



**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD WEDNESDAY 26 OCTOBER 2022 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET NHILL, COMMENCING AT 3:00PM.**

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**AGENDA**

<b>1</b>	<b>ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER</b>	<b>3</b>
<b>2</b>	<b>APOLOGIES</b>	<b>3</b>
<b>3</b>	<b>DECLARATION OF INTERESTS</b>	<b>3</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES</b>	<b>3</b>
<b>5</b>	<b>PUBLIC QUESTION AND SUBMISSION TIME</b>	<b>4</b>
<b>6</b>	<b>ACTIVITY REPORTS</b>	<b>4</b>
<b>7</b>	<b>CORRESPONDENCE</b>	<b>8</b>
7.1	GENERAL CORRESPONDENCE	8
<b>8</b>	<b>PLANNING PERMITS</b>	<b>9</b>
8.1	VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION	9
8.2	APPLICATION FOR PLANNING PERMIT 1760-2021 – DEVELOPMENT OF A SECOND DWELLING AND FENCING, SUBDIVISION OF LAND INTO TWO (2) LOTS AND VEGETATION REMOVAL – 59 LEAHY STREET NHILL VIC 3418	11
8.3	PLANNING PERMIT APPLICATION PA1791-2022 – BUILDINGS AND WORKS TO CONSTRUCT A TELECOMMUNICATIONS FACILITY – 8 BROUGHTON-KANIVA ROAD BROUGHTON VIC 3418 (LOT 1 ON TITLE PLAN 217577U)	45

<b>9</b>	<b>REPORTS REQUIRING A DECISION</b>	<b>57</b>
9.1	HINDMARSH SHIRE COUNCIL ANNUAL REPORT 2021/2022	57
9.2	AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION	59
9.3	COUNCIL PLAN 2021-2025 PROGRESS REPORT	61
9.4	HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2022/2023 ROUND ONE	70
9.5	HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS 2022/2023 ROUND ONE	77
9.6	HINDMARSH SHIRE AUDIT AND RISK COMMITTEE REPORT	83
9.7	FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022	84
<b>10</b>	<b>COUNCIL COMMITTEES</b>	<b>85</b>
10.1	HINDMARSH SHIRE AUDIT AND RISK COMMITTEE	85
10.2	JEPARIT TOWNSHIP ADVISORY COMMITTEE	85
10.3	NHILL TOWNSHIP ADVISORY COMMITTEE	86
10.4	WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE	86
<b>11</b>	<b>LATE REPORTS</b>	<b>87</b>
<b>12</b>	<b>NOTICES OF MOTION</b>	<b>87</b>
<b>13</b>	<b>OTHER BUSINESS</b>	<b>87</b>
<b>14</b>	<b>CONFIDENTIAL REPORTS</b>	<b>87</b>
14.1	LGBTIQ+ REFERENCE GROUP	
14.2	FINAL EXTENSION OF WASTE CONTRACTS	
14.3	CONTRACT AWARD 2022-2023-09 TRACK WORKS FOR WIMMERA RIVER DISCOVERY TRAIL	
14.4	CONTRACT AWARD 2022-2023-08 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF ONE (1) DEMOUNTABLE CARAVAN PARK AMENITIES BUILDING	
14.5	CONTRACT AWARD 2022-2023-03 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF SIX (6) DEMOUNTABLE CARAVAN PARK ACCOMMODATION UNITS	
<b>15</b>	<b>LATE CONFIDENTIAL REPORTS</b>	<b>90</b>
15.1	CONTRACT AWARD 2022-2023-06 SWIMMING POOL UPGRADES	
<b>16</b>	<b>MEETING CLOSE</b>	<b>90</b>

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 Jessie Holmes (Director Infrastructure Services), Ms Monica Revell (Director Corporate and Community Services) and Ms Shauna Johnson (Executive Assistant).

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

Cr M Albrecht opened the meeting at 3:02pm by acknowledging the Indigenous Community and offering the opening prayer.

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**2 APOLOGIES**

No apologies.

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**3 DECLARATION OF INTERESTS**

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

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

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

No conflicts of interests declared.

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**4 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That the Minutes of the Ordinary Council Meeting held on Wednesday 28 September 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 28 September 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 received.

## 6 ACTIVITY REPORTS

**COUNCILLOR ACTIVITIES:** 21 September – 18 October 2022

### Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
21/09/2022	Hindmarsh Shire Audit & Risk Committee	Zoom	
28/09/2022	Council Briefing	Nhill	
28/09/2022	Council Meeting	Nhill	
29/09/2022	Victorian Police Award Presentation Ceremony	Horsham	Congratulations to all the outstanding Police officers that were recognised during the ceremony.
04/10/2022	Wimmera Development Association – Strategic workshop	Horsham	The strategic planning work continues.
05/10/2022	Australian	Nhill	It was once again an honour to welcome four

	Citizenship Ceremony		new Australian citizens.
06/10/2022	Nhill Streetscape Drop in session	Nhill	
10/10/2022	Community consultation session – Jeparit	Jeparit	
11/10/2022	Community consultation session – Nhill	Nhill	

**Cr IRELAND, DEPUTY MAYOR**

Date	Meeting	Location	Comments
21/09/2022	Yurunga Homestead Meeting		
30/09/2022	Council briefing		
30/09/2022	Council meeting		
04/10/2022	Community Asset Committees meeting	Dimboola	
10/10/2022	Jeparit Community Consultation	Jeparit	
10/10/2022	Jeparit Town meeting		
13/10/2022	MAV Awards Dinner	Melbourne	Our Hindmarsh Shire Councillor Ron Ismay was the recipient of the emeritus award for serving 3 full terms as mayor of his shire...congratulations Ron
14/10/2022	MAV Conference	Art Gallery Melbourne	
16/10/2022	Nhill Heritage Weekend Sunday		
17/10/2022	Rainbow Community Consultation	Rainbow	
18/10/2022	Wimmera Mallee Pioneer Museum AGM and General Meeting		

**Cr GERSCH**

Date	Meeting	Location	Comments
27/09/2022	Meeting with Avonlea re planning permit		
28/09/2022	Council meeting		
30/09/2022	Wimmera regional roads meeting		
30/09/2022	Rural Councils		

	Victoria board meeting		
04/10/2022	Council master plan community meeting		
06/10/2022	Council master plan community meeting		
09/10/2022	Historic weekend concert rehearsal		
11/10/2022	Grants commission update		
11/10/2022	Nhill community meeting		
12/10/2022	Meeting with Emma Kealy re Davis Park		
14/10/2022	Meeting and inspection with Geoff Moll re road		
15/10/2022	MC for historic concert		
15/10/2022	Visit all Historic venues at Nhill		

**Cr BYWATERS**

<b>Date</b>	<b>Meeting</b>	<b>Location</b>	<b>Comments</b>
28/09/2022	Council meeting	Nhill Memorial Community Centre	
28/09/2022	Councillor only meeting		
28/09/2022	Hindmarsh Landcare meeting	Dimboola	
29/09/2022	Police Award Ceremony	Horsham Rural City Council Offices	
29/09/2022	Police church service, and remembrance ceremony	Saint Michael and John's Catholic Church Horsham	Victorian police, honouring the memory of police officers who have died in the line of duty in Australia and in the southwest region, also Victorian members who have died in service September 2021 to September 2022
30/09/2022	Hand Up: A stronger mental health initiative from Goolum Goolum Aboriginal co-operative	Horsham	"Hand up" event starting at the Horsham City botanical Gardens and walking together to Horsham Sawyer Park Soundshell for the event. - Hand up, celebrates the shared resilience of a strong and connected Mob and acknowledges bravery throughout the healing journey. It was a huge honour and privilege to

			attend the well-run day and support Hindmarsh and Wimmera First Nations people, and their allies. The crowd was treated to a smoking ceremony by Elder Uncle Ron Marks; dancing by Chunky Moves dance group, made up of talented Aboriginal and Torres Strait Islander children from across the region; and Comedian, Kevin Kropinyeri. Kevin is one of Australia's most established and popular aboriginal comedians and had the audience in tears of laughter. #strengthandconnection #putyourhandup
05/10/2022	Australian citizenship ceremony	Nhill Memorial Community Centre	
05/10/2022	Photo exhibition from 2013/14, Seeking Refuge in Nhill	Nhill Library	
08/10/2022	Tower Park Market	Dimboola	
08/10/2022	Oma's Cafe	Dimboola	
08/10/2022	Victorian Malleefowl recovery group, Karen Catering	Wyperfeld National Park	
11/10/2022	Emma Kealy MP election Promise Nhill and District Sporting Club Project	Davis Park	The Davis Park project is one of Council's advocacy pieces seeking funding.
11/10/2022	Victorian Grants Commission meeting	Nhill Memorial Community Centre	
11/10/2022	Homework Club	The Patch Nhill	
13/10/2022	136th Annual Nhill A&P Society Show	Nhill	
14/10/2022	Light up the Silo	Nhill Silo	
15/10/2022	137th Annual Dimboola Show	Dimboola	
15/10/2022	Nhill Historical Weekend	Nhill	Silo Smoking Ceremony and Welcome to Country by Uncle Ron Marks. Community Concert and light display on Silo.
16/10/2022	Nhill community ecumenical Church service	Nhill Memorial Community Centre	
16/10/2022	Cambrelle's Gift Shop 10th Birthday	Nhill	

	celebration and cutting of cake		
18/10/2022	Homework Club	The Patch Nhill	

**Cr NELSON**

Date	Meeting	Location	Comments
21/09/2022	Audit and Risk committee meeting		
28/09/2022	Briefing meeting	Nhill	
28/09/2022	Council meeting	Nhill	
29/09/2022	Police awards event	Horsham	
29/09/2022	Police Remembrance Service	Horsham	
04/10/2022	Dimboola Town Committee		
08/10/2022	Tower Park Market	Dimboola	
11/10/2022	Victorian Grants Commission Information Session	Nhill	

**Cr ISMAY**

Date	Meeting	Location	Comments
28/09/2022	Council briefing meeting	Nhill	
28/09/2022	Council meeting	Nhill	
11/10/2022	Rainbow Show Day		
13/10/2022	MAV Awards Presentation	Melbourne	
14/10/2022	MAV State Council Conference	Melbourne	
17/10/2022	Community Consultation	Rainbow	
17/10/2022	Rainbow Town Committee meeting		

**7 CORRESPONDENCE**

**7.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment Numbers:** 2 – 4

**Introduction:**



The following correspondence is attached for noting by Council.

**Inwards:**

- 13/10/2022 – Letter from Minister Brooks RE Funding for Neighbourhood Houses
- 17/10/2022 – Letter from City of Monash RE School Crossing Review Campaign

**Outwards:**

- 11/08/2022 – Letter to Minister Brooks RE Neighbourhood Houses and Networks

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

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

***That Council notes the attached correspondence.***

**CARRIED**

*Attachment Numbers: 2 – 4*

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**8 PLANNING PERMITS**

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

**Responsible Officer:** Director Infrastructure Services

**Introduction:**

This report provides Council with information on Planning Applications approved under delegation by the CEO and provides an update on VicSmart permits processed by Council for the period 01 July 2022 to 30 September 2022.

**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, during this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date Approved	Statutory Days
PA1783-2022	71 Boyeo-Tarranginnie Rd Nhill	Development of an agricultural outbuilding and vegetation removal	07/06/2022	Clause 35.07-4 (Farming Zone) – A permit is required to construct a building within 20m of a road. Clause 42.01-2 (Environmental Significance Overlay ESO6) – a permit is required to remove vegetation.	05/07/2022	25
PA1787-2022	1631 River Rd Antwerp	Development of an agricultural outbuilding	07/07/2022	Clause 35.07-4 (Farming Zone) – a permit is required to construct a building within 100m of a waterway. Clause 44.04-2 (LSIO) – A permit is required to construct a building.	22/08/2022	26

### 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 – Jessie Holmes, Director Infrastructure Services

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 February 2023.

**RECOMMENDATION:**

*That Council notes the Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 July 2022 to 30 September 2022.*

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

*That Council notes the Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 July 2022 to 30 September 2022.*

**CARRIED**

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**8.2 APPLICATION FOR PLANNING PERMIT 1760-2021 – DEVELOPMENT OF A SECOND DWELLING AND FENCING, SUBDIVISION OF LAND INTO TWO (2) LOTS AND VEGETATION REMOVAL – 59 LEAHY STREET NHILL VIC 3418**

**Responsible Officer:** Director Infrastructure Services  
**File:** Planning – Applications  
**Assessment:** 143780  
**Application Number:** **PA1760-2021**  
**Application Received:** 2 December 2021 (Fee paid 14 December 2021)  
**Applicant:** Hargreaves Design Group  
**Owner:** Mr Rassoul Asanjan  
**Subject Land:** 59 Leahy Street Nhill VIC 3418 (Lot 1 Parish of Balrootan)  
**Proposal:** Development of a second dwelling and fencing, subdivision of land into two (2) lots and vegetation removal  
**Zoning & Overlays:** General Residential Zone – Schedule 1 (GRZ1)  
Environmental Significance Overlay – Schedule 6 (ESO6)  
**Attachment Number:** 5

**Summary:**

This report recommends that Council approves Planning Permit PA1760-2021 for the development of a second dwelling and fencing, subdivision of land into two (2) lots and

vegetation removal on the subject land known as 59 Leahy Street, Nhill VIC 3418 (Lot 1 TP119754V Parish of Balrootan).

**Background:**

On 2 December 2021, Hargreaves Design Group on behalf of Mr Rassoul Asanjan lodged a planning application to the Responsible Authority for the development of a second dwelling and fencing, subdivision of land into two (2) lots and vegetation removal at 59 Leahy Street Nhill.

**Proposal Details:**

The permit applicant, Hargreaves Design Group seeks approval for the development of a second dwelling and fencing, subdivision of land into two (2) lots and vegetation removal. The subject land is currently improved by an existing residential dwelling at the front of the lot, which is proposed to be subdivided in a 'battle axe' configuration. A new dwelling is proposed at the rear of the lot, comprising a total floor area of approximately 122.24m<sup>2</sup>. An attached alfresco area (19.79m<sup>2</sup>) and garage (22.74m<sup>2</sup>) is also proposed.

