



14 October 2021

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held via Zoom on Wednesday 20 October 2021 commencing at **3:00pm**.



Monica Revell
Acting Chief Executive Officer

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1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Acknowledgement of the Indigenous Community

We acknowledge the Shire's Indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

Opening Prayer

Dear Lord,

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

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

2 APOLOGIES

3 DECLARATION OF INTERESTS

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

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

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

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 22 September 2021 via Zoom as circulated to Councillors be taken as read and confirmed.

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: SEPTEMBER/OCTOBER 2021

Cr ISMAY, MAYOR

Date	Meeting	Location	Comments
03/09/2021	Liaison Meeting with Department of Transport	Zoom	
03/09/2021	Meeting with Fire Rescue Victoria	Zoom	
08/09/2021	Council Briefing Meeting	Nhill	
08/09/2021	Council Meeting	Nhill	
14/09/2021	WMT Meeting	Charlton	
19/09/2021	Development Proposal	Dimboola	
19/09/2021	Tour Dennis Elliot Salt Bush Harvesting		
22/09/2021	Council Briefing Meeting	Nhill	
22/09/2021	Council Meeting	Nhill	
06/10/2021	Phone Conference with Deputy Mayor, Facilitator		

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
08/09/2021	Council Briefing	Nhill	
08/09/2021	Council Meeting	Nhill	
20/09/2021	Nhill Town Committee	Zoom	
21/09/2021	Hindmarsh Council Audit & Risk Committee Meeting	Zoom	Congratulations to the Finance team for the completion of the end of year financials, which were presented with positive comments from the auditors.
21/09/2021	Hindmarsh Council B-Double working group	Zoom	Significant progress has been made in addressing the numbers of B-Double gazetted roads in the Council. Thank you to everyone that participates in

			this working group, but in particular thanks to the farming representatives, whose voices have been extremely important in the process.
22/09/2021	Council Briefing	Nhill	
22/09/2021	Council Meeting	Nhill	
29/09/2021	Hindmarsh Landcare Network Meeting	Dimboola	The AGM has been scheduled for 26 November 2021.
04/10/2021	Tour of the Wimmera River by the Dimboola Ski Club	Dimboola	The Ski Club provided an informative tour of the River to discuss the challenges with the river and endeavors to manage water levels and riverbank erosion.
06/10/2021	Meeting with the Mayor and Joy Humphries	Zoom	Council professional education will be rescheduled due to Covid restrictions.
12/10/2021	Wimmera Development Association Board Meeting	Zoom	The Board transformation process continues and is close to be adopted. Moving to a skills based Board with an Independent Chair will ensure WDA moves with best practice governance models.

Cr GERSCH

Date	Meeting	Location	Comments
03/09/2021	Meeting with Evan Campbell re Planning		
08/09/2021	Council Meeting		
17/09/2021	Wimmera Regional Roads Meeting		
20/09/2021	Meeting with Rotary re 60 years service to Nhill		
22/09/2021	Council Meeting		
27/09/2021	Meeting with Sporting Club re Budget		
28/09/2021	Meeting with CMA Board re Dimboola River	Zoom	
29/09/2021	Meeting with Regional Dev. Institute RCV	Zoom	
29/09/2021	RCV Board Meeting		
29/09/2021	Meeting with Mark Shearwood housing developer		

Cr IRELAND

Date	Meeting	Location	Comments
08/09/2021	Council Briefing Meeting		
08/09/2021	Council Meeting		
13/09/2021	Jeparit Town Committee Meeting		
21/09/2021	Wimmera Mallee Pioneer Museum Meeting		
23/09/2021	Yurunga Homestead Annual General Meeting		
07/10/2021	Meeting with Dimboola resident John Nichols and river walk of Dimboola skiing precinct		John has major concerns of the damage being caused by speedboats, other councillors have met with

			the ski club also, the cam river report is a document that tries to find a workable balance between the two.
11/10/2021	Jeparit Town Committee Meeting		

Cr NELSON

Date	Meeting	Location	Comments
03/09/2021	DMSC Student Representative Council Webex Meeting		
06/09/2021	Councillor Development Meeting	Zoom	
06/09/2021	Dimboola Town Committee meeting online		
07/09/2021	Wimmera Southern Mallee LLEN Finance Committee		
08/09/2021	Briefing Meeting		
08/09/2021	Council Meeting		
16/09/2021	Wimmera Southern Mallee LLEN meeting		
21/09/2021	HSC Audit and Risk Committee meeting		
22/09/2021	Briefing Meeting		
22/09/2021	Council Meeting		
22/09/2021	Share your Care meeting		
28/09/2021	Wimmera CMA Board Meeting		
04/10/2021	Wimmera River Inspection	Dimboola	
04/10/2021	Dimboola Town Committee Meeting		

Cr BYWATERS

Date	Meeting	Location	Comments
01/09/2021	Resilience and well-being, Municipal Association of Victoria (MAV) workshop	Zoom	
02/0/2021	Meeting procedures MAV workshop	Zoom	
06/09/2021	Councillor Development Session, meeting with external consultant, Joy Humphreys of Humphreys Group	Zoom	
09/09/2021	Community leadership for councillors MAV workshop	Zoom	
15/09/2021	Sexual harassment MAV workshop	Zoom	
22/09/2021	Council briefing and Council Meeting	Zoom	Live streamed to Facebook
26/09/2021	River walk Jeparit – started at the Wimmera Mallee Pioneer Museum	Jeparit	
26/09/2021	River Walk - part of the 5 km ski course	Dimboola	
28/09/2021	Meeting with the Board of Wimmera CMA (catchment management authority)	Zoom	
04/10/2021	River boat tour with Ski Club president and two members- Starting from the bridge near the Caravan Park.	Dimboola	
04/10/2021	Dimboola Town Committee Meeting	Microsoft Teams	

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 11 and 46

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 27/09/2021 – Letter from Leonie Miller RE Water Fluoridation Council Report
- 28/09/2021 – Letter from West Wimmera Health Service RE Water Fluoridation
- 12/10/2021 – Letter from Dimboola Town Committee RE Projects (late attachment)

Outwards:

- 23/09/2021 – Letter to Mary Mason RE Council Plan Submission
- 23/09/2021 – Letter to Rainbow Trailblazers RE Council Plan Submission
- 23/09/2021 – Letter to Wendy Werner RE Council Plan Submission
- 23/09/2021 – Letter to West Wimmera Health Service RE Council Plan Submission
- 27/09/2021 – Letter to Wimmera Health Care Group RE Water Fluoridation
- 27/09/2021 – Letter to West Wimmera Health Service RE Water Fluoridation
- 01/10/2021 – Letter to the Hon Shaun Leane MP, Minister for Local Government, RE Hindmarsh Shire Council Annual Report 2020/21
- 04/10/2021 – Letter response to Leonie Miller RE Water Fluoridation Program

RECOMMENDATION:

That Council notes the attached correspondence.

Attachment Numbers: 2 – 11 and 46

8 PLANNING PERMITS

8.1 VICSMART REPORT AND PLANNING APPLICATIONS APPROVED UNDER CEO DELEGATION

Responsible Officer: Director Infrastructure Services

Introduction:

This report is presented to Council to inform Council, and provide an update on VicSmart permits processed by Council for the period 01 July 2021 to 30 September 2021.

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

Discussion:

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

Key features of VicSmart include:

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

The table below lists the VicSmart permit that has been approved within this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Statutory Days
VS1734-2021	112 Ellerman St Dimboola	Development of land with a fence	27/07/2021 RFI issued 28/07/2021 and Response received 06/08/2021	Clause 42.01-2 – A permit is required to construct a fence that may obstruct the flow of water as this is specified in the schedule to the Environmental Significance Overlay (ESO6)	09/08/2021	1
VS1738-2021	3 Montrose St Dimboola	Development of land with a fence	20/08/2021	As above	23/08/2021	1
VS1743-2021	5 Upper Roy St Jeparit	Development of land with a fence	31/08/2021 Response to RFI received 17/09/2021	As above	22/09/2021	3

In addition, the following Planning Permit Applications were approved under delegation by the Chief Executive Officer.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date Approved	Statutory Days
PA1724-2021	Miatke Rd Rainbow	Development of an agricultural building (hay shed)	22/06/2021	Clause 35.07 – Farming Zone for a building which is within 100m from a waterway. 42.01 – Environmental Significance Overlay 2 (Channel Protection) - To construct buildings and works.	22/07/2021	30
PA1729-2021	64 Tarranyurk West Rd Tarranyurk	Removal of Vegetation	29/06/2021	Clause 42.01 – Environmental Significance Overlay 6 – A Permit is required for vegetation removal	09/08/2021	32
PA1736-2021	444 Jeparit Warracknabeal Rd Jeparit	Development of Replacement Dwelling	19/08/2021	Clause 35.07-1 – Farming Zone. A Planning Permit is required for Use as a second dwelling (Noted – condition 3 of Permit -	25/08/2021	8

				the existing dwelling must be removed within 3 months of the issue of occupancy permit). Clause 35.07-4 – Farming Zone – A permit is required to construct a building within 100m of a waterway.		
PA1737-2021	64 Tarranyurk West Rd Tarranyurk	Development of Agricultural Outbuildings	07/09/2021	Clause 35.07-4 – Farming Zone – A permit is required to construct a building within 100m of a waterway. Clause 44.04-2 – Land Subject to Inundation (LSIO) – A permit is required to construct a building.	23/09/2021	16

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 – Angela Hoy, Director Infrastructure

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

Communications Strategy:

Nil

Next Steps:

Next Report to be provided February 2021.

RECOMMENDATION:

That Council notes the:

- ***VicSmart permit issued; and***
- ***Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 July 2021 to 30 September 2021.***

8.2 PLANNING PERMIT APPLICATION PA1697-2020 – TWO LOT SUBDIVISION (RE-SUBDIVISION OF TWO EXISTING LOTS) AND USE FOR A DWELLING AND WORKS – W COOKS ROAD NHILL VIC 3418 (CROWN ALLOTMENT 4 & CROWN ALLOTMENT 5A, PARISH OF TARRANGINNIE)

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200169
Application No:	PA1697-2020
SPEAR Ref. No:	S165232V
Applicant:	Russell Borgelt, C/- Angela Plazzer, Ferguson Perry Pty Ltd
Owner:	Sandra Borgelt and Russell Borgelt
Subject Land:	W Cooks Road Nhill VIC 3418 (Crown Allotment 4 and Crown Allotment 5A, Parish of Tarranginnie)
Proposal:	Two lot subdivision (Re-subdivision of two existing lots) and use for a Dwelling and works
Zoning & Overlays:	Farming Zone (FZ) Environmental Significance Overlay Schedule 6 (ESO6)
Attachment Number:	12

Summary:

This report recommends that Council approve Planning Permit PA1697-2020 for a two lot subdivision (Re-subdivision of two existing lots) and use for a Dwelling and works at W Cooks Road Nhill VIC 3418 (Crown Allotment 4 and Crown Allotment 5A, Parish of Tarranginnie), subject to standard conditions.

Background:

The site has been used for agricultural purposes, mainly cropping land, for a long time and contains scattered trees, a former dwelling, farm sheds and a shearing shed.

Proposal Details:

The application proposes a two lot subdivision (re-subdivision of two existing lots) and use for a Dwelling.

It is noted that the two existing lots are approximately 92ha (CA4) and 12ha (CA5A) in area.

The plan of subdivision (Version 1) proposes the following:

- Proposed Lot 1 with an area of 4.245ha that contains the existing buildings including a former dwelling and farm sheds, scattered remnant trees and cropping land.

- Proposed Lot 2 with an area of 99.9ha that contains cropping land, a shearing shed and scattered remnant trees.

Vehicle access to proposed Lot 1 is proposed by the applicant from the existing access on W Cooks Road. Vehicle access to proposed Lot 2 is proposed by the applicant from the existing crossovers on W Cooks Road or Sandsmere Road. The Engineering Team have requested that existing vehicle access to Lot 1 will need to be via an all-weather access road via Diapur-Yanac Road to W Hensleys Road to Pikers Road to the entrance to Lot 1 and that the access to Lots 1 and 2 is required to be upgraded to current standards.

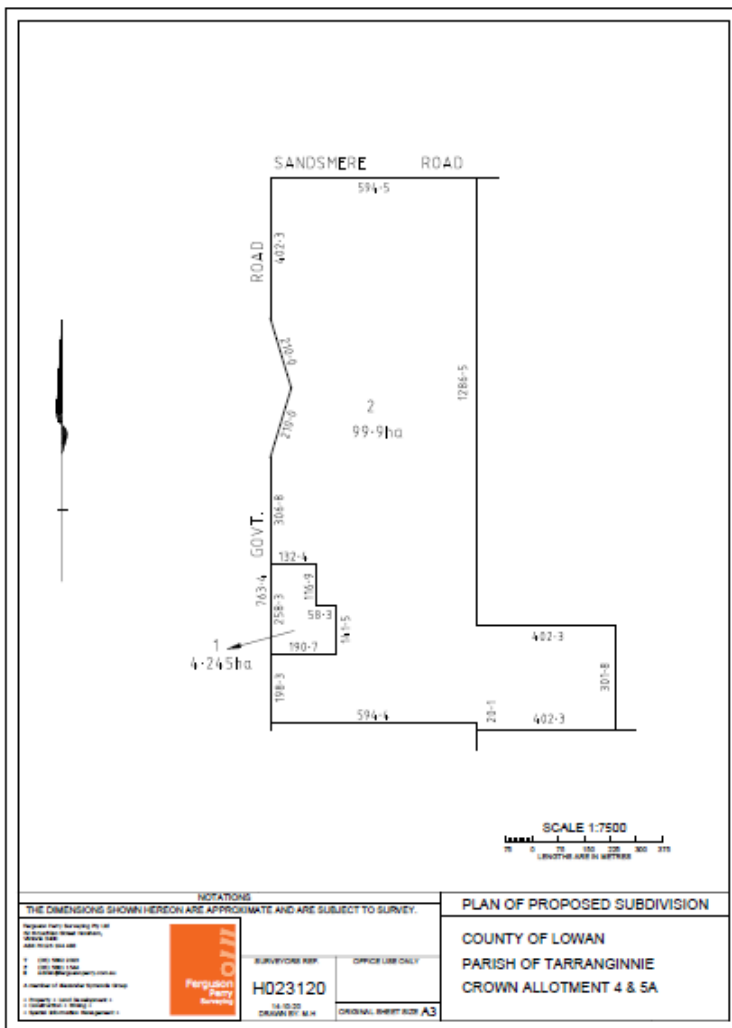
The applicant has applied for the use for a Dwelling as the former dwelling on the land has been vacant for more than two years and existing use rights do not apply.

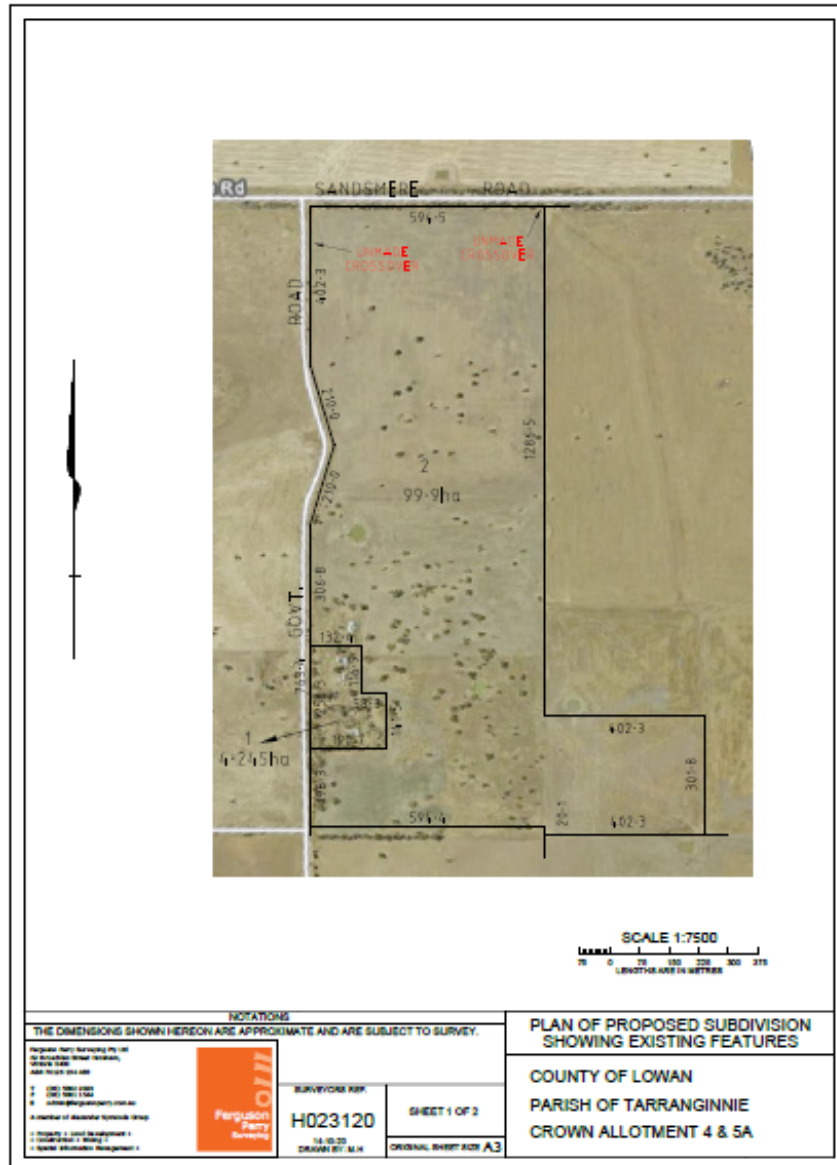
The applicant has stated the following about the proposal:

The application proposes a 2-lot subdivision (re-subdivision) of the land in order to excise the land containing the existing dwelling structure from the farmland. This will enable the dwelling structure and farmland to be separately disposed of. The proposed subdivision will also ensure that the land contained in CA5A has legal access as it is currently landlocked. The layout of the proposed subdivision has been designed to follow the general use of the land and existing fence lines where possible.

