agreed and acceptable service level to the Community.

Council's total infrastructure replacement value is \$372m and broken into the following asset categories:

- Roads
- Bridges, Weirs and Culverts
- Buildings
- Pathways
- Stormwater Drainage
- Recreation and Open Space

- Transfer Stations

The below graph provides asset replacement values proportions as of April 2022.



At the Council meeting held on Wednesday 4 May 2022 Council resolved to approve the draft Asset Plan and invite public submissions. Council advertised for public submissions from the period Thursday 5 May to Monday 23 May 2022. No submissions were received in relation to the Asset Plan.

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

Well-maintained physical assets and infrastructure to meet community and organisation needs: Regularly review Council's asset management plans and update the Assets Register.

#### **Financial Implications:**

Modelling for the 10 years is done using assetic predictor modelling software with input of current asset condition, level of service required and budget forecasts from Council Long term financial plan.

Under the current modelling there is a shortfall of approximately \$1.7m over 10 years to fully comply with the Asset Plan.

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

Natural disasters like flooding, fire and earthquake are not considered while preparing this Asset Plan. Asset Plan will be beneficial in reducing the long-term financial risk to Council

assisting preservation of assets conduction in appropriate condition to serve the community at agreed level of service.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

A copy of the adopted Asset Plan will be available at Council's Customer Service Centres and on Council's Website.

**Gender equality implications:**

No impact on Gender Equality.

**Conflict of Interests:**

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

Author & Officer Responsible – Monica Revell, Acting Director Infrastructure Services

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

**Communications Strategy:**

Notification of the adoption of the Asset Plan will be published on Council's Facebook page.

**Next Steps:**

The Asset Plan operates over a ten-year period and will be reviewed by 31 October following each Council election.

**RECOMMENDATION:**

***That Council adopts the Asset Plan 2022-2032 in accordance with the Local Government Act 2020.***

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

***That Council adopts the Asset Plan 2022-2032 in accordance with the Local Government Act 2020.***

**CARRIED**

*Attachment Number: 6*

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### 9.3 HINDMARSH SHIRE COUNCIL STAFF DELEGATIONS

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

**Attachment Number:** 7

**Introduction:**

This report presents the updated S18 Instrument of Sub-delegation under the *Environmental Protection Act 2017* from Council to Council staff (**Delegation**), for review and approval.

**Discussion:**

Delegations from Council to Council staff are essential to ensure the day-to-day decisions and operations of Council are undertaken efficiently and effectively.

The *Environment Protection Act 2017* (**EPA Act**) was updated and took effect on 1 July 2021. The update to the EPA Act made Councils joint regulators of the EPA Act and corresponding regulations. Council now has a role in regulating residential noise complaints, litter and other waste complaints and on-site wastewater management systems.

Council is required to delegate the powers to Council staff to enable Council to meet its obligations under the EPA Act. Powers for Councils include:

- the power to issue improvement notice under the EPA Act;
- the power to issue prohibition notice under the EPA Act;
- the power to amend a notice;
- the functions and powers of the environment protection authority; and
- the power to give advice to persons with duties or obligations.

At the Council meeting held on 4 August 2021, Council moved to approve the *Environmental Protection Act 2017* Instrument of Sub-delegation, delegating the duties and functions under the act to the Environmental Health Officer (EHO) position.

As there may be periods where the EHO is on leave or unavailable, it is proposed to delegate these powers and functions to the Manager Governance and Human Services, Local Laws Officer and Coordinator Facilities and Environment positions. These positions work closely with the EHO, and the functions within this Delegation would complement their existing duties whilst ensuring that the services and obligations prescribed in the Delegation are able to be delivered without interruption to residents of Hindmarsh Shire.

**Options:**

Council can

1. approve the *Environment Protection Act 2017* Instrument of Delegation to members of Council staff;
2. modify the *Environment Protection Act 2017* Instrument of Delegation to members of Council staff;
3. neither approve nor modify the *Environment Protection Act 2017* Instrument of Delegation to members of Council staff.

**Link to Council Plan:**

Good Governance and Financial Sustainability

**Financial Implications:**

Nil.

**Risk Management Implications:**

Reviewing Council's Instrument of Delegations is important for Council to maintain good governance practices and to ensure it is effectively exercising its functions under relevant Acts.