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

- Floor plan:
  - 1 x Bedroom with walk in robe (WIR) and ensuite;
  - 2 x Bedrooms with built in robe (BIR);
  - Open plan living and kitchen area;
  - Combined bathroom/shower with separate detached WC; and
  - Laundry adjacent to living area.
- External form:
  - A building height of 5.053 metres from natural ground level;
  - Weatherboard cladding; and
  - Colorbond 'monument' roofing.

To accommodate the development, existing planted vegetation on the site will be removed, specifically around the existing shed and accessway. Dividing fencing is proposed between the SPOS of dwelling 1 and the common property servicing dwelling 2.

Plans of the proposed dwelling are provided below:



UNIT 2 ELEVATION A - (NORTH)



UNIT 2 ELEVATION C - (SOUTH)



UNIT 1 ELEVATION A - (NORTH)1



UNIT 1 ELEVATION C - (SOUTH)

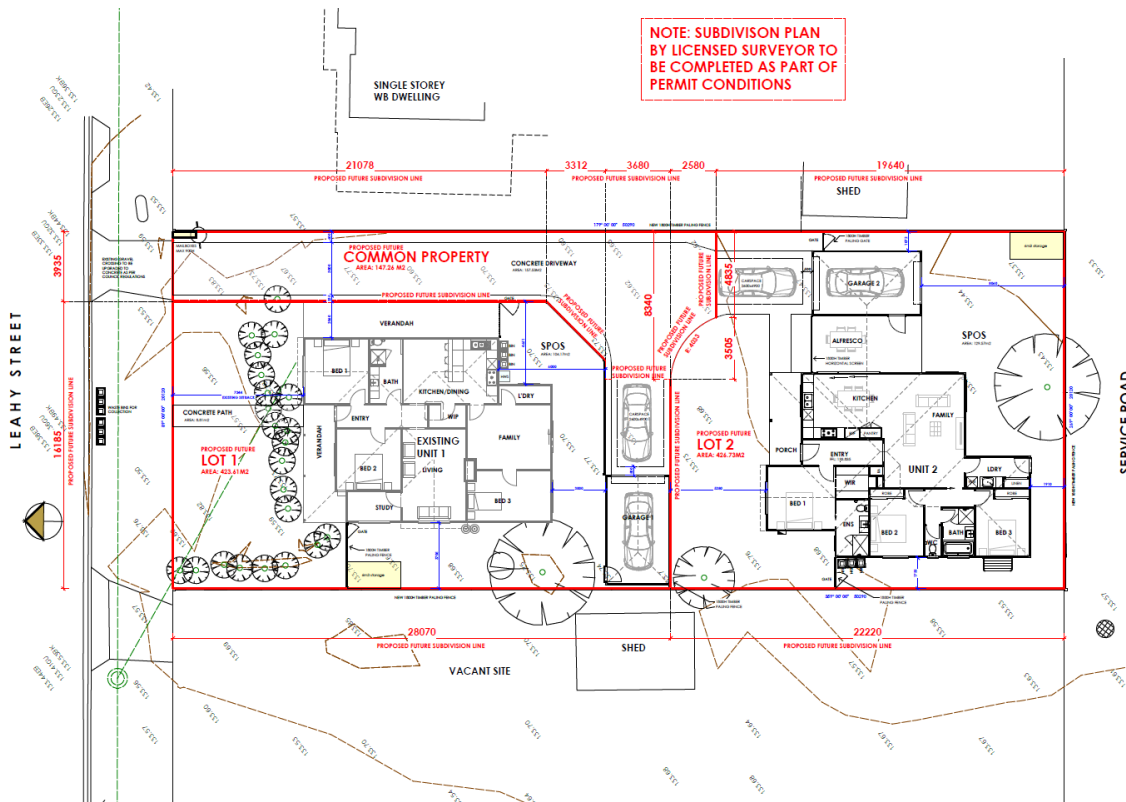


ELEVATION B - (EAST)



ELEVATION D - (WEST)

The proposed subdivision of land would result in the existing dwelling located on a lot of 423.61m<sup>2</sup> (proposed Lot 1) and the new dwelling being located on a lot of 426.73m<sup>2</sup> (proposed Lot 2). A common property of 147.26m<sup>2</sup> is proposed to service both lots.



**Requirement for Permit:**

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

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

**Definitions:**

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

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

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

**Restrictive Covenant or Section 173 Agreement:**

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

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

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

**Subject site & locality:**

The subject site is known as 59 Leahy Street Nhill VIC 3418 (Lot 1 Parish of Balrootan), which comprises a single title 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 at the front of the site, which is proposed to be subdivided onto a separate lot from the new dwelling proposed.

The subject site adjoins residential zoned land to the north, east and west, with land in the Farming Zone (FZ) to the south. Land within the General Residential Zone generally comprises lots of between 800-2,000m<sup>2</sup> allotments, with some larger land holdings with across multiple parcels evident. Immediately adjoining the subject land are single dwellings on residential lots used for such purposes and vacant land.

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

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning 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;
- Erection of a sign on site; and
- A notice in the ‘Nhill Free Press’

No objections or submissions have been received in relation to the application.

**Referrals:**

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
Wimmera Catchment Management Authority	No objection or conditions requested.  Response received <b>11 October 2022.</b>

<b>Section 52 and Internal Notices</b>	
Engineering	No objection to the development subject to conditions:  <b>Access:</b> <ul style="list-style-type: none"> <li>• Access to the Proposed development shall be from the existing entrance.</li> </ul>



	<ul style="list-style-type: none"> <li>• Damage to existing Council infrastructure is to be minimised during construction of the Proposed development.</li> <li>• Any damage to Council infrastructure shall be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.</li> </ul> <p>Note: A consent to works within road reserve permission is required prior to construction if working in road reserve. <a href="https://www.hindmarsh.vic.gov.au/register-for-permits">https://www.hindmarsh.vic.gov.au/register-for-permits</a></p> <p><b>Drainage:</b></p> <ol style="list-style-type: none"> <li>a. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Northern side of the property to the kerb and channel in the Leahy Street road reserve to the satisfaction of the Responsible Authority.</li> <li>b. LPD can be applied with the building permit application.</li> </ol>
GMW Water	No response received

**Planning Assessment:**

Planning Scheme Requirements:

**Planning Policy Framework:**

- Clause 11.01-1L Settlement – Hindmarsh
- Clause 13.02-1S Bushfire planning
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-1S Housing supply

**Zoning Provisions:**

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

**32.08-3 Subdivision**

A permit is required to subdivide land.

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

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

**Planning Response:**

The key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ and ResCode compliance, with the overwhelming policy direction being to 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 medium density housing to respect neighbourhood character, to which the proposal responds satisfactorily encouraging housing diversity in established areas with access to services.

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

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

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

**Overlay Provisions:**

The subject land is encumbered by Clause 42.01 - Environmental Significance Overlay - Schedule 6 (ESO6). A permit is required for vegetation removal, including planted vegetation, fencing that may obstruct the flow of water and to subdivide land.

**Planning Response:**

It is considered that the proposed works and subdivision would not impact the objective of ESO6 which aims to protect the catchment area of significant wetlands.

The *Shire of Hindmarsh, Wetlands and Catchments of Conservation Value (WCMA 2007) Decision Guidelines* provides Matrix and Criteria to establish if the proposed removal of vegetation (pine trees) is appropriate.

The below criteria has been identified as relevant to the proposal to remove the pine trees:

*Criteria for Matrix 2 ESO6: Vegetation removal should not degrade the ecological condition of areas covered by ESO 5. Vegetation within ESO 6 plays a number of different roles*

*depending on the proximity of the vegetated land to the high value wetland. (Refer to Appendix 5, Table 3 of buffer distances applicable to vegetation removal).*

The proposed works is at a distance greater than 250m however less than 2000m from the Nhill Lake. Appendix 5, Table 3 states the vegetation role contributes to the protection of inflowing groundwater quality.

Based on this criteria, a desktop assessment has been undertaken about the level of risk likely to occur from the proposed vegetation removal. Given the location of the subject land in the Nhill Urban Area, stormwater discharge from the site is diverted to the existing drain in Leahy Street and into the Council drainage system. The removal of the trees and solid fencing at the rear may result in a marginal increase in stormwater flows off the site, however any such increase will not result in adverse impacts to the water quality of the Nhill Lake. The subdivision has no effect on water flows or quality.

On this basis, the proposal is considered to be acceptable.

**Particular Provisions:**

**Clause 52.06 – Car Parking**

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

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

**Planning Response:**

Each dwelling (existing and new) are proposed to be developed with a single garage and a tandem car space in front of the garage. Swept paths have been provided demonstrating that each car parking space can be accessed without encroachment into the other lot. Each dwelling will therefore meet the requirements of the Scheme in relation to car parking numbers.

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

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

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

- *It is one of the following classes of subdivision:*
  - *Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a*

*planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.*

- *Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building. It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.*
- *It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.*

**Planning Response:**

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

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

Provisions in this clause apply to an application to:

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

**Planning Response:**

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

<b>55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE</b>				
<b>55.02-1 Neighbourhood Character</b>	<b>Met?</b>	<b>Standard B1</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.</i>	Yes	<i>The design response must be appropriate to the neighbourhood and the site.</i>	Yes	As discussed through this report, the character of the area primarily consists of single storey residences on typically 1,000sqm lots with various outbuildings and varied setbacks. Dwelling age, typology and form is also variable in the surrounding area.
		<i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site</i>	Yes	
<i>To ensure that development responds to the features of the site and the surrounding area</i>				The proposal represents a small infill development of existing residential land zoned and serviced for such purposes. The proposal provides for a new dwelling with conventional built form with appropriate setbacks to Leahy Street (with no change to the front setback), while retaining the existing

				<p>dwelling at the front of the property. This development form is consistent with the broader character despite comprising smaller lots/open space than typically found in the streetscape.</p> <p>For these reasons, it is considered that the proposal is an appropriate intensification in the GRZ having regard to the context of the subject land and surrounding area.</p>
<b>55.02-2 Residential Policy</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</p>	Yes	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	Yes	<p>A response to relevant Planning Policy has been provided with the application, and applicable policy has been assessed in this report.</p>
<b>55.02-3 Dwelling Diversity</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</p>	N/A	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	N/A	<p>The development is for two (2) dwellings (1 additional) only</p>
<b>55.02-4 Infrastructure</b>	<b>Met?</b>	<b>Standard B4</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure development is provided with appropriate utility</p>	Yes	<p>Development should be connected to reticulated services, including reticulated</p>	Yes	<p>All reticulated services are available to the land and will be connected per the requirements of the relevant authority.</p>

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

<p><b>55.03 SITE LAYOUT AND BUILDING MASSING</b></p>				
<p><b>55.03-1 Street Setback</b></p>	<p><b>Met?</b></p>	<p><b>Standard B6</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</p>	<p>Yes</p>	<p>Walls of buildings should be set back from streets the distance specified below:</p> <ul style="list-style-type: none"> <li>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</li> <li>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</li> <li>There is an existing building on one abutting allotment facing the same street and no existing building on the</li> </ul>	<p>Yes</p>	<p>No change to front setbacks.</p>

	<p><i>other abutting allotment facing the same street, and the site is not on a corner:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> <li>▪ <i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></li> <li>• <i>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> <li>• <i>The site is on a corner.</i></li> <li>• <i>Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> <li>• <i>Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> <li>• <i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></li> <li>• <i>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i></li> </ul>		
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		<i>Porches, pergolas and verandahs that are &lt; 3.6m high and eaves may encroach <math>\geq</math> 2.5m into the setbacks of this standard</i>	N/A	Not applicable.
<b>55.03-2 Building Height</b>	<b>Met?</b>	<b>Standard B7</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i>	Yes	<i>The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i>	Yes	Complies.
		<i>Changes of building height between existing buildings and new buildings should be graduated.</i>	Yes	Both dwellings are single storey, consistent with the surrounding streetscape.
<b>55.03-3 Site Coverage</b>	<b>Met?</b>	<b>Standard B8</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i>	Yes	<i>The site area covered by buildings should not exceed 60 per cent</i>	Yes	Building site coverage = 35.41%
<b>55.03-4 Permeability</b>	<b>Met?</b>	<b>Standard B9</b>	<b>Met?</b>	<b>Comments</b>
<i>To reduce the impact of increased stormwater run-off on the drainage system</i>	Yes	<i>The site area covered by the pervious surfaces should be at least 20% of the site</i>	Yes	Permeable area = 48.1%
<i>To facilitate on-site stormwater infiltration</i>		<i>The stormwater management system should be designed to:</i> <ul style="list-style-type: none"> <li>• <i>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).</i></li> <li>• <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i></li> </ul>	Yes	All stormwater will be directed to the existing stormwater infrastructure on Leahy Street.
<b>55.03-5 Energy Efficiency</b>	<b>Met?</b>	<b>Standard B10</b>	<b>Met?</b>	<b>Comments</b>



<p><i>To achieve and protect energy efficient dwellings and residential buildings</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i></p>	Yes	<p><i>Buildings should be:</i></p> <ul style="list-style-type: none"> <li><i>• Orientated to make appropriate use of solar energy</i></li> <li><i>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i></li> <li><i>• Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i></li> </ul>	Yes	<p>The existing dwelling orientation or solar access opportunities are not changing. The new dwelling provides for windows of all habitable rooms on northern or western elevations to allow solar access, and the height and form of the new dwelling will not unreasonably affect solar access on other existing dwellings. The exception to this is the habitable room window on bedroom 3 of dwelling 2, which is exclusively south facing where west facing solar access can be provided. This will be required by conditions.</p>
		<p><i>Living areas and private open space should be located on the north side of the development if practicable</i></p>	No	<p>The SPOS for the proposed dwelling is located on the southern side of the dwelling, which could practicably be avoided through a revised design. However, the POS area provides sufficient setbacks from the southern boundary that solar access will still be achieved to this area, and solar protection can be considered a positive attribute for climatic conditions in the Wimmera over the summer period.</p>
		<p><i>Developments should be designed so that solar access to north-facing windows is maximised</i></p>	Yes	<p>Complies (noting comments above regarding POS)</p>
<b>55.03-6 Open Space</b>	<b>Met?</b>	<b>Standard B11</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i></p>	N/A	<p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> <li><i>• Be substantially fronted by dwellings, where appropriate</i></li> <li><i>• Provide outlook for as many dwellings as practicable</i></li> <li><i>• Be designed to protect any natural features on the site</i></li> <li><i>• Be accessible and useable</i></li> </ul>	N/A	N/A
<b>55.03-7 Safety</b>	<b>Met?</b>	<b>Standard B12</b>	<b>Met?</b>	<b>Comments</b>

