



**MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD
WEDNESDAY 28 JUNE 2023 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79
NELSON STREET NHILL, COMMENCING AT 3:00PM.**

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CRS B Ireland (Mayor), M Albrecht (Deputy Mayor), D Nelson, R Gersch, R Ismay, W Bywaters (via Zoom – items 5 to 16).

In Attendance:

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

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY

Cr B Ireland opened the meeting at 3:09pm by acknowledging the Indigenous Community.

2 APOLOGIES

No apologies.

3 DECLARATION OF INTERESTS

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

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

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

Cr R Gersch declared a material conflict of interest in item 8.1 and 5.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 31 May 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Ismay/D Nelson

That the Minutes of the Ordinary Council Meeting held on Wednesday 31 May 2023 at the Nhill Memorial Community Centre, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email info@hindmarsh.vic.gov.au or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-amble. Offensive, trivial and repetitive questions, questions which have been recently answered, or questions that may contain defamatory comments, may be excluded at the discretion of the Mayor.

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

Jonathan Starks spoke to his public submission on the Council Plan Actions 2023/2024 (item 9.2 on the agenda).

Cr R Gersch declared a material conflict of interest and left the room at 3:15pm.

Mark Shearwood and Dean Rus made a joint public submission to their planning permit application (item 8.1 on the agenda).

Tom and Bronwyn Pintarich made a joint public submission as objectors to a planning permit application (item 8.1 on the agenda).

Question from Tom Pintarich, Nhill:

Why has the council not addressed/responded to our objection to Standard B6, as the 2 units are not in alignment with 8 Russell Street, contrary to Hindmarsh Planning Scheme (page 595)?

The 1.2 gap between the units and 8 Russell Street breaches Standard B17 as the amended height require a side setback of 1.437 metres. Why is the council not enforcing its own planning scheme?

Question from Bronwyn Pintarich, Nhill:

For the fence between 8 & 10 Russell Street, how was the fence endorsed under schedule 6 of the ESO which deals with wetlands, fauna, & flora and under what authority is the council making a ruling about a fence when neither property boundary abuts council land?

Under the Building Regulation 2018, fence definition includes a) a screen, b) structure similar to a fence. As the trellis/screen is situated ON the fence and is being increased in height, how is this not an amendment to the fence?

Officer Response, Michael Tudball (Acting Director Infrastructure Services):

These questions along with others were raised as objections and considered as part of the original Planning Permit Application PA1703-2021 considered by Council and approved with conditions on 3 November 2021. All objections and questions were all assessed and addressed in approving the original permit.

The amended permit being considered today is seeking to retrospectively approve departures from the original planning permit conditions to increase the height of the floor levels and the overall height of the two dwellings, the external walls altered from 'Weathertex' cladding to 'Easylap Panel' and the trellis screens above the boundary fences to be increased from 200mm to 570mm in height.

Council is recommending that the amended plans and permit be refused.

Cr R Gersch returned to the room at 3:29pm.

Question from Leonie Miller, Nhill:

I wish to query the omission of the opening prayer at council meetings, which has been absent since the 1 March 2023 meeting.

Can you please provide the following:

- Justification for this change
- When, why, and who sought this change
- Reasons why this was not brought to the public council meeting (I could not find a record of this issue in any council minutes)

Mayor's Response:

Councillors as a group discussed the opening prayer and decided it was no longer reflective of the diversity of our community.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 23 May 2023 – 19 June 2023

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
24/05/2023	Community Meeting	Jeparit	Arranged to explore a back to Jeparit long weekend to coincide with show.
25/05/2023	Yurunga Homestead Meeting		
26/05/2023	Grampians Tourism Meeting	Zoom	To discuss the VEP alternative with stakeholders.
30/05/2023	Museum Rally Planning Meeting		
31/05/2023	Council Briefing Meeting	Nhill	
31/05/2023	Council Meeting	Nhill	
01/06/2023	Mayoral Matters Article		
01/06/2023	Radio Interview with Rebekah Lowe		RE Council Meeting
04/06/2023	Guest Speaker at Rainbow Scouts 100 year Celebrations		
05/06/2023	Australian Citizenship Ceremony	Nhill Community Centre	
08/06/2023	Speaker at Opening of Rainbows Female Friendly Change Rooms		Also toured the football changerooms with Dr Anne Webster to point out their dilapidated state.
10/06/2023	Volunteered on gate at Wimmera Mallee Pioneer Museum's Rally and was later MC for the Opening Ceremony		
12/06/2023	Jeparit Town Meeting		
13/06/2023	ALGA Conference	Canberra	The week was full of issues we face in the future and overall was extremely informative- a review was given to council earlier today.
14/06/2023			
15/06/2023			
16/06/2023	ACLG Federal Government Conference	Canberra	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
30/05/2023	Wimmera Southern Mallee Development Strategic Plan Launch	Horsham	It was wonderful to launch the new Strategic Plan for Wimmera Southern Mallee Development.
30/05/2023	Wimmera Southern Mallee Development Board Meeting	Horsham	
31/05/2023	Council Briefing	Nhill	
31/05/2023	Council Meeting	Nhill	

Cr GERSCH

Date	Meeting	Location	Comments
24/05/2023	MAV Budget	Zoom	
26/05/2023	Wimmera Regional Roads Meeting		
26/05/2023	RCV Board Meeting		
31/05/2023	Council Meeting		
01/06/2023	Visitor Information Lunch		
05/06/2023	Naturalisation Ceremony		
08/06/2023	Rainbow Netball Change Rooms Opening		
11/06/2023	Jeparit Museum		
14/06/2023	Heavy Truck Routes		
21/06/2023	Shire Volunteers Acknowledgement		

Cr BYWATERS

Date	Meeting	Location	Comments
23/05/2023	Homework Club	The Patch, Nhill	
23/05/2023	Thank You Event for Volunteers and Sponsors of the Wimmera Steampunk Festival	Dimboola	
30/05/2023	Homework Club	The Patch, Nhill	
30/05/2023	Wimmera Mallee Pioneer Museum Rally Meeting	Jeparit	
31/05/2023	Council Briefing and	Nhill	