**Relevant legislation:**

*Environmental Protection Act 2017*

*Local Government Act 2020*

**Community engagement:**

N/A

**Gender equality implications:**

N/A

**Conflict of Interest:**

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Petra Croot, Manager Governance and Human Services

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

**Communications Strategy:**

Relevant staff will be provided with confirmation of the amendments to the Instruments of Delegation.

The Instruments of Delegation to staff are placed on Council's website in a summarised form.

**RECOMMENDATION:**

***In the exercise of the power conferred by the legislation referred to in the attached instrument of sub-delegation, Hindmarsh Shire Council (Council) resolves that –***

- 1. There be delegation to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***

2. *The Instrument comes into force immediately when the Resolution is passed.*
3. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**MOVED: CRS R Gersch/R Ismay**

*In the exercise of the power conferred by the legislation referred to in the attached instrument of sub-delegation, Hindmarsh Shire Council (Council) resolves that –*

1. *There be delegation to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.*
2. *The Instrument comes into force immediately when the Resolution is passed.*
3. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**CARRIED**

Attachment Number: 7

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## **9.4 MANAGEMENT AND OPERATION OF HINDMARSH SHIRE COUNCIL SWIMMING POOLS 2021/2022 SEASON**

**Responsible Officer:** Acting Director Infrastructure Services

### **Introduction:**

This report provides Council with an overview of the 2021/2022 swimming pool opening season.

### **Discussion:**

At the Council meeting held on Wednesday 08 September 2021, Council awarded YMCA the contracts for the Management and Operation of all Hindmarsh Shire Council swimming pools and authorised the CEO to negotiate with YMCA to identify savings through the awarding of the contract for all four swimming pools to one supplier. YMCA offered a discount of \$6,000 discount per pool which was accepted.

### **Attendance**

Attendance figures provided by YMCA for 2021/2022 were similar to the 2020/2021 season, with higher attendances at Dimboola 6,482 (increase of 313) and Nhill 2,694 (increase of 991) respectively. Rainbow recorded lower attendances 2,087 (a decrease of 822 patrons) and Jeparit attendances were 333 (down 852 patrons). Total attendances for the 2021/2022 season was 11,596 compared to 11,966 the previous season.



### Issues experienced

Unfortunately, there have been a number of issues experienced during the 2021-2022 season, which accounted for 97 disruptions to pool opening days:

1. YMCA has been unable to source lifeguards for all the pools, therefore pool closures have been rotated between the four townships. On 27 occasions a pool was closed due to staff shortages/illness.
2. Coronavirus isolation rules have also affected the availability of staff.
3. Mechanical issues have been experienced at Nhill and Jeparit pools. Jeparit pool was closed for 11 days due to mechanical faults and closed five days early due to a major leak. Nhill was closed for two days due to mechanical issues.
4. Water Quality issues were experienced at Jeparit pool on three occasions resulting in the pool being closed.
5. Inclement weather accounted for 13 days of closure and five occasions when a pool was closed for part of the day.
6. On 28 occasions a pool was closed for unspecified reasons, plus Jeparit was closed for a day due to high demand at Dimboola pool. Nhill closed early on one occasion to prepare for the pool party and another day due to unforeseen circumstances.

The following tables provide a summary of each swimming pool.

### Legend:

	YMCA Responsibility
	Weather or Council Responsibility
	Unspecified-Needs to be further investigated

DIMBOOLA						
			REASON FOR CLOSURE			
Month:	Total Days:	Closed	Staffing	Mechanical	Weather	Not Specified
November 2021	3	0	0	0	0	0
December 2021	30	3	0.5*	0	2	0
January 2022	31	4	2	0	1 plus 0.5*	0
February 2022	38	1	1	0	0	0
March 2022	20	5	0	0	0	5
<b>TOTAL:</b>	<b>112</b>	<b>13</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>5</b>

\*0.5 denotes that the pool closed early (Counted as 1 day)

JEPARIT						
			REASON FOR CLOSURE			

Month:	Total Days:	Closed	Staffing	Mechanical	Weather	Not Specified/ Other	Water Quality
November 2021	3	3	0	0	0	0	3
December 2021	30	4	1	2	1	0	0
January 2022	31	19	9	8	2	0	0
February 2022	38	4	2	0	0	2	0
March 2022	20	16	1	6	1	8	0
<b>TOTAL:</b>	<b>112</b>	<b>46</b>	<b>13</b>	<b>16</b>	<b>4</b>	<b>10</b>	<b>3</b>