As it has been more than two years since the dwelling building has been occupied, the application also seeks a permit for the use of the land for a dwelling on proposed Lot 1. The building will need to be either renovated or replaced before the dwelling use recommences.

Proposed Plan of Subdivision (Version 3) & Proposed Plan of Subdivision showing existing features (Version 3) below:





Requirement for Permit:

The subject land is located within the Farming Zone and the Environmental Significance Overlay Schedule 6.

A planning permit is required under Clause 35.07-3 Subdivision of the Farming Zone, which states that a permit is required to subdivide land.

A planning permit is not required under the Environmental Significance Overlay Schedule 6.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018* as the site is not within an Aboriginal Cultural Heritage Sensitivity Area, and a two lot subdivision is an exempt activity in any case.

Subject site & locality:

The subject site is located on the southern side of Sandsmere Road and consists of Crown Allotments 4 (CA4) and 5A (CA5A) Parish of Tarranginnie. The site has a total area of approximately 104.145ha. CA4 has an area of approximately 94ha and consists of land used for cropping, farm sheds, a shearing shed, a former dwelling and scattered remnant native trees. CA5A has an area of approximately 12ha and contains land used for cropping and one native tree.

Access to CA4 is from Sandsmere Road to the north and an informal access track from Pikers Road to W Hensleys Road to the south-west and W Cooks Road to the south. CA5A is currently a landlocked parcel of land and is situated in between CA4 and CA5 that are in common ownership. The site and all the surrounding land are within the Farming Zone (FZ).

Aerial Photo of the site and surrounding area below (POZI)



Consultation:

Consultation was undertaken and included:

- A request for further information was sent to the applicant via SPEAR on 13 January 2021.
- Two requests for an extension of time to submit the information were requested and approved between February and June 2021.
- A subsequent request for further information was sent to the applicant via SPEAR on 17 June 2021.
- The further information including amended plan of subdivision and an amended Planning Report were received in SPEAR on 3 August 2021.

Section 52 Notice of application:

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing a public notice on Council's website.

The notification has been carried out correctly. Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

Nil – Standard Conditions required for a two lot subdivision in accordance with Clause 66.01.

Section 52 Referrals

Nil

Internal Referrals:

- Engineering: Comments provided, and condition required as detailed below.

We have conducted a site visit on 24/08/2021.

The following conditions need to be applied to the permit.

Access route:

- *The current access route to the dwelling site will need to be upgraded to an all-weather road, and would be via Diapur-Yanac Road, to W Hensleys Road to Pikers Road to the entrance of property and constructed to the RA satisfaction and at the applicants cost.*

Access:

- *The current location of access at Lot 1 main entrance will need to be upgraded or a new drainage pipe and crossovers will need to be constructed as per IDM-255 Standard to RA satisfaction and at the applicants cost.*
- *The current location of access at Lot 2 will need to be upgraded or a new drainage pipe and crossovers will need to be constructed as per IDM-255 Standard, with a new fence and gate and recommended setback to RA satisfaction and at the applicants cost.*

https://www.designmanual.com.au/assets/files/documents/Standard_Drawings/DM_STANDARD_DRGS_SET_2020-03-24.pdf

- Environmental Health: Comments provided, and condition required as detailed below.
 - *I couldn't find any records of the existing septic tank. If there is existing septic tank, owners of the property must provide the following:*
 - *Land Capability Assessment stating the condition of the existing septic tank.*
 - *The wastewater from the dwelling must be treated and retained on-site in*

accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 2017. In this regard, the wastewater system must be designed, approved and constructed in accordance with the EPA Code of Practice for On-site Wastewater Management, Publication 891.4, July 2016 or a relevant alternative to the satisfaction of the Responsible Authority.

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

While traditional forms of farming have formed the backbone of the economy for many years, profitability is declining. There is a need to pursue improved and alternative agricultural activities, diversify the agricultural base and develop additional local value adding opportunities.

Council's strategic directions for natural resource management include to:

- *Support traditional rural industries such as cropping, livestock and wool production.*
- *Promote the expansion or establishment of agricultural and horticultural activities, having regard to potential impacts on natural resources.*
- *Adopt minimum lot sizes that allow farmers to diversify while preventing inappropriate small lot subdivision.*

Clause 02.03-6 Economic Development

Council's strategic directions for economic development include to:

- *Retain and develop agricultural activities.*

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 14.01-1R Agricultural productivity – Wimmera Southern Mallee

Clause 14.01-2S Sustainable agricultural land use

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The proposed subdivision will comply with the relevant objectives of the MPS and PPF by protecting and enhancing valuable agricultural land and retaining sustainable agricultural uses that will not create any conflicts with surrounding agricultural uses.

The subdivision will realign the existing two lots to remove the landlocked parcel and to enable the restructure of the farming operation to sell the smaller lot proposed (Lot 1). The proposal will not result in the loss of any productive agricultural land and will protect and enhance the cropping activities carried out as part of the existing farming enterprise.

A Section 173 Agreement is not required in this instance as the subdivision will create one lot larger and one lot smaller for a dwelling with substantial setbacks from the lot boundaries that will prevent any land use conflicts. The larger lot also currently exceeds the minimum lot area of 40ha and will still exceed 40ha. The smaller lot (proposed Lot 1) containing a dwelling will be put up for sale as it is surplus to the needs of the farming enterprise. The balance lot (proposed Lot 2) will be retained as productive agricultural land as part of the current farming operation.

The access to the lots is the key issue with this application, particularly given the lack of an all-weather access road frontage for the proposed Lot 1 containing the dwelling. The access to proposed Lot 1 will need to be upgraded to provide an all-weather access road via Diapur-Yanac Road and W Hensleys Road to Pikers Road to the entrance to the lot where the dwelling is located. The access to proposed Lot 2 will preferably be from Sandsmere Road and will need to be upgraded to current Council standards.

The proposed dwelling use and subdivision will therefore comply with the relevant provisions of the MPS and PPF subject to conditions.

Zoning Provisions

Clause 35.07 Farming Zone (FZ)

35.07-1 Table of Uses

A permit is required for the use of a second Dwelling which is a Section 2 Use under this Clause.

35.07-2 Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots as the following applies:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.

35.07-6 Decision Guidelines

Before deciding on an application to use or subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate, matters under the following relevant headings:

- General issues
- Agricultural issues and the impacts from non-agricultural uses
- Environmental issues
- Design and siting issues

Planning Response:

The proposed dwelling and subdivision complies with the relevant decision guidelines in the zone for the following reasons:

General issues

- The proposal will comply with the MPS and PPF as discussed above.
- The proposal will be consistent with the current Wimmera Regional Catchment Strategy 2013-2019.
- The proposal will encourage sustainable land management by relating the lot boundaries to remove the landlocked lot and increasing the balance lot from 94ha to 99.9ha and creating a smaller dwelling lot 4.245ha to allow the sale of the unusable part of the land that is not used for farming purposes.
- The subdivision will result in the dwelling, farm sheds and scattered trees being located on a smaller lot and the majority of cropping land and shearing shed being retained on the larger lot. The proposal will be compatible with the adjoining and nearby agricultural land uses.
- The proposal makes use of existing infrastructure and services. The existing access to both lots are required to be upgraded to ensure the crossovers, drainage pipes and access are located and constructed to Council standards including the provision of all-weather access to proposed Lot 1 for the dwelling. Standard conditions will be included for services to be connected as required by the relevant authorities in accordance with the conditions listed in Clause 66.01.

Agricultural issues and the impacts from non-agricultural uses

- The proposal will not have an adverse impact on the existing cropping activities on the land, which will be retained on the balance lot as part of an existing farming enterprise.
- The proposal will not have in any adverse effect on soil quality and does not remove

any land from agricultural production.

- The proposal is unlikely to limit the operation and expansion of adjoining and nearby agricultural uses.
- The proposal will enable the productive agricultural use to be retained.
- The proposal is unlikely to adversely affect the current agricultural activities and associated infrastructure.
- There is no applicable land management plan for the site.

Dwelling issues

- The reuse of the former dwelling for that purpose will not result in the loss or fragmentation of productive agricultural land.
- The dwelling will not be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- The dwelling will not adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The proposal will not lead to a concentration or proliferation of dwellings in the area and will not impact on the use of the land for agriculture.

Environmental issues

- The proposal is unlikely to have an adverse impact on soil and water quality and any other natural physical features and resources.
- The site and surrounding land have been largely cleared of native vegetation due to historical broad acre cropping and other farming activities. The scattered trees on the site will not be affected by the proposal.
- The proposal will not have impacts on flora and fauna in the locality.

Design and siting issues

- The existing buildings on the smaller lot are in one area and will avoid any adverse impacts on surrounding agricultural uses and will prevent the loss of productive agricultural land.
- The re-use of the former dwelling will ensure there are no siting, design, height or bulk issues. If the existing dwelling is deemed to not be habitable and a new dwelling is constructed, the development is unlikely to impact on the natural environment, major roads, vistas and water features and will minimise any adverse impacts.
- The re-use of the former dwelling or the construction of a new dwelling will not impact on the character and appearance of the area. Further planning approval may be required for the development of a new dwelling if the minimum setbacks in the zone and Schedule are not met.
- The dwelling will need to be connected to the required infrastructure to comply with current standards. The access to the dwelling on proposed Lot 1 will need to be constructed as an all-weather access road to comply with Clause 35.07-2. A Land Capability Assessment is required as a condition to determine if there is an existing septic tank and if it is required to be upgraded to comply with the Environment Protection Act 2017 and the relevant regulations. A potable water supply is required

for the dwelling on proposed Lot 1. Conditions are required to provide all the necessary infrastructure for the dwelling and subdivision.

- The use for the dwelling on proposed Lot 1 and development will require traffic management measures in terms of the construction of an all-weather access road to the lot via Diapur-Yanac Road and W Henleys Road to Pikers Road and to the front entrance of the lot. Conditions are required for this access to be constructed to Council standards.

Overlay Provisions

Nil

Particular Provisions

Nil

General Provisions

Clause 63 Existing Uses

63.06 Expiration of Existing Use Rights

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.

Planning Response:

The applicant has acknowledged that the dwelling use has ceased for more than two years and the existing use rights have expired under this Clause. Hence a planning permit is sought for the use of a dwelling on the land.

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.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, relevant matters, as appropriate.

Planning Response:

The proposal complies with the relevant decision guidelines as outlined above. The proposal is supportive of, and complies with the MPS and PPF, having regard to the reconfiguration

of the two lots used for agriculture to remove a landlocked parcel and create a smaller dwelling lot with a balance lot to be retained for farming purposes. The proposal will not impact on the environment and amenity of the area. The proposal will enable the orderly planning of the area. The proposal therefore complies with Clause 65.

Discussion:

The proposal re-subdivision of the two lots will enable a restructure of the farming operation to enable the removal of a landlocked parcel of land, to allow the sale of the smaller dwelling lot and to protect the balance of the existing agricultural use of the land. The proposed subdivision will satisfy the relevant planning policies in the MPS and PPF and will comply with the relevant decision guidelines of the FZ as outlined above.

The proposed use of the dwelling will enable to re-use of the former dwelling on the smaller lot which contains the existing buildings and sheds and has not been used for agricultural purposes for a long time. The proposed dwelling will not result in the loss of agricultural land or impact on the balance lot or surrounding agricultural land and will comply with the relevant decision guidelines of the FZ as outlined above.

The proposal will not adversely impact on the amenity of the area and will enable the orderly planning of the area in accordance with Clause 65 subject to conditions outlined above being met.

The proposal should therefore be approved, and a Planning Permit be issued subject to conditions as 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.

Report to Council:

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

Processing Times:

- 16/12/2020 – Application submitted in SPEAR.
- 12/01/2021 – Fee paid
- 13/01/2021 – Further information requested
- 05/02/2021 – Request for an extension to submit the information
- 12/02/2021 – Extension approved
- 10/05/2021 – Reminder sent that information is due
- 10/05/2021 – Request for a further extension
- 12/05/2021 – Further extension approved
- 08/06/2021 – Response to further information received and amended plans received
- 11/06/2021 – Amended application for use of a dwelling
- 17/06/2021 – Subsequent request for further information

- 18/06/2021 – Invoice for additional fee issued
- 03/08/2021 – Amended report for outstanding information received and amended plans submitted
- 09/08/2021 – Additional fee paid
- 24/08/2021 – Referral to Infrastructure sent
- 26/08/2021 – Advertising directions and letters sent, and applicant sought to waive requirement for sign on site due to Covid
- 27/08/2021 – Sign on site waived
- 08/09/2021 – Response received from Infrastructure
- 10/09/2021 – Notification period ended
- 20/10/2021 – The report is being presented to Council at the meeting held 20 October 2021 (57 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:

The proposal will have positive financial implications through a potential increase in Rates income 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 – Angela Hoy, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

In providing this advice as the Author, I have no 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 PA1697-2020 for a Two lot subdivision (Re-subdivision of two existing lots) and use for a Dwelling and works on the subject land at W Cooks Road Nhill VIC 3418 (Crown Allotment 4 and Crown Allotment 5A, Parish of Tarranginnie), subject to the following conditions:

Conditions:

Endorsed Plans – Use and Development

- 1. The use and development as shown on the endorsed plans must 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.***

Endorsed Plans - Subdivision

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

General Requirements

- 3. The buildings and the site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***

Use for Dwelling

- 4. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.***
- 5. Before the issue of a Statement of Compliance under the Subdivision Act 1988, a Land Capability Assessment stating the condition of the existing septic tank of the dwelling must be submitted to the satisfaction of the Responsible Authority.***
- 6. The wastewater from the dwelling must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 2017. In this regard, the wastewater system must be designed, approved and constructed in accordance with the EPA Code of Practice for On-site Wastewater Management, Publication 891.4, July 2016 or a relevant alternative to the satisfaction of the Responsible Authority.***
- 7. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.***
- 8. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

Access

- 9. Before the occupation of the dwelling, the current access route to the dwelling site must be upgraded to an all-weather road, and would be via Diapur-Yanac Road, to W Hensleys Road to Pikers Road to the entrance of property and must be constructed at the permit holder/owner's cost to the satisfaction of the Responsible Authority.**
- 10. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the existing location of access to Lot 1 main entrance must be upgraded or a new crossover and new drainage pipes must be constructed to the satisfaction of the Responsible Authority.**
- 11. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the existing location of access to Lot 2 must be upgraded or a new crossover and new drainage pipes must be constructed, with a new fence and gate with recommended setback, to the satisfaction of the Responsible Authority.**
- 12. The crossovers and access to the two lots must be constructed to an all-weather standard and must have a minimum trafficable width to accommodate emergency vehicles, to the standards and satisfaction of the Responsible Authority or as otherwise agreed to writing by the Responsible Authority.**

Subdivision Conditions in Clause 66.01

- 13. 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.**
- 14. 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.**
- 15. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Use and Development Expiry

- 16. 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.**
 - (c) The use is not commenced 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.

Subdivision Expiry

- 17. The subdivision will expire if:**

(a) The plan of subdivision is not certified within two (2) years of the date of this permit.