	Council Meeting		
06/06/2023	Homework Club	The Patch, Nhill	
07/06/2023	Hindmarsh Landcare General Meeting	Dimboola	Project Hindmarsh 2023 will be held over the weekend of 7/8/9 July 2023 and will be based in Rainbow, restoring Rainbow Rises with wildflowers. Please register now: https://www.eventbrite.com.au/e/project-hindmarsh-2023-tickets-633005074217
10/06/2023	Wimmera Mallee Pioneer Museum Vintage Rally	Jeparit	Congratulations to the Wimmera-Mallee Pioneer Museum volunteer Committee on a very successful, educational, and interactive, Pioneer Rally. The weekend was fun for all ages, and very well attended. The beautiful Draft horses were amazing, and the food was tasty. It was fabulous to step back in time and see how people lived in the Pioneer days. It was also nice to see Jeparit buzzing with people and excitement. The little Jeparit supermarket was kept busy all weekend. I hope everyone that attended called in to see lake Hindmarsh.
11/06/2023	Wimmera Mallee Pioneer Museum Vintage Rally	Jeparit	For many years, the vintage rally has been the major fundraiser for the pioneer museum and the Jeparit township. The winner of the little farm animals, knitted by Kath, was Lois Goddard, Lois is the secretary of the Wedderburn historical engine and machinery society. Melanie Jolly won the driving lights. Bruce Muller of Nhill won the BBQ. The winners of the Nhill historical society raffle were first place, Ian Muller, second place, Barb Janeski and third, Graeme Weaver. The Lutheran church raised \$1,000 for their hall repairs and the Jeparit FARTS raised \$1,000 for the hospital and will be donating \$1,000 to the new oncology department in Horsham. Congratulations to all the winners and thank you to everyone for coming, entering the raffles, and supporting the stalls at the King's Birthday vintage Rally.
13/06/2023	Homework Club	The Patch, Nhill	
14/06/2023	Culturally, responsive, practice training for out of school hours learning support		I found the two-hour, online training session beneficial, not only for the homework club, but also for working and living in a multicultural community, as is Hindmarsh Shire.

	programs OSHLSP, also known as homework clubs.		
19/06/2023	Nhill Town Committee Meeting	Nhill	

Cr ISMAY

Date	Meeting	Location	Comments
16/05/2023	WMT Meeting	Imaginarium Dimboola	
24/05/2023	Discussion Via zoom, re Rainbow Brewery	Zoom	
31/05/2023	Briefing Meeting	Nhill	
31/05/2023	Council Meeting	Nhill	
08/06/2023	Rainbow Netball change rooms official opening		
08/06/2023	Inspection of men's change rooms with Anne Webster		
08/06/2023	Discussion with Mayor re Brewery		
19/06/2023	Rainbow Town Committee meeting		

Cr NELSON

No report received.

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment Number: 2

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 2023/05/25 – Letter from Minister Giles RE Dr Mahmoud's Visa Application

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS R Gersch/D Nelson

That Council notes the attached correspondence.

CARRIED

Attachment Number: 2

8 PLANNING PERMITS

Cr R Gersch declared a material conflict of interest and left the room at 3:46pm.

8.1 NOTICE OF REFUSAL TO AMEND PLANNING PERMIT APPLICATION PA1703-2021-A1 – DEVELOPMENT OF TWO DWELLINGS BESIDE THE EXISTING DWELLING, VEGETATION REMOVAL, CONSTRUCTION OF FENCES AND A THREE LOT SUBDIVISION (AMENDMENTS TO CONDITIONS AND AMENDED PLANS TO INCREASE FLOOR LEVELS AND HEIGHT AND CHANGE THE EXTERNAL WALL MATERIALS AND INCREASE HEIGHT OF SCREENING MEASURES) AT 10 RUSSELL STREET, NHILL, VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	143500
Application No:	PA1703-2021-A1
Applicant:	Wendy Azzopardi, King Homes Pty Ltd
Owner:	Mark Shearwood
Subject land:	10 Russell Street, Nhill, VIC 3418 (Lot 1 on Title Plan 205474X)
Amended Proposal:	Development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three lot subdivision (<i>Amendments to conditions and amended plans to increase floor levels and height and change the external wall materials of the two proposed dwellings, and increase height of screening measures</i>)
Zoning and Overlays	General Residential Zone Schedule 1 Environmental Significance Overlay Schedule 6
Attachment Number:	3

Summary

This report recommends that Council issue a Notice of decision to refuse the Section 72 Application to Amended Planning Permit PA1703-2021-A1 for the development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three lot subdivision on the land at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X),

Background

Planning Permit PA1703-2021-A1 was issued with Council on 3 November 2021 for the development of two dwellings beside the existing dwelling and a three lot subdivision. Amended plans were endorsed to the permit under Condition 1 of the permit on 1 December 2021.