NHILL						
Month:	Total Days:	Closed	REASON FOR CLOSURE			
			Staffing	Mechanical	Weather	Not Specified/Other
November 2021	3	0	0	0	0	0
December 2021	30	3	0	1	2	0
January 2022	31	7	2	1	0.50 x 3*	0.50*
February 2022	38	9	4 plus 0.50*	0	0	3 plus 0.50*
March 2022	20	8	0	0	2	6
<b>TOTAL:</b>	<b>112</b>	<b>27</b>	<b>7</b>	<b>2</b>	<b>7</b>	<b>11</b>

\*0.5 denotes that the pool closed early (Counted as 1 day)

RAINBOW						
Month:	Total Days:	Closed	REASON FOR CLOSURE			
			Staffing	Mechanical	Weather	Not Specified/Other
November 2021	3	0	0	0	0	0
December 2021	30	1	0	0	1	0
January 2022	31	4	2	0	1 plus 0.50*	0
February 2022	38	1	1	0	0	0

March 2022	20	5	0	0	0	5
<b>TOTAL:</b>	112	11	3	0	3	5

\*0.5 denotes that the pool closed early (Counted as 1 day)

YMCA met with Monica Revell, Acting Director Infrastructure Services, and Wayne Schulze, Manager Operations, on a number of occasions to discuss the issues experienced during the season and proposed future works. Discussions are continuing in relation to variations to the contract payment for pools not being open.

### **Looking forward**

YMCA has recommended that Council review the season dates for the 2022/2023 season and look at extending the opening hours through the school summer holidays and on weekends, reducing the opening hours in March as attendances are significantly lower each day than any other month.

Council in consultation with YMCA has engaged the services of Bendigo Aquatic Services to inspect the pools and provide recommendations for future works. Council has received the report, which prioritise the works that need to be undertaken prior to the commencement of the new season and works that can be budgeted for in for in the following years.

Funding of \$325,000 has been allocated through the Local Roads and Community Infrastructure phase 3 grant program to undertake upgrades at each swimming pool. The upgrades will include new solar heating at Nhill Swimming Pool, mobility hoists at Dimboola and Rainbow swimming pools, new security lighting, new vacuum systems and upgrades identified in the Bendigo Aquatic report.

Officers have also been liaising with YMCA regarding a range of options for recruiting people in each town to undertake lifeguard training prior to the commencement of the 2022/2023 swimming season.

### **Options:**

This report has been presented for Council information. Any changes to the swimming pool openings will be presented in a future report.

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

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

### **Financial Implications:**

Council budgets annually for the contracts for the operation of swimming pools throughout the Shire.

### **Risk Management Implications:**

Council needs to ensure pools and equipment are working effectively, to ensure the safety

of the patrons.

**Relevant legislation:**

*Local Government Act 2020*

*Public Health and Wellbeing Act 2008 and regulations 2019*

*Safer Public Pools-Code of Practice*

*Occupational Health and Safety Act 2004*

**Community engagement:**

Not applicable

**Gender equality implications:**

No gender impact assessment was completed. A gender impact assessment will be completed prior to any changes to swimming pool opening hours.

**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, Acting Director Infrastructure Services

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

Author – Wayne Schulze, Manager Operations

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

**Communications Strategy:**

Information regarding the 2022-2023 season will be advertised in local newspapers, Council's website and YMCA's Facebook page.

**Next Steps:**

Negotiations with YMCA will continue to rectify the issues experienced this season.

**RECOMMENDATION:**

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

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

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

**CARRIED**

## 9.5 DRAFT 2022/2023 BUDGET INCLUDING DRAFT REVENUE AND RATING PLAN AND LONG TERM FINANCIAL PLAN

**Responsible Officer:** Director Corporate Services  
**Attachment Number:** 8

### Introduction:

This report presents the draft 2022/2023 Annual Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan in accordance with the *Local Government Act 2020*. The report includes a recommendation that Council adopt the draft 2022/2023 Annual Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan and invites community submissions.

### Discussion:

Council is required under section 94 of the *Local Government Act 2020* to prepare a budget for each financial year and the subsequent 3 financial years by:

- (a) 30 June each year; or
- (b) Any other date fixed by the Minister by notice published in the Government Gazette.

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

A requirement of the new *Local Government Act 2020* is that all Victorian Local Governments were required to adopt a Revenue and Rating Plan by 30 June 2022. To ensure the Revenue and Rating Plan remains current the plan has been incorporated into the budget.

