



27 April 2023

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chambers, 92 Nelson Street Nhill, on Wednesday 3 May 2023 commencing at **3:00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1	ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY	3
2	APOLOGIES	3
3	DECLARATION OF INTERESTS	3
4	CONFIRMATION OF MINUTES	4
5	PUBLIC QUESTION AND SUBMISSION TIME	4
6	ACTIVITY REPORTS	5
7	CORRESPONDENCE	8
7.1	GENERAL CORRESPONDENCE	8
8	PLANNING PERMITS	9

- 8.1 AMENDED APPLICATION TO PLANNING PERMIT PA1647-2019-A2 – USE AND DEVELOPMENT OF LAND – MINERAL EXTRACTION - EXPANSION OF EXISTING GYPSUM MINE – MINING LICENSE MIN5316 – AMENDMENT TO AMEND THE APPROVED PLANS FOR CONSTRUCTION OF A NEW BUILDING FOR THE STORAGE OF GYPSUM FOR THE EXISTING MINERAL EXTRACTION USE – KURNBRUNIN ROAD RAINBOW VIC 3424 9
- 8.2 PLANNING PERMIT APPLICATION PA1803-2022 – USE AND DEVELOPMENT OF A PLACE OF ASSEMBLY (SILO ART TRAIL VIEWING PLATFORM, AMENITIES BUILDING AND CAR PARK) – 13 BOW STREET RAINBOW VIC 3424 23
- 8.3 APPLICATION FOR PLANNING PERMIT 1795-2022 – USE AND DEVELOPMENT OF THE LAND FOR A TRANSFER STATION AND REDUCTION OF CAR PARKING REQUIREMENTS – 7 MIDDLETON AVENUE NHILL VIC 3418 39

9 REPORTS REQUIRING A DECISION 57

- 9.1 PROPOSED LOCAL ROADS AND COMMUNITY INFRASTRUCTURE ROUND 4 FUNDING DISTRIBUTION 57
- 9.2 GOVERNANCE UPDATES 64
- 9.3 COUNCIL PLAN 2021-2025 PROGRESS REPORT 67
- 9.4 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2023 76
- 9.5 COUNCIL PLAN DRAFT ACTION PLAN 2023/2024 77

10 COUNCIL COMMITTEES 80

- 10.1 LGBTIQ+ ADVISORY COMMITTEE 80
- 10.2 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE 81
- 10.3 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE 82

11 LATE REPORTS 83

12 NOTICES OF MOTION 83

13 OTHER BUSINESS 83

14 CONFIDENTIAL REPORTS 83

- 14.1 WIMMERA RIVER DISCOVERY TRAIL VARIATION AND REQUEST FOR QUOTATION – SUPPLY, CONSTRUCTION AND INSTALLATION OF PEDESTRIAN BRIDGES – RFQ 2022-2023 – Q23

15 LATE CONFIDENTIAL REPORTS 84

16 MEETING CLOSE 84

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY

Acknowledgement of the Indigenous Community

Hindmarsh Shire Council acknowledges that this meeting is being held on the lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and we acknowledge them as Traditional Owners of Country.

We recognise the important ongoing role that Indigenous people have in our community and pay our respects to their Elders, past and present.

2 APOLOGIES

Cr W Bywaters

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.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 5 April 2023 at the Nhill Memorial Community Centre Nhill, as circulated to Councillors be taken as read and confirmed.

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

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

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

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 28 March 2023 – 24 April 2023

Cr IRELAND, MAYOR

Date	Meeting	Location	Comments
28/03/2023	Rainbow Community Plan Meeting	The MECCA	
29/03/2023	Meeting with CEO	Nhill	To discuss agenda for April meeting
29/03/2023	Waste Management Meeting	Nhill	
03/04/2023	Jeparit Town Planning Meeting		
04/04/2023	Nhill Town Planning Meeting		
05/04/2023	Cuppa Connections / Café Health	Jeparit	
05/04/2023	Council Briefing Meeting	Nhill	
05/04/2023	Council Meeting	Nhill	
06/04/2023	Mayoral Matters Column to Newspaper		
13/04/2023	Statement to Mail Times		With regards to NAB closure in Jeparit
14/04/2023	Meeting with CEO to deliver review		Hard copy for file
14/04/2023 to 24/04/2023	Hospital/operation and recovery time		

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
28/3/2023	Rural Workforce Agency (RWAV)	Nhill	
02/4/2023	Cultural Awareness Training – Leadership Wimmera	Horsham	Amazing training by Lissy Johns and proud Wotjobaluk woman Joanne Harrison Clarke. I would encourage all Councillors to attend.
40/04/2023	Town Strategy Masterclass – Spark Strategy & West Vic Business	Online	Thanks West Vic Business for the hopefully the first of more masterclasses.
04/04/2023	Nhill Community Plan & Economic Development Plan Consultation Session	Nhill	Thank you to those that attended and watched online.