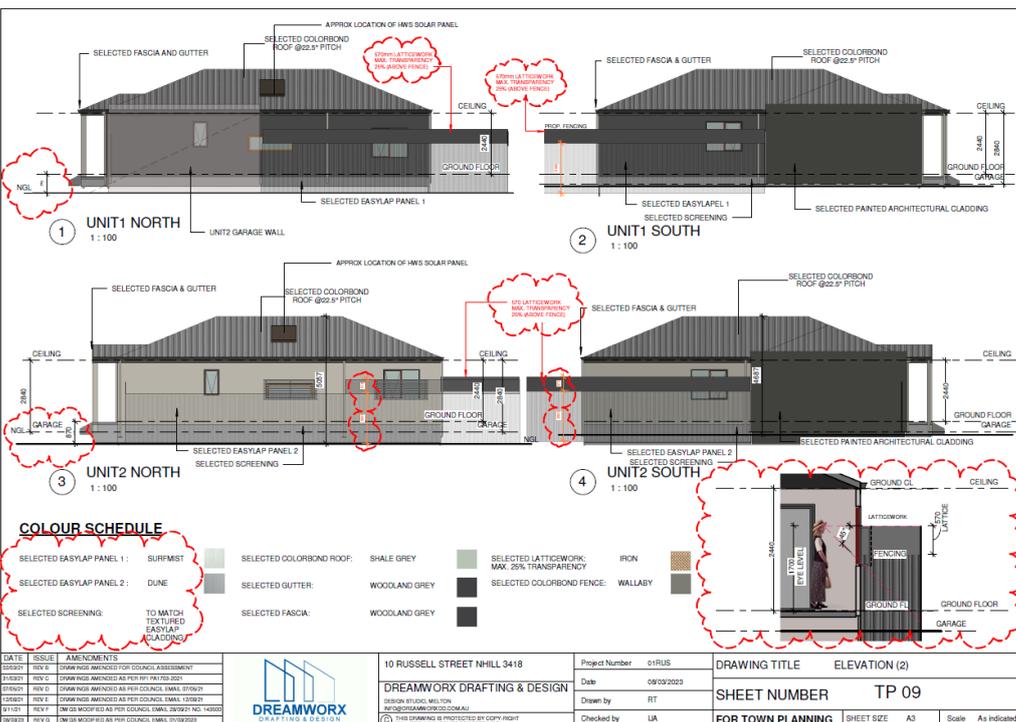
Amended Proposal

The amended plans seek retrospective approval for an increase in the height of the floor levels and the overall height of the two single storey detached dwellings, amendments to

the external materials and increased height of the trellis screens on the boundary fences. The amendments are for:

- The floor levels to increase by 370mm from 500mm to 870mm above ground level.
- The overall height of the two dwellings has also been increased by 370mm to be a height of 5.057m.
- The external walls of the two dwellings have been altered from 'Weathertex' cladding to 'EasyLap Panel' cladding.
- The trellis screens above the boundary fences have been increased from 200mm to 570mm in height.

The amended elevations are detailed below:



Requirement for Permit:

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

An amended planning permit is required to amend the construction of the two dwellings on a lot under Clause 32.08-6 of the General Residential Zone pursuant to Section 72 of the *Planning and Environment Act 1987*. An amended planning permit is not required for the construction of fences as the fences have been approved under the Environmental Significance Overlay Schedule 6.

The Council required a Section 72 Amendment as the amendments are:

- Of material consequence having regard to the purpose of the planning control under which the permit was granted , given that it would trigger an application of Standard B22 and relates to an issue raised by objectors at the time if the permit application and;
- Is contrary to the specific requirement within the permit, because they do not comply with condition 1 d) and 1 f) of the Permit.

Subject Site and Locality

The subject site is located on the western side of Russell Street and the northern side of Leahy Street in Nhill. The site has a total area of approximately 826.58m². The site contains an existing single storey dwelling and two single storey buildings that are under construction for future dwellings, which are the subject of an amendment request.

The adjoining property to the north at 8 Russell Street is developed with a single storey weatherboard dwelling and detached garage. The adjoining property to the west at 44 Leahy Street is developed with a single storey weatherboard dwelling, carport and two sheds. To the east on the opposite side of Russell Street is single storey detached dwelling and shed. There are detached dwellings on the eastern and western sides of Russell Street and the southern side of Leahy Street.

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



Restrictive Covenant or Section 173 Agreement

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

Cultural Heritage Management Plan (CHMP)

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

Advertising

Section 52 Notice of Application

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

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

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

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

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

- Impact on neighbourhood character.
- Overdevelopment of the site.
- Loss of privacy.
- Design details.

The applicant has provided a written response to the objection received.

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

Referrals

External Referrals

Nil

Internal Referrals

Nil

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-2 Environmental and landscape values

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-5 Building Environment and heritage

Clause 02.04 Strategic Framework Plans - Nhill Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 11.01-1L Settlement – Hindmarsh

Clause 15.01-2S Building Design

Clause 15.01-5S Neighbourhood character

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The amended development of two single storey dwellings with increased floor levels and height and alterations to the external materials will adequately respect the residential built form and character in the area in accordance with Clause 15.01-5S. The development will be connected to new infrastructure for the dwellings on Lot 2 and Lot 3 in accordance with Clauses 19.03-2S. The amended proposal will comply with the relevant planning policies in

the MPS and PPF relating to Settlement, Built Environment, Housing, Infrastructure and Urban Development.

Clause 32.08 – General Residential Zone

Purpose

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

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

Permit requirement

A permit is required to:

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

This Clause requires applications under this provision to be assessed against the requirements of Clause 55. An assessment of the amendments to the endorsed plans under Clause 55 is discussed in the assessment section of this report.

Planning Response:

The amendments to the building design and form for the two single storey dwellings with increased floor levels and height and amended external materials and screening measures will adequately respect the neighbourhood character of the area and will facilitate modest housing growth in Nhill. The proposal will comply with the purpose and objectives of the zone.

Clause 42.01 Environmental Significance Overlay Schedule 6 (ESO6)

42.01-2 Permit requirement

A permit is required to:

- Construct a fence if specified in a schedule to this overlay.

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value

3.0 Permit requirement (relevant to the amended application)

A permit is required for:

- Construction of a fence that may obstruct the flow of water.

Planning Response:

There are no new fences to be constructed that have not been approved on the endorsed plans dated 1 December 2021.

The amended proposal does not create a new permit trigger under Schedule 6 of the ESO.

Particular Provisions

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

The amended application has been assessed against the requirements of Clause 55 and complies with the objectives and standards of the relevant Clauses, for the following reasons.

Clause 55.02 Neighbourhood character and Infrastructure

- The two single storey dwellings will have floor levels and building height increased from 0.5m to 0.87m above the ground level as detailed on the north elevation, which is an increase of 0.37m compared to the endorsed plans. The floor levels will not undermine the existing neighbourhood character and will respond adequately to the features of the site and surrounding area.
- The amended design to alter the external materials for the walls of the two dwellings to propose 'EasyLap Panel' cladding will complement the external appearance of the existing dwelling and will not detract from the design of the surrounding dwellings.
- The amended proposal will adequately respect the neighbourhood and the site to comply with Standard B1 and the objectives in Clause 55.02-1.