The updated Revenue and Rating Plan retains the current differentials for farm and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

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

The draft 2022/23 budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, and new initiatives to improve amenity and make Hindmarsh a better place to live. It replicates the format of the four Key Result Areas used in the 2021-2025 Council Plan, namely:

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

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

### **Rates and Charges**

The rates and charges calculated for 2022/23 are based on revaluation figures as at 1 January 2022. The draft Revenue and Rating Plan includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

The Victorian State Government rate cap increase for 2022/2023 has been set at 1.75%. The cap, in line with the Essential Services Commission (ESC) calculation method, applies the increase to the average rates payable per assessment.

The total amount to be raised by general rates and charges in 2022/2023 is \$9.43m which is an increase of \$0.2m from 2021/2022.

### **Capital Works**

The draft 2022/2023 budget includes capital works expenditure of \$8.9m. A number of larger, grant funded projects are budgeted to be completed during 2022/2023 including:

- Repairs to the Nhill Airport runway and drainage \$300,000 (subject to funding)
- Rainbow Rises Events Centre \$625,000.
- Jeparit Swimming Hole Deck and retaining wall \$300,000,
- Construction of a new soundshell in Dimboola \$125,000
- Caravan Park cabins for Dimboola, Jeparit and Rainbow \$1.2m (subject to funding)

### **Key Initiatives**

The proposed key initiatives for the 2022/23 financial year are outlined below. Further details are included in the relevant sections of the budget document.

### **Community Infrastructure**

- Funding obtained through the Local Roads and Community Infrastructure Phase 3 funding will enable Council to undertake works on Community Infrastructure including:
  - Dimboola Visitor Node carpark and laneway sealing;
  - Swimming pool Package including upgrades to the vacuuming systems, mobility hoists (Dimboola and Rainbow) and new solar heating at Nhill Swimming Pool;
  - Rainbow Caravan Park amenities
  - Jeparit Riverbank Precinct amenities; and
  - Nhill Streetscape Plan implementation.
- \$10,000 in recurrent and \$50,000 in capital as seed funding for grant opportunities arising during the year.

### **Tourism Development**

- \$20,000 to update the ensuites at the Riverside Holiday Park in Dimboola;

- \$20,000 for new powerheads at Rainbow Recreation Reserve and Riverside Holiday Park in Dimboola (increasing the number of powered sites available);
- \$20,000 for Tourism Signage;
- \$12,000 to support the Rainbow Desert Enduro and Rainbow Rises 240.
- \$13,500 Advertising and Marketing.

### **Economic Development:**

- Business Assistance Grants. The Business Assistance Grants Program (BAGP) aims to support local businesses expanding their operations or new businesses, large and small, to establish in the Shire. It will provide assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire. \$30,000 has been included in the 2022/2023 budget for this project.

### **Empowered Communities**

- \$7,500 to each of the Shire's four Town Committees. This funding can be used as seed funding for grants that will fund works important to the community in each town. In its fourth year, this funding has enabled some fantastic projects in our towns since its inception.
- Hindmarsh Youth Council funding of \$10,000 to allow this successful initiative to continue.
- \$20,000 to its Community Action Grants which will enable community groups to apply for funding for events, minor facility upgrades, small equipment and community assistance.

### **Infrastructure**

- Major Culverts; Nhill Diapur Rd \$84,009; Yanac-Netherby Road \$49,170.
- Reseals and Final Seals: Council will undertake \$571,902 in reseal and final seals in 2022/2023. These include: Nhill-Netherby Rd, Ellerman St, Ellam Willenabrina Rd, Mt Elgin Road, Harding Road, Winiam Road and Dimboola Minyip Road.
- Sealed Road Construction: Council will undertake sealed road construction projects totalling \$513,046 in 2022/23. Mt Elgin Road and Woorak Ni Ni Lorquon Road.
- Road Resheet Projects: Council will undertake 7 resheet projects during 2022/23 totalling \$228,313. These include Mt Elgin Road, Kurnbrunin Road, Yanac Netherby Road and Broughton Yanac Road.
- Unsealed Road Projects; Council will undertake unsealed road construction of \$665,286 to the following roads: Tarranyurk East and West Roads, Dahlenburg Road, Eldorado Road., Lavery Road and Propodollah Netherby Roads.
- Footpaths: Footpath projects totalling \$196,350 will be undertaken during 2022/23. These include: Church St Nhill, High St and Ellerman St Dimboola, Roy Street Jeparit, Taverner St Rainbow.

