



MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD WEDNESDAY 2 FEBRUARY 2022 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET NHILL, COMMENCING AT 3:00PM.

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

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Shauna Johnson (Executive Assistant) and Mr Jeff Woodward (Tourism and Economic Development Officer).

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr M Albrecht opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2 APOLOGIES

No apologies.

3 DECLARATION OF INTERESTS

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

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

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

Cr W Bywaters declared a general conflict of interest in items 5 and 8.3 as the objector to the planning permit application is a close friend.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 15 December 2021 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be

taken as read and confirmed.

MOVED: R Gersch/B Ireland

That the Minutes of the Ordinary Council Meeting held on Wednesday 15 December 2021 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

Cr W Bywaters declared a material conflict of interest and left the meeting at 3:02pm.

SUBMISSIONS:

Sonny Hoang spoke to the application for a Planning Permit in item 8.3.

Cr W Bywaters returned to the meeting at 3:06pm.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: DECEMBER 2021/JANUARY 2022

Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
14/12/2021	Wimmera Development Association Annual General Meeting	Zoom	The Wimmera Development Association (WDA) Annual General Meeting officially closed the incorporation transferring over to a company model. There are five initial directors of WDA, with recruitment for a chair and other directors

			to occur in early 2022.
15/12/2021	Council Briefing	Nhill	
15/12/2021	Council Meeting	Nhill	
16/12/2021	Wimmera Development Association Board Meeting	Zoom	Session focused on governance models for the new company structure.
10/1/2022	Wimmera Development Association Meeting	Zoom	Review of skills of current directors and recruitment models for new independent chair.
20/1/2022	Tour of Noske Silo's	Nhill	It was very interesting to tour the Noske Silo complex and see the progress that the volunteers have undertaken to secure the building for the Nhill community. It will be wonderful to watch this project over the coming decade.
20/1/2022	Celebration of the 135 years of the Overland train	Nhill	Thanks to the passion of Helen Woodhouse – Herrick, more than forty people were gathered to celebrate the Overland train's birthday. With balloons and a couple of rounds of 'happy birthday' sung, it is obvious that there is strong support for the train to continue stopping in Nhill and providing this important public transport option. Thank you to everyone that attended.

Cr IRELAND, DEPUTY MAYOR

Date	Meeting	Location	Comments
14/12/2021	Dimboola Secondary College Awards Night	Dimboola	Honoured to represent the shire in giving out the Rea Keam award.
15/12/2021	Council Briefing Meeting	Nhill	
15/12/2021	Council Meeting	Nhill	
16/12/2021	Rainbow P-12 College Awards Night	Rainbow	Honoured to give out various awards including the Rae Keam award on behalf of the shire
23/12/2021	Hindmarsh Shire Xmas BBQ		For staff and outdoor workers
25/01/2022	Youth Council Interviews	Rainbow	With Councillor Ismay

Cr BYWATERS

Date	Meeting	Location	Comments
13/12/2021	Victorian Multicultural Commission (VMC) end of year wrap up event	Zoom	

15/12/2021	Council briefing and Council Meeting	Nhill	
15/12/2021	Council and Senior management team Christmas Party	Nhill	
18/12/2021	Nhill Town Committee Carols in the Park	Jaypex Park Nhill	
19/12/2021	Kiata Progress Association Christmas Party	Kiata	
23/12/2021	Hindmarsh Staff awards and Christmas Party	Nhill Golf Club	

Cr GERSCH

Date	Meeting	Location	Comments
10/12/2021	RCV Board Meeting	Castlemaine	
14/12/2021	WDA Annual Meeting		
15/12/2021	Meeting Housing Regional Institute	Zoom	
15/12/2021	Council Meeting	Nhill	
15/12/2021	Council Xmas Dinner	Nhill	
17/12/2021	Nhill Fire Brigade Xmas Break Up		
18/12/2021	Nhill Carols		
23/12/2021	Shire Xmas Break Up		
26/12/2021	Nhill Boxing Day Races		
20/01/2022	Nhill Silo Tour		
20/01/2022	Community Gathering Over Lander 135 Years		
20/01/2022	Tour Property Development	Dimboola	Ross Johns

Cr ISMAY

Date	Meeting	Location	Comments
25/01/2022	WT Meeting	Zoom	
25/01/2022	Youth Council Interview One		
25/01/2022	Youth Council Interview Two		

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 4

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 02/12/2021 – Letter from Dimboola Football Netball Club RE Dimboola Recreation Reserve Master Plan
- 16/12/2021 – Letter from City of Monash RE the Future of School Crossings

Outwards:

- 13/12/2021 – Letter to Dimboola Football Netball Club RE Dimboola Recreation Reserve Master Plan

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS R Gersch/D Nelson

That Council notes the attached correspondence.

CARRIED

Attachment Numbers: 2 – 4

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 October 2021 to 31 December 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 permits that have been approved within this period.

Permit No.	Address	Proposal	Date Lodged	Trigger	Date approved	Statutory Days
VS1744-2021	32 Ellerman Street, Dimboola VIC 3414	Development of land with a fence	09/09/21	Clause 42.01-2 - Fence that may obstruct the flow of water. Clause 59.05 - Buildings and works in an Overlay	8/10/21	3
VS1746-2021	88 Lloyd Street Dimboola VIC 3414	External painting of the façade and awning and the display of business identification signs	21/10/21	Clause 43.01-1 - External painting and display of signs - Heritage Overlay Schedule 34 (H034)	4/11/21	9

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
PA1739-2021	Albacutya Road Rainbow VIC 3424 200542	Removal of Native Vegetation	14/10/21	Clause 52.17-1 (Native Vegetation) - A permit is required to remove, destroy or lop native vegetation.	10/11/21	41

PA1741-2021	17 Faith St Dimboola VIC 3414	Development of an outbuilding ancillary to a dwelling	19/09/21	Clause 35.07-4 Farming Zone: Buildings and works. Building within 100m of RZ1. Building within 100m of a dwelling not in the same ownership	08/10/21	4
PA1748-2021	1063 Warrack-nabeal Rainbow Road Rainbow VIC 3424	Construction of a machinery shed within 100m of a waterway	29/09/21	Clause 35.07-4 Farming Zone: Works within 100m of waterway Clause 42.01-2 ESO: Building and works	11/10/21	10
PA1751-2021	94-96 Victoria St Nhill VIC 3418	Construction and putting up for display replacement business identification panel internally illuminated sky signage	15/10/21	Internally illuminated sign is larger than 1.5m ² and higher than 3.7m above pavement level. Signs fixed to a structure [not a building] exceeding 7m in height (Clause 52.05-2)	1/12/21	47
PA1752-2021	64 Nelson St Nhill VIC 3418	Construction and putting up for display replacement business identification panel internally illuminated sky signage	15/10/21	Internally illuminated sign is larger than 1.5m ² and higher than 3.7m. (Clause 52.05-2)	1/12/21	47

PA1755-2021	Western Highway Nhill VIC 3418 Lot 1-2 TP 568771	Removal of Native Vegetation	11/11/21	Clause 42.01 (ES06) Vegetation removal. Clause 52.17-1 (Native Vegetation) – Remove, destroy or lop native vegetation.	9/12/21	10
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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 April 2022.

RECOMMENDATION:

That Council notes the:

- *VicSmart permits issued; and*
- *Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 October 2021 to 31 December 2021.*

MOVED: CRS B Ireland/D Nelson

That Council notes the:

- *VicSmart permits issued; and*
- *Planning Applications approved under delegation by the Chief Executive Officer as listed above, for the period 01 October 2021 to 31 December 2021.*

CARRIED

8.2 PLANNING PERMIT APPLICATION PA1750-2021 – USE AND DEVELOPMENT FOR A BREWERY AND DEVELOPMENT FOR A BAR, CONSTRUCT FENCES, DEMOLITION OF PART OF THE BUILDING AND EXTERNAL PAINTING, THE DISPLAY OF SIGNS, A REDUCTION IN THE REQUIRED CAR PARKING SPACES AND USE OF THE LAND TO SELL AND CONSUME LIQUOR AT 121 LLOYD STREET, DIMBOOLA, VIC 3414

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 84300
Application No. **PA1750-2021**
Applicant: Mr Stoph Pilmore, C/- Mr Matthew Elefanty, BSP Lawyers
Owner: Wayne Raymond Jackson
Subject land: 121 Lloyd Street Dimboola VIC 3414
(Lots 1 & 2 on TP339644A, Lot 1 on TP242516 and Lot 1 on TP532726V)
Proposal: Use and development for a Brewery and development for a Bar, construct fences, demolition of part of the building and external painting, the display of signs, a reduction in the required car parking spaces and use of the land to sell and consume liquor
Zoning and Overlays: Commercial 1 Zone (C1Z)
Environmental Significance Overlay Schedule 6 (ESO6)
Heritage Overlay Schedule 34 (HO34)
Relevant Clauses: Clause 52.27 Licensed Premises
Attachment Number: 5

Summary:

This report recommends that Council approve Planning Permit PA1750-2021 for the Use and development for a Brewery and development for a Bar, construct fences, demolition of part of the building and external painting, the display of signs, a reduction in the required car parking spaces and use of the land to sell and consume liquor, at 121 Lloyd Street Dimboola

VIC 3414, subject to standard conditions.

Background:

Planning Application PA1750-2021 was lodged with Council on 27 September 2021. The application fee was paid on 12 October 2021. The planning application form and plans submitted were amended on 22 November 2021.

The site was formerly occupied by a curtain and blind manufacturing business and the building has been vacant for a few years.

Proposal details:

The proposal is for the use and development for a Brewery and development for a Bar, construct fences, demolition of part of the building and external painting, the display of signs, a reduction in the required car parking spaces and use of the land to sell and consume liquor. The applicant has summarised the proposal as including the following:

- *Operation of a Bar with 200 patrons maximum capacity.*
- *Use of part of the back-of-house facilities for an on-site brewery.*
- *The supply and consumption of liquor on the premises until 1:00am on any given day.*
- *The supply and consumption of liquor for consumption off the licensed premises until 11:00pm on any given day.*
- *Provision of live music internal to the premises, with all music after 10:00pm at a background level only.*
- *Provision of two (2) staff car parking spaces and four (4) bicycle parking spaces.*
- *Loading bay and waste disposal storage area at the north west of the site.*
- *Construction of a picket fence at the property frontage.*

The applicant has also summarised the external alterations and signage as including the following:

- *External alterations and signage.*
- *Particulars of the proposed external works and signage are as follows:*
- *Timber Slat work on the façade*
- *Grey painted brick*
- *Rust coloured flat metal treatments*
- *Other painting works*
- *Picket fence*
- *The frontage will feature an illuminated business identification sign and a promotional sign in accordance with the enclosed eastern elevation plans.*

Use

The proposal is to operate the Brewery and Bar between the hours of 7.00am to 1.00am Monday to Saturday and 10.00am to 1.00am Sunday, with lesser hours of 12noon to 11.00pm on Good Friday and Anzac Day (not being a Saturday or Sunday). There will be a maximum capacity of 200 patrons on the site.

Demolition and External Painting

The demolition of part of the existing building comprises some existing windows and frames, internal demolition of the existing toilet block, and partial removal of steel clad wall of the building. The external walls and roof of the existing building will also be painted as summarised above.

Signs

The proposed signage consists of three business identification signs, which have the following approximate dimensions and areas.

- One sign with dimensions of 2.35m by 1.86m and an area of 4.37m², with the letters 'LDBC'. This sign will be non-illuminated.
- Two signs each with dimensions of 3.715m by 0.46m and an area of 1.7m² and a total of 3.4 m², with the words 'Fox & Pheasant'. One sign with black lettering will be non-illuminated and one sign with orange lettering will be illuminated.
- Total signage area of approximately 7.77m².

Reduction in Car Parking

Two (2) staff car parking spaces are proposed at the rear of the site adjacent to a loading bay and waste storage area. Access to the staff parking will be via Chapel Street to the west. A total of 80 car spaces are required for the maximum of 200 patrons for the Bar. A reduction of 78 car spaces for the required number of car parking spaces has been sought in the application. The provision of car parking for the Brewery must be to the satisfaction of Council.

Liquor Licence

The proposed hours and days of trading for the proposed liquor licence (Producer's Licence) are as follows:

- Sunday: 10.00am to 1.00am the following day.
- Good Friday: 12.00noon to 11.00pm.
- ANZAC Day (not being a Saturday or Sunday): 12.00noon to 11.00pm.
- Any other day: 7.00am-1.00am the following day.