Clause 55.03 Site Layout and Building Massing

- The amended design will not alter the approved setbacks of the dwellings.
- The increased building height of the two new dwellings by 0.37m to a maximum of 5.057m above ground level is acceptable in terms of building massing and will not detract from the neighbourhood character in accordance with Standard B7 and the objective in Clause 55.03-2.

Clause 55.04 Amenity Impacts

- The increased floor level and height of the two dwellings do not require any changes to the approved side and rear setbacks that comply with Standard B17 and the objective in Clause 55.04-1.
- The amended elevations (TP08 & TP09) show there will be 2.0 metre high Colorbond boundary fences retained and an increase in height of the trellis screening from 200mm to 570mm trellis above the approved external boundary fences. This screening measure to 2.57m high above ground level will ensure the provision of a 1.7m screen above the amended floor level at 870mm above ground level to prevent overlooking from the family room of the two dwellings into the habitable room windows and secluded open space area of the adjoining property to the north (8 Russell Street). The 570mm high trellis screen with a maximum transparency of 25% above the 2.0m high Colorbond boundary fences will comply with the requirements of Standard B22 and the objective in Clause 55.04-6.
- The amended elevations (TP08 & TP09) show the 2.0m high internal boundary fences and 570mm trellis screening above to prevent internal views between the existing and proposed dwellings on the site which complies with Standard B23 and the objective in Clause 55.04-7.

Clause 55.05 On Site Amenity and Facilities

- The private open space areas are not affected by the amendments to the two dwellings. The provision of open space continues to comply with Standard B28 and the objective in Clause 55.05-4.
- The orientation of the two dwellings is not altered by the amendments and complies with the objective in Clause 55.05-5.

Clause 55.06 Detailed Design

- The external materials for the walls of the two dwellings to propose 'Easylap Panel' cladding in a light grey 'Surf Mist' colour tone and a light brown 'Dune' colour tone will complement the appearance of the existing dwelling.
- The amended design, height and appearance of the two dwellings will not be substantial enough to not be in keeping with the prevailing character of the dwellings in the area. The alterations to the approved external materials will respect the existing neighbourhood character to comply with Standard B31 and the objective in Clause 55.06-1.

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 (relevant to the application)

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

Planning Response:

The amendments will not cause detrimental impacts on the environment and the amenity of the area. The amended proposal will facilitate the orderly planning of the area. The amended proposal complies with the relevant decision guidelines of this Clause.

Response to Objection

The objector has raised concerns about the amended proposal, which are generally summarised as impact on neighbourhood character, overdevelopment, loss of privacy and design details. In response to the concerns raised, the following comments are provided:

Impact on Neighbourhood Character

- The amended proposal for medium density housing on the site is a tight development that will result a higher density and building footprint than generally exists within the surrounding residential area. The amended design of the two single storey dwellings with the increase in floor level and height by 370mm and the resultant scale of the built form will not adversely affect the existing and prevailing character of the adjoining dwellings within this residential area and will respect neighbourhood character.

Overdevelopment

- The amended proposal proposes a higher density and greater building footprint in the same manner as of the original proposal. The amended development complies with Clause 55 and is not regarded as an overdevelopment of the site.

Design Details

- The amended design details of the external walls of the two dwellings comprise 'Easylap Panel' cladding and would have to be fire rated to be used for the construction of buildings in Victoria. The Colorbond roof cladding is not proposed to change. The amended external materials and colour tones for the amended development will complement the existing materials and colours of the adjacent dwellings within this residential area and is acceptable as discussed in the Clause 55 assessment above.

Loss of privacy

- The proposed increase in the floor levels by 370mm to be 870mm above ground level will be addressed by the same 370mm increase from 200mm to 570mm high trellis screening above the 2.0 metre high Colorbond boundary fences along the external boundaries and internal boundaries of the site.
- The 2.57m total height of the proposed fence and trellis screening along the northern boundary adjoining the objector's property to the north will ensure the new habitable room windows which face this property boundary have a visual barrier at least 1.8 metres high.

As the floor level of the habitable room windows is greater than 0.8 metres above ground level at the boundary, the screening measures to 1.8m high will limit views into the secluded open space and habitable room windows of the adjoining property to the north within 9 metres.

The amendment proposal would comply with the required minimum height for a 1.7 metre high permanent fixed screen above floor level and no more than 25% transparent in accordance with Standard B22 in Clause 55.04-6.

Strategic, Statutory and Procedural Requirements:

The amended proposal is generally consistent with the Municipal Planning Strategy and Planning Policy Framework, the General Residential Zone, Clause 55, and Clause 65 of the Hindmarsh Planning Scheme subject to conditions.

Reasons for refusal:

The Section 72 Amendment was sought following noncompliance with the Planning Permit conditions and is requesting that the amendment be applied retrospectively.

Planning Permit 1703-2021 was issued by Council on November 3, 2021 with Condition 1 Plans endorsed on December 1, 2021. Condition 1 of the permit required amended plans to be submitted and endorsed as follows:

1. *Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will for part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but amended to show...*

d) An amended West Elevation (TP08) to show notations for:

i) The 0.5m height difference between the natural ground level and the finished floor level unit of Unit 1 and Unit 2

f) An amended North Elevation (TP09) to show notations for:

i) The 0.5m height difference between the natural ground level and the finished floor level unit of Unit 1 and Unit 2

Point 1 (d) and 1 (f) were separated out as particular points of notation due to the objections raised during the application and as such they need to be taken into account as imposed conditions on the permit.

The Council was advised in late November 2022 of concerns that the development was not being undertaken in accordance with the endorsed plans. An inspection of the site from the footpath determined that the finished floor level of the poured garage slab did look considerably higher than the permitted 0.5m. Council advised the Private Building Surveyor verbally and in writing on 1 December 2022 and the Building Surveyor advised Council in writing on 8 December 2022 that an inspection had taken place on 6 December 2022 and that the FFL was 0.75m. They also wrote that the builder was verbally advised that secondary consent was required or that the FFL must be brought into level in accordance with the approved plans.