<p><i>To ensure the layout of development provides for the safety and security of residents and property</i></p>	Yes	<p><i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i></p>	Yes	<p>The entrances to each dwelling are readily identifiable from the street and internal accessways.</p>
		<p><i>Planting which creates unsafe spaces along streets and accessways should be avoided</i></p>	Yes	<p>No such plantings proposed.</p>
		<p><i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i></p>	Yes	<p>Each car parking space and internal accessway is afforded good passive surveillance from the dwellings and the public realm.</p>
		<p><i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i></p>	Yes	<p>The development does not present opportunity for inappropriate use as a public thoroughfare.</p>
<p><b>55.03-8 Landscaping</b></p>	<p><b>Met?</b></p>	<p><b>Standard B13</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>
<p><i>To encourage development that respects the landscape character of the neighbourhood</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site</i></p>	Yes	<p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none"> <li>• <i>Protect any predominant landscape features of the neighbourhood</i></li> <li>• <i>Take into account the soil type and drainage patterns of the site</i></li> <li>• <i>Allow for intended vegetation growth and structural protection of buildings</i></li> <li>• <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i></li> <li>• <i>Provide a safe, attractive and functional environment for residents</i></li> </ul> <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i></p>	Yes	<p>A concept landscape plan is provided in the overall site plan, which shows that meaningful landscaping can be provided on site. A detailed landscaping plan will be required by conditions.</p>
<p><b>55.03-9 Access</b></p>	<p><b>Met?</b></p>	<p><b>Standard B14</b></p>	<p><b>Met?</b></p>	<p><b>Comments</b></p>

<p>To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	Yes	<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33% of the street frontage, or</li> <li>• if the width of the street frontage is less than 20m, 40% of the street frontage</li> </ul>	Yes	Complies (less than 33%)
		<p>No more than one single-width crossover should be provided for each dwelling fronting a street</p>	Yes	Complies.
		<p>The location of crossovers should maximize the retention of on-street car parking spaces</p>	Yes	Crossover locations are designed to minimise impacts on on-street car parking.
		<p>The number of access point to a road in a Road Zone should be minimised</p>	N/A	The site does not abut a Road Zone.
		<p>Developments must provide access for service, emergency and delivery vehicles</p>	Yes	Complies.
<b>55.03-10 Parking Location</b>	<b>Met?</b>	<b>Standard B15</b>	<b>Met?</b>	<b>Comments</b>
<p>To provide convenient parking for resident and visitor vehicles</p> <p>To protect residents from vehicular noise within developments</p>	Yes	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings</li> <li>• Be secure</li> <li>• Be well ventilated if enclosed</li> </ul>	Yes	Complies.
		<p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway</p>	Yes	Complies.

**55.04 AMENITY IMPACTS**

<b>55.04-1 Side And Rear Setback</b>	<b>Met?</b>	<b>Standard B17</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	Yes	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p>	Yes	Complies.
		<p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more</p>	Yes	N/A

		<i>than 0.5m into the setbacks of this standard</i>		
		<i>Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard</i>	Yes	N/A
<b>55.04-2 Wall On Boundaries</b>	<b>Met?</b>	<b>Standard B18</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i>	Yes	<p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</i></p> <ul style="list-style-type: none"> <li><i>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i></li> <li><i>• Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i></li> </ul>	Yes	Complies.
		<i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i>	N/A	N/A
		<i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i>	N/A	N/A
<b>55.04-3 Daylight To Existing Windows</b>	<b>Met?</b>	<b>Standard B19</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into existing habitable room windows</i>	Yes	<i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a</i>	Yes	All existing habitable room windows will have access to the requisite light court.

		<p><i>minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot</i></p>		
		<p><i>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window.</i></p> <p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</i></p> <p><i>Refer to Diagram B2</i></p>	N/A	Not applicable to this development.
<b>55.04-4 North Facing Windows</b>	<b>Met?</b>	<b>Standard B20</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate solar access to existing north-facing habitable room windows</i>	Yes	<p><i>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window.</i></p> <p><i>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p><i>Refer to Diagram B3</i></p>	Yes	Complies.
<b>55.04-5 Overshadow Open Space</b>	<b>Met?</b>	<b>Standard B21</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure buildings do not significantly overshadow existing secluded private open space</i>	Yes	<i>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded</i>	Yes	The development complies with the Standard for all existing dwellings.

		<i>private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September</i>		
		<i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced</i>	N/A	Not applicable.
<b>55.04-6 Overlooking</b>	<b>Met?</b>	<b>Standard B22</b>	<b>Met?</b>	<b>Comments</b>
<i>To limit views into existing secluded private open space and habitable room windows</i>	Yes	<i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i>	Yes	No overlooking can occur from the development as proposed
		<i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i> <ul style="list-style-type: none"> <li>• <i>offset a minimum of 1.5m from the edge of one window to the edge of the other</i></li> <li>• <i>have sill heights of at least 1.7m above floor level</i></li> <li>• <i>have fixed, obscure glazing in any part of the window below 1.7m above floor level</i></li> <li>• <i>have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</i></li> </ul>	N/A	As above.
		<i>Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct</i>	N/A	As above.

		<i>views as specified in this standard</i>		
		<p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <li>• <i>perforated panels or trellis with a maximum of 25% openings or solid translucent panels</i></li> <li>• <i>permanent, fixed and durable</i></li> <li>• <i>designed and coloured to blend with the development</i></li> </ul>	N/A	As above.
<b>55.04-7 Internal Views</b>	<b>Met?</b>	<b>Standard B23</b>	<b>Met?</b>	<b>Comments</b>
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development</i>	N/A	<i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development</i>	N/A	Not applicable to this development.
<b>55.04-8 Noise Impacts Objective</b>	<b>Met?</b>	<b>Standard B24</b>	<b>Met?</b>	<b>Comments</b>
<i>To contain noise sources in developments that may affect existing dwellings</i>	Yes	<i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i>	Yes	No such plant or equipment required.
<i>To protect residents from external noise</i>		<i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties</i>	Yes	The site is located in a typical residential area with typical noise sources and emissions.
		<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	Yes	The subject land is not located near a busy road or industry.

**55.05 ON-SITE AMENITY AND FACILITIES**

<b>55.05-1 Accessibility</b>	<b>Met?</b>	<b>Standard B25</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	Yes	<i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i>	Yes	Each dwelling entry is at ground level and accessible to persons with limited mobility.
<b>55.05-2 Dwelling Entry</b>	<b>Met?</b>	<b>Standard B26</b>	<b>Met?</b>	<b>Comments</b>

<i>To provide each dwelling or residential building with its own sense of identity</i>	Yes	<i>Entries to dwellings and residential buildings should:</i> <ul style="list-style-type: none"> <li><i>• be visible and easily identifiable from streets and other public areas</i></li> <li><i>• provide shelter, a sense of personal address and a transitional space around the entry</i></li> </ul>	Yes	Each entry is readily identifiable and visible from the street or common area, and provides a porch/verandah as a transitional space to same.
<b>55.05-3 Daylight To New Windows</b>	<b>Met?</b>	<b>Standard B27</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into new habitable room windows</i>	Yes	<i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none"> <li><i>• an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i></li> <li><i>• a verandah provided it is open for at least one third its perimeter, or</i></li> <li><i>• a carport provided it has two or more open sides and is open for at least one third of its perimeter</i></li> </ul>	Yes	All new habitable room windows are provided with the requisite light courts.
<b>55.05-4 Private Open Space</b>	<b>Met?</b>	<b>Standard B28</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide adequate private open space for the reasonable recreation and service needs of residents</i>	Yes	<i>A dwelling or residential building should have private open space:</i> <ul style="list-style-type: none"> <li><i>• an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</i></li> <li><i>• a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</i></li> <li><i>• a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</i></li> </ul>	Yes	Complies.
<b>55.05-5 Solar Access To Open Space</b>	<b>Met?</b>	<b>Standard B29</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings</i>	Yes	<i>The private open space should be located on the north side of the dwelling or residential buildings</i>	No	As discussed above, the POS for the proposed dwelling is located on the southern aspect, which is not envisaged by this Standard and could conceivably be avoided. However as also discussed, in this instance it is considered acceptable.



		<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall</i>	Yes	Complies.
		Refer to Diagram B29		
<b>55.05-6 Storage</b>	<b>Met?</b>	<b>Standard B30</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide adequate storage facilities for each dwelling</i>	Yes	<i>Each dwelling should have convenient access to at least 6m<sup>3</sup> of externally accessible, secure storage space</i>	Yes	Each dwelling is provided external storage of the requisite size.

<b>55.06 DETAILED DESIGN</b>				
<b>55.06-1 Design Detail</b>	<b>Met?</b>	<b>Standard B31</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage design detail that respects the existing or preferred neighbourhood character</i>	Yes	<i>The design of buildings, including:</i> <ul style="list-style-type: none"> <li>• <i>Facade articulation and detailing,</i></li> <li>• <i>Window and door proportions,</i></li> <li>• <i>Roof form, and</i></li> <li>• <i>Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.</i></li> </ul>	Yes	The existing and proposed dwelling are single storey, commensurate with the prevailing streetscape of a scale and intensity appropriate for the location for the reasons discussed in this assessment.
		<i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character</i>	Yes	The carport for each dwelling integrates with the built form of the respective dwellings, and will not dominate the streetscape from Leahy Street.
<b>55.06-2 Front Fences</b>	<b>Met?</b>	<b>Standard B32</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	N/A	<i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i>	N/A	No front fencing proposed.
		<i>A front fence within 3m of a street should not exceed:</i> <ul style="list-style-type: none"> <li>• <i>Streets in a Road Zone – 2m</i></li> <li>• <i>Other Streets – 1.5m</i></li> </ul>	N/A	No front fencing proposed.
<b>55.06-3 Common Property</b>	<b>Met?</b>	<b>Standard B33</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i>	Yes	<i>Developments should clearly delineate public, communal and private areas</i>	Yes	Common areas are clearly distinguished from private areas, with common property limited to the driveway and adjacent (eastern) landscape strip.
		<i>Common property, should be functional and capable of efficient management</i>	Yes	The extent of common property is negligible and common place in infill developments. Management of this area will be

<i>To avoid future management difficulties in areas of common ownership</i>				by owners corporation in a standard manner.
<b>55.06-4 Site Service</b>	<b>Met?</b>	<b>Standard B34</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that site services can be installed and easily maintained</i>  <i>To ensure that site facilities are accessible, adequate and attractive</i>	Yes	<i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically</i>	Yes	The design of the dwellings provides sufficient space for all services to be accommodated and maintained efficiently and economically, including in easements if required.
		<i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development</i>	Yes	All such site facilities are of appropriate size, sited appropriately and integrate with the development.
		<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	Bin storage is readily accommodated at the side of each dwelling, easily accessible and moveable to the street frontage and not visible from the street.
		<i>Mailboxes should be provided and located for convenient access</i>	Yes	Mailboxes are appropriately located, clearly identifiable for each dwelling and conveniently accessible.

### Clause 56 – Residential Subdivision

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

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

#### Planning Response:

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

### General Provisions

#### Clause 65 - Decision Guidelines

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

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

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

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

- 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 development provides for a diversity in housing types and housing options in an area well connected to private and public services. No natural hazards issues are identified in relation to the site and no staging 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 zone as discussed above.

**Clause 42.01 Environmental Significance Overlay – Schedule 6**

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

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

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

**Clause 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 55 of the Hindmarsh Planning Scheme.

**Report to Council:**

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

**Processing Times:**

02/02/2021 The application was received.

14/09/2021 The fee was paid.

12/01/2022 Further information was requested from the applicant.

07/03/2022 Further information was received.

18/05/2022 Further information sought with regard to vehicle movements and subdivision layout.

23/05/2022 Amended plans received for subdivision and swept paths

08/08/2022 Further information sought with regard to vehicle movements and subdivision layout as previous response does not meet Scheme requirements.

11/08/2022 Final plans for assessment provided.

01/09/2022 The application was notified.

16/09/2022 Notification of the application was completed.

04/10/2022 Application referred to Wimmera CMA, GMW Water and Engineering.

11/10/2022 Wimmera CMA referral response received.

11/10/2022 Engineering referral response received.

26/10/2022 The report is being presented to Council at the meeting held 26 October 2022 (61 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: Jessie Holmes, 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:**

Support healthy living and provide services and activities for people of all ages and abilities. Develop and promote local tourist opportunities that attract visitation.

**Financial Implications:**

Nil

**Risk Management Implications:**

Nil

**Communications Strategy:**

Advise the Applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit if approved by Council.