(b) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

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

Notes:

Infrastructure

- *The existing access for Lot 1 must be upgraded to provide all weather access and the existing access for Lot 2 must be upgraded or new drainage pipes and crossovers with a new fence and gate for Lot 2 with a recommended setback and all access must be constructed as per IDM-255 Standard.*
https://www.designmanual.com.au/assets/files/documents/Standard_Drawings/IDM_STANDARD_DRGS_SET_2020-03-24.pdf
- *A Consent to Works Within Road Reserve Permit must be obtained from Council's Infrastructure Department (Phone: 03 5391 4444) for the construction or alteration/upgrade of any vehicle crossovers or any works conducted in the road reserve.*

Attachment Number: 12

8.3 PLANNING PERMIT APPLICATION PA1713-2021 – VARIATION TO LIQUOR LICENCE TO INCREASE THE HOURS OF TRADING ALLOWED, INCREASE THE NUMBER OF PATRONS ALLOWED AND INCREASE THE AREA THAT LIQUOR IS ALLOWED TO BE CONSUMED OR SUPPLIED, CONSTRUCT AND DISPLAY BUSINESS IDENTIFICATION SIGNS AND A REDUCTION IN THE REQUIRED NUMBER OF CAR PARKING SPACES AT 29-31 ROY STREET JEPARIT VIC 3423

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 064640
Application No: **PA1713-2021**
Applicant: Mr Ricky Larkin, Larrikins
Owner: Ricky Alexander Larkin
Subject land: 29-31 Roy Street, Jeparit, VIC 3423 (Lot 2 on PS072894)
– Hopetoun House Hotel (Larrikins)
Proposal: Variation to liquor licence to increase the hours of trading allowed, increase the number of patrons allowed and increase the area that liquor is allowed to be consumed or supplied, construct and display business identification signs and a

Zoning and Overlays:	reduction in the required number of car parking spaces Township Zone (TZ) Environmental Significance Overlay Schedule 6 (ESO6) Heritage Overlay Schedule 18 (HO18)
Relevant Clauses:	Clause 32.05 Township Zone Clause 43.01 Heritage Overlay Clause 52.05 Signs Clause 52.06 Car Parking Clause 52.27 Licensed Premises
Attachment Numbers:	13 – 15

Summary:

This report recommends that Council approve Planning Permit PA1713-2021 to Variation to liquor licence to increase the hours of trading allowed, increase the number of patrons allowed and increase the area that liquor is allowed to be consumed or supplied, construct and display business identification signs and a reduction in the required number of car parking spaces at 29-31 Roy Street, Jeparit, VIC 3423 (Lot 2 on PS072894), subject to standard conditions.

Background:

Planning Application PA1713-2021 was lodged with Council on 24 March 2021. The application fee was paid on 19 April 2021. The planning application form was amended on 28 June 2021. The plans were amended on 15 July 2021. The application was amended on 20 September 2021 to alter the increased trading hours and to amend the red line area to exclude an area not on the title.

The existing permanent red line area currently extends around the extent of the hotel building. The existing overall maximum number of patrons is 100. The current hours and days of the trading for the existing liquor licence are:

- Sunday Between 10am and 11pm.
- Good Friday and ANZAC Day Between 12noon and 11pm.
- On any other day Between 7am and 11pm.

A temporary variation to the red line area over the entire site and front footpath was approved by the CEO until 30 June 2021, which has since lapsed.

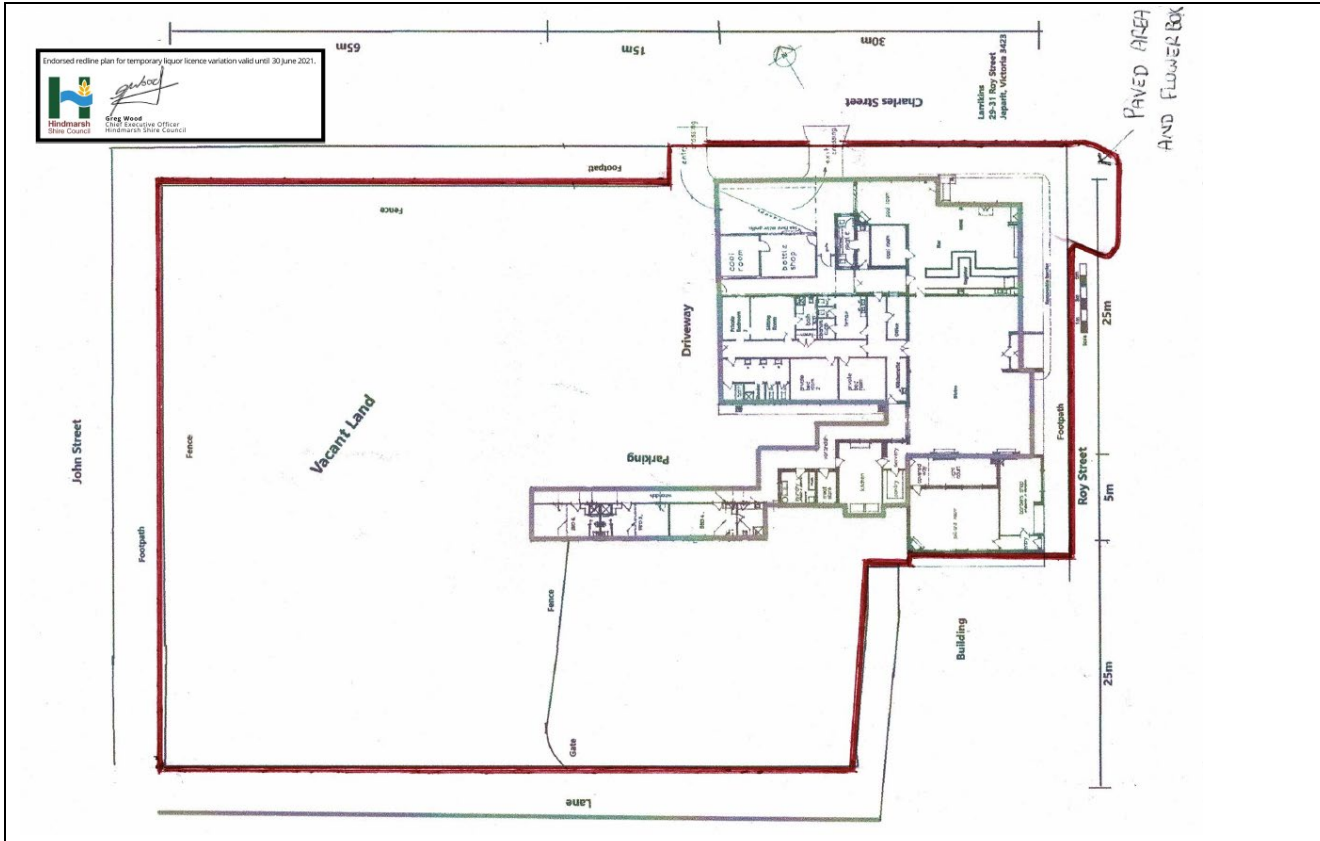
Proposal details:

The proposal is to increase the hours of trading, to increase the number of patrons allowed and increase the area that liquor is allowed to be consumed or supplied for the existing liquor licence. The proposal is also to display business identification signs and a reduction in the required number of car parking spaces.

The application was amended on 20 September 2021 to change the proposed hours of trading until 1am every day to only be on Thursdays, Fridays, and Saturdays until 1am the next day. The existing red line area is proposed to extend over the entire site, which has been changed to exclude a 12m by 7.5m area that is not on the current title for the subject

land. The maximum number of patrons is still proposed to increase from 100 patrons to 300 patrons.

Proposed Red Line Area Plan below, except for a 12m by 7.5m area not on the title:



The proposed business identification signs comprise three 1.0m by 1.0m signs with two of those signs on the front wall of the Hotel fronting Roy Street and one sign on the side wall fronting Charles Street, and one 2.0m by 2.0m sign proposed on the side wall of the Hotel fronting Charles Street. The signs will also contain the logo 'Larrikins' and 'Pub N Grub Jeparit VIC'.

Proposed Business Identification Signs Logo



The reduction in car parking spaces is required due to the proposed increase in the maximum number of patrons to 300, which generates a requirement for 80 car spaces for

Hotel under Clause 52.06 and are not proposed on the site.

Requirement for Permit:

The subject land is located within the Township Zone and the Environmental Significance Overlay Schedule 6, and the front north-east part of the site is within the Heritage Overlay Schedule 18.

A planning permit is required to display signs under Clause 32.05-14 of the Township Zone, Clause 43.01-1 of the Heritage Overlay and Clause 52.05-13 Signs.

A planning permit is also required for a reduction in the required number of car parking spaces for the increased number of patrons for the Hotel under Clause 52.06-3 Car Parking. A planning permit is also required to use land to sell or consume liquor under Clause 52.27 as the following applies:

- A licence is required under the *Liquor Control Reform Act 1998*.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

Restrictive Covenant or Section 173 Agreement

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

Cultural Heritage Management Plan (CHMP)

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

Subject Site and Locality

The subject site is located on the western side of Roy Street and the southern side of Charles Street in Jeparit and is occupied by the Hopetoun House Hotel, which is now called 'Larrikins'. The site is within the commercial centre of the township of Jeparit.

The site is located within a mixture of commercial and residential uses within the centre of the town. There is a Road Zone Category 1 at the intersection of Lower Roy Street and Charles Street to the north-east of the site, which is one of the main highways between Rainbow and Dimboola, and between Nhill and Warracknabeal.

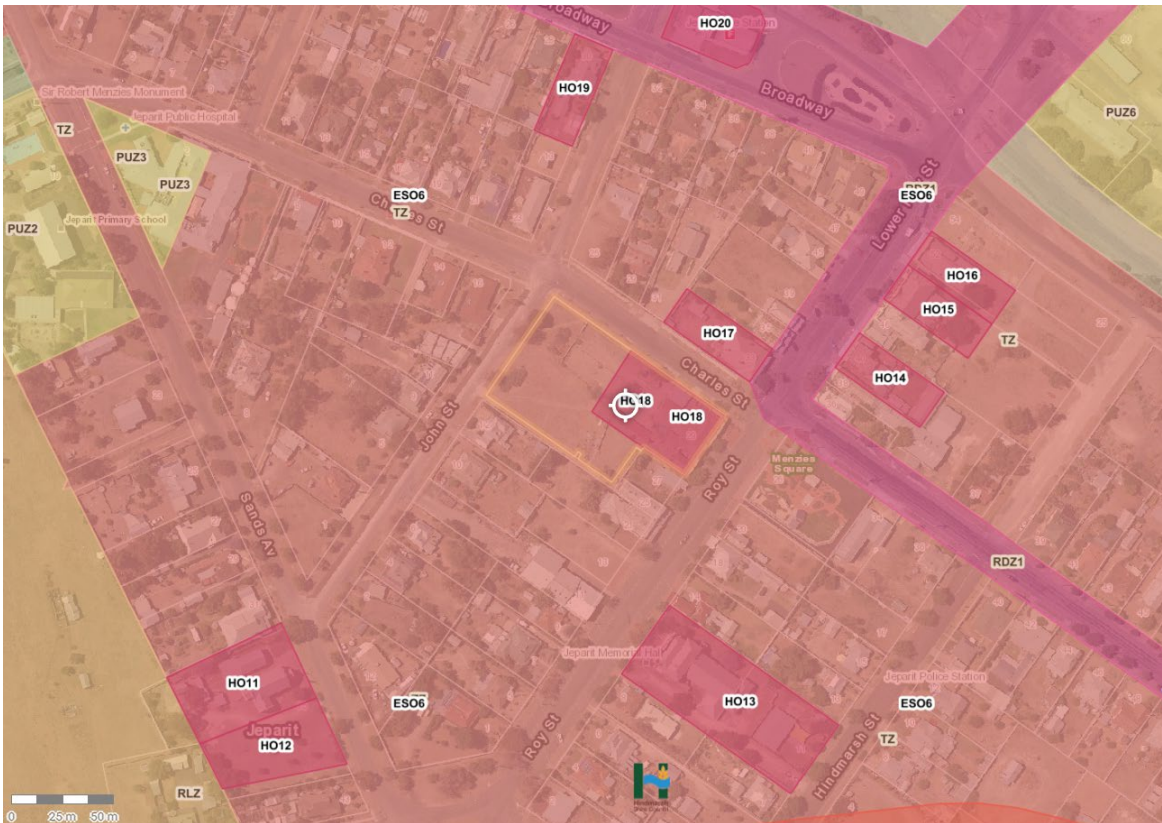
The site is within the Township Zone and the Environmental Significance Overlay Schedule 6 and the front north-east part of the site is within the Heritage Overlay Schedule 18.

The surrounding land is within the Township Zone and the Environmental Significance Overlay Schedule 6. The adjacent site to the north is within the Township Zone, the Environmental Significance Overlay Schedule 6 and the Heritage Overlay Schedule 17 (National Australia Bank).

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



Aerial Photo showing the Overlays affecting the site and surrounds below (POZI):



Advertising:
Section 52 Notice of Application

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing two public notices on site, with one notice fronting Roy Street and one notice fronting Charles 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 (letters and website) and the applicant (public notice).

A statutory declaration form has been received from the applicant.

Council initially received three objections as a result of the advertising. The objectors raised concerns relating mainly to the extended hours until 1am every day, increase in noise - both by patrons at the hotel and on leaving the hotel, socio-economic impacts, adverse impacts on the amenity of nearby residential properties and that the red line area included a 12m by 7.5m area that is not on the title for the subject land.

Following a review of the three objections received, the applicant has amended the application to only extend the hours on Thursdays, Fridays and Saturdays until 1am the next day and is no longer proposing to extend the hours on Sundays, Mondays, Tuesdays and Wednesdays, as well as amending the red line area plan to exclude the small 12m x 7.5m area that is not on the title for the subject land and is on the Title for the adjacent land at 25 Roy Street.

The three objections have since been withdrawn.

Referrals

External Referrals

Section 55

No referrals required.

Section 52

VCGLR – Response received - No comments.

Police - No objections in regard to the proposed changes.

Internal Referrals

The application was referred internally to the following Department:

- Heritage Adviser:
 - Changes recommended to delete the small sign close to the corner of Charles Street as sign is unnecessary and there is sufficient signage on this elevation.
 - Placement of the two signs on Roy Street to be changed to be above the thin brick band to ensure the original feature remains visible and to allow a 50mm

gap between the sign and the edge of the adjoining window or door opening, which may require the signs to be reduced in size.

- The 2m by 2m Charles Street sign is too large and should be reduced in size to fit between the window and the ribbed feature on the top of the parapet with a minimum separation of 100mm from each and no wider than the window.
- Subject to the above, the proposed application is acceptable in relation to heritage.
- Manager Governance – No conditions. Note that the owner would need to apply for permits from Council to place additional signage on Council land.
- Environmental Health – No comments.
- Building – A Building Permit would be required if any additional toilets or structural alterations are proposed.

Planning Scheme:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Clause 02.03-6 Economic Development

Clause 02.04 Strategic Framework Plans - Jeparit 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 15.01-5S Neighbourhood character

Clause 15.03-1S Heritage conservation

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.02-1S Business

Clause 17.04-1S Facilitating tourism

Clause 17.04-1R Tourism - Wimmera Southern Mallee

Clause 18.02-4S Car Parking

Planning Response:

- The proposal is supported by the relevant planning policies in the MPS and PPF relating to Settlement, Heritage, Economic Development and Car Parking.
- The proposal will generally recognise, support and protect neighbourhood character and a sense of place in accordance with Clause 15.01-5S. The proposed signs will identify the new Hotel business in a manner that will not adversely affect the heritage significance of the heritage place, being the Hopetoun House Hotel and the immediate area on the site.
- The proposal will provide economic opportunities for the existing Hotel business to expand the number of patrons, hours and area where liquor can be consumed and

that encourages tourism opportunities and increased visitors to Jeparit in accordance with Clauses 17.01-1S, 17.01-1R, 17.02-1S, 17.04-1S and 17.04-1R. The proposal will rely on the use of Council on-street parking for the additional patrons. As this parking is currently under-utilised, the residential amenity of the surrounding area will not be adversely affected in accordance with Clause 18.02-4S.

- The proposal will assist to ensure Jeparit remains as a local community and service centre to the region and retain the town's strong sense of identity by encouraging the existing Hotel business to continue to operate and expand on the site in accordance with Clause 02.03-1 of the MPS. The proposal will also assist to retain a commercial use within the township, which is consistent with the Jeparit Framework Plan in Clause 02.04 of the MPS.

Clause 32.05 Township Zone

32.05-14 Signs

Sign requirements are at Clause 52.05. This zone is in Category 3

Clause 43.01 Heritage Overlay

43.01-1 Permit requirement

A permit is required to construct or display a sign.

43.01-4 Exemption from notice and review (relevant to the application)

An application under this overlay for any of the following classes of development 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:

- Construction or display of a sign.

43.01-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

Schedule 18 of the Heritage Overlay – Hopetoun House Hotel

Schedule 18 identifies this heritage place for Hopetoun House Hotel as an individual listing where external paint controls apply.

Planning Response:

Three of the proposed signs will need to be relocated and reduced in size and one proposed sign needs to be removed as recommended by Council's Heritage Adviser to protect the heritage significance of the site. Conditions are required for amended plans to relocate and reduce the size of three of four signs and to remove the smaller sign fronting Charles Street. Subject to these conditions, the proposed signs be in keeping with the MPS and PPF and will not adversely impact on the significance of the heritage place.

Particular Provisions

Clause 52.05 Signs

52.05-13 Category 3 – High amenity areas

Minimum limitation

Section 1 - Permit not required

A Business Identification Sign is a Section 2 – Permit required sign within the Township Zone.