Works continued to take place on the site and on 16 January 2023, the Private Building Surveyor advised Council that:

A Written direction to fix was issued with a note for the Builder to stop any further work on-site until the height of the subfloor frame is attended to and rectified.

On 19 January 2023, Council wrote to the Builder advising that an application for a Section 72 Amendment was required.

Council received the amended application on 21 February 2023.

On 27 February 2023, Council received notification of workers on site and attended the site under authorisation to advise the contractors that there was a Written Direction in place as advised by the PBS and also that there was a current amendment application underway and that works were not being carried out in accordance with endorsed plans.

The use of a Section 72 Amendment for the purpose of retrospectively seeking approval to amend a deliberate condition which was placed on the permit to address an objector's concern about a proposal is problematic to Council

Whilst the ability to apply for an Amendment is not contained to a point in the development, it can be applied prior to the commencement of development, throughout and even after the development is completed in certain circumstance – there is not prescription around the use of the s.72 amendment process to seek approval for an amendment after the proposed amendment has occurred.

There are also concerns that on notification of the noncompliance with the Planning permit condition - works continued to progress on the development elements that pertained to the condition whilst the amendment was being sought making the prospect of reinstatement to the original condition more difficult.

There is a dilemma for Council in approving the Amendment – whilst the standards objectives are met for B22 in relation to the amended height and therefore the required screening at 0.875m, there is the manner in which the amendment was sought retrospectively and only as a result of non-compliance with the condition on the permit. Careful consideration to the precedent set by approving the amendment retrospectively should be made to ensure that planning permit holders do not seek to subvert the planning process.

Report to Council:

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

Processing Times:

- 21/02/2023 Amended application lodged.
- 01/03/2023 Further information and amended plans requested.
- 15/03/2023 Fee received.
- 09/03/2023 Response to further information and amended plans received pursuant to Section 50 of the *Planning and Environment Act 1987*.
- 09/03/2023 Further information including title and amended application form outstanding requested.
- 14/03/2023 Response to further information with amended application form and title received pursuant to Section 50 of the *Planning and Environment Act 1987*.
- 31/03/2023 Email sent to the applicant requesting information due to inconsistencies with the amended plans.
- 11/04/2023 Additional information including amended revision versions of the plans and consent to amend the application form received.
- 17/04/2023 Spoke to the applicant about inconsistencies with the amended plans.
- 18/04/2023 Amended plans received.
- 21/04/2023 Amended plans requested to correct inconsistencies with the plans.
- 24/04/2023 Amended plans received.

- 27/04/2023 Public Notice instructions sent to applicant - HSC requested to undertake notification on the behalf of the applicant.
- 27/04/2023 Public notification commenced – letters sent.
- 27/04/2023 Public notice – signs erected by Council on site.
- 11/05/2023 Objection received.
- 15/05/2023 Advertising period ends.
- 17/05/2023 Objection sent to the applicant.
- 30/05/2023 Response to objection from the applicant received.
- 30/05/2023 Advertising fee paid to Council
- 28/06/2023 Presented to Council for decision.

The report is being presented to Council for approval at the Council Meeting held 28 June 2023 (47 statutory days).

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

Link to Council Plan:

Built and Natural Environment – a well-planned neighborhood and strong governance practices.

Financial Implications:

The Planning Permit decision may be appealed at VCAT and Council may incur legal costs associated with the VCAT process.

Risk Management Implications:

There may be risk to be managed by Council subject to a decision on the Amendment application and an appeal being lodged by the objector or applicant with VCAT.

There may also be risks associated with a precedent being set in relation to non-compliance with the issued Planning Permit conditions in lieu of retrospective planning permit consent being approved by Council.

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 disclosable interests in this report.

Author – Jessie Holmes, Director Infrastructure

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

Issue a Notice of Decision to Refuse the Section 72 Amendment Planning Permit and require the applicant to comply with the original permit conditions.

RECOMMENDATION:

That Council issues a Notice of Decision to refuse the Section 72 Application to Amended Planning Permit PA1703-2021-A1 for the development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three-lot subdivision on the land at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X).

Grounds of Refusal:

- 1. The amended application seeks retrospective approval for amendments that are inconsistent with conditions on the permit.***
- 2. The amended application will not enable the orderly planning of the area and represents an inappropriate planning outcome.***
- 3. The amended application was only sought following notice to the applicant of non-compliance with the planning permit conditions.***

MOVED: CRS R Ismay/D Nelson

That Council issues a Notice of Decision to refuse the Section 72 Application to Amended Planning Permit PA1703-2021-A1 for the development of two dwellings beside the existing dwelling, vegetation removal, construction of fences and a three-lot subdivision on the land at 10 Russell Street, Nhill VIC 3418 (Lot 1 on Title Plan 205474X).

Grounds of Refusal:

- 1. The amended application seeks retrospective approval for amendments that are inconsistent with conditions on the permit.***
- 2. The amended application will not enable the orderly planning of the area and represents an inappropriate planning outcome.***
- 3. The amended application was only sought following notice to the applicant of non-compliance with the planning permit conditions.***

CARRIED

Attachment Number: 3

Cr R Gersch returned to the room at 3:56pm.

9 REPORTS REQUIRING A DECISION

9.1 ADOPTION OF THE 2023/2024 BUDGET (INCORPORATING THE LONG-TERM FINANCIAL PLAN FOR 2023/2024-2032/2033 AND THE REVENUE AND RATING PLAN)

Responsible Officer: Director Corporate and Community Services

Attachment Number: 4

Introduction:

This report presents the 2023/2024 Annual Budget (incorporating the Long-Term Financial Plan for 2023/2024-2032/2033 and Revenue and Rating Plan) for adoption.

Discussion:

At the Council meeting held on Wednesday 31 May 2023 Council resolved to approve the draft 2023/2024 Annual Budget (incorporating the Long-Term Financial Plan and Revenue and Rating Plan) and invite public submissions.

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

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

A requirement of the *Local Government Act 2020* is that all Victorian Local Governments adopted a Revenue and Rating Plan by 30 June 2021. The Revenue and Rating Plan was developed and adopted on 23 June 2021 and has been revised in conjunction with preparation of the 2023/2024 Budget. The Revenue and Rating Plan was developed to retain the current differentials for farm and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount) and non-farm vacant land (100 percent penalty).