The draft 2022/2023 budget incorporating the updated Revenue and Rating Plan and Long Term Financial Plan have been prepared for approval by Council. Under Council's Community Engagement Policy the draft budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan will be made available for public inspection and the



receiving of submissions for the period Thursday 2 June 2022 to Friday 25 June 2022. Council will be advised of any submissions received at the 29 June 2022 Council meeting.

The draft 2022/2023 budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan will be available for public inspection at Council Customer Service Centres or online on Council's website.

**Options:**

Council must formally prepare and advertise its 2022/23 budget pursuant to sections 94 and 96 of the *Local Government Act 2020*. The draft Revenue and Rating Plan must be prepared pursuant to section 93 of the *Local Government Act 2020*.

**Link to Council Plan:**

The 2022/23 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2021-2025.

**Financial Implications:**

The 2022/23 Budget is consistent with the parameters set out in Council's ten-year financial plan.

**Risk Management Implications:**

The preparation of the Budget is a statutory requirement.

**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.

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

**Communications Strategy:**

In line with Council's Community Engagement Policy it proposed that the draft budget be made available to allow for submissions for the period Thursday 2 June 2022 to Friday 24 June 2022. Submissions will be considered at the Council meeting on Wednesday 29 June 2022.

Copies of the draft 2022/2023 budget, including the Revenue and Rating Plan and Long Term Financial Plan will be available at Council's Customer Service Centres and on Council's website.

**RECOMMENDATION:**

***That Council:***

- 1. approves the draft 2022/23 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan for the purposes of public consultation in accordance with the Local Government Act 2020;***
- 2. gives public notice of the preparation of the draft Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan inviting written submissions from the public for the period Thursday 2 June 2022 to Friday 24 June 2022;***
- 3. considers public submissions and the formal adoption of the draft budget incorporating the draft Revenue and Rating Plan at the Council meeting on Wednesday 29 June 2022; and***
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the proposed budget 2022/23 incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan if required.***

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

***That Council:***

- 1. approves the draft 2022/23 Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan for the purposes of public consultation in accordance with the Local Government Act 2020;***
- 2. gives public notice of the preparation of the draft Budget incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan inviting written submissions from the public for the period Thursday 2 June 2022 to Friday 24 June 2022;***
- 3. considers public submissions and the formal adoption of the draft budget incorporating the draft Revenue and Rating Plan at the Council meeting on Wednesday 29 June 2022; and***
- 4. authorises the Chief Executive Officer to undertake minor editorial changes to the proposed budget 2022/23 incorporating the draft Revenue and Rating Plan and draft Long Term Financial Plan if required.***
- 5. Alter page 4 to read \$27,000 for Community Events including \$12,000 for Rainbow Enduro***

**Attachment Number: 8**

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**9.6 CROWN LAND LICENCE – RAINBOW RV DUMP POINT**

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

**Attachment Number:** 9 (*Confidential*)

**Introduction:**

This report seeks Council support to enter into a licence with the Department of Land Water

and Planning (DELWP) for the Rainbow RV Dump Point located within Gregson Park, Rainbow.