The proposed red line area includes the bar and brewery areas within the building and the outdoor area to the north of the building. A maximum capacity of 200 patrons is proposed.

Bicycle Parking

Four (4) bicycle spaces are proposed to be located adjacent to the outdoor eating area and near the staff car parking area on the site.

Supporting Reports

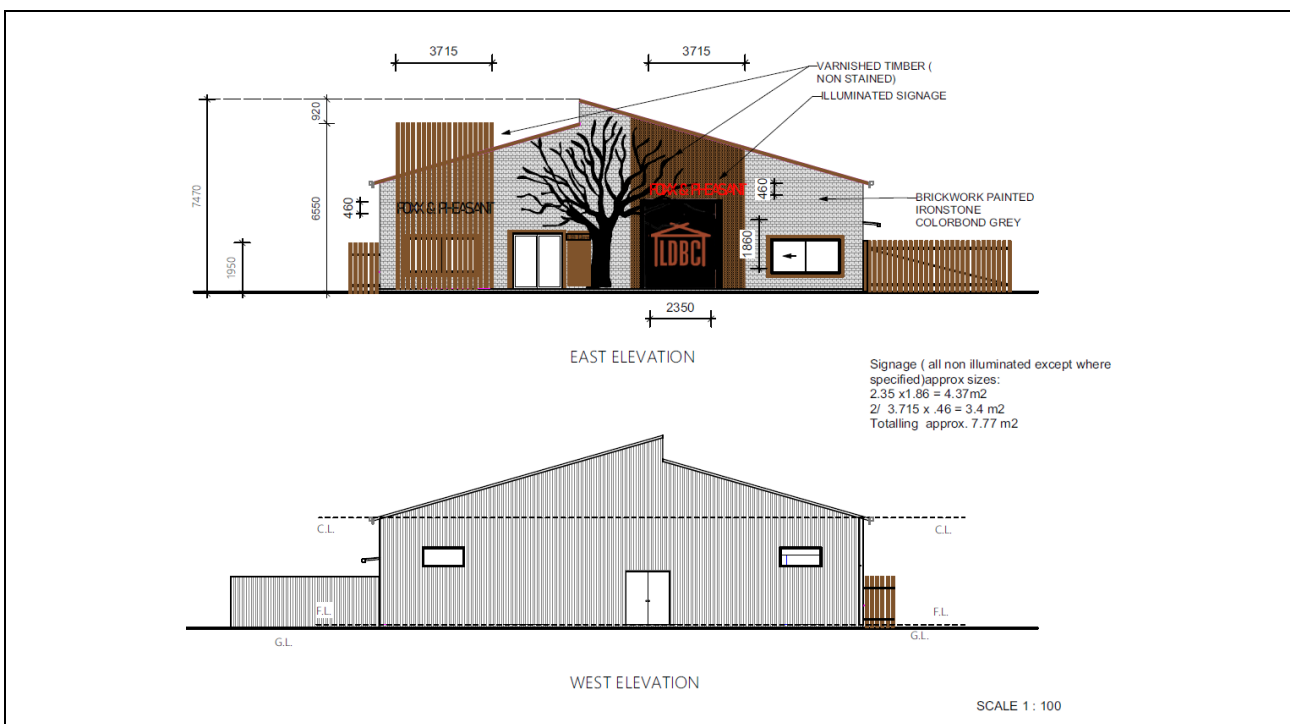
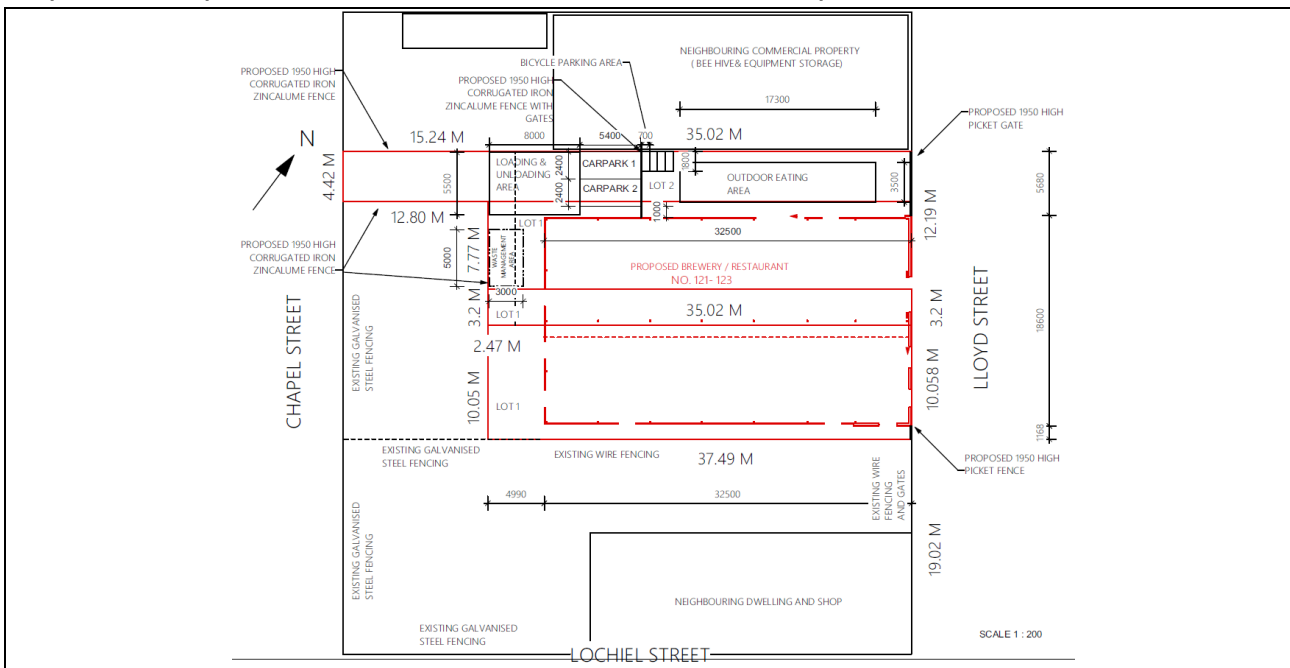
The application is supported by a Noise Impact Assessment prepared by Enfield Acoustics (the Acoustic Report) and a Transport Impact Assessment prepared by GTA consultants (Traffic Report).

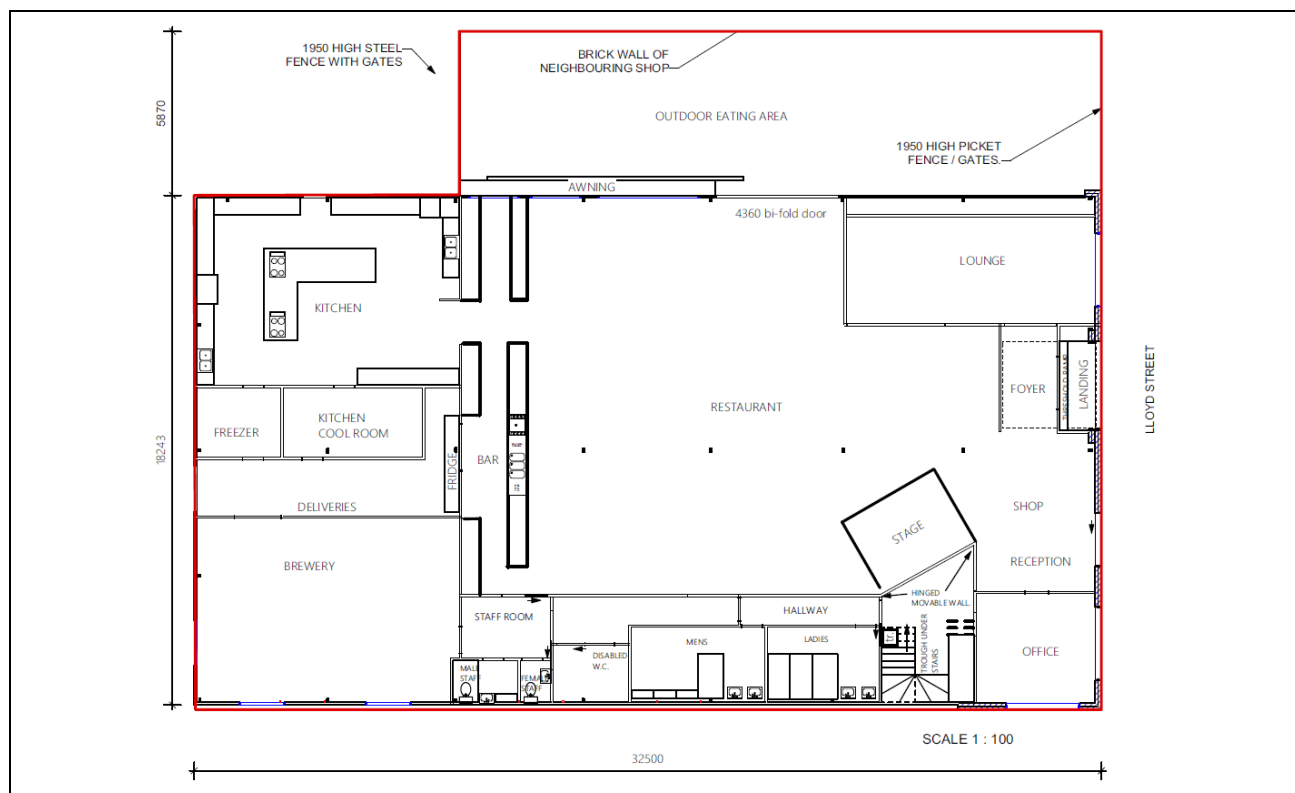
The applicant has advised that he will adopt the recommendations in the Acoustic Report that pertain to the provision of music entertainment noting that music will be limited to background music after 10pm, rather than 11pm as recommended in the Report.

The application was also supported by a Traffic Report, prepared by GTA Consultants. The report provides an assessment of the car parking and bicycle parking requirements for the proposed Bar and Brewery to accommodate up to 200 patrons at any one time. The report determined that peak traffic movements were expected to occur after the weekday afternoon peak hour period. The report also notes the reduction of car parking spaces is satisfactory from a traffic engineering perspective and the provision of bicycle parking on site is acceptable.

There is also a loading bay and waste collection facilities for storage of waste and garbage collection to be provided on the land.

Proposed site plan, east and west elevations and red line plan below:





Requirement for Permit:

The subject land is located within the Commercial 1 Zone, the Environmental Significance Overlay Schedule 6 (ESO6) and the Heritage Overlay Schedule 34 (HO34).

The planning permit requirements are listed below.

- A planning permit is required to use the land for a Brewery, which is a non-specified use in Clause 34.01-1 of the Commercial 1 Zone. The planning permit is also required to construct buildings and works (development) for the Brewery and Bar uses pursuant to Clause 34.01-4 of the Commercial 1 Zone.
- A planning permit is also required to construct fences pursuant to Clause 42.01-2 of the Environmental Significance Overlay and Schedule 6 of the Overlay.
- A planning permit is also required for demolition of part of the building, external painting, to construct buildings and works and to display signs pursuant to Clause 43.01-1 of the Heritage Overlay Schedule 34.
- A planning permit is also required to display the illuminated business identification sign pursuant to Clause 52.05-11 – Category 1 Commercial areas - Signs.
- A planning permit is also required for a reduction in the required car parking spaces pursuant to Clause 52.06-3 Car Parking.
- A planning permit is also required to use land to sell or consume liquor as the following applies:
 - A licence is required under the *Liquor Control Reform Act 1998*.

A planning permit is not required to use the land for a Bar, as this is listed under the definition of Retail Premises as a Section 1 use (Permit not required) in Clause 34.01-1 of the Commercial 1 Zone.