**RECOMMENDATION:**

***That Council approves planning application PA1760-2021 for the development of a second dwelling and fencing, subdivision of land into two (2) lots and vegetation removal on the subject land known as 59 Leahy Street Nhill VIC 3418 (Lot 1 TP119754V Parish of Balrootan), subject to the following conditions:***

**Amended Plans Required**

- 1. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.***

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

- (a) A habitable room window for bedroom 3 of unit 2 on the western elevation and relocation of the clothes line to the eastern wall of the laundry.***
- (b) Amended landscaping in accordance with Condition 3 of this permit.***

**Endorsed Plans**

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

**Landscaping**

- 3. Concurrent with the plans required by Condition 1 of this permit, an amended landscaping plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.***

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

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

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

#### **Development Conditions**

- 5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.***
- 6. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.***
- 7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
- 8. The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.***

#### **Subdivision Conditions**

- 9. Before the issue of Statement of Compliance under the Subdivision Act 1988, either:***
  - (a) Construction of the development approved under Planning Permit PA1760-2021 issued by the Hindmarsh Shire Council must have substantially commenced to the satisfaction of the Responsible Authority;***  
***or***
  - (b) 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. Any buildings on the land must be constructed in accordance with the plans endorsed under Planning Permit PA1760-2021 issued by Hindmarsh Shire Council.***

***The owner/operator must pay the reasonable costs of preparation,***

**execution and registration of the Section 173 Agreement.**

10. **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.**
11. **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.**
12. **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.**
13. **The owner of the land must enter into an agreement with:**
  - (a) **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
  - (b) **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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

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

**Engineering Conditions**

14. **All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) to the northern side of the property to the kerb and channel in the Leahy Street road reserve to the satisfaction of the Responsible Authority.**
15. **No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.**
16. **Appropriate measures must be implemented throughout the construction stage**



*of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.*

- 17. Any damage to Council infrastructure as a result of the development must be remedied at the full cost of the permit holder and to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance or occupancy of the dwelling hereby approved.**

**Time Limit**

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

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

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

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

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

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

**That Council approves planning application PA1760-2021 for the development of a second dwelling and fencing, subdivision of land into two (2) lots and vegetation removal on the subject land known as 59 Leahy Street Nhill VIC 3418 (Lot 1 TP119754V Parish of Balrootan), subject to the following conditions:**

**Amended Plans Required**

- 1. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.**

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

- (a) *A habitable room window for bedroom 3 of unit 2 on the western elevation and relocation of the clothes line to the eastern wall of the laundry.*
- (b) *Amended landscaping in accordance with Condition 3 of this permit.*

**Endorsed Plans**

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

**Landscaping**

3. *Concurrent with the plans required by Condition 1 of this permit, an amended landscaping plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.*

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

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

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

**Development Conditions**

5. *Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.*
6. *Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.*
7. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
8. *The exterior colour and cladding of the buildings must be of a non-reflective nature and / or either painted or have a pre-painted finish in natural, muted toning (or such other colour as is approved by the Responsible Authority) to the satisfaction of the Responsible Authority.*

**Subdivision Conditions**

9. ***Before the issue of Statement of Compliance under the Subdivision Act 1988, either:***

(a) ***Construction of the development approved under Planning Permit PA1760-2021 issued by the Hindmarsh Shire Council must have substantially commenced to the satisfaction of the Responsible Authority;***  
***or***

(b) ***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. ***Any buildings on the land must be constructed in accordance with the plans endorsed under Planning Permit PA1760-2021 issued by Hindmarsh Shire Council.***

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

10. ***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.***

11. ***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.***

12. ***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.***

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

(a) ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***

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

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

(c) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services***

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

- (d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

**Engineering Conditions**

- 14. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) to the northern side of the property to the kerb and channel in the Leahy Street road reserve to the satisfaction of the Responsible Authority.*
- 15. No effluent or polluted water or any type may be allowed to enter the Council's Stormwater drainage system.*
- 16. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.*
- 17. Any damage to Council infrastructure as a result of the development must be remedied at the full cost of the permit holder and to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance or occupancy of the dwelling hereby approved.*

**Time Limit**

- 18. The above-mentioned planning permit as it relates to development will expire if either of the following circumstances arise:*
- (a) The development is not started within two (2) years of the date of this permit; or*
- (b) The development is not completed within four (4) years of the date of this permit.*

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

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

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

**CARRIED**

Attachment Number: 5

**8.3 PLANNING PERMIT APPLICATION PA1791-2022 – BUILDINGS AND WORKS TO CONSTRUCT A TELECOMMUNICATIONS FACILITY – 8 BROUGHTON-KANIVA ROAD BROUGHTON VIC 3418 (LOT 1 ON TITLE PLAN 217577U)**

<b>Responsible Officer:</b>	Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	200312
<b>Application No.</b>	PA1791-2022
<b>Applicant:</b>	Amplitel Pty Ltd (C/o Acquirecomm Pty Ltd - Emily Wardlaw)
<b>Owner:</b>	Jason Gordon
<b>Subject Land:</b>	8 Broughton-Kaniva Road Broughton VIC 3418 (Lot 1 on Title Plan 217577U)
<b>Proposal:</b>	Buildings and works to construct a Telecommunications Facility
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) No Overlays
<b>Attachment Number:</b>	6

**Summary:**

This report recommends that Council approves Planning Permit Application PA1791-2022 for Buildings and works to construct a Telecommunications Facility on the land at 8 Broughton-Kaniva Road Broughton VIC 3418 (Lot 1 on Title Plan 217577U), subject to standard conditions.

**Background:**

The site is currently rural farming land containing farm paddocks, several farm sheds, a dwelling and scattered trees.

**Proposal Details:**

The proposal is for buildings and works to construct a Telecommunications Facility for a 40m high monopole with associated antennas mounted on the monopole to a maximum height of 43.41m. The facility also includes the construction of a fenced compound, an equipment shelter, underground electrical and fibre access and associated vehicle access from Broughton Road.

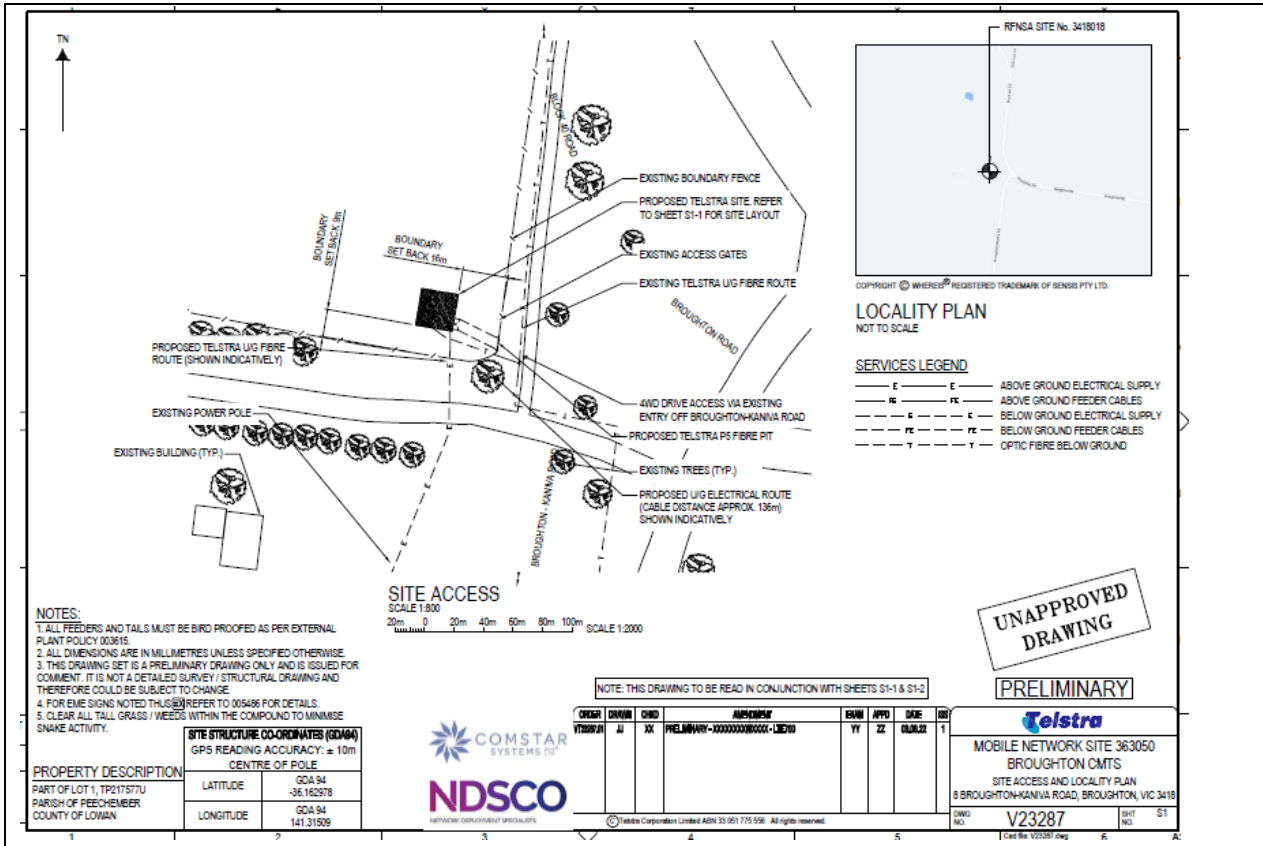
The applicant has stated the following about the application:

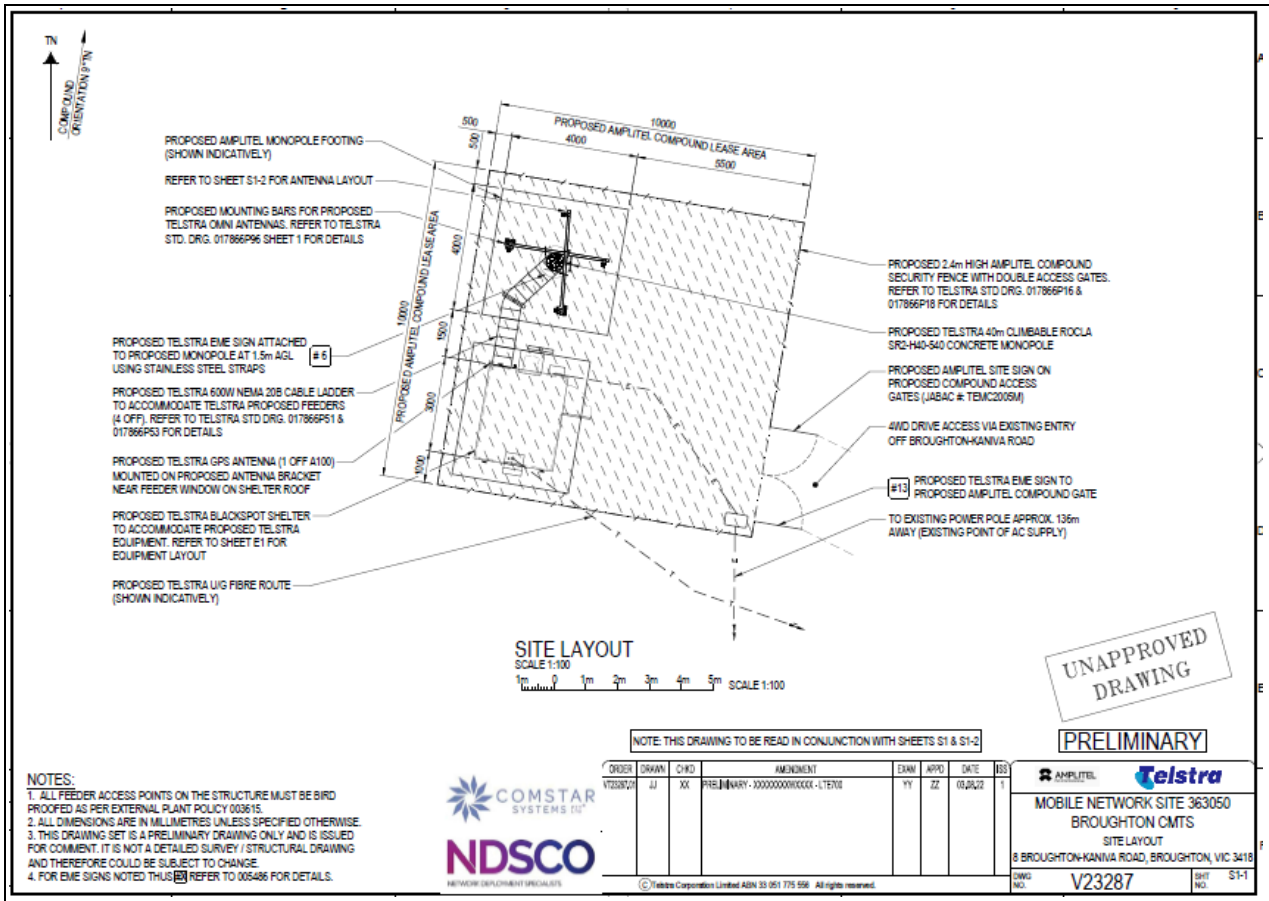
*‘The site has been funded by Telstra, the Victorian Government and the Federal Government in Round 1 of the Federal Governments Regional Connectivity Program. Telstra have been awarded funding to deploy this site within the parameters of this project.*

*The proposed development of the site represents the provision of essential telecommunications infrastructure to Broughton and its surrounds. The proposed facility will have an acceptable impact on the amenity of the area in terms of its use of materials and siting. The facility is designed to have regard to its surrounds and represents an appropriate balance between the net community benefit from the*

provision of essential telecommunications services and the protection of the environment from any adverse impacts.'

Proposed Site Access/Locality Plan, Site Layout Plan and Elevations below:









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

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018* as the site is not within an Aboriginal Cultural Heritage Sensitivity Area.

**Subject site & locality:**

The subject land is located on the western side of Broughton-Kaniva Road in Broughton. The site has a total area of approximately 121ha. The site is used for agriculture and contains farm paddocks, several farm sheds, a dwelling and scattered trees.