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

The 2023/24 budget has been developed to balance the retention of existing community service levels, maintenance and renewal of assets, as well as new initiatives to improve amenity and make Hindmarsh a better place to live. It replicates the format of the four Key Results Areas used in the 2021-2025 Council Plan, namely:

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

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

Council advertised for submissions from Thursday 1 June to Wednesday 21 June.

Submissions:

No submissions were received in relation to the draft 2023/2024 budget incorporating the long-term financial plan and revenue and rating plan.

Rates and Charges:

The rates and charges calculated for 2023/24 are based on revaluation figures as at 1 January 2023. The Revenue and Rating Plan includes differentials for farms and commercial/industrial properties (10 percent discount), recreational properties (50 percent discount), and non-farm vacant land (100 percent penalty).

The Victorian State government rate cap increase for 2023/2024 has been set at 3.5%. The cap, in line with the Essential Services Commission (ESC) calculation method, applies the increase to the average rates payable per assessment.

The total amount to be raised by general rates and charges in 2023/2024 is \$9.8m which is an increase of \$0.37m from 2022/2023.

The following table summarises the rates to be determined for the 2023/2024 year. A more detailed analysis of the rates to be raised is contained in the budget document under item 4.1.1 Rates and charges.

Type or Class of Land		Budget 2022/2023 \$	Budget 2023/2024 \$	Change
Residential	Cents/\$ CIV	0.00287260	0.00208960	-27.26%
Farm Land	Cents/\$ CIV	0.00258530	0.00188070	-27.25%
Business, Industrial & Commercial Land	Cents/\$ CIV	0.00258530	0.00188070	-27.25%
Recreational and Cultural Land	Cents/\$ CIV	0.00143630	0.00104480	-27.26%
Urban Vacant Land	Cents/\$ CIV	0.00574520	0.00417920	-27.26%
Municipal charge	\$/ property	\$200.00	\$200.00	0.00%
Kerbside waste / recycling collection charge	\$/ property	\$418.00	\$453.00	8.37%
General waste charge	\$/ property	\$15.00	\$17.00	13.33%

Capital Works:

The 2023/2024 budget includes capital works expenditure of \$7.45m. The proposed key initiatives for the 2023/2024 financial year are outlined below. Further details are included in the relevant sections of the budget document.

The draft 2023/2024 budget incorporating the revised Rating and Revenue Plan and the draft Long Term Financial Plan was presented to Council on Wednesday 31 May 2023. Under Council's Community Engagement Policy the draft budget, revised Revenue and Rating Plan and draft Long Term Financial Plan was made available for public inspection and the receiving of submissions for the period Thursday 1 June to Wednesday 21 June 2023. Council will be advised of any submissions received at the 28 June 2023 Council meeting.

The draft 2023/2024 budget incorporating the revised Revenue and Rating Plan and draft Long Term Financial Plan was also made available for public inspection at Council's Customer Service Centres, at Council Libraries and online on Council's website.

Link to Council Plan:

The 2023/2024 Budget provides the funding for Council to undertake its initiatives and activities proposed in the Council Plan's four key result areas. Each program in the Budget contains a statement about how the program will contribute to the initiatives and strategies detailed in the Council Plan 2021-2025.

Financial Implications:

The 2023/2024 Budget is consistent with the parameters set out in Councils' ten-year financial plan.

Risk Management Implications:

The preparation of the Budget is a statutory.

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 interests, including the type of interest.

Author: Heather Boyd, Manager Finance and Customer Services.

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

Officer Responsible: Monica Revell, Director Corporate and Customer Services.

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

Communications Strategy:

Council must give notice of the adoption of the Budget 2023/2024 incorporating the Revenue and Rating Plan and Long-Term Financial Plan. A public notice will be inserted in the Dimboola Banner, Rainbow Jeparit Argus, Nhill Free Press and Weekly Advertiser advising of the adoption of the Budget 2023/2024.

Copies of the adopted Budget incorporating the Revenue and Rating Plan and Long-Term Financial Plan will be placed on Council's website and hard copies will be made available from Hindmarsh Shire Council Customer Service Centres.

RECOMMENDATION:

1. That having considered submissions to the proposed 2023/2024 Budget, Council:

1.1 adopts the 2023/2024 Budget incorporating the Revenue and Rating Plan and the Long Term Financial Plan pursuant to the Local Government Act 2020;

1.2 gives public notice of this decision to adopt the 2023/2024 Budget incorporating the Revenue and Rating Pan and Long Term Financial Plan, and makes available for public inspection on Council's website and at Council's Customer Service Centres:

1.3 acknowledges the contribution of submitters to the budget process, and thanks them for their contribution;

1.4 authorises officers to notify in writing, each person who has made a formal submission to the budget process; and

2. That having considered submissions to the proposed 2023/2024 budget, Council declare the following rates and charges:

2.1 That an amount of \$9,804,349 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

General rates	\$7,676,407
Municipal charge	\$746,800
Kerbside waste / recycling collection charge	\$1,217,664
General waste charge	\$63,478
Windfarms in lieu of rates	\$100,000
Total	\$9,804,349

2.2 That it be further declared pursuant to the Local Government Act 2020 that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2023/24;

- 2.3 *That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying “Capital Improved Value” of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):*

Type of Rate	Rate in Dollar on Capital Improved Value Cents/\$CIV
Residential Land	0.00208960
Farm Land	0.00188070
Business, Industrial & Commercial Land	0.00188070
Recreational and Cultural Land	0.00104480
Urban Vacant Land	0.00417920

- 2.4 *That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2023 from the Valuer General.*

3. MUNICIPAL CHARGE

- 3.1 *That pursuant the Local Government Act 2020, a Municipal Charge be declared for the period commencing on 1 July 2023 and ending on 30 June 2024;*
- 3.2 *The municipal charge be declared for the purpose of covering some of the administrative costs of Council;*
- 3.3 *The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.*

4. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)

- 4.1 *That, pursuant to the Local Government Act 2020 an Annual Service Charge be declared for the period commencing on 1 July 2023 and ending on 30 June 2024;*
- 4.2 *That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”.*
- 4.3 *That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$453.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available.*
- 4.4 *That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste charge”.*
- 4.5 *That the Annual Service Charge for “General waste charge” be in the sum of \$17.00 for each rateable land within the municipal district of which a general waste charge may be levied.*

5. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed in the Local Government Act 2020 be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to the Act by the date specified for their payment.