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

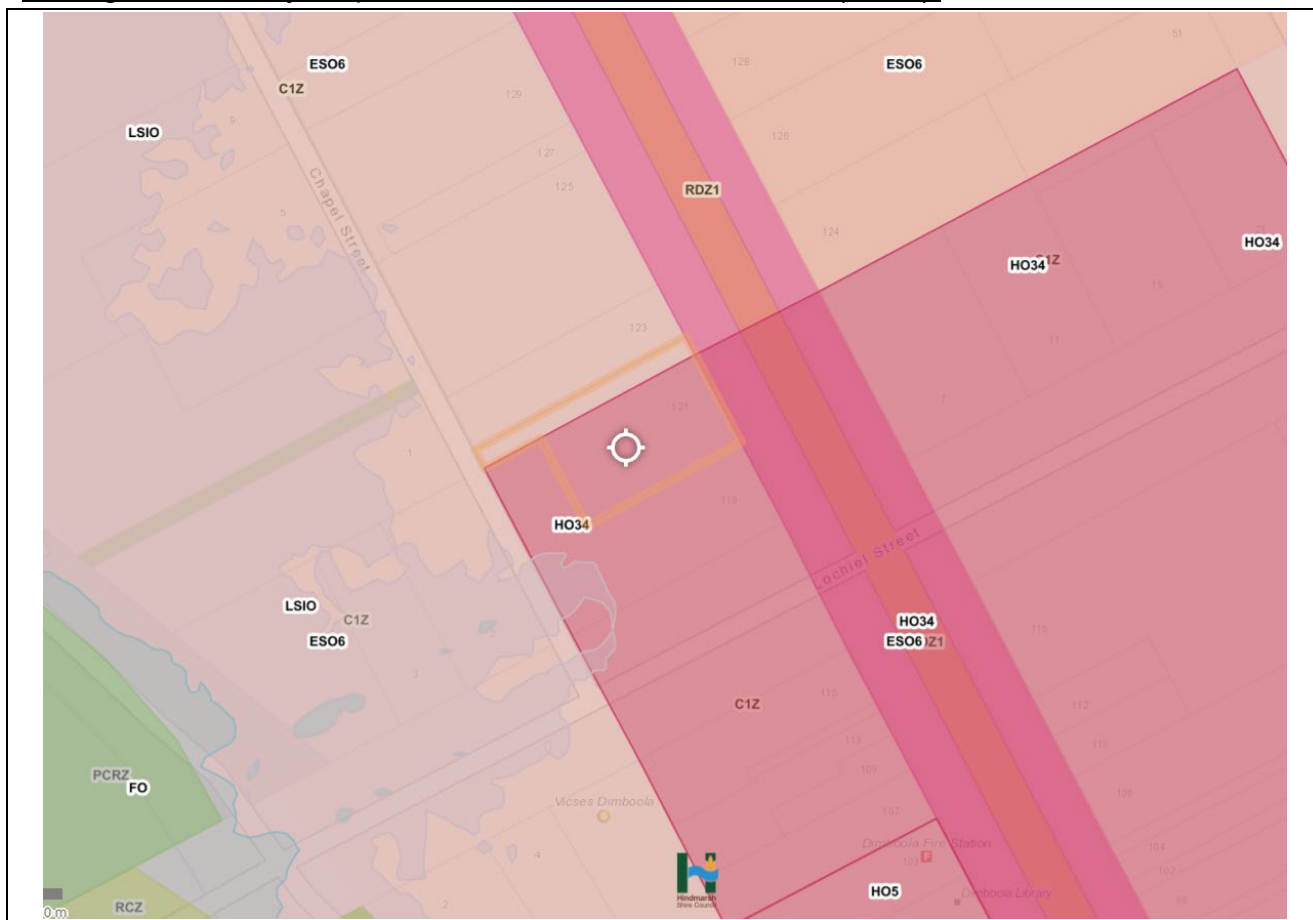
The subject site is located on the south-western side of Lloyd Street, Dimboola and is occupied by a vacant single storey building. The site is situated within the centre of the commercial area of Dimboola. The site comprises four lots known as Lots 1 and 2 on Title Plan 339644A, Lot 1 on Title Plan 242516 and Lot 1 on Title Plan 532726V. The site is within the Commercial 1 Zone, the Environmental Significance Overlay Schedule 6 (ESO6) and the Heritage Overlay Schedule 34 (HO34). It is noted that the HO34 only affects the three lots to the south and not the fourth adjoining lot to the north. The site is also identified as being within a Bushfire Prone Area.

The adjacent land to the south, north-west and east is also within the same zone and overlays. The site adjoins a Road Zone Category 1 (Western Highway) to the east, which is the main highway from Dimboola to Nhill and between Melbourne and Adelaide. The nearby land to the north-east on the opposite side of Lloyd Street is within the General Residential 1 Zone.

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



Zoning and Overlay Map of 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 the site including one public notice on site fronting Lloyd Street and one public notice fronting Chapel Street for a period of 28 days.
- Placing a public notice in The Dimboola Banner newspaper.
- The application being made available for public viewing on Council's website.

The notification has been carried out correctly by Council (letters, public notice in The Dimboola Banner newspaper and on the website) and the applicant (public notices).

A statutory declaration form has been received from the applicant to confirm the advertising signs have been erected on site for 28 days as required due to the extended timeframe over the Christmas and New Year period.

Council has not received any objections to date.

Referrals

External Referrals

Section 55

Wimmera Catchment Management Authority – No objections to the proposal and note on the permit.

Section 52

VCGLR – Response received - Does not intend to offer any comment or submission on the above application.

Dimboola Police - No response received.

Internal Referrals

The application was referred internally to the following Departments:

- Building – Comments provided that a building permit will be required for the proposed alterations and possible change of use.
- Environmental Health – Comments provided as follows:
 - Brewery must be registered with the Council under the Food Act 1984.
 - Also, if planning to cook and serve food then it must be registered under Food Act 1984.
- Heritage Adviser - Comments provided as follows:
 - 121 Lloyd Street is a post-World War II single storey cream brick building with a gabled roof forming a clerestory along the ridge line. Within the HO34 heritage precinct it may be considered a Non-contributory property (that is, it does not contribute to the heritage values of the precinct) as it is not built within the period of significance (which is c.1870 to c.1940) and the building does not display any of the architectural characteristics that are typical of the Victorian, Federation and

Interwar buildings that collectively create the distinctive historic character of the precinct.

- Because of this, the proposed new signage, painting and alterations/additions are acceptable and will not result in any heritage impacts:
 - It is a Non-contributory building and the changes will not affect any heritage place.
 - The proposed colours and materials are sympathetic to the streetscape character and will not be visually obtrusive.
 - The proposed signage is limited in size and number and does not project above the roofline.
- The proposed alterations and additions will enhance what is a rather plain building in a manner that is respectful and sympathetic to the heritage precinct.

Planning Scheme:

Municipal Planning Strategy (MPS)

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement and housing

Council's strategic directions for settlement includes to:

- *Promote and enhance the role of Dimboola as a key service and tourist centre in the Shire.*

Clause 02.03-5 Building Environment and heritage

Council's strategic directions for built environment and heritage includes the need to:

- *Promote urban design and architecture that reflects the characteristics, aspirations and cultural identity of the community.*
- *Protect those places in Hindmarsh Shire that are of historic and cultural significance.*

Clause 02.03-6 Economic Development

Council's strategic directions for economic development include to:

- *Facilitate increased employment opportunities within and adjacent to the towns.*

Clause 02.03-8 Infrastructure

Clause 02.04 Strategic Framework Plans

Dimboola Framework Plan

Planning Policy Framework (PPF)

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement- Wimmera Southern Mallee

Clause 13.05-1S Noise abatement

Clause 13.07-1S Land use compatibility

Clause 13.07-3S Live music

Clause 14.02-1S Catchment planning and management

Clause 15.01-2S Building Design

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
Clause 19.03-2S Infrastructure design and provision
Clause 19.03-3S Integrated water management

Planning Response:

The proposal is supported by the relevant planning policies in the MPS and PPF relating to Settlement, Built Environment, Economic Development, Transport and Infrastructure.

The proposal will enable the redevelopment of the site for a commercial business that will revitalise this commercial area and will encourage tourism and economic development and employment opportunities. The proposal is consistent with the Municipal Planning Strategy including Clauses 02.03-5 and 02.03-6.

The potential noise and other amenity impacts from live music and patrons consuming liquor will be managed by conditions to protect the closest residential uses and to comply with Clauses 13.05-1S, 13.07-1S and 13.07-3S. The proposal will not adversely affect the water catchment to comply with Clause 14.02-1S. The proposed development will enhance and protect the built form and will not adversely impact on the heritage character and amenity of the area to comply with Clauses 15.01-2S, 15.05-1S and 15.03-1S. The proposal will provide economic opportunities for the proposed business and encourage tourism within Dimboola in accordance with Clauses 17.01-1S, 17.01-1R, 17.02-1S, 17.04-1S and 17.04-1R. There will be two spaces for staff on the site and adequate space for on-street parking for the proposed uses and the infrastructure required will be managed by conditions to comply with Clauses 18.02-4, 19.03-2s and 19.03-3S.

Clause 34.01 – Commercial 1 Zone

34.01-1 Table of uses

- Bar – Section 1 – Permit not required – nested under Retail Premises (other than Shop)
- Brewery - Section 2 – Permit required – non-specified use

34.01-4 Buildings and works

A permit is required to construct buildings and works.

34.01-8 Decision guidelines

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

Planning Response:

The re-development of the site will enhance the existing built form and scale of this vacant commercial building and will respect the commercial, nearby residential and heritage

character of the area. The proposal will result in a vibrant retail use that complements the role and scale of the commercial centre. The hours of operation for the brewery liquor licence (Producer's Licence) will be restricted to between 7.00am to 11.00pm Sunday to Tuesday and 7.00am to 1.00am Wednesday to Saturday, which will ensure the use does not adversely impact on the adjoining residential uses.

Conditions will be required to control the hours of operation/licensed hours and the maximum number of patrons on the site. The proposal will therefore be consistent with the objectives and decision guidelines of the Commercial 1 Zone subject to conditions.

Clause 42.01 Environmental Significance Overlay

42.01-2 Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.

42.01-5 Decision guidelines

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

Schedule 6 to the ESO – Catchments of Wetlands Conservation Value

3.0 Permit requirement (relevant to application)

A permit is required for:

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

A permit is not required for:

- Construction of a building

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

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

Planning Response:

The proposed picket fence along part of the front boundary will have physical spacing in between the wooden pickets and there will be minimal risk of obstruction of the flow of water. The timber fences along part of the side boundaries may reduce the flow of water, but this will not adversely impact on the flow of water into the water catchment within the area.

The Wimmera CMA has also advised they have no objections to the proposal.

The proposal therefore complies with the decision guidelines of the Environmental Significance Overlay and the decision guidelines in Schedule 6 of the Overlay.

Clause 43.01 Heritage Overlay

43.01-1 Permit requirement

A permit is required to:

- Demolish or remove a building.
- Construct a building or construct or carry out works, including
- A fence, if the fence is visible from a street (other than a lane) or public park
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.

43.01-8 Decision guidelines

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

Schedule 34 of the Heritage Overlay - Dimboola Town Centre Heritage Precinct

- External paint controls apply.
- No internal alteration controls apply.
- No tree controls apply.

Planning Response:

The proposal will enhance the appearance of the existing building. The demolition of some windows and doors is reasonable to allow the proposed alterations and additions to be constructed. Council's Heritage Adviser has advised that the proposed new signage, painting and alterations/additions will not result in any heritage impacts and are acceptable. The Heritage Adviser has also noted that the proposed alterations and additions will enhance what is a rather plain building in a manner that is respectful and sympathetic to the heritage precinct.

The proposal will comply with the relevant decision guidelines of the Heritage Overlay Schedule 34 for the Dimboola Town Centre Heritage Precinct.

Particular Provisions

Clause 52.05 Signs

52.05-8 Decision guidelines

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

52.05-11 Category 1 – Commercial areas

Minimum limitation

Section 1 - Permit not required

A Business Identification Sign is a Section 1-Permit not required sign if the following condition is met.

- The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

An Internally Illuminated Sign is a Section 1-Permit not required sign if the following condition is met.

- The total display area to each premises must not exceed 1.5 sqm. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Section 2 – Permit required

Any sign not in Section 1.

Planning Response:

- The two non-illuminated business identification signs do not require a permit as they are less than 8m² in total area.
- The illuminated sign requires a permit as it is 1.7m² and exceeds 1.5m² in area.
- The proposed signs will provide reasonable identification of the uses on the land and will respect the character and advertising themes in the area in a manner that does not impact on views from the public realm.
- The proposed signs will be in proportion, scale and form to the streetscape, the commercial setting and the surrounding landscape and will not cause visual clutter.
- The one illuminated sign will be located on the front wall of the building and will not impact on the safety of pedestrians, vehicles and the amenity of the area.
- The proposed signage package will comply with the relevant decision guidelines in Clause 52.05-8.