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

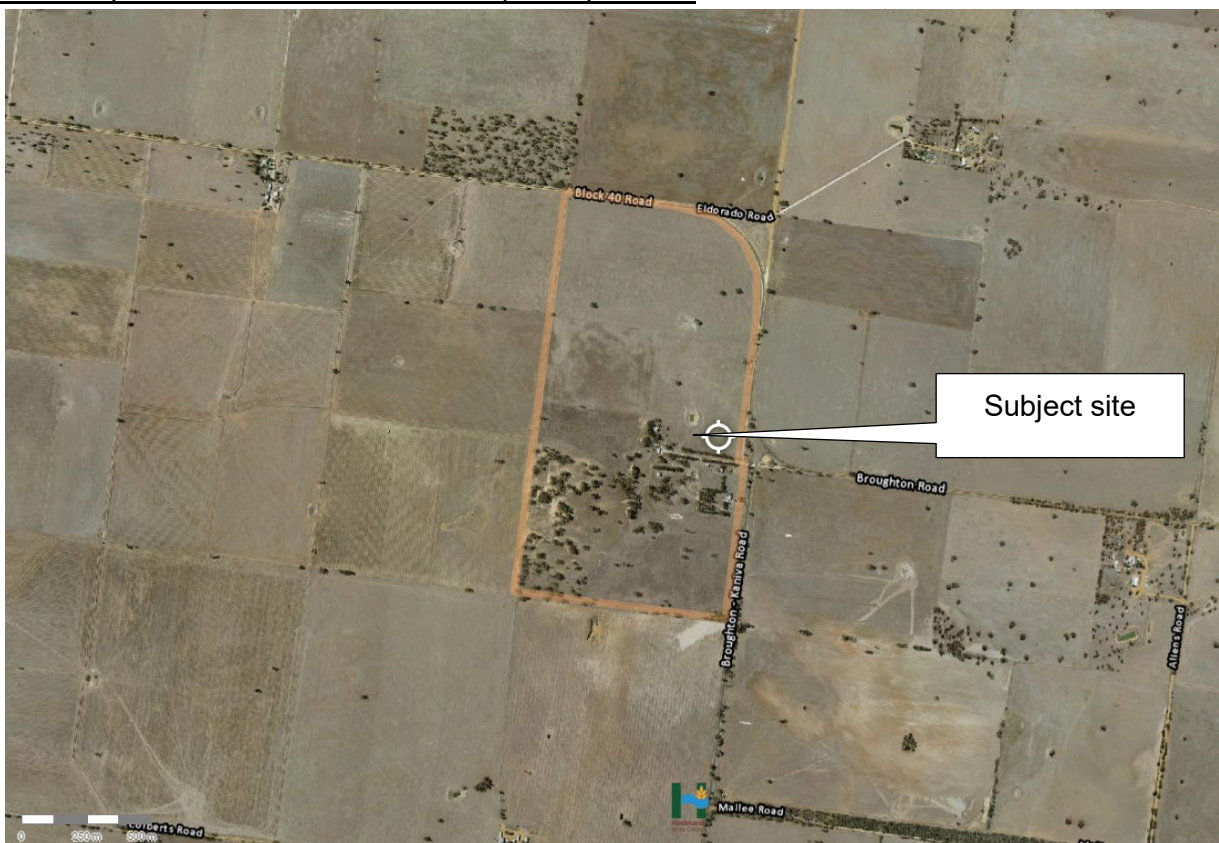


Photo of the area of the site (submitted as Figure 4 in Planning Report from the applicant) below:



**Consultation:**

Consultation was undertaken with the applicant and included:

- Email correspondence with the applicant about the application and the timing for a decision.

**Section 52 Notice of application:**

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as the application is exempt in accordance with Clause 52.19-3 as the proposed telecommunications facility is funded by The Commonwealth through the Mobile Black Spot Program.

The applicant has undertaken voluntary community consultation with the neighbours about the proposal.

**Referrals:**

**Section 55 Referrals**

Nil

**Section 52 Referrals**

Nil

**Internal Referrals:**

Engineering – Comments provided and conditions required are as follows:

*We have conducted a site visit on 20/09/2022 at 8 Broughton-Kaniva Road Broughton.*

*The following conditions need to be applied to the permit.*

**Access/Vehicle crossover:**

*Before the commencement of the development, a new crossover must be constructed as per IDM SD-255 standard at the East side of Lot 1 (Proposed Telecommunications tower gate entrance) to the satisfaction of the Responsible Authority.*

*The vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.*

**Road Access:**

*Before the commencement of the development, the section of unmade road - from the existing limestone access to the East side of the proposed crossover for Lot 1 entrance, that will service the Proposed Telecommunications tower, must be upgraded to a gravelled all-weather access road to Council standard at the Applicant's cost.*

**Note:**

*A consent to works within road reserve permission is required prior to construction if working in road reserve.*

<https://www.hindmarsh.vic.gov.au/register-for-permits>

**Planning Scheme:**

Planning Scheme Requirements:

**Municipal Planning Strategy (MPS)**

The following relevant Clauses in the MPS have been considered for the application.

Clause 02.02 Vision

Clause 02.03 Strategic directions

Clause 02.03-4 Natural resource management

Clause 02.03-5 Built environment and heritage

Clause 02.03-7 Economic development

**Planning Policy Framework (PPF)**

The following relevant Clauses in the PPF have been considered for the application.

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.01-1L Hindmarsh

Clause 11.03-6S Regional and local places

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2S Sustainable agricultural land use

Clause 15.01-6S Design for rural areas

Clause 17.01-2S Innovation and research

Clause 19.03-4S Telecommunications

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The proposal will improve the mobile phone service within Broughton and the surrounding area. The proposal has been located to minimise any loss of agricultural land and no vegetation will be removed, which will protect and enhance the biodiversity of the area.

The proposal complies with the relevant provisions of the MPS and PPF subject to conditions.

**Zoning Provisions**

**Clause 35.07 Farming Zone (FZ)**

A permit is not required for the use of a Telecommunications Facility and to construct buildings and works for a Telecommunications Facility under the Farming Zone if the requirements of Clause 52.19 are met.

**Particular Provisions**

**Clause 52.19 Telecommunications Facility**

**52.19-1 Permit requirement**

A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

**52.19-3 Exemption from notice and review**

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52 (1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82 (1) of the Act if the Telecommunications facility is funded, or partly funded by:

- The Commonwealth through the Mobile Black Spot Program; or
- The State of Victoria.

**52.19-5 Decision guidelines**

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

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- The effect of the proposal on adjacent land.

Planning Response:

The proposal will comply with the principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

The proposal is unlikely to have any adverse effect on the adjacent land. The vehicle access to the site is required to be upgraded with a new crossover and a gravel all-weather access track, which have been required by Engineering and will be addressed as conditions.

## **General Provisions**

### **Clause 62 General Exemptions**

#### **Clause 62.01 Uses not requiring a permit**

Any requirement in this scheme relating to the use of land does not apply to:

- The use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.

#### **Clause 62.02-1 Buildings and works not requiring a permit**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to:

- Buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.

#### Planning Response:

The requirements of Clause 52.19 are met, and a planning permit is only required under Clause 52.19-1.

## **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.

#### **65.01 Approval of an application or plan**

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

#### Planning Response:

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

#### **Discussion:**

The proposed telecommunications facility is acceptable in the proposed location as the facility will provide enhanced essential telecommunication services and will minimise adverse impacts on the environment, human health, and the amenity of the area. The proposal will satisfy the relevant planning policies in the MPS and PPF, the relevant decision guidelines of Clause 52.19-5 and Clause 65.

The proposal should be approved, and a Planning Permit be issued subject to the conditions outlined below.

**Strategic, Statutory and Procedural Requirements:**

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework, the Farming Zone, and Clause 65 Decision Guidelines.

**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:**

17/08/2022 Application submitted.

02/09/2022 Fee paid

09/09/2022 Referral to Engineering

07/10/2022 Referral response from Engineering received

26/10/2022 The report is being presented to Council at the meeting held on 26 October 2022 (54 statutory days)

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

**Link to Council Plan:**

N/A.

**Financial Implications:**

There are no financial implications to Council.

**Risk Management Implications:**

There are no risks to be managed by Council, except if the planning permit is not approved, Council could be seen to be holding up development within the municipality.

**Conflict of Interest:**

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

**Communications Strategy:**

Advise the applicant of Council's decision.

**Next Steps:**

Issue the Planning Permit and endorse the plans if approved.

**RECOMMENDATION:**

***That Council approves Planning Application PA1791-2022 for Buildings and works to construct a Telecommunications Facility, on the land at 8 Broughton-Kaniva Road Broughton VIC 3418 (Lot 1 on Title Plan 217577U), subject to the following conditions:***

**Conditions:**

***Amended Plans Required***

- 1. Before the commencement of the works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans submitted but modified to show access to the Telecommunications Facility from the existing dwelling access and driveway.***

***General Requirements***

- 2. The buildings and the site must be kept in an ordered and tidy state and their appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 3. Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the Responsible Authority.***

***Access***

- 4. All weather access to the facility must be in accordance with the endorsed plans, constructed to an all-weather standard at the Applicant's cost, to the satisfaction of the Responsible Authority.***

***Drainage***

- 5. The storm water from the development must be contained on site to the satisfaction of the Responsible Authority.***

***Permit Expiry***

- 6. The use and development approved by this permit will expire if one of the following circumstances applies:***
  - (a) The development is not started within two years of the date of this permit.***
  - (b) The development is not completed within four years of the date of this permit.***

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

**Note:**

**Engineering**

A consent to works within road reserve permission is required before construction if working in the road reserve.

<https://www.hindmarsh.vic.gov.au/register-for-permits>

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

***That Council approves Planning Application PA1791-2022 for Buildings and works to construct a Telecommunications Facility, on the land at 8 Broughton-Kaniva Road Broughton VIC 3418 (Lot 1 on Title Plan 217577U), subject to the following conditions:***

**Conditions:**

**Amended Plans Required**

- 1. Before the commencement of the works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans submitted but modified to show access to the Telecommunications Facility from the existing dwelling access and driveway.***

**General Requirements**

- 2. The buildings and the site must be kept in an ordered and tidy state and their appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***
- 3. Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the Responsible Authority.***

**Access**

- 4. All weather access to the facility must be in accordance with the endorsed plans, constructed to an all-weather standard at the Applicant's cost, to the satisfaction of the Responsible Authority.***

**Drainage**

- 5. The storm water from the development must be contained on site to the satisfaction of the Responsible Authority.***

**Permit Expiry**



6. ***The use and development approved by this permit will expire if one of the following circumstances applies:***
- (a) ***The development is not started within two years of the date of this permit.***
  - (b) ***The development is not completed within four years of the date of this permit.***

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

**Note:**

**Engineering**

*A consent to works within road reserve permission is required before construction if working in the road reserve.*

<https://www.hindmarsh.vic.gov.au/register-for-permits>

**CARRIED**

*Attachment Number: 6*

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**9 REPORTS REQUIRING A DECISION**

**9.1 HINDMARSH SHIRE COUNCIL ANNUAL REPORT 2021/2022**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 7

**Introduction:**

The purpose of this report is to present the Annual Report 2021/2022 for consideration by Council.

**Discussion:**

Council's Annual Report for the year ended 30 June 2022 has been prepared. The Annual Report provides a comprehensive overview of Council's activities for the period 1 July 2021 to 30 June 2022, including achievements in respect of a range of projects, services and assets managed and financial performance for the year ended 30 June 2022, for which the Auditor-General has provided unqualified audit opinions on the financial and performance statements. The report is intended as a point of reference for Council, staff, residents, shire businesses, community organisations and government departments.

Council has a statutory responsibility under the *Local Government Act 2020* (the Act) to prepare an Annual Report in respect of each financial year, containing a report on its operations, audited performance statement, audited financial statements and any other matter required by the Local Government Planning and Reporting Regulations.

Under section 100 of the *Local Government Act 2020*, Council must consider the annual report within 4 months of the end of the financial year.

**Options:**

It is recommended that Council considers and notes the Annual Report 2021/2022.

**Link to Council Plan:**

Strong governance practices: Ensure compliance with the *Local Government Act 2020*.

**Financial Implications:**

No financial implications

**Risk Management Implications:**

Management of Council's legislative responsibilities in a timely manner will minimise Council's exposure to adverse impacts, improve effectiveness and generate efficiencies.

**Relevant legislation:**

Local Government Act 2020

**Community engagement:**

Public notice of the preparation of the Annual report was advertised in local newspapers.

**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 Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

Copies of the Annual Report 2021/2022 are available at Council's Customer Service Centres and on Council's website.

Preparation of the Annual report will be published in Council's newsletters.

**RECOMMENDATION:**

***That Council, having considered the Annual Report for the year ending 30 June 2022, receives the report.***

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

***That Council, having considered the Annual Report for the year ending 30 June 2022, receives the report.***

**CARRIED**

*Attachment Number: 7*

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## **9.2 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION**

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

**Introduction:**

This report provides Council with information on the Australian Local Government Women's Association and recommends a Council membership to the association.

**Discussion:**

The Australian Local Government Women's Association (ALGWA) was created in October 1951. The aim of ALGWA is to:

- Assist in furthering women's knowledge and understanding of the functions of Local Government;
- Encourage women to participate in Local Government;
- Encourage women to make a career from Local Government;
- Protect the interests and rights of women in Local Government;
- Take action in relation to any subject or activity affecting Local Government and Local Government legislation; and
- Act in an advisory capacity to intending women candidates for Local Government elections.

Membership is open to anyone interested in supporting women to participate in Local Government providing networking opportunities and mentoring programs, along with meetings throughout the State.

The ALGWA offer two types of memberships, an individual membership for Councillors, and a Council membership.

Individual membership is for Councillors and entitles them to a vote at the AGM, ability to nominate for a committee position or as a subcommittee member, and access to programs including the mentoring program either free or when charged (at the member price).

Council membership entitles Council to one (1) vote at the AGM (CEO or delegate), allows officers to access the Bursary Award and attend events including conferences at member prices. Member Councils can seek to host an ALGWA Vic conference.

A Council membership for 2022/2023 will be \$320.00.

**Options:**

1. Council can choose to join the Australian Local Government Women's Association.
2. Council can choose not to join the Australian Local Government Women's Association.

**Link to Council Plan:**

Strong governance practices

A skilled Council and workforce capable of meeting community needs

Gender Equity respect and leadership

**Financial Implications:**

Council's annual budget includes an allocation for Council Memberships and Subscriptions (40143).

**Risk Management Implications:**

A membership with ALGWA will give Council access to training and networking opportunities, and materials to promote gender equality in Council.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

Not applicable

**Gender equality implications:**

No gender equality implications.

**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:**

Not applicable.

**Next Steps:**

Officers will complete the necessary membership application should Council choose to join the Australian Local Government Women's Association.

**RECOMMENDATION:**

***That Council join and pay a Council membership to the Australian Local Government Women's Association.***

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

***That Council join and pay a Council membership to the Australian Local Government Women's Association of Victoria.***

**CARRIED**

**9.3 COUNCIL PLAN 2021-2025 PROGRESS REPORT**

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

**Introduction:**

This report provides Council with a progress update on the actions for 2022/2023 taken against the Council Plan 2021-2025.

**Discussion:**

Council's main strategic document the Council Plan 2021-2025 was developed and adopted in 22 September 2021. The document contains strategic objectives under four Themes Our Community; Built and Natural Environment; Competitive and Innovative Economy; and Good Governance & Financial Sustainability with annual actions on how Council will achieve the objective of the plan.