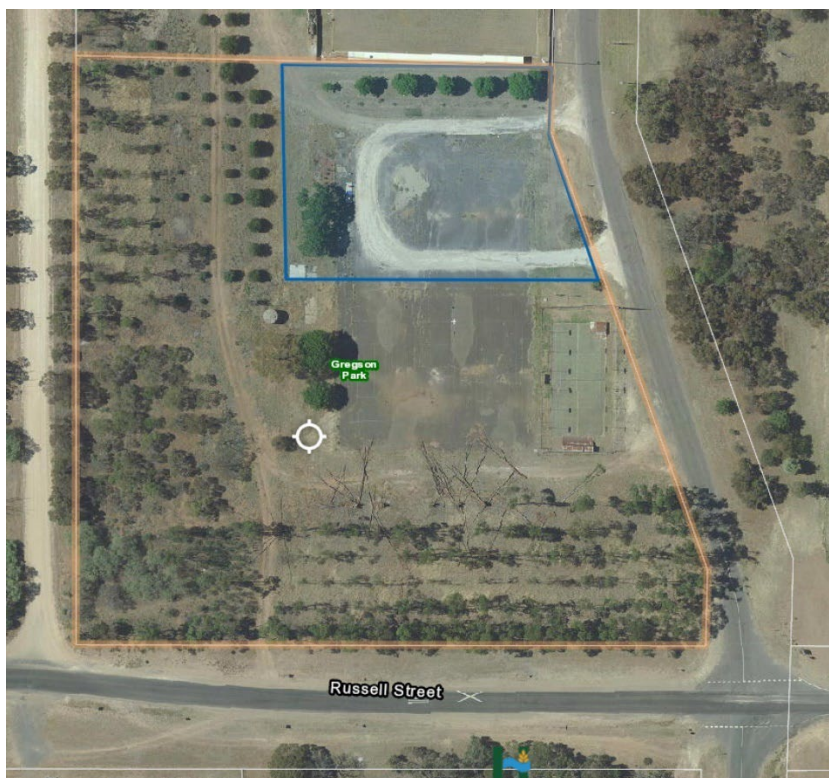
**Discussion:**

In 2014 Council consulted with the Rainbow community in relation to the installation of an RV Dump Point in Rainbow. Numerous sites were identified for consultation with the community. The consensus was that the Dump Point be located on the northern section of Gregson Park to allow for easy access by recreational vehicle users.

Approval was sought from the Gregson Park Committee of Management prior to installation and all necessary permits were obtained.

Council officers have been notified by DELWP that the Gregson Park Committee of Management are disbanding when their tenure expires in May 2022 and a licence needs to be entered into between DELWP and Council for the portion of land where the Dump Point is located.

The map below highlights the licence area (in blue) within the Gregson Park Reserve.



Under the licence schedule the term will be for 10 years commencing 1 June 2022 at an annual cost of \$421 (plus GST). Council will be responsible for the maintenance of the RV Dump Point and access to the point.

**Options:**

1. Council can enter into a licence with DELWP for the RV Dump Point located within the Gregson Park Reserve, Rainbow.

2. Council can choose not to enter into a licence with DELWP for the RV Dump Point located within the Gregson Park Reserve, Rainbow. Council will need to remove the RV Dump Point from the site.

**Link to Council Plan:**

Facilitating and supporting economic development.

**Financial Implications:**

The annual licence fee of \$421 will be included in Council's annual budget.

**Risk Management Implications:**

Council currently maintains the RV Dump Point, risks will be managed as they arise.

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

**Communications Strategy:**

Officers will advise DELWP of the outcome of this decision.

**RECOMMENDATION:**

***That Council enter into a 10 year licence with DELWP for the RV Dump Point located within Gregson Park Rainbow at a cost of \$421 (plus gst) per annum.***

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

***That Council enter into a 10 year licence with DELWP for the RV Dump Point located within Gregson Park Rainbow at a cost of \$421 (plus gst) per annum.***

**CARRIED**

*Attachment Number: 9*

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## **9.7 MELBOURNE CUP DAY PUBLIC HOLIDAY 2022**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 10 – 11

**Introduction:**

This report outlines the procedure and options for the declaration of substitute public holidays for Melbourne Cup Day 2022.

**Discussion:**

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

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

*Council may request substitute holiday for Melbourne Cup Day*

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

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

The show societies have indicated they are planning to hold agricultural shows in 2022 on the following dates:

**Rainbow** Tuesday 11 October 2022;  
**Nhill** Thursday 13 October 2022;  
**Dimboola** Saturday 15 October 2022;  
**Jeparit** Sunday 16 October 2022.

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

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

**Options:**

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November, 1 November 2022;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

**Link to Council Plan:**

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

Facilitating and supporting economic development.

**Financial Implications:**

No Financial Implications.

**Risk Management Implications:**

There are no risk management implications.

**Relevant legislation:**

*Public Holidays Act 1993 section 8A(1)*

**Community engagement:**

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

**Gender equality implications:**

A gender impact assessment was completed. Substituting the public holiday will allow community members the ability to attend their local agricultural society.

**Conflict of Interest:**

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

Officer Responsible – Greg Wood, Chief Executive Officer

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

Author – Shauna Johnson, Executive Assistant

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

**Communications Strategy:**

Advertisements will be placed in each of the local papers following approval of the Gazetteal by the Minister for Small Business.