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 carparking 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: Carparking requirement

- Bar = 0.4 car spaces to each patron permitted

52.06-6 Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

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 submitted plans show the provision of two (2) staff car parking spaces on the site.

A total of 80 car spaces are required for the maximum of 200 patrons for the Bar. Therefore, a reduction of 78 car spaces for the required number of car parking spaces has been sought under Clause 52.06-3. The provision of car parking for the Brewery use must be to the satisfaction of Council under Clause 52.06-6.

The allocation of two (2) car parking spaces on the site for staff will reduce the likely demand from staff to park directly in front of the site. There is adequate parking on the street that would be available at peak demand times after standard business hours to accommodate the likely demand for parking for patrons. There is also likely to be multi-purpose trips by patrons visiting the site who may be visitors to other retail and commercial premises within walking distance of the site.

The proposed reduction in car parking spaces required is acceptable and the proposal complies with this Clause.

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*.

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 hours will not extend past 1am.
- The proposal complies with Municipal Planning Strategy and the Planning Policy Framework as discussed above.
- The sale or consumption of liquor permitted by the Producer's liquor licence will not adversely impact on the amenity of the surrounding commercial area and conditions are required to manage any potential noise issues that may impact on the nearby residential uses within the Commercial 1 Zone and the General Residential Zone.
- The proposed number of patrons (200) to be sold liquor on the site and for consumption of liquor produced on the site is reasonable in this commercial location and the number of patrons will be limited by a condition.
- There will be no cumulative impacts from proposed licensed premises and the nearby existing licensed premises on the amenity of the surrounding area.

Clause 52.34 Bicycle Parking

52.34-1 Provision of bicycle facilities

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land

52.34-5 Required bicycle facilities

- Retail premises other than specified in this table = 1 to each 300 sq m of leasable floor area for employee/resident and 1 to each 500 sq m of leasable floor area for visitor/shopper/student.

Planning Response:

The requirement for bicycle parking is three (3) spaces for staff and one (1) space for patrons which is a total of four (4) spaces.

The provision of four (4) bicycle parking spaces on the site therefore complies with this Clause.

Clause 53.06 Live Music Entertainment Venues

53.06-3 Requirements to be met

A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

53.06-5 Decision guidelines

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

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts.
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.
- The social and economic significance of an existing live music entertainment venue.

- The impact of the proposal on the functioning of live music venues.

Planning Response:

The Acoustic Report details measures required to minimise noise impacts to sensitive uses to ensure that there will be no adverse impacts associated with the use of the land. The Acoustic Report recommended the following conditions should apply to the permit:

1. The use and operation shall at all times comply with the EP Regulations 2021 and Publication 1826 (Noise Protocol).
2. Music noise would need to be limited to background music after 11pm (and 10pm Sunday).
3. Live entertainment and elevated program music amplification above background:
 - a) Should cease by 11pm (and 10pm Sunday)
 - b) Should be managed using an in-house amplification system, and restricted to amplified acoustic music (i.e. without drums, amplified bass guitar, etc).
4. Mechanical plant should be reviewed by a suitably qualified acoustic consultant during later phases of the project once plant schedules and equipment have been finalised to mitigate risk of non-compliance, in particular refrigeration plant.

Later discussions with the Applicant have resulted in a proposal to limit music noise to background music after 10pm, rather than 11pm.

Conditions will be required to manage noise levels generated by the use and to restrict amplified live music.

The proposal will comply with the decision guidelines of this Clause subject to conditions.

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 complies with the Municipal Planning Strategy and Planning Policy Framework, having regard to the economic benefit the proposal will allowing a vacant commercial building to be occupied by a business that will attract locals and tourists to the region. The hours of operation and noise levels will be managed by conditions. The proposal will not impact on the amenity of the area and will facilitate the orderly planning of the area to comply with this Clause.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework, the Commercial 1 Zone, the Environmental Significance Overlay Schedule 6, the Heritage Overlay Schedule 34, Clause 52.05, Clause 52.06, Clause 52.27, Clause 53.06 and Clause 65 of the Hindmarsh Planning Scheme.

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:

27/09/2021 Application lodged
12/10/2021 Application fee paid
25/10/2021 Further information requested
22/11/2021 Response to further information and amended application and amended plans received pursuant to Section 50 of the *Planning and Environment Act 1987*
13/12/2021 Public Notice instructions sent to applicant
13/12/2021 Public notification commenced – letters sent
13/12/2021 External referrals to VCGLR and Police sent and Internal referrals to Infrastructure, Environmental Health, Building and Heritage Adviser sent.
14/12/2021 Public notices (signs) erected on site by the applicant
14/01/2022 External referrals and internal referrals all received
21/01/2022 Statutory declaration for the advertising received from the applicant
02/02/2022 Presented to Council for approval

The report is being presented to Council for approval at the meeting held 02 February 2022 (33 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.
Develop and promote local tourism opportunities that attract visitation.

Financial Implications:

The proposal will have positive financial implications through the commencement of a new business and potential to attract visitors to Dimboola.

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 and endorse the plans if approved by Council

RECOMMENDATION:

That Planning Permit PA1750-2021 be approved, for Use and development for a Brewery and development for a Bar, construct fences, demolition of part of the building and external painting, the display of signs, a reduction in the required car parking spaces and use of the land to sell and consume liquor, at 121 Lloyd Street Dimboola VIC 3414 (Lots 1 & 2 on TP339644A, Lot 1 on TP242516 and Lot 1 on TP532726V), subject to the following conditions:

Endorsed Plans

- 1. The use and development 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

- 2. The use and the production, sale and consumption of liquor must not occur outside the following hours:*

- Sunday: between 10.00am - 11.00pm.*
- Good Friday: between 12.00noon - 11.00pm.*
- ANZAC Day: between 12.00noon - 11.00pm (or 1:00am the following day where Anzac Day is Wednesday to Saturday).*
- Monday and Tuesday: between 7.00am - 11.00pm.*
- Any other day, being Wednesday to Saturday and including New Year's Eve/New Year's Day also if on a Sunday, Monday or Tuesday: between 7.00am - 1.00am the following day.*

Unless otherwise approved in writing by the Responsible Authority.

Maximum Patrons

- 3. No more than 200 patrons may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority.*

General Requirements

4. *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.*
5. *Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the Responsible Authority.*

Amenity

6. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) *Transport of materials, goods or commodities to or from the land.*
 - b) *Appearance of any building, works or materials.*
 - c) *Artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
 - d) *Presence of vermin.**
7. *The use for the production, sale and consumption of liquor approved by this permit is to be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority.*
8. *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.*
9. *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 to ensure no detrimental amenity impacts or nuisance to the surrounding area, all to the satisfaction of the Responsible Authority.*
10. *The use and operation must at all times comply with the with the relevant Environment Protection Regulations 2021, the Environment Protection Act 2017 and 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 or any relevant alternative, to the satisfaction of the Responsible Authority.*
11. *Music noise must be limited to background music after 10.00pm, to the satisfaction of the Responsible Authority.*
12. *Live entertainment and elevated program music amplification above background must comply with the following:
 - a) *Cease by 10.00pm Monday to Sunday.*
 - b) *Be managed using an in-house amplification system, and restricted to amplified acoustic music (i.e. without drums, amplified bass guitar, etc).**
13. *Before the use commences, the mechanical plant must reviewed by a suitably qualified acoustic consultant during later phases of the project once plant schedules and equipment have been finalised to mitigate risk of non-compliance, in particular refrigeration plant, and a written assessment must be submitted to confirm compliance to the satisfaction of the Responsible Authority.*

14. ***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.***
15. ***Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.***

Access:

16. ***Before the development commences for the removal, repair and reinstatement the access / Crossovers and kerb and channel, a consent to works within road reserve permission must be issued by the Responsible Authority.***
17. ***Before the use commences, the existing access / crossover at the main entrance (roller door) of the premise must be removed and the kerb and channel reinstated to the satisfaction of the Responsible Authority.***
18. ***Before the use commences, the existing access / crossover at the proposed picket fence must be repaired and kerb and channel, together with one concrete panel on the left side of crossover must be reinstated to the satisfaction of the Responsible Authority.***

Car Parking and Bicycle Parking:

19. ***Before the use commences, two (2) car parking spaces and four (4) bicycle parking spaces must be constructed on site in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.***
20. ***Before the use commences, new car parking bay line marking and signage must be installed at the front of the site at the applicant/permit holder's expense, with the size and alignment of bays to be determined by and approved to the satisfaction of the Responsible Authority.***
21. ***Car spaces and parking areas, access lanes and driveways must be maintained in a good condition and must remain unobstructed and available for their intended use at all times, to the satisfaction of the Responsible Authority.***

Drainage

22. ***Before the use commences, the existing Legal Point of Discharge at the proposed picket fence and the left side of crossover must be repaired and reinstated at the applicant/permit holder's expense to the satisfaction of the Responsible Authority.***
23. ***Stormwater drainage must be constructed and connected the Legal Point of Discharge to the satisfaction of the Responsible Authority.***

Tree Removal:

24. ***No tree removal is permitted without the written consent of the Responsible Authority.***

Permit Expiry – Use and Development

25. ***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 started 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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Notes:

Planning

- *A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site, so they are aware of the conditions to which this approval applies.*

Engineering

- *A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.*
- *Standard designs / drawings of vehicle crossovers can be obtained from Council's Engineering Department.*
- *The Legal Point of Discharge (LPD) is to the kerb and channel to the left side of the crossover which must be repaired and reinstated along the Lloyd Street road reserve.*

Environmental Health

- *The Brewery must be registered with the Council under the Food Act 1984.*
- *If planning to cook and serve food, then it must be registered under Food Act 1984.*

Building

- *A building permit will be required for the proposed alterations and possible change of use.*
- *This permit is not a Building Permit. A Building Permit is required for the proposal. Please consult a Building Surveyor and ensure a Building Permit is obtained before any works commence.*

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.*

MOVED: CRS R Ismay/W Bywaters

That Planning Permit PA1750-2021 be approved, for Use and development for a Brewery and development for a Bar, construct fences, demolition of part of the

building and external painting, the display of signs, a reduction in the required car parking spaces and use of the land to sell and consume liquor, at 121 Lloyd Street Dimboola VIC 3414 (Lots 1 & 2 on TP339644A, Lot 1 on TP242516 and Lot 1 on TP532726V), subject to the following conditions:

Endorsed Plans

1. The use and development 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

2. The use and the production, sale and consumption of liquor must not occur outside the following hours:

- **Sunday: between 10.00am - 11.00pm.**
- **Good Friday: between 12.00noon - 11.00pm.**
- **ANZAC Day: between 12.00noon - 11.00pm (or 1:00am the following day where Anzac Day is Wednesday to Saturday).**
- **Monday and Tuesday: between 7.00am - 11.00pm.**
- **Any other day, being Wednesday to Saturday and including New Year's Eve/New Year's Day also if on a Sunday, Monday or Tuesday: between 7.00am - 1.00am the following day.**

Unless otherwise approved in writing by the Responsible Authority.

Maximum Patrons

3. No more than 200 patrons may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority.

General Requirements

4. 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.

5. Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the Responsible Authority.

Amenity

6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) **Transport of materials, goods or commodities to or from the land.**
- b) **Appearance of any building, works or materials.**
- c) **Artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
- d) **Presence of vermin.**

7. The use for the production, sale and consumption of liquor approved by this

permit is to be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority.

8. *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.*
9. *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 to ensure no detrimental amenity impacts or nuisance to the surrounding area, all to the satisfaction of the Responsible Authority.*
10. *The use and operation must at all times comply with the with the relevant Environment Protection Regulations 2021, the Environment Protection Act 2017 and the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' Publication 1826.4 dated 20 May 2021 or any relevant alternative, to the satisfaction of the Responsible Authority.*
11. *Music noise must be limited to background music after 10.00pm, to the satisfaction of the Responsible Authority.*
12. *Live entertainment and elevated program music amplification above background must comply with the following:*
 - a) *Cease by 10.00pm Monday to Sunday.*
 - b) *Be managed using an in-house amplification system, and restricted to amplified acoustic music (i.e. without drums, amplified bass guitar, etc).*
13. *Before the use commences, the mechanical plant must reviewed by a suitably qualified acoustic consultant during later phases of the project once plant schedules and equipment have been finalised to mitigate risk of non-compliance, in particular refrigeration plant, and a written assessment must be submitted to confirm compliance to the satisfaction of the Responsible Authority.*
14. *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.*
15. *Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.*

Access:

16. *Before the development commences for the removal, repair and reinstatement the access / Crossovers and kerb and channel, a consent to works within road reserve permission must be issued by the Responsible Authority.*
17. *Before the use commences, the existing access / crossover at the main entrance (roller door) of the premise must be removed and the kerb and channel reinstated to the satisfaction of the Responsible Authority.*
18. *Before the use commences, the existing access / crossover at the proposed picket fence must be repaired and kerb and channel, together with one concrete panel on the left side of crossover must be reinstated to the satisfaction of the*

Responsible Authority.