Progress on the year two actions against the Plan are included below:

**Theme One – Our Community**

<b>Action Item</b>	<b>Update on Action</b>
Monthly and fortnightly e-newsletters distributed through emails and available on Council's website	<b>Q1.</b> Council continues to prepare and circulate fortnightly e-newsletters and monthly newsletters. Monthly Newsletters are printed for collection at all libraries, Council offices and a variety of businesses in Dimboola, Jeparit, Nhill and Rainbow. Council is now also including a 2-page newsletter with Community Care Accounts when they are being sent out each month.
Establish LGBTIQ+ Focus Groups to advise Council on key projects and initiatives	<b>Q1.</b> Expressions of Interest for the LGBTIQ+ Reference Group will be considered by Council on 26 October 2022.
Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead	<b>Q1.</b> Councillors and Council Officers attend Town Advisory Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings.

meetings	
Advocate for after school care and an increase childcare in Hindmarsh Shire.	<b>Q1.</b> The State Government are currently providing funding for schools to establish after school care. Council is supporting the Wimmera Southern Regional Partnership Childcare feasibility study for the region.
Implement the Hindmarsh Shire Youth Strategy	<b>Q1.</b> Council Officers are currently working through the actions identified in the Hindmarsh Shire Youth Strategy. Minutes of Youth Council meetings are provided to Councillors for information. Officers continue to communicate with Nhill Learning Centre/ The Patch to discuss ways in which Council can be involved, collaborate and/or provide support.
Work with various agencies to host and promote school holiday activities throughout the Shire	<b>Q1.</b> September School Holidays were a success with over 400 attendances in total across all events held. Utilising our Libraries brought about fun science and crafty art activities. Collaborating with the Oasis in Rainbow, the Recreation Reserve in Dimboola, and the Jeparit Primary School and Hall allowed for ample amount of space to host Games Days and Outdoor Cinemas. Training for children of all ages in Animal First Aid with “Your Family Vet” and Human First Aid with “Casey Kosch” - Painting with local artist Maria La Grue, Tennis Coaching with Steffi McDonald, and a Cricket Fun Day were also included. The options appeared almost endless for the young people of the Hindmarsh Shire, and the enjoyment was clear in attendance numbers, and smiles on faces.
Continue to support early years services in Hindmarsh Shire	<b>Q1.</b> Council continues to provide buildings and funding to support early years services in Hindmarsh.
Partner with Nhill Learning Centre to ensure barriers and views of the Karen and other multicultural communities are considered	<b>Q1.</b> Council’s Youth Officer attends Homework Club when available to connect and converse with the Karen community. Along with conversing with young people to develop relationships that allow openness and connectedness with a goal

	of utilising this relationship in the future to bring about more events and activities inclusive to all individuals residing in Hindmarsh.
Support and host youth events that are accessible to all Hindmarsh Shire youth.	<b>Q1.</b> Youth Council are meeting regularly to discuss and organise events for Youth in Hindmarsh. Current initiatives include a Neon Disco Event in Rainbow in late October/early November. A FReeZA committee has been formed in Rainbow, and is also being formed in Dimboola and Nhill. These committees are being created by Youth Councillors and will attract their peers in local schools to form a group that will plan and organise FReeZA events using our State FReeZA funding. These groups will allow more young people to learn event planning and marketing skills, and give more Hindmarsh youth a chance to participate and have their wants/interests met through events/trainings/etc.
Key documents translated into Karen	
Undertake Cultural Audit and Develop Strategy	<b>Q1.</b> A consultant has been approached and we are just waiting to receive further information and a quotation for the audit and strategy development.
Support our ageing community through hosting seniors concert, social connection activities including movie matinees and morning teas, and delivery of community care service	<b>Q1.</b> Monthly movie matinees continue to be held and are proving popular with the community. A Keith Potger concert was hosted in August 2022. Weekly Cuppa Connections are held in each library for interested community members.
Support local community events such as the Rainbow Desert Enduro, Nhill Friday Fiestas in February, Peter Taylor Barefoot Tournament etc.	<b>Q1.</b> Support was provided to the Rainbow Desert Enduro event held in August 2022.
Celebrate volunteers week, International Day of People with Disability and Harmony day	Council officers are currently planning activities to celebrate International Day of People with Disability.
Support culturally significant days including for first nations people	
Provide community action grants to support	<b>Q1.</b> Round 1 of the community actions

Hindmarsh community groups and organisations	grants program will be recommended to Council on Wednesday 26 October 2022.
Continue to advocate for funding for the Rural Outreach Program	
Advocate for and host a range of learning and skill development opportunities for all ages throughout Hindmarsh	<b>Q1.</b> Council and the Karen community leaders are liaising with the Victorian Electoral Commission to host an information session prior to the upcoming State election.
Support and coordinate the volunteer taxi service in Nhill	<b>Q1.</b> Council continues to coordinate and support the Volunteer Taxi Service in Nhill.
Work with community groups including Senior Citizens to re-establish following the COVID-19 pandemic	<b>Q1.</b> Council's Community Development and Social Support Officer continues to liaise with Senior Citizens.
Consider community garden opportunities in Dimboola	

### Theme Two – Built & Natural Environment

Action Item	Update on Action
Seal Dimboola Civic Hub Carpark; laneway between Lochiel Street and public amenities and Road between Wimmera Street and Carpark.	<b>Q1.</b> Works are scheduled to commence in late October / early November 2022.
Implement glass collection throughout the Shire	<b>Q1.</b> Council is on track – having awarded the transfer station upgrade at the August Council meeting and ordering the residential 120lt purple bins with delivered expected in October 22.
Work with Hindmarsh Landcare in addressing pest and weed problems throughout Hindmarsh including the weed Gazania which is spreading along roadside verges.	<b>Q1.</b> Council is currently collaborating with Hindmarsh Landcare to accurately map target areas.
Seek funding for BMX dirt tracks, pocket parks, dog parks	
Hold free green waste month in September and encourage residents to tidy their properties	<b>Q1.</b> Council accepted free green waste at Hindmarsh Transfer Stations from 1 September 2022 due to the significant wet weather free green waste collection has been extended until the end of October 2022.
Implementation of Nhill streetscape plan	<b>Q1.</b> Council has allocated funding through LRCI Phase 3. A community survey and drop-in sessions were conducted seeking



	feedback on the first stage of implementation. 64% of respondents said the Nhill Lake Pathway was the highest priority with solar bollard lighting the preferred option.
Installation of solar heating on Nhill swimming pool	<b>Q1.</b> The current solar heating has been decommissioned and Council is awaiting works by the Department of Education on the roof to facilitate the installation of new solar heating.
Develop playground strategy	<b>Q1.</b> A Strategy is currently being drafted, consultation with the community will occur in February 2023.
Seek funding for all abilities access to the swimming pool and changeroom at Dimboola Swimming Pool	<b>Q1.</b> Tenders have been called for necessary maintenance to all four swimming pools, this will include all abilities hoists for Dimboola and Rainbow Swimming Pools. Council will continue to seek funding for changeroom upgrades at Dimboola Swimming Pool.
Seek funding to develop a Masterplan for the Dimboola Recreation Reserve	<b>Q1.</b> Council was unsuccessful with the grant application for masterplan development.
Seek funding to undertake a solar assessment on Council buildings and halls	
Construction of shade structures at Dimboola and Nhill Skateparks	<b>Q1.</b> Council has allocated funding through LRCI Phase 3. 8m x 4m cantilever structures have been ordered for the Dimboola and Nhill Skateparks with construction expected to be completed by the end of 2022.
Consider opportunities and seek funding for lighting in public areas	
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Hindmarsh Landcare Network	<b>Q1.</b> Council continues to have representatives on the Western Highway Action Committee, Regional Transport Group and Hindmarsh Landcare Network
Continue to advocate for funding for Davis Park improvements	<b>Q1.</b> Council continues to advocate for funding the improvements to Davis Park. An election commitment has been recently made by member for

	Lowan Emma Kealy of \$900,000 towards improvements should the liberal / national parties win government.
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**Theme Three – Competitive and Innovative Economy**

Action Item	Update on Action
Upgrades to ensuite at Dimboola Caravan Park	
Provide the business assistance grants program	<b>Q1.</b> Round 1 of the Business Assistance Grants Program will be recommended to Council on 26 October 2022.
Promote Hindmarsh as a tourism destination to stop, stay and play	<b>Q1.</b> Council continues to update the Visit Hindmarsh website with relevant information, and regularly posts on the Visit Hindmarsh Facebook page.
Partner with West Vic Business to provide events and education for Hindmarsh businesses to come together, network and learn	<b>Q1.</b> Council hosted a Hindmarsh Business Networking Session in Rainbow in September. We are planning the next quarterly meeting for Dimboola, with a date yet to be determined.
Tourism information available in Hindmarsh Shire business	<b>Q1.</b> Council has recently received the new Jeparit, Rainbow and Nhill brochures and awaiting an update of the Dimboola and HSC brochures. A brochure order form is currently being updated with the new brochures and will be circulated to local businesses and Visitor Information Centres.
Seek funding for continued development of Hindmarsh Shire Caravan Parks including a Masterplan for Nhill Caravan Park	<b>Q1.</b> Council received funding through the Regional Tourism Investment Funding for an additional six cabins (1 Jeparit; 2 Rainbow; 3 Dimboola). The development of a masterplan for Nhill Caravan Park will commence in early 2023.
Implementation of Council's economic development strategy	
Seek funding and implement components of the Wimmera Mallee Pioneer Museum Masterplan	<b>Q1.</b> A key priority of the Masterplan, a Collection Significance Assessment has been completed. Funding opportunities are continuously looked for. Council officers will continue to

	recommend the committee look at the initial priorities, re-arranging of displays in-line with the masterplan that can be achieved with no funding required.
Support Wimmera Development Association housing strategy	<b>Q1.</b> Council continues to attend WDA housing strategy meetings.
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	<b>Q1.</b> Planning and designs continue to be worked through for the Llew Schilling Silo. Drop-in sessions will be held in late October for Rainbow community members to view the initial designs and provide feedback.
Construct new amenities at Rainbow Caravan Park	<b>Q1.</b> A report will be presented to the 26 October Council meeting recommending awarding the contract for new amenities at the Rainbow Caravan Park.

#### Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action
Implementation of strategies identified in the Workforce Plan	<b>Q1.</b> The development of an Employee Survey in underway, which HR currently finalising the content to cover both Gender Equality and Workforce Plan requirements. The Gender Equality Action Plan has been developed and approved by the Commission. Recruitment, induction, position descriptions and onboarding are being reviewed as part of the implementation of Happy HR. Graduate/training programs are being offered for both Business Administration roles and Environmental Health positions. Flexible workplace options continue to be implemented.
Online streaming of Council meetings through Council's Facebook page	<b>Q1.</b> Council amended and adopted their Governance Rules on 31 August 2022 which included changes to the use of electronic means of communication for meetings. Council will continue to livestream all future Council meetings through Council's

	Facebook Page.
Consideration of employing a trainee, or apprentice when vacancies arise throughout the year	<b>Q1.</b> Traineeship/Supported Study opportunities available for Business Administration and Environmental Health positions. A Customer Service trainee will commence with Council in late November 2022.
Community conversation sessions held annually in our four main towns	<b>Q1.</b> Community Conversation Sessions were held in October 2022 all four towns providing an update on Council projects, changes to waste management and providing an update on Capital Works. The Nhill session was livestreamed on Council's Facebook page for those unable to attend in person.
Drop-in sessions held allowing for community input on key documents or projects	<b>Q1.</b> Drop-in sessions were recently held in Nhill seeking input on the Nhill Streetscape Plan implementation.
Update Long Term Financial Plan	<b>Q1.</b> The updated Long Term Financial Plan was adopted by Council on 29 June 2022 as part of the annual budget.
Quarterly finance reporting to Council	<b>Q1.</b> Quarterly financial reports are presented to Council with quarter 1 presented to the 26 October Council meeting.
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	<b>Q1.</b> Council continues to have representatives on the WDA, RCV and MAV.
Quarterly Council plan reporting to Council	<b>Q1.</b> The first quarter update is being provided to Council on 26 October 2022.
Implementation of gender equality action plan	<b>Q1. The</b> GEAP actions are currently being implemented by the Human Resources team as well as Manager Governance and Human Services. This includes redeveloping Council's Gender Equality Leadership Statement, planning training around inclusion, gender-based discrimination and sexual harassment, and event planning for International Women's Day and 16 Days of

	Activism. Gender Impact Assessments are also being undertaken for all policies, plans and projects that have a direct and significant impact on the community.
Collaborate with Horsham Rural City Council, and Loddon Shire to implement the Rural Council Transformation Project	<b>Q1.</b> Council continues to collaborate with HRCC and Loddon on the implementation of the RCTP. The tender has been awarded and an implementation plan is now being developed.
Audit & Risk Committee meetings review and consider Council risks at each meeting	<b>Q1.</b> Council's Risk register is provided at each Audit & Risk Committee meeting for discussion and consideration.

**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 annual actions to achieve the plan under the four key themes.

**Financial Implications:**

Council's annual budget allocates funding to complete initiatives.

**Risk Management Implications:**

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

**Relevant legislation:**

The Council Plan was developed under the *Local Government Act 2020* and *Public Health and Wellbeing Act 2008*.

**Community engagement:**

Community engagement was undertaken as part of the development and adoption of the Council Plan 2021-2025.

**Gender equality implications:**

A gender impact assessment was not required.

**Conflict of Interest:**

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

Author and Officer Responsible – Monica Revell, Director Corporate & Community Services

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

**RECOMMENDATION:**

***That Council receives the Council Plan 2021-2025 first quarter actions 2022/2023 update.***

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

***That Council receives the Council Plan 2021-2025 first quarter actions 2022/2023 update.***

**CARRIED**

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#### **9.4 HINDMARSH SHIRE COUNCIL COMMUNITY ACTION GRANTS 2022/2023 ROUND ONE**

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

**Introduction:**

This report seeks Council approval to provide funding through Round 1 of the 2022/2023 Community Action Grants Program to eligible community organisations/groups.

**Discussion:**

The Community Action Grants Program was established to support communities with funds to provide services, self-help and assist with community development, social action, and connectedness.