Planning Response:

Three of the proposed signs will be required to be reduced in size and one sign will be required to be removed as discussed above in relation to the HO18.

Clause 52.06 Car Parking

52.06-3 Permit requirement

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

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

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

Table 1: Car parking requirement

- Hotel – 0.4 car spaces to each patron permitted

Therefore, 80 car spaces are required for the additional 200 patrons.

52.06-10 Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, relevant matters, as appropriate.

Planning Response:

The reduction in the 80 car spaces required for the additional 200 patrons is acceptable for the following reasons:

- The provision of car parking on site is not proposed and is also limited by the existence of fencing and a narrow entry into the existing car park at the rear of the Hotel from Charles Street.

- There are a number of on-street car spaces in front of the site that are readily accessible for patrons visiting the hotel on the site.
- The existing car parking spaces in front of the site are under utilised. The expansion of the Hotel use will increase car parking demand in front of the site, but this is acceptable in this location.
- The additional patrons to the site are likely to have multipurpose trips including visiting other commercial uses and facilities within the Jeparit town centre.
- The existing footpath in front of the site will provide suitable pedestrian access. The existence of fewer car spaces will not affect pedestrian amenity and the amenity of the adjoining residential properties.
- The car parking demand generated by the additional patrons can be accommodated in the existing car parking areas along the two street frontages adjacent to the site.
- The reduction in car parking spaces required on site is as an acceptable planning outcome.

Clause 52.27 Licensed Premises

Permit required (relevant to the application)

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

Referral of applications

An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Planning Response:

- There is no Section 55 Referral required under Clause 66 of the Scheme as the proposed trading hours will not extend past 1am. The VCGLR have not provided comments and the Jeparit Police have advised they have no objections to the changes.
- The proposal generally complies with Municipal Planning Strategy and the Planning

Policy Framework as discussed above.

- The permanent increase to the red line area for the sale or consumption of liquor permitted by the liquor licence that excludes the 12m by 7.5m area not on the title for the subject land follows the lot boundaries and will not adversely impact on the amenity of the surrounding area.
- The amended application for the proposed increase in the trading hours on Thursdays, Fridays, and Saturdays until 1am the following day is reasonable within Township Zone having regard to there being both commercial and residential uses in the vicinity of the site. The proposed hours of trading sought will not have any adverse impacts on the amenity of the surrounding area.
- The increase in the number of patrons from 100 to 300 is acceptable due the fact that the additional 200 patrons would be accommodated in both the Hotel building and the outdoor areas at the rear to the Hotel building. The proprietor of the Hotel has indicated that they are unlikely to regularly reach this maximum number of 300 patrons due to the location and limited population of the town and that the maximum is more likely to only for occasional events where visitors from outside town attend such events.
- There will not be any cumulative impacts on the amenity of the surrounding area as a result of the increased hours, patrons and the extended red line area for the licensed premises.

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, relevant matters, as appropriate.

Planning Response:

The proposal generally complies with the Municipal Planning Strategy and Planning Policy Framework, having regard to the economic benefit the proposal will have for the existing Hotel business to have increased hours, patrons and an extended red line area for the Hotel's General liquor licence.

The increased hours will be limited to Thursdays, Fridays and Saturdays until 1am the next day, which will protect the amenity of the adjoining residential properties and the surrounding area. The proposal will facilitate the orderly planning of the area to comply with this Clause.

Strategic, Statutory and Procedural Requirements:

The proposal is generally consistent with the Municipal Planning Strategy and Planning Policy Framework, Clause 32.05, Clause 43.01, Clause 52.05, Clause 52.06, Clause 52.27 and Clause 65 of the Hindmarsh Planning Scheme, subject to conditions.

Report to Council:

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

Processing Times:

- 24/03/2021 – Application lodged
- 19/04/2021 – Application fee paid
- 21/04/2021 – Further information requested
- 18/05/2021 – Response to further information received
- 05/07/2021 – Response to further information and amended application received to include pursuant to Section 50 of the *Planning and Environment Act 1987*
- 15/07/2021 – Further information response and amended plans amended plans received pursuant to Section 50 of the *Planning and Environment Act 1987*
- 26/07/2021 – Public Notice instructions sent to applicant
- 26/07/2021 – External referrals to VCGLR and Police sent
- 26/07/2021 – Internal referrals to Heritage Adviser, Manager Governance, Environmental Health and Building sent
- 02/08/2021 – Public notice (sign) erected on site by the applicant
- 05/08/2021 – One objection received – later withdrawn
- 08/08/2021 – Second objection received – later withdrawn
- 10/08/2021 – Third objection received – later withdrawn
- 11/08/2021 – Response to External and internal referrals all received
- 17/08/2021 – Statutory declaration for the advertising received from the applicant
- 03/09/2021 – Third objection withdrawn
- 20/09/2021 – Amended application received to change the proposed trading hours and amend the red line area
- 20/09/2021 – Second objection withdrawn
- 21/09/2021 – First objection withdrawn
- 20/10/2021 – Presented to Council for approval

The report is being presented to Council for approval at the meeting held 20 October 2021 (30 statutory days).

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

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

The proposal will have positive financial implications through a potential increase in the Hotel business and potential to attract visitors to Jeparit.

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 restricting business opportunities 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 – Angela Hoy, Director Infrastructure Services

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

Author – Bernadine Pringle, Consultant Town Planner

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

Communications Strategy:

Advise the applicant of the Council's decision.

Next Steps:

Issue a Planning Permit if approved by Council

RECOMMENDATION:

That Planning Permit PA1713-2021 be approved, for a variation to liquor licence to increase the hours of trading allowed, increase the number of patrons allowed and increase the area that liquor is allowed to be consumed or supplied, construct and display business identification signs and a reduction in the required number of car parking spaces at 29-31 Roy Street, Jeparit VIC 3423 (Lot 2 on PS072894), subject to the following conditions:

Amended Plans

- 1. Before the use commences, 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 form part of the permit. The plans must be generally in accordance with the amended application dated 20 September 2021 and the amended plans dated 25 July 2021 but modified to show:***
 - (a) An amended red line area plan to remove the 12m by 7.5m that is not part of the title of the subject land.***
 - (b) The deletion of the proposed 1m by 1m sign on the Charles Street elevation.***
 - (c) The relocation and reduced size (if required) for the two proposed 1m by 1m signs on the Roy Street elevation to have the thin feature brick band visible and at least a 50mm gap between the sign and the edge of the adjoining window or door opening.***
 - (d) The reduced size of the proposed 2m by 2m sign on the Charles Street elevation to be located between the window and the ribbed soldier course of feature bricks at the top of the parapet with a minimum separation of 100mm from each of the window and feature bricks.***

All the above must be submitted to the satisfaction of the Responsible Authority.

Endorsed Plans

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

Hours of Operation

- 3. The sale and consumption of liquor must not occur outside the following hours:***
- Thursday, Friday and Saturday: between 7.00am to 1.00am the following day.***
 - Sunday: between 10.00am-11.00pm.***
 - Good Friday: between 12.00noon-11.00pm.***
 - ANZAC Day (not being a Saturday or Sunday): between 12.00noon-11.00pm.***
 - Any other day: between 7.00am-11.00pm.***
- Unless otherwise approved in writing by the Responsible Authority.***

Number of Patrons

- 4. No more than 300 patrons may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority.***

Amenity

- 5. The use approved by this permit is to be managed so that the amenity of the area is not detrimentally affected during its hours of operation, to the satisfaction of the Responsible Authority. In this regard the amenity of the area must not be affected through:***
- (a) Creation of excessive noise or artificial light.***
 - (b) Any other way.***
- 6. The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users, all to the satisfaction of the Responsible Authority.***
- 7. The owner/operator must take all responsible measures to ensure that any organised groups, particularly any groups arriving or departing by bus, are appropriately managed on site to ensure no detrimental amenity impacts or nuisance to the surrounding area, all to the satisfaction of the Responsible Authority.***
- 8. Noise levels emanating from the premises must comply with the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment values' Publication 1826.4 dated 20 May 2021 in accordance with the relevant Environment Protection Regulations 2021 and the Environment Protection Act 2017, to the satisfaction of the Responsible Authority.***
- 9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

Signs

10. *All signage, including the structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.*
11. *The signs hereby permitted must not be animated or contain any flashing or intermittent lighting.*
12. *This permit in relation to signs expires fifteen (15) years from the date of the permit.*

Permit Expiry - Use

13. *This permit will expire if one of the following circumstances applies:
(a) The use is not started within two years of the date of this permit.*

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

Notes:

Building:

A Building Permit would be required if any additional toilets or structural alterations are proposed.

Attachment Numbers: 13 – 15

8.4 PLANNING PERMIT APPLICATION PA1732-2021 – CHANGE OF USE – DIMBOOLA-RAINBOW ROAD, RAINBOW, 3424 (LOT 1 TP217723L, PARISH OF PULLUT)

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	14680
Application Number:	PA1732-2021
Application Received:	2 July 2021 (Fee paid 13 August 2021)
Applicant:	Rainbow Lake Association Inc.
Owner:	Hindmarsh Shire Council
Subject Land:	Dimboola-Rainbow Road, Rainbow 3424 (Lot 1 TP217723L Parish of Pullut)
Proposal:	Change of Use – Informal Outdoor Recreation
Zoning & Overlays:	Public Use Zone (PUZ1) and Farming Zone (FZ)
Attachment Number:	16

Summary:

This report recommends that Council approve Planning Permit PA1732-2021 for the change of use from a Utility Installation (reservoir) to be used for Informal Outdoor Recreation at Dimboola-Rainbow Road, Rainbow 3424 (Lot 1 TP217723L).

Background:

On 2 July 2021, the Rainbow Lake Association Inc lodged a planning application to the Responsible Authority for the change of use at Dimboola-Rainbow Road, Rainbow 3424.

Proposal Details:

The application proposes a change of use from a Utility Installation (reservoir) to Informal Outdoor Recreation, to allow the land to be used by the public as a recreational space now that it is under the ownership of Council.

Requirement for Permit:

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

- Clause 36.01 Public Use Zone
 - Clause 36.01-1 - A permit is required for the use of land for informal outdoor recreation.
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
 - Clause 52.29-2 – A permit is required to alter access to a Road in a Road Zone, Category 1.

Definitions:

Informal Outdoor Recreation - *Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.*

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The subject site is known as Lot 1 TP217723L Parish of Pullut. The site is a disused reservoir previously managed by GMW Water. The western side of the lot has approximately 260 metres of frontage to the Dimboola-Rainbow Road and the eastern aspect abuts the rail line for approximately 120 metres. The land immediately to the north is vacant and wholly located between the road and rail line. The south of the lot abuts broad acre farmland. The subject

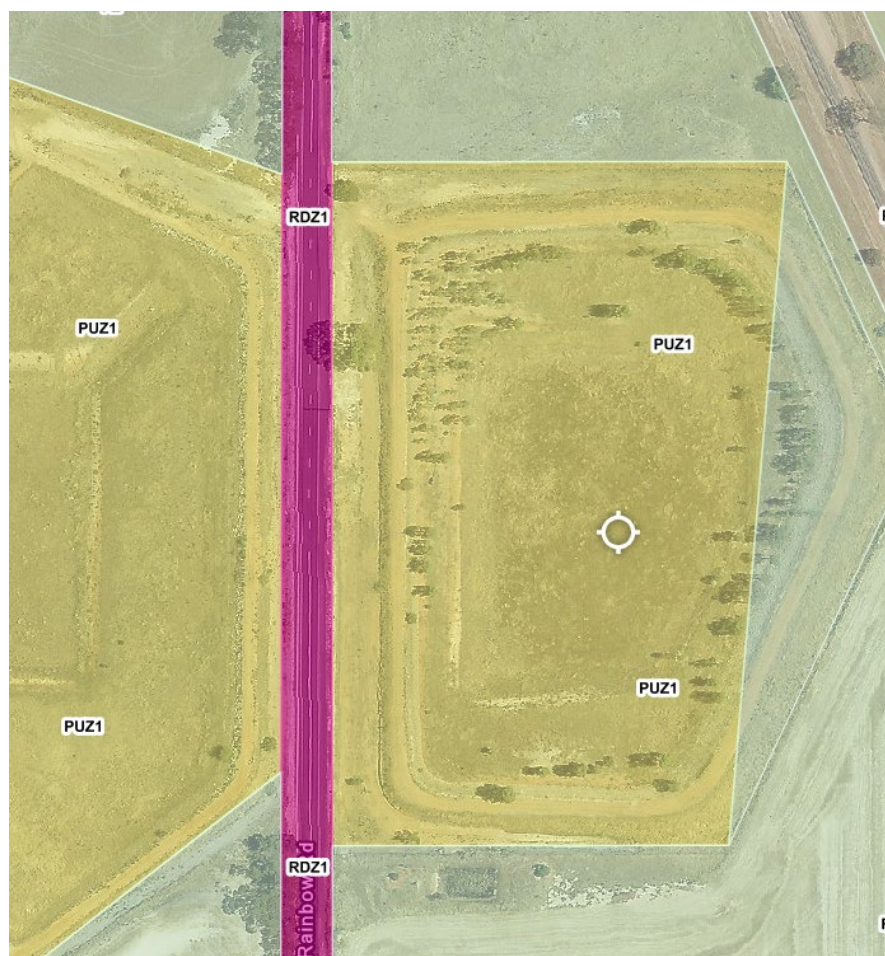
land is approximately 2 kilometres to the south of the Rainbow Township. The broader area typically comprises broad acre farms used for such purposes.

The majority of the site is zoned Public Use Zone (PUZ1), with a small section of Farming Zone (FZ) on the eastern boundary.

Aerial Map below – Hindmarsh POZI (2016)



Aerial Map with Zoning below (Hindmarsh POZI 2016)



Section 52 Notice of Application

The application has not been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, as it has been deemed by the Responsible Authority that the grant of the permit would not cause material detriment to any person due to the passive use of the land and separation from other activities nearby.

Referrals:

The application was referred to the Department of Transport as the relevant road authority for the Dimboola-Rainbow Road, pursuant to Section 55 of the *Planning and Environment Act 1987*. The Department has not responded to the referral as of the date of this report. Vehicular traffic generated as a result of the change of use will be negligible, with no adverse safety impacts from the development to declared roads expected.

Planning Assessment:

Planning Scheme Requirements:

Municipal Planning Strategy:

Clause 02.02 Vision

Planning Policy Framework:

Clause 15.01-4S Healthy neighbourhoods

Zoning Provisions:

Clause 36.01 – Public Use Zone – Schedule 1 (PUZ1)

36.01-1 Use of land

A permit is required for the use of land for Informal Outdoor Recreation.

It is noted that the part of the land zoned Farming does not require a Permit, as Informal Outdoor Recreation is a permit not required use in the zone.

Overlay Provisions:

There are no overlay provisions affecting this proposal.

Planning Response:

The proposal is supported by both the Municipal Planning Strategy and the Planning Policy Framework. The vision (Clause 02.02) of the *Hindmarsh Planning Scheme* aims to provide for an active community enhanced by its liveability by effective and accessible services to support health and wellbeing. As the land is currently not being used in a productive manner, the proposal for Informal Outdoor Recreation to create a public lake contributes towards this vision.

The proposal further supports Clause 15.01-4S Healthy neighbourhoods by providing conveniently located public spaces for active recreation and leisure for the township of Rainbow. There are less opportunities for development of public spaces for rural communities and the use of this land for such purposes will allow it to be a valued recreational asset for the Rainbow community and its visitors.

The Public Use Zone (PUZ1) requires assessment whether the development is appropriately located and designed. While the proposal is not a development as such (with all associated development exempt from requiring a Planning Permit under Clause 62.02-1 of the Scheme), it is noted that the location of the site is around 2 kilometres from Rainbow. Vehicular traffic generated as a result of the change of use would be within the range expected for Dimboola-Rainbow Road, with any works to the road to be to the satisfaction of the Department of Transport.

Due to the nature of the use, no restrictions on hours of operations have been deemed necessary. Given that there are no dwellings or sensitive uses in close proximity to the site, the proposal will not affect the amenity of the neighbouring area.

For these reasons, it is considered that the proposed change of use to Informal Outdoor Recreation is an appropriate use for the land.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06 applies to an application for a new use of land.

Planning Response:

As per Clause 52.06-6 car parking spaces must be provided to the satisfaction of the Responsible Authority. Given the size and location of the land, it is considered that the car parking area shown on the submitted plans will be adequate for the expected use of the land. In the unlikely event that this car parking area is full, there remains informal parking areas available on the land that could be utilised.

Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Clause 52.29-2 provides that a Planning Permit is required to alter access to a Road in a Road Zone, Category 1, which includes a change of use.

Planning Response:

The change of use proposal alters access to Dimboola-Rainbow Road as this change of use will result in increased numbers of vehicles accessing the site. Dimboola-Rainbow Road is a road declared as an arterial road under the *Road Management Act 2004* and as a result has been referred to the Head, Transport for Victoria (Department of Transport - DoT) under section 55 of the *Planning and Environment Act 1987*. DoT have not responded to the proposal at the time of writing. It is noted that any works to Dimboola-Rainbow Road will require DoT approval under the *Road Management Act 2004* in any event.