Car Parking and Bicycle Parking:

- 19. Before the use commences, two (2) car parking spaces and four (4) bicycle parking spaces must be constructed on site in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 20. Before the use commences, new car parking bay line marking and signage must be installed at the front of the site at the applicant/permit holder's expense, with the size and alignment of bays to be determined by and approved to the satisfaction of the Responsible Authority.**
- 21. Car spaces and parking areas, access lanes and driveways must be maintained in a good condition and must remain unobstructed and available for their intended use at all times, to the satisfaction of the Responsible Authority.**

Drainage

- 22. Before the use commences, the existing Legal Point of Discharge at the proposed picket fence and the left side of crossover must be repaired and reinstated at the applicant/permit holder's expense to the satisfaction of the Responsible Authority.**
- 23. Stormwater drainage must be constructed and connected the Legal Point of Discharge to the satisfaction of the Responsible Authority.**

Tree Removal:

- 24. No tree removal is permitted without the written consent of the Responsible Authority.**

Permit Expiry – Use and Development

- 25. 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 started 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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Notes:

Planning

- A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site, so they are aware of the conditions to which this approval applies.**

Engineering

- *A Consent to Works Within Road Reserve Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossovers prior to the construction of each crossover.*
- *Standard designs / drawings of vehicle crossovers can be obtained from Council's Engineering Department.*
- *The Legal Point of Discharge (LPD) is to the kerb and channel to the left side of the crossover which must be repaired and reinstated along the Lloyd Street road reserve.*

Environmental Health

- *The Brewery must be registered with the Council under the Food Act 1984.*
- *If planning to cook and serve food, then it must be registered under Food Act 1984.*

Building

- *A building permit will be required for the proposed alterations and possible change of use.*
- *This permit is not a Building Permit. A Building Permit is required for the proposal. Please consult a Building Surveyor and ensure a Building Permit is obtained before any works commence.*

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.*

CARRIED

Attachment Number: 5

Cr W Bywaters declared a general conflict of interest and left the meeting at 3:27pm.

8.3 APPLICATION TO AMEND PLANNING PERMIT PA0039-1999 - AMEND ENDORSED PLANS TO ALLOW ADDITIONAL DUCK SHEDS AND AMEND CONDITIONS TO REFLECT WORKS – 142 DRAPERS ROAD NHILL VIC 3418

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 200136
Application Number: **PA0039-1999**
Application Received: 4 September 2021 (Fee paid 9 September 2021)
Applicant: Mr Sonny Hoang - Scolexia Pty Ltd
Owner: Rosina Fine Foods Pty Ltd
Subject Land: 142 Drapers Road Nhill VIC 3418 (Lot 1 PS 432916L Parish of Winiam)

Proposal: Amend endorsed plans to allow additional duck sheds and amend conditions to reflect works

Zoning & Overlays: Farming Zone (FZ)
Bushfire Management Overlay (BMO) – does not apply to development area

Attachment Numbers: 6 – 8

Summary:

This report recommends that Council issue a Notice of Decision to Amend Planning Permit PA0039-1999 to amend the endorsed plans to allow additional duck sheds and conditions on the subject land known as 142 Drapers Road, Nhill VIC 3418 Lot 1 PS432916L Parish of Winiam).

Background:

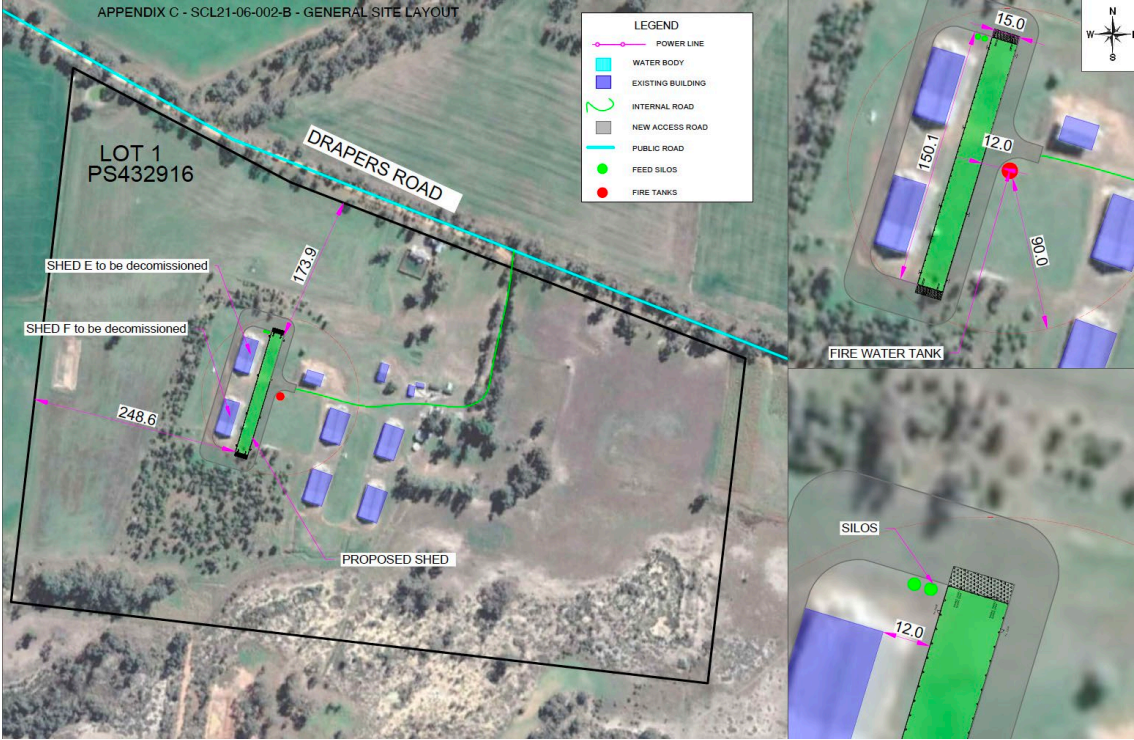
On 4 September 2021, Scolexia Pty Ltd on behalf of Luv-a-Duck lodged a planning application to the Responsible Authority to amend Planning Permit PA0039-1999, seeking to develop a new duck shed and decommission 2 existing duck sheds on the land. This application was originally lodged as a new permit application (PA1735-2021), but was withdrawn and pursued as the current amendment application to ensure that approvals were consistent on the land.

Proposal Details:

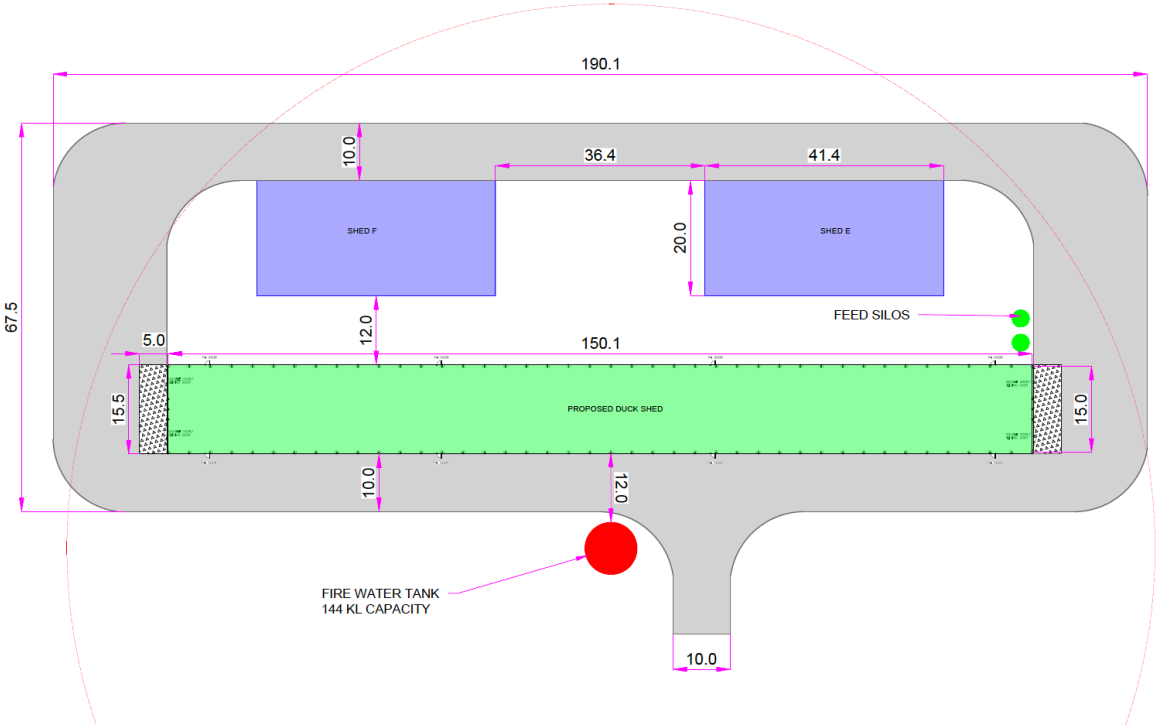
The permit applicant, Scolexia Pty Ltd seeks approval to amend Planning Permit PA0039-1999, so as to permit the development of a new duck shed with dimensions of 150.1 metres x 15.5 metres on the land (total floor area of approximately 2,326 square metres). Decommissioning of two (2) sheds to the west of the new building is proposed, by way of conversion into machinery/storage sheds. Each of the 6 existing sheds houses 3,000 ducks for a total of 18,000; with the new shed total stocking numbers are proposed to be 20,000. As part of the amendment, consequential changes to the existing permit conditions will be required.

Plans of the proposed works are provided below:

Site Plan

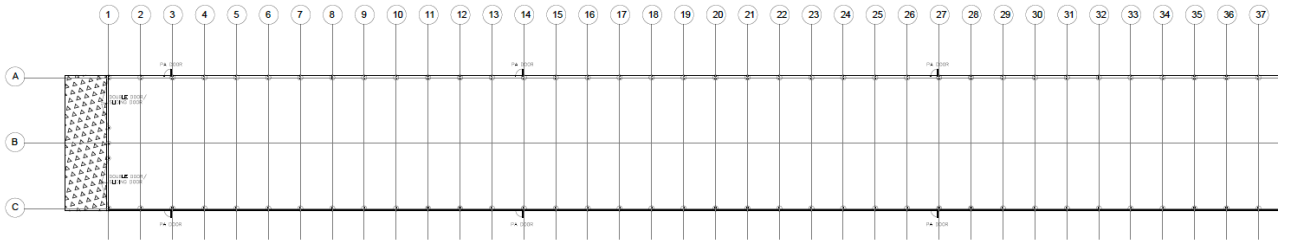
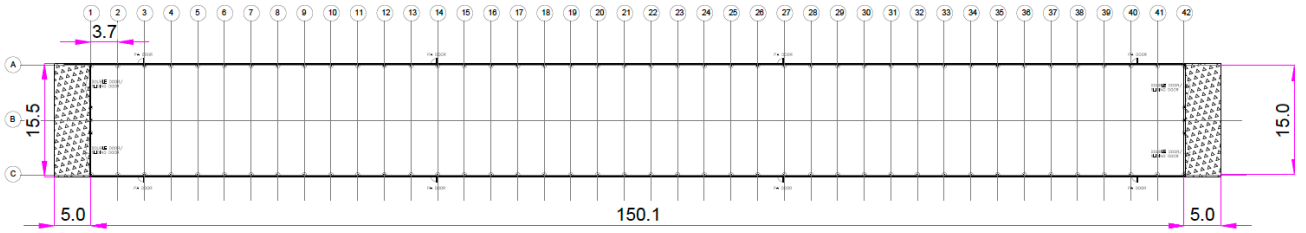