Total annual funding of \$20,000.00 has been allocated to the program and categorised into three areas:

- Community Assistance
- Event Sponsorship
- Small Equipment

Round one of the 2022/2023 Community Action Grants Program was promoted through direct emailing to community groups, media releases on Council's website and local media, advertisements in local media as well as Facebook promotions on Council's Facebook page.

At the time of closing on Friday 30 September 2022, nine **(9)** applications were received requesting funds totaling **\$7,400.55**. The recommendation is to award funds of \$6,818.95. Total projects costs for all applications is \$31,534.25.

Category	Number of Applications	Funding Available	Total Amount Requested
Community Assistance	Three (3)	<b>Round 2</b> \$20,000	\$3,000.00
Event Sponsorship	Two (2)		\$1,000.00
Small Equipment	Four (4)		\$3,400.55
<b>TOTAL</b>	Nine (9)		<b>\$7,400.55</b>

**Funding applications have been assessed against the following eligibility criteria:**

***All applications must:***

- Demonstrate direct economic and social benefit to the community;
- Not already receive substantial support from Hindmarsh Shire Council;
- Be made by an incorporated community group or not-for-profit organisation or auspiced by such a group;
- Apply for one category per funding round; and
- Obtain any / all relevant permits required to host an event within Hindmarsh Shire Council.

***Ineligible Applications:***

Applications by, or for, the following purposes will not be eligible for funding:

- Community organisations who do not provide direct benefit to the Hindmarsh Shire community;
- Individuals;
- Applicants who have successfully obtained funding of \$500.00 or more for Community Assistance, Small Equipment and Minor Facility grant through the Community Action Grants Program in the current or previous financial year (organisations can only apply for funding every *two* years) are ineligible to apply. The exception is for community groups and organisations seeking Event Sponsorship for annual events (given they have acquitted any previous funding);
- Capital works on major facility maintenance;
- Funding to groups for purposes already significantly supported by Hindmarsh Shire Council (e.g. groups that use a Council facility free of charge and pay no utility or operating costs);
- Programs considered the major responsibility of the State or Federal Government;
- Schools and parents and friends organisations;
- Projects that are clearly a duplication of an existing service;
- Retrospective funding (projects that have commenced or have been completed will not be funded); and
- Clubs / organisations that have received funds from a successful application through a sub-committee of the club / organisation.

**Assessment Criteria**

Applications will be assessed against a set of Assessment Criteria.

Applications scoring highly against the criteria detailed below are more likely to receive funding.

<p><b>Why?</b> 40%</p>	<ul style="list-style-type: none"> <li>• Explain the demonstrated community need.</li> <li>• How will the project improve social connections and build community wellbeing?</li> <li>• How will the project achieve economic benefit for the community?</li> <li>• Has the project been identified in a Community Plan?</li> </ul>
<p><b>What?</b> 40%</p>	<ul style="list-style-type: none"> <li>• Provide a brief summary of what you are going to do.</li> <li>• How will your project increase community participation?</li> <li>• Complete and submit a Risk Assessment for any Event.</li> <li>• Provide details on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.</li> </ul>
<p><b>How?</b> 20%</p>	<ul style="list-style-type: none"> <li>• Provide quotes/ information on specific item(s) funds will be used to purchase.</li> <li>• Provide a copy of the applying organisation's most recent bank statement and banking details.</li> <li>• Complete the budget and in-kind contribution templates.</li> <li>• Provide details on how your event's success will be measured?</li> <li>• Provide a copy of public liability insurance (events only).</li> <li>• Applicants must have obtained any/all relevant permits required to host an event within the shire.</li> </ul>

**Community Assistance**

The **Community Assistance** Program offers grants of up to a **\$1,000.00** to assist with valuable projects that do not fit under the two other categories of the Community Action Grants Program.

There were three (3) applications in this category for this round, requesting a total of **\$3,000**.

**Applicants:**

1. **Jeparit Golf Club** seeks funding of \$1,000.00 to assist with the purchase and installation of a sprinkler system at the forecourt of the clubrooms. The installation of a sprinkler system will improve the aesthetics and functionality of the clubrooms that are used by the Jeparit Golf and Angling Clubs.

The fully automatic irrigation system would be supplied and installed by Wimmera Aquatrail, who have quoted \$4,225.00.

Based on the application, the recommendation is to grant funding of \$1,000.00.

The Jeparit Golf Club will contribute \$3,225.00 of cash and in-kind support to complete the project.

2. **Lowan Lodge 107** seeks funding of \$1,000.00 to assist with the painting of the



interior of the meeting room which hasn't been painted in over 30 years. Painting the meeting room will improve its aesthetics and lighting and provide a more welcoming appearance to the interior of the building.

Based on the application, the recommendation is to grant funding of \$1,000.00.

Lowan Lodge will contribute \$500.00 of cash and in-kind support to complete the project.

- 3. Nhill A & P Society Inc.** seeks funding of \$1,000.00 towards the cost of painting the interior and exterior of the brick toilet block at Nhill Showgrounds (Caravan Park entrance), as "currently it is quite old and requires painting to improve its appearance and condition".

Based on the application, the recommendation is to grant funding of \$1,000.00.

Nhill A&P Society will contribute \$1,773.00 of cash and in-kind support to complete the project.

### **Event Sponsorship**

**Event sponsorships** offer grants of up to **\$500.00** to assist with an event within Hindmarsh Shire which demonstrates social and economic benefit. For events with a regional impact, Council may allocate an increased sponsorship amount.

There were two **(2)** applications with a total funding request of **\$1,000.00**.

### **Applicants:**

- 1. Dimboola Rowing Club** seeks funding of \$500.00 as sponsorship of its annual two-day rowing regatta. Sponsorship will enable the club to promote the regatta and the sport of rowing to assist in increasing participation rates. The Dimboola Rowing Regatta is considered as one of the best in regional Victoria and attracts rowers from Victoria, South Australia and New South Wales clubs and schools.

Based on the application, the recommendation is to grant funding of \$500.00 with the consideration of an increased funding allocation amount due to the potential of a substantial community and state-wide attendance.

- 2. Boyeo Hall & Recreational Reserve** seeks funding of \$500.00 to purchase catering supplies for the Boyeo Christmas Tree event to be held at the Boyeo Recreational reserve & Public Hall on Sunday the 18<sup>th</sup> of December 2022. This event will see people of the community and surrounds come together and reestablish connections with neighbors and friends.

Based on the application, the recommendation is to grant funding of \$500.00.

### **Small Equipment**

**Small Equipment** grants provide funding assistance of up to **\$1,000.00** towards the purchase of small equipment items.

There were four **(4)** applications with funding requests totaling **\$3,400.55**.

**Applicants:**

1. **Lions Club of Nhill Inc.** seeks funding of \$829.95 to assist with the purchase and installation of blinds to cover three windows that attract sun glare., The blinds will assist in eradicating sun glare as well as improving energy costs through improved efficiencies with the heating and cooling costs of the building.  
Based on the application, the recommendation is to grant funding of \$829.95.  
Nhill Lions Club will contribute \$186.85 towards the cost of this project.
  
2. **Nhill Golf Club Inc.** seeks funding of \$989.00 for the purchase of an iPad for cashless income receipts, and to assist with general administration of club operations. Currently, a member’s personal iPad is being borrowed and used for these purposes.  
Based on the application, the recommendation is to grant funding of \$989.00.
  
3. **Rainbow Bowls Club Inc.** seeks funding of \$1,000.00 to assist with the replacement of a ride-on lawn mower with catcher. The new ride-on mower will assist in maintaining the grounds of the club and surrounds. The up-keep and cleanliness of the club and its surrounds is necessary for the hiring of functions and use of the Rainbow Bowls Clubrooms.  
Based on the application, the recommendation is to grant funds of \$1,000.00.  
Rainbow Bowls Club will contribute \$3,748.70 towards the cost of purchasing the new ride-on mower.
  
4. **Nhill & District Historical Society Inc.** seeks funding of \$581.60 for the purchase of male mannequins for displaying uniforms of Pipe Band, Brass Band, Defence Force and School in the museum for exhibitions. These mannequins will allow them to display the history of the district community organisations to the community.  
Based on the application, the recommendation is to not grant funding, as the Nhill & District Historical Society are deemed ineligible due to receiving funds in November 2021 from the Community Action Grants Program for small equipment.

**Application summary:**

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<b>Community Assistance - \$1000</b>			
Jeparit Golf Club	\$1,000.00	\$4,225.00	\$1,000.00
Lowan Lodge 107	\$1,000.00	\$1,500.00	\$1,000.00
Nhill A&P Society	\$1,000.00	\$2,773.00	\$1,000.00
<b>TOTAL</b>	<b>\$3,000.00</b>	<b>\$8,498.00</b>	<b>\$3,000.00</b>
<b>Event Sponsorship - \$500</b>			
Dimboola Rowing Club	\$500.00	\$14,822.00	\$500.00
Boyeo Hall & Rec Reserve	\$500.00	\$840	\$500.00
<b>TOTAL</b>	<b>\$1,000.00</b>	<b>\$15,662.00</b>	<b>\$1,000.00</b>
<b>Small Equipment - \$1,000</b>			

Nhill Lions Club	\$829.95	\$1,054.95	\$829.95
Nhill Golf Club	\$989.00	\$989.00	\$989.00
Nhill & District Historical Society	\$581.60	\$581.60	\$0.00
Rainbow Bowls Club	\$1,000.00	\$4,748.70	\$1,000.00
<b>TOTAL</b>	<b>\$3,400.55</b>	<b>\$7,374.25</b>	<b>\$2,818.95</b>
<b>FULL TOTAL</b>	<b>\$7,400.55</b>	<b>\$31,534.25</b>	<b>\$6,818.95</b>

### Options

Council can choose to support some or all, partly or in full, or none of the applications to Round One of the Hindmarsh Shire Council Community Action Grants 2022/2023.

### Link to Council & Community Plans:

The Community Action Grants relate to Council's Vision of "a caring, active community enhanced by its livability, environment and economy".

### Strategic Objectives:

#### Theme One - Our Community

- A community well informed and engaged
- Communities that feel safe and are resilient
- Provide arts and cultural activities that strengthen social connection
- A range of effective and accessible services to support the health and wellbeing of our community
- Support healthy living and provide services and activities for people of all ages and abilities.
- Assist our Community to recover from COVID-19
- Digital connectivity to support learning and work

#### Theme Two – Built and Natural Environment

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

#### Theme Three – Competitive and Innovative Economy

- Develop and promote local tourism opportunities that attract visitation

### Financial Implications:

Council has allocated \$20,000.00 to the Community Action Grants Program for the 2022/2023 financial year.

### Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate and Community Services.

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

report.

Author – Georgia Gelligan, Community Development and Youth Officer

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

**Risk Management Implications:**

Risks are to be managed by the successful applicants.

**Communications Strategy**

Successful and unsuccessful applicants will be notified of Council's decision by phone and via letter correspondence regarding application outcomes.

***RECOMMENDATION:***

***That based on the eligibility and assessment criteria, Council approves the following funding allocations:***

***Community Assistance***

- 1. A grant of \$1,000.00 – Jeparit Golf Club***
- 2. A grant of \$1,000.00 – Lowan Lodge 107***
- 3. A grant of \$1,000.00 – Nhill A&P Society***

***Event Sponsorship***

- 1. A grant of \$500.00 – Dimboola Rowing Club***
- 2. A grant of \$500.00 – Boyeo Hall & Recreation Reserve***

***Small Equipment***

- 1. A grant of \$829.95 – Lions Club of Nhill***
- 2. A grant of \$989.00 – Nhill Golf Club***
- 3. A grant of \$1,000.00 – Rainbow Bowls Club***

***Unsuccessful Applicants:***

***Small Equipment***

- 1. A grant of \$581.60 – Nhill and District Historical Society***

**TOTAL RECOMMENDED FUNDING ALLOCATED: \$6,818.95**

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

***That based on the eligibility and assessment criteria, Council approves the following funding allocations:***

***Community Assistance***

- 1. A grant of \$1,000.00 – Jeparit Golf Club***

2. **A grant of \$1,000.00 – Lowan Lodge 107**
3. **A grant of \$1,000.00 – Nhill A&P Society**

**Event Sponsorship**

1. **A grant of \$500.00 – Dimboola Rowing Club**
2. **A grant of \$500.00 – Boyeo Hall & Recreation Reserve**

**Small Equipment**

1. **A grant of \$829.95 – Lions Club of Nhill**
2. **A grant of \$989.00 – Nhill Golf Club**
3. **A grant of \$1,000.00 – Rainbow Bowls Club**

**Unsuccessful Applicants:**

**Small Equipment**

1. **A grant of \$581.60 – Nhill and District Historical Society**

**TOTAL RECOMMENDED FUNDING ALLOCATED: \$6,818.95**

**CARRIED**

*Attachment Number: 8*

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## **9.5 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS 2022/2023 ROUND ONE**

**Responsible Officer:** Director Corporate and Community Services  
**Attachment Number:** 9 (Confidential)

**Introduction:**

This report seeks Council approval to provide funding through Round 1 of the Business Assistance Grants 2022/2023 program to eligible businesses as outlined in the following report.

**Discussion:**

The Business Assistance Grants program (BAGs) was established in July 2016 to support local businesses to expand their operations or for new businesses, large and small, to establish themselves in the shire. It provides assistance to offset costs associated with expanding or establishing a business in Hindmarsh Shire.

This program addresses the ongoing need to attract new business and support existing business in our towns, as more and more small businesses close their doors.

Council has allocated \$30,000 towards the 2022/23 Business Assistance Grants program in the 2022/2023 Annual Budget.

Total funding of \$30,000 has been allocated to the program from the 2022/23 annual budget and split into 2 categories:

- *Business Development (up to \$2,000)*
- *Streetscapes (up to \$3,000)*

Applications for Round 1 of the Business Assistance Grants Program closed at 5.00pm on Friday 30 September 2022 with six **(6)** applications received for funding totalling **\$15,964.00**.