6. AUTHORISATION TO LEVY AND RECOVER

That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.

7. SUBMISSIONS

That having considered all submissions received, Council thanks those who have made a submission and notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, under section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by the Act and the role of Council as determined by the Act.

MOVED: CRS M Albrecht/R Ismay

1. That having considered submissions to the proposed 2023/2024 Budget, Council:

1.1 adopts the 2023/2024 Budget incorporating the Revenue and Rating Plan and the Long Term Financial Plan pursuant to the Local Government Act 2020;

1.2 gives public notice of this decision to adopt the 2023/2024 Budget incorporating the Revenue and Rating Pan and Long Term Financial Plan, and makes available for public inspection on Council’s website and at Council’s Customer Service Centres:

1.3 acknowledges the contribution of submitters to the budget process, and thanks them for their contribution;

1.4 authorises officers to notify in writing, each person who has made a formal submission to the budget process; and

2. That having considered submissions to the proposed 2023/2024 budget, Council declare the following rates and charges:

2.1 That an amount of \$9,804,349 be declared as the amount which Council intends to raise by general rates by the application of differential rates, the annual service charge (kerbside waste / recycling collection charge and General waste charge) municipal charge (all described later in this Recommendation), and Windfarms in lieu of rates, which amount is calculated as follows:

General rates	\$7,676,407
Municipal charge	\$746,800
Kerbside waste / recycling collection charge	\$1,217,664
General waste charge	\$63,478
Windfarms in lieu of rates	\$100,000
Total	\$9,804,349

2.2 That it be further declared pursuant to the Local Government Act 2020 that the general rate be raised by the application of differential rates having regard to the objectives of each differential rate and characteristics of the land which are the criteria for declaring each differential rate as set out in Section 4 of the Budget 2023/24;

2.3 That it be confirmed that the differential rates for all rateable land within the municipal district be determined by multiplying “Capital Improved Value” of each rateable land by a percentage specified as the percentage of each uniform rate (which percent may be alternatively expressed as cents in the dollar of the Capital Improved Value):

Type of Rate	Rate in Dollar on Capital Improved Value Cents/\$CIV
Residential Land	0.00208960
Farm Land	0.00188070
Business, Industrial & Commercial Land	0.00188070
Recreational and Cultural Land	0.00104480
Urban Vacant Land	0.00417920

2.4 That Council adopts the return of the revaluation of all properties within the Hindmarsh Shire as at 1 January 2023 from the Valuer General.

3. MUNICIPAL CHARGE

3.1 That pursuant the Local Government Act 2020, a Municipal Charge be declared for the period commencing on 1 July 2023 and ending on 30 June 2024;

3.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council;

3.3 The Municipal Charge be in the sum of \$200.00 for each rateable land within the municipal district in respect of which a municipal charge may be levied.

4. ANNUAL SERVICE CHARGE (KERBSIDE COLLECTION / RECYCLING CHARGE AND GENERAL WASTE CHARGE)

4.1 That, pursuant to the Local Government Act 2020 an Annual Service Charge be declared for the period commencing on 1 July 2023 and ending on 30 June 2024;

4.2 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “Kerbside waste / recycling collection charge”.

4.3 That the Annual Service Charge for “Kerbside waste / recycling collection charge” be in the sum of \$453.00 for each rateable land within the municipal district in respect of which service charges may be levied and where the services listed in 5.2 above are available.

4.4 That the Annual Service Charge be made for the collection and disposal of refuse and that this Charge be referred to as the “General waste

charge”.

4.5 *That the Annual Service Charge for “General waste charge” be in the sum of \$17.00 for each rateable land within the municipal district of which a general waste charge may be levied.*

5. INTEREST ON UNPAID RATES AND CHARGES

That interest at the rate prescribed in the Local Government Act 2020 be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to the Act by the date specified for their payment.

6. AUTHORISATION TO LEVY AND RECOVER

That the Chief Executive Officer be authorised to levy and recover the aforesaid rates and charges in accordance with the Act.

7. SUBMISSIONS

That having considered all submissions received, Council thanks those who have made a submission and notify in writing, each person who has made a separate submission, of the decision and the reasons for that decision, under section 223 of the Act, the reason being that Council believes the budget as adopted achieves the objectives of Council as determined by the Act and the role of Council as determined by the Act.

CARRIED

Attachment Number: 4

9.2 COUNCIL PLAN ACTION PLAN 2023/2024

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 5 – 9

Introduction:

This report presents the Council Plan 2021-2025 and Health and Wellbeing Plan 2021-2025 Action Plan 2023/2024 for adoption.

Discussion:

At the Council meeting held on Wednesday 3 May 2022 Council resolved to approve the Council Plan 2021-2025 Action Plan 2023/2024 and invite public submissions.

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

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

The development of the 2023/2024 Action Plan was informed through community consultation in the initial development of the plan along with consultation sessions held during March and October 2022.

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

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

Actions for 2023/2024 are set against four key themes:

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

The Health and Wellbeing Actions 2023/2024 focus on five key areas:

- Healthy Eating
- Active Living
- Social Connectivity
- Improving Mental Health

- Preventing all forms of violence and injury.

The draft Action Plan was made available to allow for submissions for the period Thursday 4 May 2023 to Friday 2 June 2023.

Submissions

Council received four (4) submissions in relation to the 2023/2024 Action Plan.

Emily Gladdis – Nhill

Emily's submission contained a few questions for Council including a question regarding the implementation of the Nhill Streetscape Plan, reducing the main street in Nhill to be 40 kilometers per hour, active promotion and participation in community initiatives including active April and walk to school, town committees holding new resident events, and a plan or disabled access for the lake or Jaypex park. Emily commended Council on the plan noting that it looks fantastic.