Layout Plan



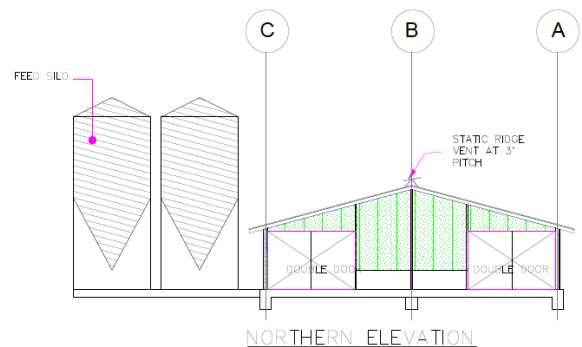
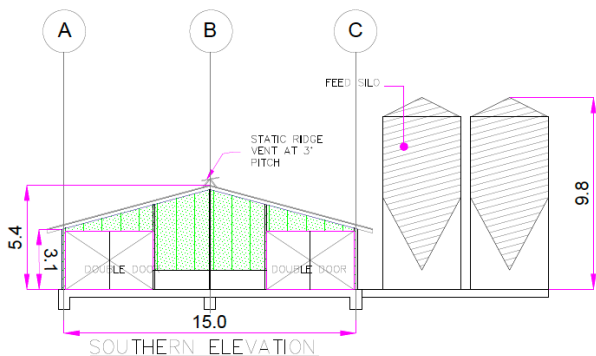
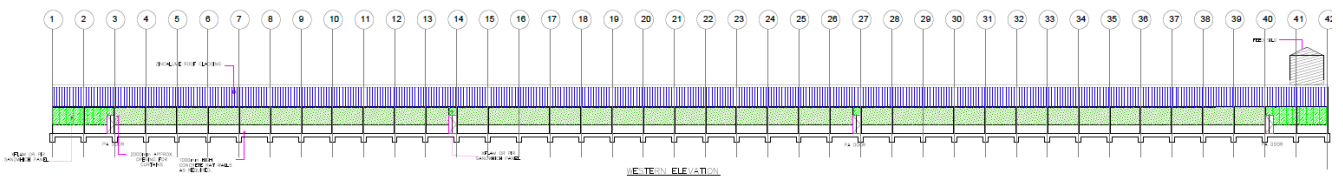
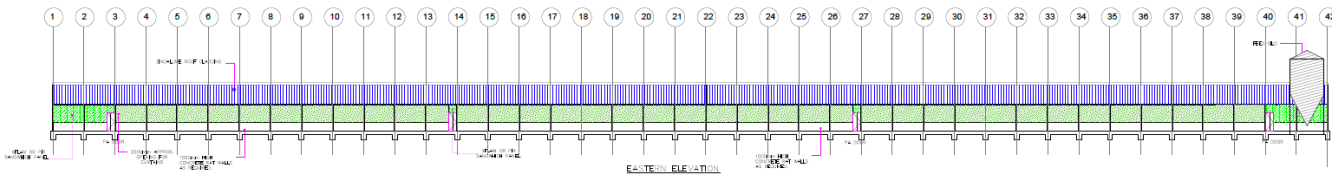
Floor Plan

APPENDIX E - SCL21-06-004-B - FLOOR PLAN



Elevation Plan

APPENDIX F - SCL21-06-005-B - ELEVATION PLAN



Requirement for Permit:

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

- Clause 35.07-4 (Farming Zone) – A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 35.07-1.

Definitions:

Poultry Farm – *Land used to keep or breed poultry.*

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

The proposal is exempt from requiring a CHMP pursuant to the *Aboriginal Heritage Regulations 2018*, as the proposal is in association with an activity that was lawfully occurring on the land before 28 May 2007, and the works are not located in an area of Aboriginal Cultural Heritage Sensitivity.

Subject site & locality:

The subject site is known as 142 Drapers Road Nhill (Lot 1 PS432916L Parish of Winiam), which comprises a single title of 41.67 hectares. The land is generally flat, with minimal fall across the site. The land is currently improved by the existing Luv-a-Duck facilities on the land, and takes the benefit of Planning Permit PA0039-1999, which allows the use of the land for a poultry farm with a capacity of up to 24,000 birds.

The subject site adjoins farming zoned land in all directions. Surrounding land holdings are typically (but not exclusively) used for agricultural production, with the majority of holdings comprising broadacre farming activities. To the south of the land are stands of remnant native vegetation, with the Little Desert National Park located approximately 1.4km south of the subject land.

Heavy vehicle access to the land is provided via Drapers Road, L Creek Road and Winiam East Road to the Western Highway.

The site appears to have access to reticulated power, telecommunications, but not water and sewer.

Aerial Map below – Hindmarsh POZI (2016)



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



Section 52 Notice of Application

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

- Letters to adjoining and nearby property owners; and
- A notice in the 'Nhill Free Press'

One (1) objection and one (1) submission has been received to the application. The objection raises the following concerns:

- Existing non-compliances with the site;
- Increase in duck numbers will adversely affect the amenity of the surrounding area from noise, odour, dust and glare from roofing;
- Lack of information about compliance with EPA Regulations/Environment Protection Act;
- Decommissioning of sheds may result in them being reinstated in future;
- Impacts to Creek Road and Drapers Road; and
- Inaccuracies in application documents.

These concerns will be discussed further in this assessment.

The submission relates to traffic impacts and road quality – not a formal objection.

Referrals:

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

Section 52 and Internal Notices	
Engineering	No additional Engineering requirements needed. Previous Engineering conditions have been met. Satisfactory Traffic Impact Assessment Report (TIAR) received 22/08/2019 thereby meeting Condition 12 of the Amended Planning Permit.
Environmental Health	No specific conditions from EHO perspective as general amenity and environment already covered in permit conditions.

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11.01-1L Settlement – Hindmarsh

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2S Sustainable agricultural land use

Clause 14.01-2R Agricultural productivity – Wimmera Southern Mallee

Zoning Provisions:

Clause 35.07 – Farming Zone (FZ)

35.07-4 Buildings and works

A permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1.

Planning Response:

The proposal represents an amendment to an existing permit that authorises the use of the land for a Poultry Farm, with capacity for up to 24,000 ducks. In this context, the assessment required to be undertaken by Council is limited only to the amendments sought; which are to develop a single new duck shed associated with the approved use. No modification to the capacity numbers of the permit are required, and as such questions relating to the overall intensity of the use are not relevant to the assessment of the application.

The proposed works will support agricultural use of the subject land, by facilitating modern duck shedding to be developed on the land in an existing cleared area, with no conflict between agricultural values and natural systems values. The works will not limit agricultural production on adjoining or nearby properties. The works are well setback from waterways and remnant native vegetation, with eleven small trees required to be removed (which is exempt under the provisions of Clause 52.17-7).

The built form of the development appears commensurate with typical agricultural uses and developments within Hindmarsh Shire, where zincalume shedding on larger agricultural holdings is common place. The works are well separated from the public realm and sensitive land uses, and clustered within existing development on the site. The site is not located in area identified as being of special landscape value (i.e. through application of a Significant Landscape Overlay, Design and Development Overlay or the like) that would warrant alterations to the proposed materials or scale of the development.

Environmental issues that may arise from the works will be managed by the existing requirement for an Environmental Management Plan to manage the use; the requirement of which will not be removed or reduced by the proposed works.

Based on the above factors, the proposed amendments are considered to be acceptable and will facilitate the ongoing operation of the Luv-a-Duck facility on the subject land.

Overlay Provisions:

The subject land is partially covered by the Bushfire Management Overlay, however the proposed works are not in the area covered by the BMO, nor is agricultural development a permit trigger under this Clause. As such, the provisions of the BMO are not discussed further in this report.

Particular Provisions:

Clause 53.09 – Poultry Farm

Clause 53.09-1 – Application

This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Clause 53.09-6 – Decision guidelines

Before deciding on an application to use land or 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 purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018).

Planning Response:

The proposed works are located within the Farming Zone, well sited away from sensitive land uses; where the purpose of the zone encourages such uses to be located. The proposed amendments to the permit will support and enhance agricultural production on the land, and represent the construction of modern duck shedding to maintain and continue the operation of the use on the land.

In terms of setbacks and design, the proposed shed is setback 173.9 metres from Drapers Road, within an existing cluster of buildings on the site. While there will be visibility of the structure from Drapers Road and other properties, this will be obscured in part by vegetation in the surrounding area. The works will generally appear as a typical agricultural/rural outbuilding in a rural landscape, which can be found on many other lots in the area.

Regarding use impacts, it is considered that the proposal is likely to lead to a reduction in off-site impacts emanating from the site. The amendment does not seek to increase duck capacity of the land, with the existing approval allowing for 24,000 ducks to be housed while remaining compliant with the Planning Permit. While the site will operationally increase capacity from 18,000 to 20,000, this remains consistent with the Planning Permit. The installation of modern shedding facilities will include modern ventilation, feeding equipment and the like, which will manage environmental impacts and offsite amenity. The Environmental Management Plan for the site will enforce this outcome.

For the reasons discussed above, the amendments are considered to be consistent with the provisions of Clause 53.09.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

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

Planning Response:

As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. As explored through this report, the development provides for modern duck shedding to be provided, which is considered likely to lead to an improved environmental outcome on the land in the longer term. No natural hazards issues are identified in relation to the site and no staging or common property is required. The application is therefore considered to be reflective of orderly planning.

Response to Objection:

(Objection in italics, response in standard text)

Existing non-compliances with the site

Response: The objection states that the facility should have no more than 12,000 ducks, but houses 18,000 ducks instead. The existing permit allows up to 24,000 ducks on the site, such that the overall capacity of the ducks is within that allowed on the site already.

Increase in duck numbers will adversely affect the amenity of the surrounding area from noise, odour, dust and glare from roofing

Response: The quantity of ducks that can be housed on the land is not increasing, such that this concern is not relevant to the assessment of the amendment. Further, the development

of new, modern shedding will incorporate environmental management measures such as modern automated ventilation that is not found in older shedding.

Lack of information about compliance with EPA Regulations/Environment Protection Act

Response: Compliance with the EPA Regulations is a separate matter governed under other legislation. Approval of this application does not obviate any requirements under the Environment Protection Act that need be met.

Decommissioning of sheds may result in them being reinstated in future

Response: The plans submitted show these building decommissioned. If they were to be reinstated in future, this would necessitate a further amendment to the Permit, or would otherwise be a compliance matter to be addressed.

Impacts to Creek Road and Drapers Road

Response: No changes to vehicle movements or roads travelled are proposed under this amendment.

Inaccuracies in application documents.

Response: Council has undertaken an independent assessment of the application, and does not rely on descriptions of the surrounding area or land uses provided by the applicants. As such, while there may be some errors in some application material, this has not influenced the assessment undertaken.

Discussion:

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

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

Clause 35.07 Farming Zone

The proposal complies with the purpose and decision guidelines of Clause 35.07 for the reasons outlined in the planning response to the zone as discussed above.

Clause 53.09 Poultry Farm

The proposal complies with the relevant decision guidelines of Clause 53.09 for the reasons outlined in the planning response to this clause as discussed above.

Clause 65 Decision Guidelines

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Municipal Planning Strategy, including the Farming Zone and Clause 53.09 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

28/07/2021 Application for a new Planning Permit (PA1735-2021) lodged for proposed works
17/08/2021 Further information requested in relation to PA1735-2021
04/09/2021 Application PA1735-2021 withdrawn
04/09/2021 Application to amend Planning Permit PA0039-1999 lodged
09/09/2021 The fee was paid.
06/10/2021 The application was referred to Engineering and Environmental Health.
06/10/2021 The application was notified.
07/10/2021 Engineering referral response provided.
12/10/2021 Objection to the application received.
12/10/2021 Submission (not objecting) to the proposal received.
29/10/2021 Advertising period completed for the proposal.
21/01/2022 Environmental Health Officer referral response received.
02/02/2021 The report is being presented to Council at the meeting held 2 February 2022 (123 days).

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

Conflict of Interest:

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

Officer Responsible: 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.

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue a Notice of Decision to Amend the Planning Permit if approved by Council.