General Provisions

Clause 65 - Decision Guidelines

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01– Approval of an application or plan

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

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

Planning Response:

It is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by Clause 65.01 are appropriately met and the change of use has net community benefit for the community of Rainbow. No issues relating to natural hazards, stormwater discharge or the like arise from the application.

Discussion:

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

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

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 Municipal Strategic Statement.

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:

02/07/2021 – The application was received.

10/08/2021 – External Referral sent to Department of Transport.

13/08/2021 – The fee was paid.

02/09/2021 – Reminder Referral sent to Department of Transport.

23/09/2021 – Further Reminder Referral sent to Department of Transport.

29/09/2021 – Follow up to Department of Transport by phone and email.

20/10/2021 – The report is being presented to Council at the meeting held 20 October 2021 (68 days).

The statutory processing time requirements of the *Planning and Environment Act 1987* have not been satisfied in this instance as Officers have been waiting on a Response to the Referral sent to the Department of Transport.

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:

The proposal may have positive financial implications through a potential increase in visitors to Rainbow township.

Risk Management Implications:

Any requirement for Insurance cover for Use as an Informal Outdoor Recreation site should be explored.

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services

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

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

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

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

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

RECOMMENDATION:

That Council approves planning application PA1732-2021 for the change of use to Informal Outdoor Recreation on the subject land known as at Dimboola-Rainbow Road, Rainbow 3424 (Lot 1 TP217723L), subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of the use, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the Permit.***

The plans must be drawn to scale and be generally in accordance with those submitted to Council, but modified to show:

- (a) Deletion of the 'proposed future camping area'; and***
- (b) Car parking spaces and accessways dimensioned in accordance with Clause 52.06 of the Hindmarsh Planning Scheme.***

Endorsed Plans

- 2. The use as shown on the endorsed plans shall not be altered or modified,***

whether or not in order to comply with any statute or statutory rule or local law or any other reason without the written consent of the Responsible Authority.

Amenity Condition

3. *The use must not adversely affect the amenity of the area, including through the:*
- (a) Transport of materials, goods or commodities to or from the land;*
 - (b) Appearance of any building, works or materials; or*
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Time Limit

4. *This permit will expire if one of the following circumstances arises:*
- (a) The use does not commence within two (2) years of the date of issue of this permit; or*
 - (b) The use ceases for a period of two (2) or more years.*

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

Attachment Number: 16

8.5 PLANNING PERMIT APPLICATION PA1740-2021 – USE AND DEVELOPMENT OF THE LAND FOR THE HARVESTING OF SALT – PINK LAKE, WIMMERA HIGHWAY, DIMBOOLA VIC 3414 (CROWN ALLOTMENT 60A, PARISH OF GERANG GERUNG)

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 91930
Application No. PA1740-2021
Applicant: Mr Richard Seymour, Mount Zero Olives and Enterprises Pty Ltd
Owner: Parks Victoria (Land Administrator of Crown Land)
Subject Land: Pink Lake, Western Highway Dimboola VIC 3414 (Crown Allotment 60A, Parish of Gerang Gerung)
Proposal: Use and development of the land for the Harvesting of Salt
Zoning & Overlays: Public Conservation and Resource Zone (PCRZ)
Environmental Significance Overlay Schedule 5 and Schedule 6 (ESO5 and ESO6)
Land Subject to Inundation Overlay (LSIO)
Attachment Numbers: 17 – 19

Summary:

This report recommends that Council approve Planning Permit PA1740-2021 for Use and development of the land for the Harvesting of Salt at Pink Lake, Western Highway Dimboola VIC 3414 (Crown Allotment 60A, Parish of Gerang Gerung), subject to conditions.

Background:

The previous Planning Permit 1245-2010 was issued on 7 April 2010 for a ten (10) year period and has expired.

A new three (3) year Licence for the use of the land between the applicant, Mount Zero Olives and Enterprises Pty Ltd and the Minister for Energy, Environment and Climate Change and Parks Victoria was signed on 13 July 2021.

A new Memorandum of Understanding (MOU) between the applicant and the Barengi Gadjin Land Council Aboriginal Corporation was fully signed on 16 November 2020. The purpose of the MOU is detailed as follows:

1. Purpose of this document

The purpose of this Memorandum of Understanding is to make clear the relevant roles and responsibilities of the parties in relation to the implementation of a key targets and goals between the Mount Zero Olives Enterprises Pty Ltd ("Mount Zero") and Barengi Gadjin Land Council Aboriginal Corporation (BGLC) for purpose of collaborating and strengthening the relationship over the annual salt harvest on Pink Lake and assist in developing the BGLC owned food brand.

This document describes the agreed-upon responsibilities and expectations between BGLC and Mount Zero in relation to activity on Pink Lake and in the view to forming a stronger partnership.

1.1. The purpose of this agreement is to support activities to strengthen the economic capability of BGLC and the people of the Wotjobaluk nations and involves two key components:

- Short term goals and aspirations between the parties
- Long term goals and aspirations between the parties

1.2. This MOU is not a legal agreement however the parties commit to using their best endeavors to achieve its purpose and realise the commitments of the parties set out in the Short and Long Term goals.

Proposal Details:

This new planning permit application proposes the Use and Development of the land for the Harvesting of Salt on the subject land at Pink Lake, Western Highway Dimboola VIC 3414 (Crown Allotment 60A, Parish of Gerang Gerung). The proposal on the application form states:

'A planning permit is sought for the single purpose of harvesting salt from Pink Lake in collaboration with the Barengi Gadjin Land Council. We propose to follow the same minimal impact, hand harvesting process that we have followed over the past 11 years.'

The applicant has also described the proposal as follows:

'Mount Zero Olives and Enterprises Pty Ltd (Mount Zero Olives) has been granted a 3-year licence (expiry 31st Jan 2025) by Parks Victoria to harvest salt at Pink Lake. This licence

follows the completion of a previous 10-year harvest licence at Pink Lake. We have applied for a 3 year (interim licence) as it is the intention that a licence be renewed in 2025 under a joint venture partnership with the Barengi Gadjin Land Council (BGLC) and Mount Zero Olives.

Mount Zero Olives has a signed memorandum of understanding with the Barengi Gadjin Land Council, outlining the short term (3 year) plan for Mount Zero to harvest salt at Pink Lake in collaboration with BGLC and the long term plan for a joint venture partnership to continue to harvest salt at Pink Lake in the years following.

Mount Zero Olives is applying for a 10 year planning permit from the Hindmarsh Shire Council to mirror the permitted harvest activity as set out in Schedule 3 of Parks Victoria Licence (agreement number CA-1901). We are requesting a 10 year planning permit as we hope to vary this permit to reflect the joint venture between Mount Zero and the Barengi Gadjin Land Council, once approved by Parks Victoria in 2025.'

Requirement for Permit:

The subject land is located within the Public Conservation and Resource Zone, the Environmental Significance Overlay Schedule 5 and Schedule 6 and the Land Subject to Inundation Overlay.

A planning permit is required for the use of the land for the Harvesting of Salt and to carry out works (development) under Clause 36.03 of the Public Conservation and Resource Zone.

A planning permit is also required to carry out works (development) under Clause 42.01 of the Environmental Significance Overlay Schedule 5 and Schedule 6.

A planning permit is also required to carry out works (development) under Clause 44.04 of the Land Subject to Inundation Overlay.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The site is located within an Aboriginal Cultural Heritage Sensitivity Area.

The proposed use is not a high impact activity as defined by the *Aboriginal Heritage Regulations 2018*. Therefore, a Cultural Heritage Management Plan is not required pursuant to the *Aboriginal Heritage Regulations 2018*.

There is a signed Memorandum of Understanding between the Barengi Gadjin Land Council Aboriginal Corporation and the applicant as discussed above.

Subject site & locality:

The subject site is located on the western side of the Western Highway and comprises the Pink Lake Reserve within a Public Conservation and Resource Zone (PCRZ) and adjoining a Road Zone Category 1 (RDZ1). The site has a total area of approximately 103ha.

Pink Lake, which has historically been known as Lake Lochiel, is a small, circular, salty pink lake located approximately 7.0km to the north-west of the town of Dimboola.

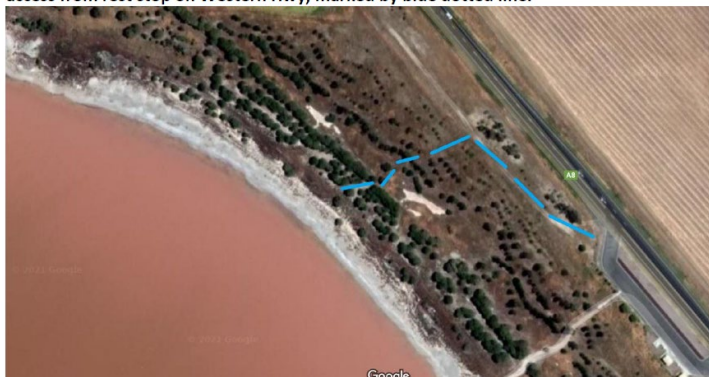
The site is surrounded by cleared farming land which is generally used for cropping and other farming activities.

Aerial Photo of the site and surrounding area below (POZI)



Photo examples from the applicant below:

Harvest vehicle access map – Satellite image of North Western edge of Pink Lake, showing access from rest stop on Western Hwy, marked by blue dotted line.



Vehicle and trailer at lake foreshore harvest point.



Trolley for moving salt baskets from lake to shore (showing not mechanised & minimal impact process)



Method of scraping back surface to harvest no more than 10cm from the lake surface.



Consultation:

Consultation was undertaken and included:

- Preliminary discussions with the applicant about the expired Planning Permit 1245-2010 and the need for a new planning permit application to be submitted.
- Email correspondence with the applicant about the date the sign was erected on the site during the advertising process.

Section 52 Notice of application:

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

- Sending notices to the owners and occupiers of the adjoining land.
- Placing a sign on site.
- Placing a public notice on Council's website.

The notification has been carried out correctly. The applicant has submitted a statutory declaration form. Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

- Wimmera Catchment Management Authority: No objections – note provided about flood levels.

Section 52 Referrals

- Parks Victoria: Advises it is in support of this application
- First People – State Relations Group (formerly Aboriginal Victoria): No comments in relation to the planning application. The activity as described does not appear to be a high impact activity as defined the by *Aboriginal Heritage Regulations 2018*.

Internal Referrals:

- Engineering: No Engineering requirements for this application.

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 02.03-2 Environmental and landscape values

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-4 Natural Resource Management

Clause 02.03-6 Economic Development

Council's strategic directions for economic development include to:

- *Develop new activities that are economically, environmentally and socially sustainable.*
- *Facilitate increased employment opportunities within and adjacent to the towns.*

Planning Policy Framework (PPF)

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

Clause 11.03-6S Regional and local places

Clause 12.03-1S River corridors, waterways, lakes and wetlands

Objective - To protect and enhance river corridors, waterways, lakes and wetlands.

Clause 12.05-2S Landscapes

Objective - To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause

Clause 14.02-1S Catchment planning and management

Objective - To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Clause 14.02-2S

Objective - To protect water quality

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy – Wimmera Southern Mallee

Clause 17.04-1S Facilitating tourism

Clause 17.04-1R Tourism – Wimmera Southern Mallee

Planning Response:

The proposal will protect the existing Pink Lake and surrounding vegetation and minimal disturbance will occur to the lake surface as a result of the use and works to be carried out. The environmental and tourism contribution of Pink Lake to the surrounding area will not be adversely affected by the proposal.

The proposal complies with the relevant objectives of the MPS and PPF listed above.

Zoning Provisions

Clause 36.03 Public Conservation and Resource Zone (PCRZ)

36.03-1 Use

The Harvesting of Salt is an innominate use in this Clause.

36.03-2 Permit Requirement

A permit is required to carry out of works.

36.03-6 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Planning Response:

The proposal complies with the relevant objectives of the MPS and PPF as discussed above. The public land manager, Parks Victoria has advised of their support for the application and there is a 'Memorandum of Understanding' between the applicant and the Barengi Gadjin Land Council Aboriginal Corporation. The Wimmera Catchment Management Authority have advised they do not object to the granting of a permit for the proposal as submitted.

The proposed works to be carried out will be undertaken in accordance with the Licence with Parks Victoria, which limits the harvesting of salt to no more than 10,000 square metres per year and the depth of harvesting to be no more than 50 millimetres. The quantity of salt to be harvested is also limited in the Licence to be no more than 40,000 tonnes in 2021, 50,000 tonnes in 2022 and 60,000 in 2023. An additional Licence from Parks Victoria will be required for the remaining seven years sought for the use after the current three (3) year Licence expires. Conditions will be required to ensure the use operates in accordance with the MOU and Licence.

The proposed use and development comply with the relevant decision guidelines in the zone.

Overlay Provisions

Clause 42.01 Environmental Significance Overlay Schedule 5 and Schedule 6 (ESO5 and ESO6)

42.01-2 Permit requirement

A permit is required to carry out works.

Schedule 5 of the ESO – Wetland of Conservation Value

Schedule 6 of the ESO – Catchments of Wetlands of Conservation Value

Planning Response:

The proposal will have result in minimal disturbance to the lake surface and will protect and enhance this wetland of conservation value.

The proposal complies with the relevant environmental objectives in the ESO5 and ESO6.

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

44.04-2 Buildings and works

A permit is required to carry out works.

Planning Response:

The proposal complies with the relevant objectives of the MPS and PPF as discussed above. The Wimmera CMA have advised they do not object to the granting of a permit and have not required any conditions. The proposed harvesting of salt on Pink Lake will not create any flood hazards. There is no risk to life, health and safety as a result of the proposal. The proposed works will not redirect or obstruct any floodwater.

The proposal complies with the relevant decision guidelines in the LSIO.

Particular Provisions

Nil

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 MPS and PPF. The proposal will not adversely impact on the environment and amenity of the area. The proposal will enable the orderly planning of the area. The proposal therefore complies with Clause 65.

Discussion:

The proposal will satisfy the relevant planning policies in the MPS and PPF and will comply with the relevant decision guidelines of the PCRZ as outlined above.

The proposed harvesting of salt will be required to be carried out in accordance with the Licence requirements of Parks Victoria and the appropriate Licences must be approved for the whole ten (10) year period for the permit, which will be managed by conditions. The proposal will satisfy the relevant decision guidelines of the zone.

The proposal will not adversely impact on the environment and amenity of the area and will enable the orderly planning of the area in accordance with Clause 65 subject to conditions outlined above being satisfied.

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework, the Public Conservation and Resource Zone and Clause 65.

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:

06/08/2021 – Application submitted.

13/08/2021 – Fee paid

17/08/2021 – External and internal referrals sent

30/08/2021 – Advertising directions and letters sent

30/08/2021 – Referral response received from Infrastructure

01/09/2021 – Referral response received from the Wimmera CMA

16/09/2021 – Applicant advised the signs were erected on site

29/09/2021 – Referral response received from Parks Victoria

01/10/2021 – Notification period ended

11/10/2021 – Referral response received from First People – State Relations Group (formerly Aboriginal Victoria)

11/10/2021 – Statutory Declaration returned by Applicant

20/10/2021 – The report is being presented to Council at the meeting held 20 October 2021 (26 statutory days)

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

Link to Council Plan:

Recognise respect and support Traditional Owners

Facilitating and supporting economic development

Financial Implications:

The proposal will have positive financial implications through economic opportunities for a local business and cooperative between the current operator and the Registered Aboriginal Party (RAP) for Pink Lake, the Barengi Gadjin Land Council Aboriginal Corporation.

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 – Angela Hoy, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

In providing this advice as the Author, I have no 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 PA1740-2021 for the use and development for the harvesting of salt on the subject land at Pink Lake, Wimmera Highway Dimboola (Lochiel) VIC 3414 (Crown Allotment 60A, Parish of Gerang Gerung), subject to the following conditions:

Conditions:

Endorsed Plans

- 1. The use and development as shown on the endorsed plans must 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.***

Use and Development

- 2. The use and development approved by this permit must be carried out in accordance with a signed Licence with the Minister for Energy, Environment and Climate Change and Parks Victoria, which must be valid for the entire ten (10) year time period of the permit, to the satisfaction of the Responsible Authority.***
- 3. The use and development approved by this permit must be carried out in accordance with the Memorandum of Understanding between the permit holder and the Barengi Gadjin Land Council Aboriginal Corporation, to the satisfaction of the Responsible Authority.***

General Requirements

4. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.

Time Limit

5. The use and development approved by this permit will expire ten (10) years after the date of the issue of this permit.

Notes:

Wimmera Catchment Management Authority:

- **The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.**
- **Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2021-00192 in your correspondence with us.**

Attachment Numbers: 17 – 19

9 REPORTS REQUIRING A DECISION

9.1 HINDMARSH SHIRE COUNCIL ANNUAL REPORT 2020/2021

Responsible Officer: Director Corporate and Community Services

Attachment Number: 20

Introduction:

The purpose of this report is to present the Annual Report 2020/2021 for consideration by Council.