<b>Category</b>	<b>Number of Applicants</b>	<b>Funding Available</b>	<b>Total Amount Requested</b>
Business Development	2	<b>\$30,000</b>	\$3,964.00
Streetscapes	4		\$12,000.00
<b>TOTAL</b>	<b>6</b>		<b>\$15,964.00</b>

Applications must meet the following criteria in order to be eligible for a Business Assistance Grant:

***All applications must:***

- Have a registered ABN,
- Provide evidence that the business is currently operating in the Hindmarsh Shire (for businesses relocating to Hindmarsh provide evidence of premises relocating too),
- Demonstrate an economic benefit and value for money,
- The project will result in the creation and / or retention of employment,
- Demonstrate a financial viability of the business,
- Submit only one application per business/property owner,
- Obtain written consent from property/building owner for any structural alterations,
- Only be applying for one category per funding round, and
- Obtain all relevant permits from Council / other authorities as required.

***Ineligible Applications***

Applications by, or for, the following purposes will not be eligible for funding:

- General business operating expenses including salaries, wages, overheads, general business material expenses, rental costs, utility usage costs etc.,
- Legal and financial advice or market research,
- Applications made by small businesses that have outstanding amounts owing to Council (rates, permit payments etc.),
- Schools and their Parents and Friends organisations,
- Businesses owned/operated by Council staff or Councillors or relatives that prompt a perceived or actual conflict of interest,
- Projects that are clearly a duplication of an existing service,
- Retrospective funding (projects that have commenced or have been completed will not be funded),

- Businesses who have successfully obtained funding in the current or previous financial year

**Assessment Criteria**

Applications have been assessed against a set of Assessment Criteria:

<b>Why? 30%</b>	<ul style="list-style-type: none"> <li>• Explain the demonstrated need for the project</li> <li>• How will the project improve the business operations and economic situation?</li> </ul>
<b>What? 30%</b>	<ul style="list-style-type: none"> <li>• Provide a brief summary of what you are going to do.</li> <li>• Complete and submit a Risk Assessment for the project</li> <li>• Provide detail on how Hindmarsh Shire Council's contribution will be recognised and acknowledged.</li> </ul>
<b>How? 40%</b>	<ul style="list-style-type: none"> <li>• Provide quotes/ information on specific item(s) that funds will be used to purchase.</li> <li>• Provide the organisations banking details and evidence that the organisation can complete the project on time and within budget.</li> <li>• Complete the budget and in-kind contribution templates</li> <li>• How will your projects success be measured? (including number of employment opportunities gained)</li> <li>• Provide a copy of a bank statement to demonstrate financial viability</li> <li>• If the property is leased or rented provide written consent from property owners for streetscape applications.</li> </ul>

**Business Development: up to \$2,000 (business must match \$1: \$2 of grant)**

This grant supports the establishment of new and innovative businesses that increase diversity of the Shire’s business community and provide the potential for local residents to start new businesses.

**Applications:**

Two (2) applications were received for Business Development in this round of Business Assistance Grants.

1. **Daring2venture** seeks funding of \$2,000 to help towards business set up and marketing and social media cost for guided motorcycle expeditions and tours. Daring2venture is based in Rainbow and the company organises tours for motorbike enthusiasts through and around the numerous Parks and unique landscapes of Hindmarsh.

The business aims to attract more people to the area to participate in guided tours, who in turn will stay locally and thereby provide economic benefits to local businesses.

Based on the application, the recommendation is to grant funding of \$2,000.

2. **Rough Jewels Enterprise** seeks funding of \$1,964 to help with the creation and updating of their business, marketing and succession plans to ensure the enterprise is set up correctly to support residents of the local community members with

disabilities or those who feel isolated. The business provides direction and support by encouraging and enhancing people’s skill in creating and selling products, including jewelry, candles, soaps, pocket hugs and bookmarks.

Based on the application, the recommendation is to grant funds of \$1,963.

**Streetscapes: up to \$3000 (business must match \$1: \$2 of grant)**

This grant is open to existing businesses to improve the exterior façade of their building (must have property owners approval).

**Applications:**

Four (4) applications were received for Streetscapes in this round of Business Assistance Grants.

1. **AVRR Group-Nhill Dine Inn** seeks funding of \$3,000 towards improving the street view of Nhill Dine Inn. Improvements will include painting and new signage to the front of the building.

Based on the application, the recommendation is to grant funds of \$3,000.

Total project cost is \$5,000.

2. **Nhill and District Funerals** seeks funding of \$3,000 to carry out repairs to the driveway and gutters, install new signage and to generally improve the appearance of the front of the building.

Based on the application, the recommendation is to grant funds of \$3,000.

Total project cost is \$7,470.00.

3. **Turbo Gallery** seeks funding of \$3,000 towards the purchase of an outdoor, weather and tamperproof digital kiosk. This kiosk will provide local residents and visitors with up-to-date information about upcoming events and what's on at the gallery through this visual and interactive display.

Based on the application, the recommendation is to grant funds of \$3,000 on the condition that an additional amount of \$12,510.00 is received from Creative Spaces, a Victorian Government grant program.

Total project cost is \$15,510.00.

4. **The Rainbow Newsagency** seeks funding of \$3,000 to improve the street view of the business by carrying out repairs to the verandah and signage and to assist in repairing a wall that is cracking causing the render to lift off in a couple of sections which is impacting an art mural. Based on the application, the recommendation is to grant funds of \$3,000.

Total project cost is \$4,575.00.

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<b><i>Business Development</i></b>			
Daring2venture	\$2,000	\$31,050	\$2,000



Rough Jewel Enterprise	\$1,964	\$3,854	\$1,964
<b>TOTAL</b>	<b>\$3,964</b>	<b>\$34,904</b>	<b>\$3,964</b>
<b>Streetscapes</b>			
AVRR Group-Nhill Dine Inn	\$3,000	\$5,000	\$3,000
Nhill & District Funerals	\$3,000	\$7,470	\$3,000
Turbo Gallery	\$3,000	\$15,510	\$3,000
The Rainbow Newsagency	\$3,000	\$4,575	\$3,000
<b>TOTAL</b>	<b>\$12,000</b>	<b>\$32,555</b>	<b>\$12,000</b>
<b>FULL TOTAL</b>	<b>\$15,964.00</b>	<b>\$67,459.00</b>	<b>\$15,964.00</b>

**Options:**

Council can choose to support some or all, partly or in full, or none of the applications to the Hindmarsh Shire Council Business Assistance Grants 2022/2023

Successful applicants would be required to complete their projects and acquit the funds received by 30 June 2023.

**Link to Council Plan:**

Facilitating and supporting economic development:

Provide support to Hindmarsh businesses through buy local campaigns.

Council purchasing locally and promote business assistance grants.

**Financial Implications:**

Total funding available for 2022/23 Business Assistance Grants is \$30,000. This is made up of the 2022/2023 budget allocation of \$30,000.

**Risk Management Implications:**

Each applicant has been requested to complete a project risk assessment as part of the application process.

**Relevant legislation:**

*Local Government Act 2020*

**Community engagement:**

The Business Assistance Grants 2022/2023 program has been widely publicised through media releases, social media and Council's website.

**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.

Officer Responsible – Monica Revell, Director of Corporate and Community Services.

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

Author – Jennie Hauselberger, Community Development and Project Officer.

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

**Communications Strategy:**

The Business Assistance Grants Program has been promoted through the following channels:

- Council's Facebook Page
- Council's website
- Media release distribution
- E-marketing to local businesses

Following Council's endorsement of the allocation of funding, further media releases and promotion of outcomes will be undertaken.

**RECOMMENDATION:**

***That based on the eligibility and assessment criteria; Council approves the following successful round 1 Business Assistance Grants:***

***Business Development***

- 1. \$2,000 to Daring2venture***
- 2. \$1,964 to Rough Jewels Enterprise***

***Streetscapes***

- 1. \$3,000 to AVRR Group-Nhill Dine Inn***
- 2. \$3,000 to Nhill & District Funerals***
- 3. \$3,000 to Turbo Gallery-Rainbow***
- 4. \$3,000 to The Rainbow Newsagency***

**TOTAL RECOMMENDED FUNDING ALLOCATED ROUND ONE: \$15,964.00**

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

***That based on the eligibility and assessment criteria; Council approves the following successful round 1 Business Assistance Grants:***

***Business Development***

- 1. \$2,000 to Daring2venture***
- 2. \$1,964 to Rough Jewels Enterprise***

***Streetscapes***

- 1. \$3,000 to AVRR Group-Nhill Dine Inn***

2. **\$3,000 to Nhill & District Funerals**
3. **\$3,000 to Turbo Gallery-Rainbow, on the condition that the additional amount of \$12,510.00 is received from Creative Spaces, a Victorian Government Grant Program**
4. **\$3,000 to The Rainbow Newsagency**

**TOTAL RECOMMENDED FUNDING ALLOCATED ROUND ONE: \$15,964.00**

**CARRIED**

Attachment Number: 9

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## 9.6 HINDMARSH SHIRE AUDIT AND RISK COMMITTEE REPORT

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

### **Introduction:**

This report presents to Council the Audit and Risk Committee report for the period March to September 2022.

### **Discussion:**

Under section 54(5) of the *Local Government Act 2020* an Audit and Risk Committee must prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations. The report is provided to the Chief Executive Officer for tabling at the next Council meeting.

The report has been prepared and is attached for Council information.

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

Good Governance & Financial Sustainability: Long-term financial sustainability.

### **Financial Implications:**

Nil

### **Risk Management Implications:**

The Audit and Risk Committee is an independent advisory committee of Council and assist to strengthen Council to ensure Council's commitment to good governance, public transparency, and accountability.

### **Relevant legislation:**

*Local Government Act 2020*

### **Gender equality implications:**

Not applicable

**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 and Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

Not applicable

**RECOMMENDATION:**

***That Council notes the Audit and Risk Committee report for the period March to September 2022.***

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

***That Council notes the Audit and Risk Committee report for the period March to September 2022.***

**CARRIED**

*Attachment Number: 10*

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**9.7 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022**

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

**Attachment Number:** 11

**Introduction:**

The Financial Report for the first quarter of the 2022/2023 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

**RECOMMENDATION:**

***That Council notes the Financial Report for the period ending 30 September 2022 as presented.***

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

***That Council notes the Financial Report for the period ending 30 September 2022 as presented.***

**CARRIED**

*Attachment Number: 11*

**10 COUNCIL COMMITTEES**

**10.1 HINDMARSH SHIRE AUDIT AND RISK COMMITTEE**

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

**Attachment Numbers:** 12 – 13

**Introduction:**

The Hindmarsh Audit and Risk Committee held a meeting on 21 September 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:*

- 1. minutes of the Hindmarsh Shire Audit and Risk Committee meeting held on 21 September 2022;*
- 2. resignation of Krista Thiele from the Committee; and*
- 3. resignation of Bernard Young from the Committee on 18 October 2022.*

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

*That Council notes the:*

- 1. minutes of the Hindmarsh Shire Audit and Risk Committee meeting held on 21 September 2022;*
- 2. resignation of Krista Thiele from the Committee; and*
- 3. resignation of Bernard Young from the Committee on 18 October 2022.*

**CARRIED**

*Attachment Number: 12 – 13*

**10.2 JEPARIT TOWNSHIP ADVISORY COMMITTEE**

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

**Attachment Number:** 14

**Introduction:**

The Jeparit Township Advisory Committee held a meeting on 18 September 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 Jeparit Township Advisory Committee meeting held on 18 September 2022.***

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

***That Council notes the minutes of the Jeparit Township Advisory Committee meeting held on 18 September 2022.***

**CARRIED**

Attachment Number: 14

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**10.3 NHILL TOWNSHIP ADVISORY COMMITTEE**

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

**Attachment Number:** 15

**Introduction:**

The Nhill Township Advisory Committee held a meeting on 19 September 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 Nhill Township Advisory Committee meeting held on 19 September 2022.***

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

***That Council notes the minutes of the Nhill Township Advisory Committee meeting held on 19 September 2022.***

**CARRIED**

Attachment Number: 15

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**10.4 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE**

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

**Attachment Number:** 16

**Introduction:**

The Wimmera Mallee Pioneer Museum Community Asset Committee held a meeting on 20 September 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 Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 20 September 2022.***

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

***That Council notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 20 September 2022.***

**CARRIED**

*Attachment Number: 16*

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**11 LATE REPORTS**

No late reports.

**12 NOTICES OF MOTION**

No notices of motion.

**13 OTHER BUSINESS**

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

***That the membership of the Australian Local Government Women's Association of Victoria be an allowable expense for all Councillors in the future.***

**CARRIED**

**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 part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

- a) Council business information, being information that would prejudice the Council's

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

**RECOMMENDATION:**

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

- 14.1 *LGBTIQ+ REFERENCE GROUP – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;***
- 14.2 *FINAL EXTENSION OF WASTE CONTRACTS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.***
- 14.3 *CONTRACT AWARD 2022-2023-09 TRACK WORKS FOR THE WIMMERA RIVER DISCOVERY TRAIL – 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;*
- 14.4 CONTRACT AWARD 2022-2023-08 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF ONE (1) DEMOUNTABLE CARAVAN PARK AMENITIES BUILDING – 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;**
- 14.5 CONTRACT AWARD 2022-2023-03 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF SIX (6) DEMOUNTABLE CARAVAN PARK ACCOMMODATION UNITS – 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**
- 15.3 CONTRACT AWARD 2022-2023-06 SWIMMING POOL UPGRADES – 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, and/or Part IV of the Freedom of Information Act 1982:**

- 14.1 LGBTIQ+ REFERENCE GROUP – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal matters;**
- 14.2 FINAL EXTENSION OF WASTE CONTRACTS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**
- 14.3 CONTRACT AWARD 2022-2023-09 TRACK WORKS FOR THE WIMMERA RIVER DISCOVERY TRAIL – 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;**
- 14.4 CONTRACT AWARD 2022-2023-08 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF ONE (1) DEMOUNTABLE CARAVAN PARK AMENITIES BUILDING – 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;**

**14.5 CONTRACT AWARD 2022-2023-03 DESIGN, CONSTRUCTION, FIT OUT & INSTALLATION OF SIX (6) DEMOUNTABLE CARAVAN PARK ACCOMMODATION UNITS – 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**

**15.3 CONTRACT AWARD 2022-2023-06 SWIMMING POOL UPGRADES – 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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**15 LATE CONFIDENTIAL REPORTS**

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**16 MEETING CLOSE**

There being no further business, Cr M Albrecht declared the meeting closed at 5:20pm.

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