RECOMMENDATION:

That Council issues a Notice of Decision to Amend Planning Permit PA0039-1999, for amended plans received 04 September 2021:

- ***Site Plans - Feature Survey Map, General Site Layout, General Arrangement***
- ***Development Plans – Elevations Plan and Floor Plan***
- ***Environmental Management Plan Version July 2021***

to be endorsed to the amended Planning Permit, pursuant to Section 72 of the Planning and Environment Act 1987, on the subject land known as 142 Drapers Road Nhill VIC 3418 (Lot 1 PS432916L Parish of Winiam), in accordance with the following conditions:

- 1. The use and development must be undertaken in accordance with the endorsed Environmental Management Plan (EMP) to the satisfaction of the responsible authority.**

Department of Natural Resources and Environment Conditions

- 2. That all works be carried out in accordance with the submitted plans and specifications.**
- 3. On site waste management shall be in line with EPA guidelines thereby minimising the risk of waste movement from the site.**
- 4. That all pest plant and animal infestations are actively controlled.**

Environmental Protection Authority Conditions

- 5. The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority's Publication No AQ2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".**

Responsible Authority Conditions

- 6. The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the Responsible Authority.**
- 7. The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority.**
- 8. A Building Permit is required for the construction of the buildings.**

Amenity

- 9. The construction of the proposed extensions must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;**

- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
 - d) Presence of vermin; or
 - e) In any other way.
10. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
11. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

Engineering

12. Within 3 months of the date of the amended permit, the applicant must submit to the satisfaction of the Responsible Authority a Traffic Impact Assessment Report (TIAR) in accordance with the Infrastructure Design Manual (IDM) published by Local Government Infrastructure Design Association (LGIDA), dated 11 January 2018 assessing L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site. The assessment must be undertaken by a suitably qualified engineer and must consider and make recommendations regarding:
- a) The current road condition and the likely future impact due to increased traffic volumes and type as a result of the permitted farm capacity increase;
 - b) Any safety issues associated with the expected traffic increase and type as a result of the permitted farm capacity increase;
 - c) Suitability of the access/crossover to the subject site according to the IDM in association to the traffic type and drainage; and
 - d) Mitigation measures to limit the burden of increased road maintenance demands on Council resulting from traffic impacts due to increased traffic volumes and type as a result of the permitted farm capacity increase.

Once approved, the report will be endorsed and will then form part of the permit

13. Any recommendations identified by the Traffic Impact Assessment Report shall be undertaken at the cost of the applicant and within a timeframe to the satisfaction of the Responsible Authority.
14. The applicant is to provide an independent condition assessment of L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site prior to the commencement of works and is to meet any costs associated with remedial works resulting from damage caused by construction traffic associated with the development of the site to the satisfaction of the Responsible Authority.
15. Traffic associated with construction to be limited to daylight hours on L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site to the satisfaction of the Responsible Authority.
16. Any further external lighting proposed must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

17. Within 3 months of the commencement of use of the shed shown in green on drawing number SCL21-06-002, sheds E and F as shown on that plan must be decommissioned so as to not house ducks and evidence of decommissioning provided to the satisfaction of the Responsible Authority.
18. This permit as it relates to use of land will expire if the use ceases for a period of two (2) or more years.
19. This permit as it relates to development will expire if:
 - a) The works are not commenced within two (2) years of the date of this permit.
 - b) The works are not completed within four (4) years of the date of this permit.

In the case where subsequent buildings and works are approved under an amendment to this permit, those works will expire if not commenced within two (2) years of the date of amendment, or completed within four (4) years of the date of amendment.

~END OF CONDITIONS~

Notes

1. This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
2. A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment	Name of Responsible Authority that approved the amendment
17 May 2019	1. Amending the preamble of the permit to Use and Construction of Poultry Farm (Duck Farm). 2. Inserting Condition 1 as per VCAT Order dated 17 May 2019. 3. Amending Condition 7 to allow for 24,000 ducks and to insert secondary consent provision. 4. Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works. 5. Adding Conditions, 1, 9, 10, 11, 12, 13, 14, 15, 16 to the permit 6. Adding notes 1 and 2	Hindmarsh Shire Council VCAT Hindmarsh Shire Council Hindmarsh Shire Council Hindmarsh Shire Council Hindmarsh Shire Council

The above conditions are as per the Order of VCAT, Reference No. P49/2019, order of 17 May 2019.
Amended Permit issued 27 May 2019.

<p>02 February 2022 – Notice of Decision</p>	<p>This permit will be amended pursuant to Section 74 of the <i>Planning and Environment Act 1987</i>, having regard to the following:</p> <ul style="list-style-type: none"> (a) Previous endorsed plans superseded, excluding sheet 6 of 6 dated 26/05/2019, and new plans endorsed; (b) Previous Condition 1 relating to the amended Environmental Management Plan (EMP) deleted and new condition 1 relating to new EMP (July 2021) inserted. (c) Condition 12 updated for clarity, as this condition was previously satisfied and unaffected by amendment. (d) Condition 17 added to require sheds E and F to be decommissioned and evidence provided within 3 months of occupancy of new shed. (e) Conditions 18 and 19 added to make clear expiry provisions for new and existing works and use 	<p>Hindmarsh Shire Council</p>
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MOVED: CRS R Gersch/B Ireland

That Council issues a Notice of Decision to Amend Planning Permit PA0039-1999, for amended plans received 04 September 2021:

- ***Site Plans - Feature Survey Map, General Site Layout, General Arrangement***
- ***Development Plans – Elevations Plan and Floor Plan***
- ***Environmental Management Plan Version July 2021***

to be endorsed to the amended Planning Permit, pursuant to Section 72 of the Planning and Environment Act 1987, on the subject land known as 142 Drapers Road Nhill VIC 3418 (Lot 1 PS432916L Parish of Winiam), in accordance with the following conditions:

1. **The use and development must be undertaken in accordance with the endorsed Environmental Management Plan (EMP) to the satisfaction of the responsible authority.**

Department of Natural Resources and Environment Conditions

2. **That all works be carried out in accordance with the submitted plans and specifications.**
3. **On site waste management shall be in line with EPA guidelines thereby minimising the risk of waste movement from the site.**
4. **That all pest plant and animal infestations are actively controlled.**

Environmental Protection Authority Conditions

5. **The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority's Publication No AQ2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".**

Responsible Authority Conditions

6. **The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the Responsible Authority.**
7. **The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority.**
8. **A Building Permit is required for the construction of the buildings.**

Amenity

9. **The construction of the proposed extensions must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a) **Transport of materials, goods or commodities to or from the land;**
 - b) **Appearance of any buildings, works or materials;**
 - c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;**
 - d) **Presence of vermin; or**
 - e) **In any other way.**
10. **The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.**

11. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

Engineering

12. Within 3 months of the date of the amended permit, the applicant must submit to the satisfaction of the Responsible Authority a Traffic Impact Assessment Report (TIAR) in accordance with the Infrastructure Design Manual (IDM) published by Local Government Infrastructure Design Association (LGIDA), dated 11 January 2018 assessing L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site. The assessment must be undertaken by a suitably qualified engineer and must consider and make recommendations regarding:

- a) The current road condition and the likely future impact due to increased traffic volumes and type as a result of the permitted farm capacity increase;**
- b) Any safety issues associated with the expected traffic increase and type as a result of the permitted farm capacity increase;**
- c) Suitability of the access/crossover to the subject site according to the IDM in association to the traffic type and drainage; and**
- d) Mitigation measures to limit the burden of increased road maintenance demands on Council resulting from traffic impacts due to increased traffic volumes and type as a result of the permitted farm capacity increase.**

Once approved, the report will be endorsed and will then form part of the permit

13. Any recommendations identified by the Traffic Impact Assessment Report shall be undertaken at the cost of the applicant and within a timeframe to the satisfaction of the Responsible Authority.

14. The applicant is to provide an independent condition assessment of L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site prior to the commencement of works and is to meet any costs associated with remedial works resulting from damage caused by construction traffic associated with the development of the site to the satisfaction of the Responsible Authority.

15. Traffic associated with construction to be limited to daylight hours on L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site to the satisfaction of the Responsible Authority.

16. Any further external lighting proposed must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

17. Within 3 months of the commencement of use of the shed shown in green on drawing number SCL21-06-002, sheds E and F as shown on that plan must be decommissioned so as to not house ducks and evidence of decommissioning provided to the satisfaction of the Responsible Authority.

18. This permit as it relates to use of land will expire if the use ceases for a period of two (2) or more years.

19. This permit as it relates to development will expire if:

- a) The works are not commenced within two (2) years of the date of this permit.
- b) The works are not completed within four (4) years of the date of this permit.

In the case where subsequent buildings and works are approved under an amendment to this permit, those works will expire if not commenced within two (2) years of the date of amendment, or completed within four (4) years of the date of amendment.

~END OF CONDITIONS~

Notes

- 3. This permit is not a Building Permit. Please consult a Building Surveyor and ensure a Building Permit is obtained.
- 4. A copy of this permit and endorsed plans must be provided to all builders and contractors who are to work on site so they are aware of the conditions to which this approval is subject.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment	Name of Responsible Authority that approved the amendment
17 May 2019	1. Amending the preamble of the permit to Use and Construction of Poultry Farm (Duck Farm). 2. Inserting Condition 1 as per VCAT Order dated 17 May 2019. 3. Amending Condition 7 to allow for 24,000 ducks and to insert secondary consent provision. 4. Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works. 5. Adding Conditions, 1, 9, 10, 11, 12, 13, 14, 15, 16 to the permit 6. Adding notes 1 and 2	Hindmarsh Shire Council VCAT Hindmarsh Shire Council Hindmarsh Shire Council Hindmarsh Shire Council Hindmarsh Shire Council
The above conditions are as per the Order of VCAT, Reference No. P49/2019, order of 17 May 2019. Amended Permit issued 27 May 2019.		
02 February 2022 – Notice of Decision	This permit will be amended pursuant to Section 74 of the <i>Planning and Environment Act</i>	Hindmarsh Shire Council

	<p>1987, having regard to the following:</p> <ul style="list-style-type: none">(f) Previous endorsed plans superseded, excluding sheet 6 of 6 dated 26/05/2019, and new plans endorsed;(g) Previous Condition 1 relating to the amended Environmental Management Plan (EMP) deleted and new condition 1 relating to new EMP (July 2021) inserted.(h) Condition 12 updated for clarity, as this condition was previously satisfied and unaffected by amendment.(i) Condition 17 added to require sheds E and F to be decommissioned and evidence provided within 3 months of occupancy of new shed.(j) Conditions 18 and 19 added to make clear expiry provisions for new and existing works and use	
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CARRIED

Attachment Numbers: 6 – 8

Cr W Bywaters returned to the meeting at 3:32pm.

9 REPORTS REQUIRING A DECISION

9.1 REQUEST FOR OFFICERS TO REVIEW THE REQUEST FROM NHILL AVIATION HERITAGE CENTRE INC. WITH REGARDS TO TAKING OWNERSHIP OF THE NHILL TRANSMITTER STATION NAVIGATION FACILITY

Responsible Officer: Director Infrastructure Services

Introduction:

Officers are seeking a time extension on Councils request to prepare a report/reports for the Ordinary Council Meeting to be held on 2 February 2022 in relation to taking on the ownership of the Nhill Transmitter Station navigation facility.

Discussion:

At the Council meeting held on Wednesday 15 December 2021, under section 13 – Other Business the following resolution was carried:

MOVED: CRS W Bywaters/R Gersch

That Council:

- 1. Requests that officers review the request for the Nhill Aviation Heritage Centre Inc. to determine any costs associated with taking ownership of the Nhill Transmitter Station navigation facility;***
- 2. Requests that officers contact Air Services Australia and investigate the possibility of taking ownership of the surrounding land and the navigation facility; and***
- 3. Requests that a report or reports be prepared on this motion for the Ordinary Council meeting to be held on 2 February 2022.***

Officers have attempted to contact Air Services on numerous occasions (via email and phone calls) requesting them to contact us in regard to the above matters. Most recently (19 Jan 2022) we have received our first e-mail response, advising that the Property Officer in charge of Land and Buildings managed and owned by Air Services is on leave until February 2022.

Unfortunately, Officers have been unable to obtain any written confirmation that Air Services is willing to transfer ownership of the Nhill transmitter Station navigation facility, nor have they been able to gather all of the financial information required to fully ascertain all the costs which may be associated with taking the ownership of the infrastructure and its surrounds.

Options:

1. Council approves an extension on the February requirement that a report/reports be prepared on this motion for a future Ordinary Council Meeting at a date deemed suitable by the CEO.