Discussion:

Council's Annual Report for the year ended 30 June 2021 has been prepared and forwarded to the Minister for Local Government in accordance with the Act, on 1 October 2021. The Annual Report provides a comprehensive overview of Council's activities for the period 1 July 2020 to 30 June 2021, including achievements in respect of a range of projects, services and assets managed and financial performance for the year ended 30 June 2021, 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.

Notice of the preparation of the Annual Report and its consideration at the Council meeting on Wednesday 20 October 2021 was published in the Nhill Free Press and Dimboola Banner on Wednesday 06 October 2021, Rainbow Jeparit Argus on Thursday 07 October 2021 as well as on Council's website from 30 September 2021. The public notice advised that copies of the Annual Report could be inspected at Council's customer services centres and on Council's website.

Options:

It is recommended that Council considers and notes the Annual Report 2020/2021.

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 2020/2021 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 having considered the Annual Report 2020/2021, Council notes the report.
Attachment Number: 20

9.2 LONG TERM FINANCIAL PLAN 2021/22 TO 2030/31

Responsible Officer: Director Corporate and Community Services
Attachment Number: 21

Introduction:

This report seeks Council adoption of the Long Term Financial Plan 2021/22 to 2030/31 in accordance with the *Local Government Act 2020*.

Discussion:

At the Council meeting held on Wednesday 8 September 2021 Council resolved to approve the draft Long Term Financial Plan 2021/22 to 2030/31 for the purposes of public consultation.

Under section 91 of the *Local Government Act 2020* council must develop, adopt and keep in force a Financial Plan for a period of at least 10 years. The Long Term Financial Plan is required to be adopted by 31 October 2021.

In developing the Long Term Financial Plan, Council has taken into account the 2021/2022 budget, Council Plan and Community Vision initiatives, and need to maintain service levels and asset renewal. The Financial Plan is based on the best available information at the time of preparation and will be updated annually as necessary.

The following assumptions have been made in the development of the Long Term Financial Plan 2021/22 to 2030/31.

Escalation Factors % movement	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
CPI	1.5%	2.0%	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Growth	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Rates & Charges	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Statutory fees & fines	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
User fees	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Grants - Operating	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Grants - Capital	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Contributions - monetary	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Contributions - non-mometary	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other income	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Employee costs	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Materials & Services	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Depreciation	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Other expenses	2.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

The draft Long Term Financial Plan 2021/22 to 2030/31 was made available for public inspection and the receiving of submissions for the period Thursday 9 September 2021 to Friday 1 October 2021. No submissions were received in relation to the Long Term Financial Plan 2021/22 to 2030/31.

The draft Long Term Financial Plan 2021/22 to 2030/31 was presented to Council's Audit & Risk Committee meeting on Wednesday 21 September 2021. The Audit & Risk Committee resolved to receive and recommend to Council the Long Term Financial Plan 2021/22 to 2030/31.

Options:

Council must prepare and advertise its Long Term Financial Plan pursuant to the *Local Government Act 2020*.

Link to Council Plan:

Long-term financial sustainability: Continue to focus on responsible financial management in budgeting and long term financial planning.

Financial Implications:

The Long Term Financial Plan is based on the 2021/22 annual budget, Council Plan and Community Vision initiatives, maintaining service levels and asset renewal.

Risk Management Implications:

A strong and robust long term financial plan will ensure Council remains financially sustainable into the future, reducing risk to the organisation.

Relevant legislation:

Local Government Act 2020

Community engagement:

Community consultation was undertaken in both the development of the 2021/22 annual budget, Council Plan 2021-2025 and Community Vision 2040 which have informed the preparation of the Long Term Financial Plan.

The draft Long Term Financial Plan was made available for public submissions between Thursday 9 September 2021 and Friday 1 October 2021.

Gender equality implications:

No gender impact assessment was completed.

Conflict of Interest:

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

Author & Officer Responsible – 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 Long Term Financial Plan will be available at Council's Customer Service Centres (subject to Covid-19 restrictions) and on Council's website.

RECOMMENDATION:

That Council adopts the Long Term Financial Plan 2021/22 to 2030/31 pursuant to the Local Government Act 2020.

Attachment Number: 21

9.3 MAV WORKCARE SCHEME

Responsible Officer: Director Corporate and Community Services

Introduction:

The purpose of this report is to inform Council of the potential financial implication following Work Safe Victoria's decision not to renew the licence of the Municipal Association of Victoria's (MAV) WorkCare scheme.

Discussion:

The MAV WorkCare scheme (the scheme) was Victoria's only local government workers' compensation self-insurance scheme; at its peak, it had 31 members.

Council was a member of the scheme from 2017 until it ceased operations on 30 June 2021. The decision to cease the operation of MAV WorkCare followed WorkSafe Victoria's refusal

of the MAV's application for renewal of approval as a self-insurer, despite a strong performance.

With the scheme having now come to an end, its council members and their communities - the majority of whom are regional and rural councils - will be required to absorb significant financial cost as required by WorkSafe. It is an ongoing financial burden that will be felt by members potentially until the latter half of 2027.

As of 30 June 2021, WorkSafe's valuation estimated the scheme members' unpaid claims was \$74.07 million. The initial payment of \$59.26 million will be made by the MAV on 11 October, 2021. MAV hold the funds to meet this payment.

The outstanding claims liabilities has significantly increased as a consequence of the cessation of the scheme and the related funding gap has escalated materially. Among the reasons for the higher claims' liabilities include:

- The impairment of the scheme's reinsurance assets due to WorkSafe not recognising these contracts despite purchasing this reinsurance being a condition of the self-insurance licence
- A higher cost of claims management within the WorkSafe Victoria system
- Significant costs associated with the closure and transition of the scheme to a ceased self-insurer

Obligations now exist for the MAV as a ceased self-insurer and the 31 members of the scheme until June 2027. These obligations are significant and will impose significant obligations and risks to the MAV and the scheme's constituent members. These risks are particularly acute as WorkSafe has now assumed control of the outstanding claims.

The scheme is constituted as a mutual which is formalised via a Participation Agreement between the MAV and each of its members. A mutual is a mechanism to operate collaboratively and share risk to reduce the overall harm to participants' workers and ultimately reduce costs.

As part of this structure, there exists a range of obligations on each participant, the most relevant of which is that any deficiency in funding is required to be paid by those members.

The WorkSafe Victoria obligations are set out in the Workplace Injury Rehabilitation and Compensation Act, which requires:

Valuations of claims liabilities to occur annually by the WorkSafe appointed actuary.

- Any increase in the value of claims at the three and six-year period will be funded by the ceased self-insurer, which in this case is MAV
- Any reduction in the value of claims at the three and six-year period will be refunded to the ceased self-insurer by WorkSafe Victoria
- The ceased self-insurer is required to hold a bank guarantee of 50 per cent of the outstanding claims liabilities at all times until June 2027
- The ceased self-insurer is required to meet the cost of the actuarial review and audits

for this six-year liability period.

The MAV has held briefing sessions for member councils since March this year to inform Council of the wind down of MAV WorkCare and forecast potential financial implications.

The MAV has advocated for a range of solutions to reduce the financial consequence on councils. Among genuine solutions it had pursued - through meetings and correspondence with Work Safe Victoria, the Victorian Government and the State Opposition - to mitigate the financial consequences for members are:

- Calling on WorkSafe agree to recognise the MAV's re-insurance in the transfer of scheme assets;
- Deferral or waiver of the bank guarantee
- Recognition of WorkSafe's underfunding of the Scheme at its commencement, and
- Recognition of WorkSafe's investment income that it will earn on the returned scheme assets.

As a result of consultation with scheme members, the MAV has ceased its advocacy efforts and has requested more modest forms such as recognising the high credit rating of participating members by seeking a waiver of the bank guarantee requirement, or alternatively for the guarantee to be provided by the Treasury Corporation of Victoria and for an extension to the payment terms.

To date, there has been little acknowledgement of the significance of the cost to councils despite previous WorkSafe Victoria public concerns about the financial consequence to scheme members in its consideration of the licence.

In line with advice from the MAV's actuary, the shortfall in funding has been allocated between members based on their share of the unpaid claims' costs. Given that not all claims' costs are known as yet, the allocation methodology will use the estimates of unpaid, open claims ("case estimates") and member premiums to estimate each member's share of the financial shortfall. Officers anticipate Hindmarsh Shire Council's contribution towards the shortfall will be approximately \$100,000.

Options:

This report is for Council to note.

Link to Council Plan:

A skilled Council and workforce capable of meeting community needs: Provide for a safe working environment.

Financial Implications:

Council has increased the annual budget for WorkCover to fund Council's contribution towards the shortfall. The bulk of the shortfall will be in this financial year. The remaining shortfall will likely be relatively small and payable over a number of budgets.

Risk Management Implications:

The wind up of the MAV WorkCare scheme poses significant financial risks to Council. Council Officers have budgeted for Council's contribution towards the shortfall, however the exact figures have not been provided by the MAV. The financial risks associated with the windup of the scheme may continue on for up to 7 years.

Relevant legislation:

Local Government Act 2020

Workplace Injury Rehabilitation and Compensation Act 2013

Gender equality implications:

A gender impact assessment is 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 & 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 notes the report and requirement on Council to contribute to the MAV Workcare funding shortfall.

9.4 DRAFT HUMAN RIGHTS POLICY

Responsible Officer: Director Corporate and Community Services

Attachment Number: 22

Introduction:

This report seeks endorsement of the draft Human Rights Policy before it is made available to the public for comment.

Discussion:

The Human Rights Policy has been developed with reference to The Charter of Human Rights and Responsibilities (**the Charter**). The Charter is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship

between government and the people it serves. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights set out in the Charter.

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

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

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

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

Options:

1. Council can endorse the draft Human Rights Policy before it is made available to the public for comment.
2. Council can amend the draft Human Rights Policy before it is made available to the public for comment.

Link to Council Plan:

Communities feel safe and are resilient.
Strong governance practices.

Financial Implications:

Nil.

Risk Management Implications:

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

Relevant legislation:

Local Government Act 2020

Charter of Human Rights and Responsibilities Act 2006

Community engagement:

Following Council endorsement of this draft Policy, Council will engage with the community by inviting comments and feedback on the draft Policy from 21 October 2021 until 19 November 2021. The Human Rights Policy will be brought to the Council meeting on 15 December 2021 for final adoption.

Gender equality implications:

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

Confidential Declaration:

N/A

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Helen Thomson, Manager Governance and Human Services

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

Communications Strategy:

The Policy will be placed on Council's website and will invite submissions from the community.

Next Steps:

A copy of the draft Policy will be available on Council's website and available from Customer Service Centres for feedback prior to adoption.

RECOMMENDATION:

That Council:

- 1. approves the draft Human Rights Policy for the purposes of community consultation, and***
- 2. give public notice of the preparation of the draft Human Rights Policy inviting written submissions from the public for the period Thursday 21 October to Friday 19 November 2021.***
- 3. Consider public submissions and formal adoption of the Human Rights Policy at the Council meeting held on Wednesday 15 December 2021.***

Attachment Number: 22

**9.5 HINDMARSH SHIRE COUNCIL BUSINESS ASSISTANCE GRANTS PROGRAM
2021-2022 ROUND 1**

Responsible Officer: Director Corporate and Community Services

Attachment Number: 23

Introduction:

This report seeks approval from Council to provide funding through Round 1 of the Business Assistance Grants 2021/2022 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 business 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 \$20,000 towards the 2021/22 Business Assistance Grants program in the 2021/2022 Annual Budget along with an additional one off COVID-19 recovery allocation of \$20,000.

Total funding of \$40,000 has been allocated to the program for the 2021/22 financial. Grants have been categorised into two tiers:

- *Tier One – Small projects up to \$1,000*
- *Tier Two – Larger projects from \$1,001 to \$3,000.*

Category	Number of Applicants	Funding Available	Total Amount Requested
Tier One	3	Round 1 \$40,000	\$2,900
Tier Two	10		\$28,500
TOTAL	13		\$31,400

Criteria for Round 1 of the BAG's 2021/2022 program was amended in order to encourage business owners to identify the individual needs of their business in accordance with the eligibility criteria and then prepare an appropriate proposal to suit that need.

Applications for the Round One of Business Assistance Grants Program closed at 5.00pm on Friday 17 September 2021 with thirteen (13) applications received for funding totalling \$31,400.

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),
- Payment of commercial rates,
- Purchase of land,
- Projects that require ongoing funding or support beyond the initial grant,
- Repair of facilities damaged by vandalism, fire or other natural disasters where the damage should be covered by insurance, and
- Businesses that have previously failed to complete projects funded by Council.

Assessment Criteria

Applications have been assessed against a set of Assessment Criteria:

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

	<ul style="list-style-type: none"> • Provide a copy of a bank statement to demonstrate financial viability • If the property is leased or rented provide written consent from property owners for streetscape applications.
Finally	<ul style="list-style-type: none"> • Complete eligibility and submissions checklist.

Tier One:

Tier One grants aim to assist existing businesses to undertake small projects / initiatives (with a value up to \$1,000 without a co-contribution).

Applications:

- 1. Dimboola Store, Dimboola** seeks funding of \$1,000 to upskill their staff in the area of social media and marketing skills, and to advertise and promote the business' new ownership.

The total project cost will be \$1,400, with the grant of \$1,000, and an in-kind contribution of \$400.

Based on the details provided in the grant application, the recommendation is to provide the requested funds of \$1,000.

- 2. Harris Mensland, Dimboola** seeks funding towards the repainting and refurbishment of their shopfront, including new signage.

The total project cost will be \$1,398, with the grant of \$1,000, in kind contributions of \$350, and the balance a cash contribution.

Based on the application, the recommendation is to grant the requested funds of \$1,000.

- 3. Mallee Magic, Rainbow** seeks funding of \$900 towards the establishment of a plant nursery on site.

The funding will be used to landscape and pave the proposed position of the nursery to provide a suitable fit for purpose area.

The total project cost will be \$1,320, with the grant of \$900, and a cash contribution of \$420.

Based on the application, the recommendation is to grant the requested funds of \$900.

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<i>Business Development</i>			
Dimboola Store	\$1,000	\$1,400	\$1,000
Harris Mensland	\$1,000	\$1,398	\$1,000
Mallee Magic	\$900	\$1,320	\$900
TOTAL	\$2,900	\$4,118	\$2,900

Tier Two:

Tier Two grants aim to assist existing businesses to undertake larger projects (from above \$1,001 up to \$3,000 with a 1:3 cash ratio). For every \$1 cash contribution from businesses, Council will contribute \$3 up to a maximum of \$3,000.

Applications:

- 1. Westmix Concrete, Nhill** seeks funding of \$3,000 to refurbish the business' entryway, update signage, and install security cameras on the premises.
The total project cost will be \$5,040, with the grant of \$3,000, a cash contribution of \$1,000, and in kind contributions of \$1,040.
Based on the application, the recommendation is to grant the requested funds of \$3,000.
- 2. Dimboola Imaginarium, Dimboola** seeks funding of \$3,000 for the purchase of a refrigerator. The business is expanding to include a wine bar with the serving of light refreshments.
The total project cost will be \$4,092, with the grant of \$3,000, and a cash contribution of \$1,092.
Based on the application, the recommendation is to grant the requested funds of \$3,000, pending the approval of licencing and planning permits required by both Council and VCGLR.
- 3. Desert Breeze Honey, Dimboola** seeks funding of \$3,000 to upgrade their power supply and to install lighting in their new shed that has been required due to the expansion of the business.
The total project cost will be \$33,544.10, with the grant of \$3,000, and a cash contribution of \$30,544.10.
Based on the application, the recommendation is to grant the requested funds of \$3,000.
- 4. Oasis Motel, Nhill** seeks funding of \$3,000 for the repair and resealing of their car park.
The total project cost will be \$4,100, with the grant of \$3,000, and a cash contribution of \$1,100.
Based on the application, the recommendation is to grant the requested funds of \$3,000.
- 5. Wimmera Bakery, Dimboola** seeks funding of \$3,000 for the painting, rebranding, and refurbishment of their shop front in Lloyd Street, Dimboola.
The total project cost will be \$4,891, with the grant of \$3,000, and a cash contribution of \$1,891.
Based on the application, the recommendation is to grant the requested funds of \$3,000.