**RECOMMENDATION:**

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

- 1. A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 11 October 2022) for the localities of Rainbow, Albacutya and Kenmare within the Shire;*
- 2. A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 13 October 2022) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and*
- 3. Melbourne Cup Day for the remainder of the Shire.*

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

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

- 1. A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 11 October 2022) for the localities of Rainbow, Albacutya and Kenmare within the Shire;*
- 2. A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 13 October 2022) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and*
- 3. Melbourne Cup Day for the remainder of the Shire.*

**CARRIED**

Attachment Numbers: 10 – 11

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**10 COUNCIL COMMITTEES**

**10.1 JEPARIT TOWN ADVISORY COMMITTEE**

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

**Attachment Number:** 12

**Introduction:**

The Jeparit Town Advisory Committee held a meeting on 9 May 2022. 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:***

- 1. notes the minutes of the Jeparit Town Advisory Committee meeting held on 9 May 2022;***
- 2. appoints AnnMarie Werner as a member of the Jeparit Town Advisory Committee;***
- 3. appoints Sharon Reilly the position of Assistant Secretary of the Jeparit Town Advisory Committee; and***
- 4. approves the quote of \$8,000 (inclusive of GST) from Rebecca Foster to paint a Bird Mural on the wall of the corrugated iron shed adjacent to Menzies Square, Jeparit.***

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

***That Council:***

- 1. notes the minutes of the Jeparit Town Advisory Committee meeting held on 9 May 2022;***
- 2. appoints AnnMarie Werner as a member of the Jeparit Town Advisory Committee;***
- 3. appoints Sharon Reilly the position of Assistant Secretary of the Jeparit Town Advisory Committee; and***
- 4. approves the quote of \$8,000 (inclusive of GST) from Rebecca Foster to paint a Bird Mural on the wall of the corrugated iron shed adjacent to Menzies Square, Jeparit.***

**CARRIED**

Attachment Number: 12

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**10.2 YURUNGA HOMESTEAD COMMITTEE OF MANAGEMENT**

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

**Attachment Number:** 13

**Introduction:**

The Yurunga Homestead Committee of Management held a meeting on 24 March 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Yurunga Homestead Committee of Management meeting held on 24 March 2022.***

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



***That Council notes the minutes of the Yurunga Homestead Committee of Management meeting held on 24 March 2022.***

**CARRIED**

*Attachment Number: 13*

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### **10.3 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE**

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

**Attachment Numbers:** 2, 14 – 18

#### **Introduction:**

The Wimmera Mallee Pioneer Museum Committee held meetings on 16 November 2021, 15 February 2022, 29 March 2022 and 9 April 2022. The purpose of this report is to note the minutes from these meetings and the financial report for March 2022. A copy of these minutes are included as an attachment for the information of Council.

#### **RECOMMENDATION:**

##### ***That Council:***

- 1. notes the minutes of the Wimmera Mallee Pioneer Museum Committee meetings held on 16 November 2021, 15 February 2022, 29 March 2022 and 9 April 2022;***
- 2. notes the Financial Report for March 2022; and***
- 3. notes the letter sent to the Wimmera Mallee Pioneer Museum appointing new committee members.***

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

##### ***That Council:***

- 1. notes the minutes of the Wimmera Mallee Pioneer Museum Committee meetings held on 16 November 2021, 15 February 2022, 29 March 2022 and 9 April 2022;***
- 2. notes the Financial Report for March 2022; and***
- 3. notes the letter sent to the Wimmera Mallee Pioneer Museum appointing new committee members.***

**CARRIED**

*Attachment Numbers: 2, 14 – 18*

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## **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 CONTRACT AWARD 2021-2022-18 PROVISION OF HOME MAINTENANCE SERVICES – 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;*

**14.2 CONTRACT AWARD 2021-2022-19 PROVISION OF MEALS ON WHEELS – 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; and**

**14.3 EXTENSION OF CONTRACT BITUMINOUS SURFACING – this report contains “council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released’ insofar as it pertains to contractual matters.**

**MOVED: CRS R Gersch/R Ismay**

***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 CONTRACT AWARD 2021-2022-18 PROVISION OF HOME MAINTENANCE SERVICES – 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;**

**14.2 CONTRACT AWARD 2021-2022-19 PROVISION OF MEALS ON WHEELS – 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; and**

**14.3 EXTENSION OF CONTRACT BITUMINOUS SURFACING – this report contains “council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released’ insofar as it pertains to contractual matters.**

**CARRIED**

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<b>15 MEETING CLOSE</b>
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There being no further business, Cr M Albrecht declared the meeting closed at 4:41pm.

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