Link to Council Plan:

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

Long-term financial sustainability.

Financial Implications:

Full amount unknown at this time, however legal costs for transfer of land/buildings could be up to \$2,000.

Risk Management Implications:

Unknown at this point in time until further investigations can be completed.

Relevant legislation:

Local Government Act 2020

Community engagement:

Discussions have taken place with the Nhill Aviation Heritage Centre Inc.

Gender equality implications:

N/A

Conflict of Interest:

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

Author – Wayne Schulze, Manager Operations

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Communications Strategy:

Officers will continue to make contact with Air Services and will advise Council of the outcome of their discussions.

Next Steps:

Interested parties will be informed of the Officers progress with regards to this matter.

RECOMMENDATION:

That Council approves an extension on the February requirement for a report to be prepared for Council on the possible transfer of ownership of the Nhill Transmitter Navigation Facility to a future Council meeting following discussions with Air Services Australia.

MOVED: CRS R Gersch/R Ismay

That Council approves an extension on the February requirement for a report to be prepared for Council on the possible transfer of ownership of the Nhill Transmitter Navigation Facility to a future Council meeting following discussions with Air Services Australia.

CARRIED

9.2 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	Q1: 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	Q1: 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	Q1: 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+	Q1: On-line workshop conducted with

barriers and views are considered	Elite Counselling and attended by Senior Staff.
Develop the Hindmarsh Shire Youth Strategy	<p>Q1: Youth Strategy 2021-2025 draft complete and will be presented to Council in October. Karen translation commissioned by the Migration Translators.</p> <p>Q2: Youth Strategy 2021-2025 was adopted by Council on 15 December 2021. A version of the Youth Strategy was also prepared and adopted in Karen.</p>
Upgrades to the Nhill Library to encourage use by our multicultural community, children and youth	<p>Q1: In progress, at permit stage for minor structural changes. Electrical upgrades (excluding lighting) have been completed. Currently reviewing fixture upgrades.</p> <p>Q2: Works have commenced at the Nhill library with electrical works completed and new furniture and shelving ordered. The library will be closed for 1 week in early February to allow for the entry way to be increased allowing all abilities to easily access the large room.</p>
Continue to support early years services in Hindmarsh Shire	Q1: 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	Q1: 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	Q1: 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	Q1: Due to the COVID-19 pandemic the 2021 Seniors Concert was postponed and will be held in early

<p>delivery of community care services</p>	<p>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.</p>
<p>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.</p>	<p>Q1: 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.</p> <p>Q2: To compliment the range of events and functions already mentioned, there will be additional community events held in response to funding received through the Regional Recovery Fund.</p> <p>Reconnecting Communities through Small Events in Hindmarsh Shire will support some existing and new events across the shire.</p> <p>Dimboola will have a series of events including an evening concert at the Barefoot Skiing tournament and Friday night events at the Dimboola Visitor Node.</p> <p>Jeparit will utilise funds to support the MOPKE Christmas function and an evening concert following the Easter Fishing competition.</p> <p>Nhill will utilise finds to support their Christmas Carols and other concerts while Rainbow is planning for the return of the Big Sky Festival in March 2022.</p>
<p>Celebrate volunteers week</p>	
<p>Construction of Rainbow Library</p>	<p>Q1: In progress. Framing and roof beams erected. Landscape design prepared.</p>

	<p>Q2: Electrical wiring and plastering has been completed. Painting is well underway. Furniture and shelving have been ordered.</p>
<p>Provide community action grants to support Hindmarsh community groups and organisations</p>	<p>Q1: Round 1 of the Community Action Grants is currently open. Youth Grants have also been established using FReeZA funding to support Youth outcomes.</p> <p>Q2: Round 1 of the Community Action Grants awarded grants to 13 local organisations. Round 2 of the Community Action Grants will be advertised early in 2022.</p>
<p>Continue to support the Rural Outreach Program</p>	<p>Q1: Council continues to support the Rural Outreach Program. Outreach officers have attended movie mornings.</p>
<p>Provide school holiday activities throughout Hindmarsh</p>	<p>Q1: 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.</p>
<p>Support and coordinate the volunteer taxi service in Nhill</p>	<p>Q1: Council continues to support and coordinate the volunteer taxi service in Nhill.</p>
<p>Establish and maintain relationships with Barengi Gadjin Land Council (BGLC) and local indigenous groups</p>	<p>Q1: Council staff are working closely with 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.</p> <p>Q2: Council staff are liaising with BGLC regarding internal cultural awareness training for all staff.</p>
<p>Provide public computers and free Wi-Fi at Hindmarsh Shire Libraries</p>	<p>Q1: Public computers and free Wi-Fi are available at Dimboola, Jeparit & Nhill Libraries.</p>

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	Q2: A strategic plan is to be developed to assist with the identification and roll out of suitable bins for rubbish, recycling, and glass bottles across the municipality.
Review Council's road management plan	
Construction of Albacutya Bridge and associated road works	Q2: Construction has commenced on the bridge works, due for completion in early 2022. The roadworks will also commence in early 2022.
Hold free green waste month in September and encourage residents to tidy their properties prior to the fire season	Q1: Free Green waste month was held from 10 September to 10 October.
Consider for adoption of Nhill streetscape plan	Q2: The Draft Nhill Streetscape Plan was presented to Council in December 2021 and endorsed.
Installation of solar heating on Rainbow swimming pool	Q1: 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	Q1: Due to two unsuccessful tender advertising rounds works is currently underway for design and approval of permits prior to re-advertising. Q2: Council has completed design and is in the process of obtaining a building permit to then go to tender as a construction only project.
Review and update Waste Management Strategy	
Installation of pedestrian safety fencing at Nhill Early Years Centre	Q1: Pedestrian fencing has been installed at Nhill Early Years Centre.
Installation of seating and electric barbeques at Rainbow Lake	Q1: Awaiting change of use application (planning permit will be included in October Council meeting). Following approval works will be able to commence. Q2: Design for Amenities Building in progress to obtain a building permit then quote for construction. Once costs finalised then work will commence on BBQ & picnic tables.
Consider opportunities and seek funding for lighting in public areas	Q2: Plans are being prepared to support a funding application in early

	2022 for improved street lighting across the shire.
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Grampians Central West Waste, Resource Recovery Group and Hindmarsh Landcare Network	Q2: Councillors and Council staff attend Western Highway Action Committee, Wimmera Regional Transport Group and Grampians Central West Waste, Resource and Recovery Group Meetings. A Councillor attends the Hindmarsh Landcare Network meetings.
Continue to advocate for funding for Davis Park improvements	Q1: Council continues to advocate both state and federal government for funding to improve Davis Park. Q2: A series of schematic plans and cost plans have been developed for various aspects associated with the redevelopment of Davis Park. Council will be holding further discussions with NDSC in early 2022 to determine an appropriate direction.

Theme Three – Competitive and Innovative Economy

Action Item	Update on Action
Upgrades to ensuites at Dimboola Caravan Park	Q2: Upgrades to two ensuites have been completed, the other two are scheduled for the new year.
Provide the business assistance grants program	Q1: Round 1 applications for the Business Assistance Grants Program will be presented to Council in October. Q2: Round 1 applications for the Business Assistance Grants Program were awarded at the October 2021 Council meeting. Round 2 will be advertised in early 2022.
Promote Hindmarsh as a tourism destination to stop, stay and play	Q1: 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. Q2: Radio and print advertising was undertaken leading up to the

	<p>Christmas/new year period.</p> <p>A regional television campaign is penciled in for March/April 2022.</p> <p>Work is continuing on the funded Silo Art Trail projects.</p> <p>Increased social media undertaken on Albacutya Silo (videos cross-shared by Visit Victoria).</p>
Host business networking session to encourage Hindmarsh businesses to come together and network	<p>Q1: This has been delayed due to the COVID-19 pandemic.</p> <p>Q2: Planning is underway to host a business networking session at the end of February 2022.</p>
Construction of a camp Kitchen at Jeparit riverbank precinct	<p>Q1: Currently delayed due to slow landowner consent via Parks Victoria.</p> <p>Q2: Draft master plan has been prepared indicating where the camp kitchen is to be located.</p> <p>As indicated above, Parks Vic are currently processing landowner consent.</p>
Installation of cabin accommodation (including all abilities) at caravan parks within Hindmarsh Shire (subject to funding)	<p>Q2: Council awarded the contract for design, construction, and installation of cabins at the November 2021 Council meeting. It is anticipated cabins will be on site at the end of May / early June 2022.</p> <p>A funding application for Regional Tourism Investment Fund is currently being developed (in replace of unsuccessful BBRF application).</p>
Commence review on Council's economic development strategy	
Participate in Wimmera Development Association housing strategy meetings	<p>Q1: Council continues to participate in the WDA housing strategy meetings.</p>
Enhance Council's Procurement Policy to support Council purchasing locally	<p>Q1: Council adopted the updated Procurement Policy on 4 August 2021. The policy includes local and regional weighting to support our local and neighbouring businesses.</p>
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	<p>Q1: A Silo Art Project Coordinator has been appointed.</p> <p>Arkona Silo Art art curator/artist management has been appointed.</p> <p>Q2: Comprehensive engineering</p>

	assessment of the Llew Schilling Silo is completed, awaiting final report. Preliminary Budget in development, site being cleared of items belonging to Llew. Expecting to develop EOI for appointment of architect in Q1 2022. Arkona Silo Art awaiting 3 artist options/quotes, expected January 2022. Aiming for April installation.
Provide a calendar of events to assist community groups and event organisers to promote their events	Q1: 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	Q1: 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.

Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action
Develop a workforce plan	Q1: Work has commenced on the development of a workforce plan. Q2: The workforce plan was adopted by the CEO in December 2021.
Online streaming of Council meetings through Council's Facebook page	Q1: 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	Q1: Due to the COVID-19 pandemic restrictions have not allowed for community meetings to be held in person. Q2: A community meeting was held in Jeparit in November to discuss the Riverbank precinct.
Drop in sessions held allowing for community input to Council on key documents or projects	Q1: 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	Q1: The Long-Term Financial Plan has been prepared and was adopted by Council on 20 October 2021
Quarterly finance reporting to Council	Q1: Council's first quarter finance report will be presented to the October Council meeting. Q2: Council's second quarter finance report will be presented to the February 2022 Council meeting.
Review Council's Complaints Policy	Q2: The complaints policy was updated and adopted in December 2021. A copy is available on Council's website.
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	Q1: Council continues to have representation on WDA, RCV and MAV.
Quarterly Council Plan reporting to Council	Q1: The first quarterly report to Council will presented to Council in November 2021. Q2: The second quarterly report to Council will presented to Council in February 2022.
Develop a gender equality action plan	Q1: 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 Council to implement the Rural Council Transformation Project	Q1: RCTP is progressing with evaluation of potential software completed and a recommendation prepared for the board. Q2: A recommendation of the preferred software will be presented to the February 2022 board meeting.
Audit & Risk Committee meetings review and consider Council risks at each meeting	Q1: 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 second quarter actions 2021/2022 update.

MOVED: CRS R Ismay/B Ireland

That Council receives the Council Plan 2021-2025 second quarter actions 2021/2022 update.

CARRIED

9.3 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021

Responsible Officer: Director Corporate and Community Services

Attachment Number: 9

Introduction:

The Financial Report for the second 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 31 December 2021 as presented.

MOVED: CRS R Ismay/D Nelson

That Council notes the Financial Report for the period ending 31 December 2021 as presented.

CARRIED

Attachment Number: 9

10 COUNCIL COMMITTEES

10.1 DIMBOOLA TOWN COMMITTEE

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

Introduction:

The Dimboola Town Committee held its meeting on 12 January 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee meeting held on 12 January 2022.

MOVED: CRS D Nelson/W Bywaters

That Council notes the minutes of the Dimboola Town Committee meeting held on 12 January 2022.

CARRIED

Attachment Number: 10

11 LATE REPORTS

No late reports.

12 NOTICES OF MOTION

No notices of motions.

13 OTHER BUSINESS

No other business.

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by 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 2022 HINDMARSH SHIRE YOUTH COUNCIL NOMINATIONS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it contains personal information;***

MOVED: CRS W Bywaters/D Nelson

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 2022 HINDMARSH SHIRE YOUTH COUNCIL NOMINATIONS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it contains personal information;***

CARRIED

15 MEETING CLOSE

There being no further business, Cr M Albrecht declared the meeting closed at 4:25pm.