- 6. Wimmera Bakery, Nhill** seeks funding of \$3,000 for the painting, rebranding, and refurbishment of their shop front in Victoria Street, Nhill.
The total project cost will be \$3,248.30, with the grant of \$3,000, and a cash contribution for the balance.
Based on the application, the recommendation is to grant funds of \$2,436.20, equalling three quarters of the total project cost. The applicant will contribute the balance of costs.
- 7. Clugston Butchers, Rainbow** seeks funding of \$3,000 for the refurbishment of their customer service area at their shop in Federal Street, Rainbow.
The total project cost will be \$6,088.43, with the grant of \$3,000, a cash contribution of \$1,763.43, and the remainder from in-kind contributions
Based on the application, the recommendation is to grant funds of \$3,000.
- 8. Mark Launer Plumbing, Dimboola** seeks funding of \$3,000 for the installation of industrial steel shelving at his business premises in Lloyd Street, Dimboola.
The total project cost will be \$6,280, with the grant of \$3,000, a cash contribution of \$1,000, and the remainder from in-kind contributions
Based on the application, the recommendation is to grant funds of \$3,000.
- 9. Cambrelle's, Nhill** seeks funding of \$3,000 for the installation of automatic doors at the entrance to the business premises. The doors will provide all-ability access making entry into the shop safer and easier for people using mobility aids, wheelchairs and prams etc.
The total project cost will be \$10,165, with the grant of \$3,000, a cash contribution of \$6,845, and the remainder from in-kind contributions.
Based on the application, the recommendation is to grant funds of \$3,000.
- 10. Hooked On Classic's, Dimboola** seek a funding of \$1,500 to help develop an online presence for the business. A webpage will be developed which will allow customers and visitors to Dimboola to examine the products and services offered, plus provide a platform to promote local events relevant to the business.
The total project cost will be \$2,200, with a grant of \$1,500, a cash contribution of \$500 and \$200 of in-kind contribution.
Based on the application, the recommendation is to grant funds of \$1,500.

Applicant	Amount Requested	Total Project Cost	Recommended Allocation
<i>Tier Two</i>			
Westmix Concrete	\$3,000	\$5,040.00	\$3,000.00
Dimboola Imaginarium	\$3,000	\$4,092.00	\$3,000.00
Desert Breeze Honey	\$3,000	\$33,544.10	\$3,000.00
Oasis Motel	\$3,000	\$4,100.00	\$3,000.00
Wimmera Bakery Dimboola	\$3,000	\$4,891.00	\$3,000.00
Wimmera Bakery Nhill	\$3,000	\$3,248.30	\$2,436.20

Clugston Butchers	\$3,000	\$6,088.43	\$3,000.00
Mark Launer Plumbing	\$3,000	\$6,280.00	\$3,000.00
Cambrelle's	\$3,000	\$10,165.00	\$3,000.00
Hooked On Classics	\$1,500	\$2,200.00	\$1,500.00
TOTAL	\$28,500	\$79,648.83	\$27,936.20

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 2021/2022.

Successful applicants would be required to complete their projects and acquit the funds received by 30 June 2022.

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 2021/22 Business Assistance Grants is \$40,000. This is made up of the 2021/2022 budget allocation of \$20,000 and an additional, one off COVID-19 recovery allocation of \$20,000.

Risk Management Implications:

Each applicant has been requested to complete a project risk assessment as part of the application process. Further development of these risk assessments will be completed upon the outcome of each application.

Relevant legislation:

Local Government Act 2020

Community engagement:

The Business Assistance Grants 2021/2022 program has been widely publicised through media releases, social media and Council's website.

Gender equality implications:

No gender impact assessment is required.

Confidential Declaration:

N/A

Conflict of Interest:

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

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

Author – Phil King, Manager Economic and Community Development.
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 Council:

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

Tier One

- 1. \$1,000 to Dimboola Store, Dimboola***
- 2. \$1,000 to Harris Mensland, Dimboola***
- 3. \$900 to Mallee Magic, Rainbow***

Tier Two

- 1. \$3,000 to Westmix Concrete, Nhill***
- 2. \$3,000 to Dimboola Imaginarium, Dimboola***
- 3. \$3,000 to Desert Breeze Honey, Dimboola***
- 4. \$3,000 to Oasis Motel, Nhill***
- 5. \$3,000 to Wimmera Bakery, Dimboola***
- 6. \$2,436.20 to Wimmera Bakery, Nhill***
- 7. \$3,000 to Clugston Butchers, Rainbow***
- 8. \$3,000 to Mark Launer Plumbing, Dimboola***
- 9. \$3,000 to Cambrelles's, Nhill***
- 10. \$1,500 to Hooked On Classics, Dimboola***

TOTAL RECOMMENDED FUNDING ALLOCATED ROUND ONE: \$30,836.20.

Attachment Number: 23

9.6 CROWN LAND COMMITTEE OF MANAGEMENT LOWAN SHIRE HALL

Responsible Officer: Director Corporate and Community Services

Attachment Number: 24

Introduction:

This report seeks support to enter into an agreement appointing Council as the Committee of Management with the Department of Land Water and Planning (DELWP) for Crown Parcel 3S~11\PP5595 104-106 MacPherson Street Nhill, utilised by the Nhill and District Historical Society.

Discussion:

Council was approached by the Nhill and District Historical Society (**Society**) following a meeting with a representative of DELWP. The Society were concerned about the future of their building. The below map highlights the Crown parcel 3S~11\PP5595.



Following the approach by the Society, Council officers have been liaising with DELWP and have received correspondence from DELWP that they would seek to appoint Council as the Committee of Management (**CoM**) over the parcel should Council be in agreeance. Council are currently appointed CoM over the Nhill Senior Citizens and old Nhill Kindergarten parcels which surround the Nhill and District Historical Society. It is proposed to combine all three parcels and Council to become COM over the entire site.

The building also known as the former Lowan Shire Building was built in 1888 and was first occupied by the Lowan Shire Council following an official opening in early May 1888. The

Society has occupied the building since the new Shire building in Nelson Street was first occupied by the Lowan Shire in the 1960s. The building holds significant historical importance in Nhill and holds an archive of early settlers list; district school's information; oral history archival materials; Clydesdale Breeders yearbooks, 1880 – 1940 along with other records of historic value.

It is proposed Council enter into a user agreement with Nhill and District Historical Society to remain tenants of the building into the foreseeable future.

Options:

1. Council can enter into a Committee of Management agreement with DELWP for Crown Parcel 3S~11\PP5595 104-106 MacPherson Street Nhill in combination with the crown parcel 3T~11\PP5595 (Nhill Senior Citizens Centre) and 3L~11\PP5595 and 3Q~11\PP5595 (previously Nhill Kindergarten) and authorise the CEO to enter into a user agreement for the use of the Nhill & District Historical Society building.
2. Council can choose not to enter into a Committee of Management agreement for the parcel.

Link to Council Plan:

Well-maintained physical assets and infrastructure to meet community and organisation needs.

Financial Implications:

As CoM over the parcel Council will incur financial costs associated with insuring and maintaining the building. Costs will be budgeted during Council's annual budget process.

Risk Management Implications:

There is a risk associated with Council not entering into the Committee of Management over the parcel in relation to the future of the Nhill & District Historical Society. Entering into Committee of Management will ensure historical items of significance will remain in their current location and be available for future generations.

Conflict of Interest:

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

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

Communications Strategy:

Council will advise DELWP and the Nhill & District Historical Society of the outcome of this decision.

RECOMMENDATION:

That Council:

- 1. Enters into a Committee of Management agreement with DELWP for Crown Parcel 3S~11\PP5595 104-106 MacPherson Street Nhill in combination with the crown parcel 3T~11\PP5595 (Nhill Senior Citizens Centre) and 3L~11\PP5595 and 3Q~11\PP5595 (previously Nhill Kindergarten).***
- 2. Authorises the CEO to liaise with Nhill & District Historical Society to enter into a user agreement for the building 104-106 MacPherson Street, Nhill.***

Attachment Number: 24

9.7 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2021

Responsible Officer: Director Corporate and Community Services
Attachment Number: 25

Introduction:

The Financial Report for the first quarter of 2021/2022 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 2021 as presented.

Attachment Number: 25

9.8 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 2021/2022 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 one actions against the Plan are included below:

Theme One – Our Community

Action Item	Update on Action
Monthly and fortnightly e-newsletters distributed through emails and available on Council's website	Council continues to distribute monthly and fortnightly e-newsletters. Hard copies of the monthly newsletters are placed at various businesses throughout Hindmarsh and also Council's Customer Service Centres.
Redevelopment of Council's website making it easier for our community to navigate	Council staff are working through the development of pages on Council's new website.
Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings	On-line meetings have taken place in lieu of meeting in person due to COVID-19 restrictions on gathering numbers. Officers and Councillors have been attending these meetings.
Partner with Wimmera Pride to ensure LGBTIQ+ barriers and views are considered	On-line workshop conducted with Elite Counselling and attended by Senior Staff.
Develop the Hindmarsh Shire Youth Strategy	Youth Strategy 2021-2025 draft complete and will be presented to Council in October. Karen translation commissioned by the Migration Translators.
Upgrades to the Nhill Library to encourage use by our multicultural community, children and youth	In progress, at permit stage for minor structural changes. Electrical upgrades (excluding lighting) have been completed. Currently reviewing fixture upgrades.
Continue to support early years services in Hindmarsh Shire	Facility upgrades recently completed at Dimboola & Nhill Early Years Centres.
Partner with Nhill Learning Centre to ensure barriers and views of the Karen and other multicultural communities are considered	Meeting occurred between Coordinator Libraries, Youth and Community Development Officer and NNHLC Director Annette Creek. Discussion included potential collaboration; and training sessions.
Ensure the Municipal Emergency Management Committee includes membership from key stakeholders	The MEMC committee includes membership from external stakeholders including a community representative. Hindmarsh meetings are held 3 times per year, along with 1 combined meeting including

	Hindmarsh, Horsham, Yarriambiack and West Wimmera Shire.
Support our ageing community through hosting seniors concert, social connection activities including movie matinees and morning teas, and delivery of community care services	Due to the COVID-19 pandemic the 2021 Seniors Concert was postponed and will be held in early 2022, senior's week activities moved online for 2021. Movie Matinees are held when possible which included morning tea prior to the movie. Council continues to deliver community care services to our community and also continue with the social outreach service for vulnerable and isolated community members.
Support local community events including the Rainbow Desert Enduro, Great Victorian Bike Ride, Dimboola inaugural Steampunk Festival, Nhill Friday Fiestas in February, Peter Taylor Barefoot Tournament etc.	Unfortunately, due to the COVID-19 pandemic many events have been cancelled (Rainbow Desert Enduro, Great Victorian Bike Ride, Dimboola Steam Punk Festival etc) and or postponed. Support for these and other community events will continue in the future.
Celebrate volunteers week	
Construction of Rainbow Library	In progress. Framing and roof beams erected. Landscape design prepared.
Provide community action grants to support Hindmarsh community groups and organisations	Round 1 of the Community Action Grants is currently open. Youth Grants have also been established using FReeZA funding to support Youth outcomes.
Continue to support the Rural Outreach Program	Council continues to support the Rural Outreach Program. Outreach officers have attended movie mornings.
Provide school holiday activities throughout Hindmarsh	Due to the Covid-19 pandemic September school holiday activities were unable to be held. Take home packs were prepared with over 140 packs distributed. Activities are being planned for the remainder of the year once restrictions have eased.
Support and coordinate the volunteer taxi service in Nhill	Council continues to support and coordinate the volunteer taxi service in Nhill.
Establish and maintain relationships with	Council staff are working closely with

Barengi Gadjin Land Council (BGLC) and local indigenous groups	BGLC on projects such as the Wimmera River Discovery trail and will continue to maintain and build on the relationships already established through these and future projects.
Provide public computers and free Wi-Fi at Hindmarsh Shire Libraries	Public computers and free Wi-Fi are available at Dimboola, Jeparit & Nhill Libraries.

Theme Two – Built & Natural Environment

Action Item	Update on Action
Review and update Council's asset management plan	
Implement recycling bins in Dimboola, Jeparit, Nhill and Rainbow main business districts	
Review Council's road management plan	
Construction of Albacutya Bridge and associated road works	
Hold free green waste month in September and encourage residents to tidy their properties prior to the fire season	Free Green waste month was held from 10 September to 10 October.
Consider for adoption of Nhill streetscape plan	
Installation of solar heating on Rainbow swimming pool	Quotations have been obtained for installation of solar heating on Rainbow Swimming Pool.
Advocate for improved water quality in the regional lakes and rivers	
Construction of new clubrooms at Nhill Tennis Club	Due to two unsuccessful tender advertising rounds works is currently underway for design and approval of permits prior to re-advertising.
Review and update Waste Management Strategy	
Installation of pedestrian safety fencing at Nhill Early Years Centre	Pedestrian fencing has been installed at Nhill Early Years Centre.
Installation of seating and electric barbeques at Rainbow Lake	Awaiting change of use application (planning permit will be included in October Council meeting). Following approval works will be able to commence.
Consider opportunities and seek funding for lighting in public areas	
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Grampians Central West Waste, Resource Recovery Group and	

Hindmarsh Landcare Network	
Continue to advocate for funding for Davis Park improvements	Council continues to advocate both state and federal government for funding to improve Davis Park.

Theme Three – Competitive and Innovative Economy

Action Item	Update on Action
Upgrades to ensuites at Dimboola Caravan Park	
Provide the business assistance grants program	Round 1 applications for the Business Assistance Grants Program will be presented to Council in October.
Promote Hindmarsh as a tourism destination to stop, stay and play	New and updated Visit Hindmarsh webpage is under development as part of the Hindmarsh Shire website development. Regional marketing campaigns being development by WMT through external grant funding. New brochures have been designed and printed
Host business networking session to encourage Hindmarsh businesses to come together and network	This has been delayed due to the COVID-19 pandemic.
Construction of a camp Kitchen at Jeparit riverbank precinct	Currently delayed due to slow land owner consent via Parks Victoria.
Installation of cabin accommodation (including all abilities) at caravan parks within Hindmarsh Shire (subject to funding)	
Commence review on Council's economic development strategy	
Participate in Wimmera Development Association housing strategy meetings	Council continues to participate in the WDA housing strategy meetings.
Enhance Council's Procurement Policy to support Council purchasing locally	Council adopted the updated Procurement Policy on 4 August 2021. The policy includes local and regional weighting to support our local and neighbouring businesses.
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	A Silo Art Project Coordinator has been appointed. Arkona Silo Art art curator/artist management has been appointed.
Provide a calendar of events to assist community groups and event organisers to promote their events	As part of the development of the new Hindmarsh Shire website a calendar of events will be established making it easy for community groups to register their events.

Provide business concierge services to assist business understand COVID-19 restrictions	Under the funding received Council has employed a business concierge and hospitality officer until 30 November to assist businesses and community groups understand the COVID-19 restrictions and roadmap.
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Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action
Develop a workforce plan	Work has commenced on the development of a workforce plan.
Online streaming of Council meetings through Council's Facebook page	Council continues to stream Council meetings through Council's Facebook page
Consideration for employing a trainee, or apprentice when vacancies arise throughout the year	
Community conversation sessions held annually in our four main towns	Due to the COVID-19 pandemic restrictions have not allowed for community meetings to be held in person.
Drop in sessions held allowing for community input to Council on key documents or projects	Drop in sessions were scheduled to be held for the Council Plan but due to the COVID-19 pandemic restrictions have not allowed for community meetings and therefore sessions were required to be cancelled.
Develop a ten (10) year long term financial plan	The Long Term Financial Plan has been prepared and was adopted by Council on 20 October 2021
Quarterly finance reporting to Council	Council's first quarter finance report will be presented to the October Council meeting.
Review Council's Complaints Policy	
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	Council continues to have representation on WDA, RCV and MAV.
Quarterly Council Plan reporting to Council	The first quarterly report to Council will be presented to Council in November 2021.
Develop a gender equality action plan	Work has commenced on the development of a gender equality action plan.
Collaborate with Horsham Rural City Council, West Wimmera Shire Council and Loddon Shire	RCTP is progressing with evaluation of potential software completed and a

Council to implement the Rural Council Transformation Project	recommendation prepared for the board.
Audit & Risk Committee meetings review and consider Council risks at each meeting	Risk management is a standing item on Audit & Risk Committee meetings

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 2021/2022 update.

9.9 YOUTH STRATEGY 2021-2025

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 26 – 28

Introduction:

The report presents the draft Hindmarsh Shire Council Youth Strategy 2021-2025 and recommends Council adopt the draft Hindmarsh Shire Youth Strategy 2021-2025 and invite community submissions.

Discussion:

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

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

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

The Youth Strategy's overarching objectives are to:

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

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

1. Data Collecting

Research and consultation, youth surveys, review of industry standards and relevant documents and procedures.

2. Analysis

Workshopping identified issues with young people, problem solving, continuing to receive feedback and ideas from social media surveys and Youth Council.

3. Development

Compiling information and data, identifying key actions and scope, development of document.

4. Review

Youth Council review and approve developed strategy for Council.

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

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

The draft Hindmarsh Shire Youth Strategy 2021 – 2025 will be made available for public inspection and the receiving of submissions for the period Thursday 21 October until Friday 19 November 2021. Council will be advised of any submissions received at the 15 December 2021 Council meeting.