In response Council has been finalising the location and design for the Nhill Streetscape Plan in consultation with the Nhill Lake and Nhill Park Run committees, it is anticipated the designs and location will be finalised shortly. Permits and permissions are required from external organisations, once approval and permission is granted construction on the path will be able to commence. Council has quarterly meetings with the Department of Transport and advocates for safe speeds through our township CBDs as this is consistently raised by communities. Promotion and participation in community initiatives that support physical activities, including Walk to School, Active April and Park Run will be undertaken during 2023/2024. Council will liaise with our Town Committees on hosting new resident's events in our towns, this has been paused due to the COVID-19 pandemic. The construction of the pathway linking the town to the lake will be constructed of compacted crushed rock, and able to be accessed by all abilities, with solar bollard lighting installed for safety of those using the track.

Johnathan Starks - Dimboola

Johnathan would like additional consideration for the natural environment, with only one current action addressing pests and weeds. Johnathan noted that council does not currently have an Environmental Plan, that permit collection on roadsides should be reviewed, a Corella management plan developed, advocacy should be undertaken to include Italian white snails as declared pests under the *Victorian Biosecurity Act 2010*, that there is no mention of biodiversity or natural environment education or awareness programs, and there is no mention of alignment with any regional plans such as the Wimmera CMA's regional catchment strategy.

In response Council will look to enacting an Environment Management Plan in the next four-year cycle of Council – a new resource has been placed in this area and we look forward to developing a 10-year strategy in consultation with our partners and community. Council encourages reporting of concerns about illegal firewood collection, and the reporting to Forest Fire Management as there are significant fines. Council is awaiting the release of the

new State Corella Management Plan due out in 2023 – neighbouring council plans are based on the old government gazettal and are proving to be largely ineffective in minimising damage to assets. Council continues to look at ways to partner with more suitable organisations to run education and awareness programs including but not limited to Landcare, CMA, DEECA and AgVic. Council has strong alignment with several regional plans including the Wimmera CMA’s regional catchment strategy – as one of its partners in delivering the strategy Council is involved through emergency management, land use planning, maximizing the benefits of the Wimmera River and integrated water management. We continue to develop our maturity around conservation and vegetation corridors.

An additional action has been included in the Council Plan Actions 2023/2024 to “work closely with conservation partners including the Wimmera CMA to educate the community on land management and conservation strategies.

Wendy Werner - Jeparit

Wendy’s submission thanked the council staff who attended the community consultation for the time spent talking the community and answering questions thoroughly. Wendy also thanked Council staff who have interacted with her during the year. Wendy’s submission spoke on representation of WMPM committee meetings and strengthening communication.

In response discussions will be held internally regarding committee representation and ensuring strong communication between Council and Council committees.

Barbara & Bernard Young – Rainbow

Barbara and Bernard’s submission would like Council to consider both an all-abilities toilet and line marking for all abilities parking in Federal Street Rainbow. Barbara and Bernard note that currently the all-abilities toilet is located at the rear of the MECCA, and not properly set up for vehicle access of departure.

Council is currently investigating options for an all-abilities toilet facing Federal Street. Our internal asset management team are working through locations for disabled parking and widening of parking bays in Federal Street.

Options:

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

Link to Council Plan:

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

Financial Implications:

Actions for 2023/2024 will be contained within the annual budget 2023/2024 and long-term financial plan.

Risk Management Implications:

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

Relevant legislation:

Local Government Act 2020

Public Health and Wellbeing Act 2008

Community engagement:

The Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 was developed following consultation with the community during March and October 2022.

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

Gender equality implications:

No gender impact assessment is required.

Conflict of Interest:

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

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

Communications Strategy:

Copies of the Council Plan 2021-2025 incorporating the Health and Wellbeing Plan Action Plan 2023/2024 will be available at Council's Customer Service Centres and on Council's website. Officers will provide individual responses to the community members who made a submission to the Council Plan 2021-2025 Action Plan 2023/2024.

RECOMMENDATION:

That Council approves the Council Plan 2021-2025 Action Plan 2023/2024.

MOVED: CRS D Nelson/W Bywaters

That Council approves the Council Plan 2021-2025 Action Plan 2023/2024.

CARRIED

Attachment Numbers: 5 – 9

10 COUNCIL COMMITTEES

10.1 DIMBOOLA TOWNSHIP ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 10

Introduction:

The Dimboola Township Advisory Committee held a meeting on 6 June 2023. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Township Advisory Committee Meeting held on 6 June 2023.

MOVED: CRS D Nelson/W Bywaters

That Council notes the notes of the Dimboola Township Advisory Committee Meeting held on 6 June 2023.

CARRIED

Attachment Number: 10

10.2 AUDIT AND RISK COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 11

Introduction:

The Audit and Risk Committee held a meeting on 14 June 2023. 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 Audit and Risk Committee Meeting held on 14 June 2023.

MOVED: CRS R Ismay/R Gersch

That Council notes the minutes of the Audit and Risk Committee Meeting held on 14 June 2023.

CARRIED

Attachment Number: 11

11 LATE REPORTS

No late reports.

12 NOTICES OF MOTION

No notices of motion.

13 OTHER BUSINESS

No other business.

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by 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 CONTRACT AWARD 2022-2023-18 COLLECTION OF KERBSIDE AND BULK BINS OF GENERAL WASTE AND RECYLCABLES, BULK TRANSPORT OF GENERAL WASTE AND RECYCLABLES AND PROCESSING OF RECYCLABLES – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.**

MOVED: CRS R Gersch/M Albrecht

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

- 14.1 CONTRACT AWARD 2022-2023-18 COLLECTION OF KERBSIDE AND BULK BINS OF GENERAL WASTE AND RECYLCABLES, BULK TRANSPORT OF GENERAL WASTE AND RECYCLABLES AND PROCESSING OF RECYCLABLES – 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

15 LATE CONFIDENTIAL REPORTS

16 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 4:29pm.