Options:

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

Link to Council Plan:

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

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

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

Financial Implications:

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

Risk Management Implications:

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

Relevant legislation:

N/A

Community engagement:

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

Gender equality implications:

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

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate & Community Services

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

Author – Petra Croot, Youth and Community Development Officer

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

Communications Strategy:

Advertisements will be placed in local newspapers, Council's e-newsletters and on Council's Facebook page informing of the preparation of the draft Hindmarsh Shire Council Youth Strategy 2021-2025.

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

RECOMMENDATION:

That Council:

- 1. Approves the draft Hindmarsh Shire Council Youth Strategy 2021-2025 (attached) and make it available for public comment from Thursday 21 October 2021 to Friday 19 November 2021, and**

2. Considers submissions at the Council meeting held on Wednesday 15 December 2021.

Attachment Numbers: 26 – 28

9.10 ADOPTION OF THE DRAFT WIMMERA RIVER WATERWAY MANAGEMENT PLAN

Responsible Officer: Director Infrastructure Services
Attachment Number: 29

Introduction:

The purpose of this report is for Council to approve the adoption of the Wimmera River Waterway Management Plan as presented, and to disband the Wimmera River Stakeholder Advisory Group if the plan is adopted.

Discussion:

Hindmarsh Shire Council is the declared waterway manager for the Wimmera River within its municipal boundaries. A draft Wimmera River Waterway Management Plan (WRWMP) has been developed to ensure the Wimmera River within the Dimboola locality is appropriately managed for the benefit of the environment, community, recreational users, traditional and abutting landowners.

As the declared waterway manager for the Wimmera River within the Hindmarsh Shire, as appointed by the Minister for Ports under the *Marine Safety Act 2010 (Vic)* (MSA), Council has powers and functions under the MSA relating to the safe operation of vessels in the waters under its control. Council is also responsible for maintaining navigational aids and controlling the navigation of vessels, usually through the introduction of waterway rules.

While Council's extent of authority with regard to the management of the river in its entirety is limited, in an attempt to achieve stakeholder cohesion, Council established the Wimmera River Stakeholder Advisory Group (WRSAG). The membership of the WRSAG comprises:

- Councillor of Hindmarsh Shire Council;
- Wimmera Catchment Management Authority;
- Dimboola Boat and Water Ski Club Inc.;
- Dimboola Rowing Club;
- Landowners who hold Stock and Domestic Water licenses;
- Dimboola Angling Club;
- Dimboola and District Historical Society; and
- Hindmarsh Landcare.

Guests are invited, as required, from the following organisations:

- Transport Safety Victoria;
- Barenji Gadjin Land Council;
- Parks Victoria; and

- Environment Protection Authority.

Since its inception, the WRSAG has met on multiple occasions to discuss issues and concerns held by each stakeholder group which informed the first draft of the plan.

Questions and suggestions outside this extent of authority were referred to external groups such as GWM Water, Transport Safety Victoria, Vic Police and the Wimmera CMA for their comment and later inclusion in the plan.

The revised plan was further discussed at the WRSAG meetings held 28 May 2019, 16 July 2019 and 17 September 2019. The WRSAG have not met since, as Council has yet to approve the adoption of the Hindmarsh Shire Council Wimmera River Waterway Management Plan due to being unable to physically meet with the Wimmera Catchment Authority (CMA). Should Council Approve the adoption of this draft plan, the WRSAG will no longer be required.

Council at the Ordinary Council meeting held 5 February 2020 resolved to:

1. *Defers the adoption of the Hindmarsh Shire Council Wimmera River Waterway Management Plan (Dimboola) and provide the opportunity for public comment on the revised rules for boating times as proposed by the Dimboola Boat and Water Ski Club.*
2. *Prior to adopting the plan, write to the Wimmera Catchment Management Authority Board and invite them to inspect the river in Dimboola and meet with Council to discuss the best manner in which the exercise of responsibilities under the Heritage Rivers Act 1992, which acknowledge a need to consider environmental and recreational interests, can be implemented and managed.*

Resolution 1 is no longer required as the draft plan reflects the revised rules for boating. Both Hindmarsh Shire Council and the WCMA met on an online meeting on the 28 September 2021 to discuss joint responsibilities under the Heritage River Act, Land Ownership, erosion prevention methods introduced by the CMA and other interested parties as well as a brief discussion on future projects/funding and recreational issues. The meeting was positive and Council has now fulfilled the terms of the resolution to the best of their ability.

Options:

Council can choose to:

1. Adopt the Wimmera River Waterway Management Plan as presented.
2. Not adopt the Wimmera River Waterway Management Plan and provide direction as to further changes or consultation as required.
3. Disband the WRSAG and advise them in writing of Council's decision
4. Not Disband the WRSAG in the event further discussions are required

Link to Council Plan:

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. Environmentally sustainable practices.

Develop and promote local tourism opportunities that attract visitation

Financial Implications:

The only expenses incurred by Council to date have been that associated with officer time.

Risk Management Implications:

The Wimmera River Waterway Management Plan enhances environmental, cultural and heritage protection of the river while meeting the needs of recreational users and license holders of private and stock water. The adoption of the Plan will serve to decrease risks associated with the management of the Wimmera River within the Dimboola locality.

Relevant legislation:

Local Government Act 2020, Local Government Act 1989, Heritage Rivers Act 1992

Community engagement:

Council at its meeting on 06 February 2019 resolved to publically exhibit the draft Wimmera River Waterway Management Plan.

Nine submissions were received with various suggestions for amendments to the draft plan. The plan was revised, giving consideration to submissions received.

Gender equality implications:

The adoption of the plan is not considered to have any gender specific impacts.

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/Author Responsible – Angela Hoy – Director Infrastructure Services

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

Communications Strategy:

Council Officers will inform interested parties including the WRSAG of Councils Decision.

Next Steps:

Council Officers will make the adopted Wimmera River Waterway Management Plan available for download from Council's website and for access in Council's customer service centres. The adopted plan will also be publicised through Council's social media channels

RECOMMENDATION:

That Council approves the adoption of the Wimmera River Waterway Management Plan as presented, and disbands the Wimmera River Stakeholder Advisory Group.
Attachment Number: 29

9.11 GAZETTING OF HINDMARSH SHIRE COUNCIL HEAVY VEHICLE MAP ROUTES

Responsible Officer: Director Infrastructure Services
Attachment Number: 30

Introduction:

This report seeks Council to formally adopt the definition of local road use, and to approve a trial for the upcoming harvest season of the roads with conditions as shown in attachment – Hindmarsh Shire Council (HSC) Heavy vehicle Routes to be gazetted for HML, Grain Harvest Management Scheme (GHMS) - B Doubles, Grain Harvest Management Scheme (GHMS) - Rigid trucks & Semi-Trailers, PBS Level 1 & PBS Level 2A with some conditions between full and local access only.

Discussion:

At Councils request The B Double working group was established March 2021. The group consisted of Local farmers, operators, Government departments and Council officers. The group meet up on a regular basis to discuss B Double road use, NHVR permitting and local road use.

At the Council meeting held on Wednesday 16 December 2020 Council resolved that officers undertake a review of the current roads hierarchy system and roads management plans and begin to re-enter community discussions with key stakeholders on existing road networks within the Hindmarsh Shire Municipality for the purpose of increasing A-Double and B-Double access.

Following this the B Double working group was established in March 2021. The group consisted of Local farmers, operators, Government departments and Council officers. The group meet up on a regular basis to discuss B Double road use, NHVR permitting and local road use.

At the Council meeting held on Wednesday 4 August 2021 Council resolved for the CEO to make formal changes to some strategic freight routes to allow for increased B Double traffic movements without requiring permits, by gazetting the roads with conditions in the National Heavy Vehicle Regulator (NHVR) maps, for roads listed in Table 1, which included strategic routes such as the Nhill Rainbow Rd.

At the 15 July 2021 face to face meeting with the B Double working group, the local road use/local access was discussed. It was proposed the local road use be defined as:

A road deemed for local use only may be accessed by a B Double with conditions based on and assessment of the individual road. Conditions may be speed limits, dry weather use, no through access etc:

- If the destination of the B double is on the specific road for the purposes of loading and unloading; or
- If the B Double's depot is located on the road; or
- If there is no alternative route for the B Double to reach its final destination.

Adopting the definition of local means that an un-laden vehicle that has dropped off a load anywhere in the Shire (or outside the Shire) should not be using a local use road as a short-cut. Only vehicles that have dropped off a load on a local use road should be allowed to use that same road to make their return journey. The B Double working Group unanimously supported this definition which is supported by the Road Management Act 2004.

At the 21 September 2021 online Teams meeting with the B Double working group, the Hindmarsh Shire Council (HSC) Heavy Vehicle Routes was presented and discussed. There was overwhelming support for the map and the group were very pleased with the work by council officers in producing the map. The working group voted unanimously to request that Council adopt the definition of "Local Use", approve the HSC Heavy vehicle Map Routes for Gazetting, and trial the proposed map routes for the upcoming Harvest Season.

If council approves the HSC Heavy Vehicle Routes to be the opened to B Double access as well as another 5 truck classes including HML, Grain Harvest Management Scheme (GHMS) - B Doubles, Grain Harvest Management Scheme (GHMS) - Rigid trucks & Semi -Trailers, PBS Level 1 and PBS Level 2A with some conditions between full and local access only, this will allow increased farm access to paddocks for pickup and delivery. It will also enable Council roads to align with neighboring Shires and tying into boundary and strategic roads without a breaking down between routes or a need to apply for permits.

The HSC Heavy Vehicle Map Routes was based on a Traffic light system with and without conditions (see example map 1 below).



Example Map 1 - (Approved, with Conditions and Restricted roads)

Green - Approved - No Conditions apply

Any B Double vehicle and up to level 2A can use the Council road with No Conditions applied.

Orange - Approved with Conditions

Any B Double vehicle and up to level 2A can use the Council road with Conditions applied, such as:

- Accessible in dry weather only and to be used for pickup and delivery only, not to be used as a through road.
- Speed restrictions, weight limits on bridges, rail crossing stacking distance etc.
- Additional unique conditions specific to the road.

Red - Restricted

Any B Double vehicle and up to level 2A cannot use the Council road, where the local road manager (HSC) has restricted the use within speed limited areas.

The above conditions align with the NHVR and VicRoads Heavy vehicle map networks, as well as similar conditions placed on other road managers networks.

Options

Council can:

1. Adopt the definition of local road use
2. Not adopt the definition of local road use

3. approve the HSC Heavy vehicle routes for Gazetting with conditions, and trial the proposed map route for the upcoming Harvest Season
4. Not approve the HSC Heavy vehicle routes for Gazetting with conditions, and trial the proposed map route for the upcoming Harvest Season

Link to Council Plan:

Well-maintained physical assets and infrastructure to meet community and organisational needs: Develop and implement a strategic roads strategy to support agriculture and communities

A community well informed and engaged.

Facilitating and supporting economic development.

Financial Implications:

Approval of the recommendations will:

1. Increase access and heavy vehicle use by responsible vehicle operators and thus increase the numbers of heavy vehicles currently on the roads, which will initially increase council's maintenance costs. The costs in time will balance out as there will be less vehicle movements, with vehicle configurations able to take more loads.
2. Reduce the number of permits issued by Council staff, and allow staff to focus on other duties.

Risk Management Implications:

Approval of the recommendations will:

1. Increase access and heavy vehicle use by responsible vehicle operators and thus increase the numbers of heavy vehicles currently on the roads, which will initially increase council's maintenance costs. The costs in time will balance out as there will be less vehicle movements, with vehicle configurations able to take more loads. Farmers and transport companies will also have increased farm access to paddocks for pickup and delivery.
2. Reduce the number of permits issued by Council staff, and allow the current local transport operators to operate within the law and allow increased farm access to paddocks for pickup and delivery.
3. Have an effect on residents and non-heavy vehicle road users, which needs to be taken into account when making assessments and enforcing conditions.

Relevant legislation:

Road Management Act 2004

Community engagement:

Council has been actively engaging publically with the local farmers, operators, the B Double Working group and Government departments.

Many community surveys and consultations were conducted within the groups, over the last 6 months. Council was presented with submissions regarding the specific B Double Gazetting of roads for various vehicle types on 4 August 2021.

The working group voted unanimously to request that Council adopt the definition of ‘Local Use’, approve the HSC Heavy vehicle routes for Gazetting with conditions, and trial the proposed map route for the upcoming Harvest Season. Should Council wish to again publicly consult with the community it is unlikely that Council Officers will be able to make all the changes necessary if approved by Council for the upcoming Harvest Season.

Gender equality implications:

The local road use definition and Gazetting of HSC Heavy Vehicle Map Routes will not have any gender specific impact.

Conflict of Interest:

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

Officer Responsible - Angela Hoy, Director Infrastructure Services

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

Author – Joe Scimone, Development Engineer

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

Communications Strategy:

Following Council’s decision interested parties will be advised of the outcome.

Next Steps:

Contact National Heavy Vehicle Regulator, and B Double Working Group to advise them of Council’s decision with regards to HSC Heavy Vehicle Map Routes, and request the Department of Transport to update the gazetted routes on the VicRoads Heavy vehicle map networks in the event Council approves

RECOMMENDATION:

That Council:

- 1. formally adopts the definition of local road use in the Hindmarsh Shire Municipality as follows;**

A road deemed for local use only may be accessed by a B Double with conditions based on and assessment of the individual road. Conditions may be speed limits, dry weather use, no through access etc:

- 1. If the destination of the B double is on the specific road for the purposes of loading and unloading; or***
 - 2. If the B Double’s depot is located on the road; or***
 - 3. If there is no alternative route for the B Double to reach its final destination.***
- 2. approves a trial for the upcoming harvest season of the roads with conditions as shown in attachment HSC Heavy Vehicle Routes to be gazetted for HML, Grain**

Harvest Management Scheme (GHMS) - B Doubles, Grain Harvest Management Scheme (GHMS) - Rigid trucks & Semi-Trailers, PBS Level 1 & PBS Level 2A with some conditions between full and local access only.

Attachment Number: 30

10 COUNCIL COMMITTEES

10.1 YURUNGA COMMITTEE OF MANAGEMENT

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 31 – 32

Introduction:

The Yurunga Committee of Management held its general meeting on 26 August 2021 and its Annual General Meeting on 17 September 2021. The purpose of this report is to note the minutes from these meetings. A copy of the minutes are included as attachments for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Yurunga Committee of Management meeting held on 26 August 2021;***
- 2. notes the minutes of the Yurunga Committee of Management annual general meeting held on 17 September 2021; and***
- 3. approves the following members of the Yurunga Committee of Management:***
 - Chairperson – Jenny Solly***
 - Treasurer – Samantha Smith***
 - Secretary – Peter Solly***
 - Committee members – Helen Fisher, Lou Ravenhorst and Helen Heinrich.***

Attachment Numbers: 31 – 32

10.2 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 33

Introduction:

The Jeparit Town Committee held its meeting on 13 September 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Jeparit Town Committee meeting held on 13 September 2021; and***
- 2. approves the appointment of Elizabeth Schivell as a member of the Jeparit Town Committee.***

Attachment Number: 33

10.3 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 34

Introduction:

The Nhill Town Committee held its meeting on 20 September 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee meeting held on 20 September 2021.

Attachment Number: 34

10.4 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 35 – 36

Introduction:

The purpose of this report is to note the Annual and Financial reports that have been provided by the Wimmera Mallee Pioneer Museum Committee. A copy of the reports are included as attachments for the information of Council.

RECOMMENDATION:

That Council notes the:

- 1. Annual report of the Wimmera Mallee Pioneer Museum Committee for 2020-2021; and***
- 2. Annual Financial report of the Wimmera Mallee Pioneer Museum Committee for the period 1 July 2020 to 30 June 2021.***

Attachment Numbers: 35 – 36

10.5 AUDIT AND RISK COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Number: 37

Introduction:

The Audit and Risk Committee held its meeting on 21 September 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Audit and Risk Committee meeting held on 21 September 2021.

Attachment Number: 37

10.6 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Number: 38

Introduction:

The Dimboola Town Committee held its meeting on 4 October 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 4 October 2021.

Attachment Number: 38

11 LATE REPORTS

12 NOTICES OF MOTION

13 OTHER BUSINESS

14 CONFIDENTIAL REPORTS

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

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

RECOMMENDATION:

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

14.1 TENDER FOR CONTRACT 2020/21-12 CONSTRUCTION OF RAINBOW CHANGE ROOM – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters;

14.2 PANEL OF APPROVED SUPPLIERS – TYRE FITTING, WHEEL ALIGNMENT AND PUNCTURE REPAIR SERVICES – this report contains “Council business information, being information that would prejudice the Council’s position in

commercial negotiations if prematurely released” insofar as it pertains to contractual matters;

14.3 REQUEST FOR QUOTE – AWARD FOR PURCHASE OF ONE (1) BACKHOE – 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 REQUEST FOR QUOTE – AWARD FOR PURCHASE OF ONE (1) MOTOR GRADER – 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 LATE REPORT – PROPOSAL FOR COUNCIL TO PURCHASE VACANT LAND – 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;

15 MEETING CLOSE