05/04/2023	Council Briefing	Nhill	
05/04/2023	Council Meeting	Nhill	
12/04/2023	LGBTIQ+ Advisory Committee Meeting	Online	

Cr GERSCH

Date	Meeting	Location	Comments
29/03/2023	Karen Information RE Bottle Pickup		
31/03/2023	Wimmera Regional Roads Meeting		
01/04/2023	JP Training Update Revision		
04/04/2023	Nhill Community Meeting		
05/04/2023	Council Meeting		
12/04/2023	WWHS Community Information Session		
24/04/2023	Nhill Information Centre Volunteer		
25/04/2023	ANZAC Day 6:30am Service		
25/04/2023	ANZAC Day March and Service Laying of Wreaths		

Cr NELSON

Date	Meeting	Location	Comments
31/03/2023	Wimmera Southern Mallee LLEN HR Committee Meeting		
31/03/2023	Longerenong College Graduation Ceremony	Horsham	
03/04/2023	Meals on Wheels Deliveries	Dimboola	
04/04/2023	Mates Mentoring	DMSC Dimboola	
05/04/2023	Council Briefing Meeting	Nhill	
05/04/2023	Council Meeting	Nhill	
06/04/2023	Meals on Wheels Delivery	Dimboola	
20/04/2023	Shuddersome Tales of Poe	Dimboola	
22/04/2023	Print Museum	Dimboola	

22/04/2023	Steampunk Festival Volunteer	Dimboola	
------------	------------------------------	----------	--

Cr BYWATERS

Date	Meeting	Location	Comments
05/04/2023	Council Briefing and Council Meeting	Nhill	
12/04/2023	Steampunk Karen Costumes Workshop	Nhill	
12/04/2023	WWHS Community Information Session	Nhill	
12/04/2023	Hindmarsh Network Meeting	Dimboola	
14/04/2023	Steampunk Volunteer Meeting	Dimboola	
20/04/2023	Volunteer Steampunk	Dimboola	
21/04/2023	Volunteer Steampunk	Dimboola	
22/04/2023	Volunteer Steampunk	Dimboola	
23/04/2023	Volunteer Steampunk, pack up & clean-up	Dimboola	
24/04/2023	Volunteer Steampunk pack up	Dimboola	
25/04/2023	ANZAC Day	Dimboola	

Cr ISMAY

Date	Meeting	Location	Comments
28/03/2023	WMT Meeting	Warracknabeal	
28/03/2023	Rainbow Community Consultation		
28/03/2023	Rainbow Rises Events Meeting		
05/04/2023	Council Briefing Meeting	Nhill	
05/04/2023	Council Meeting	Nhill	
08/04/2023	Quambatook Tractor Pull		
17/04/2023	Rainbow Town Committee Meeting		
22/04/2023	Steampunk Festival	Dimboola	
23/04/2023	Inspection of Albacutya Bridge approaches		

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment Number: 2

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 2023/04/27 – Letter from CEO to Mayor Re: Contract Expiry

RECOMMENDATION:

That Council notes the attached correspondence.
Attachment Number: 2

8 PLANNING PERMITS

8.1 AMENDED APPLICATION TO PLANNING PERMIT PA1647-2019-A2 – USE AND DEVELOPMENT OF LAND – MINERAL EXTRACTION - EXPANSION OF EXISTING GYPSUM MINE – MINING LICENSE MIN5316 – AMENDMENT TO AMEND THE APPROVED PLANS FOR CONSTRUCTION OF A NEW BUILDING FOR THE STORAGE OF GYPSUM FOR THE EXISTING MINERAL EXTRACTION USE – KURNBRUNIN ROAD RAINBOW VIC 3424

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 11680
Application No: **PA1647-2019-A2**
Applicant: Mr Nick Patterson, C/- Ms Kathryn Moreland, Entegra Signature Structures
Owner: A & T Gould Holdings Pty Ltd
Subject Land: Kurnbrunin Road Rainbow VIC 3424 (Crown Allotment 5 Parish of Kurnbrunin)
Proposal: Amended Planning Permit for the Use and development of land for Mineral Extraction to amend the approved plans for construction of a new building for the storage of gypsum for existing mineral extraction use, with amendments to the permit description and new conditions
Zoning & Overlays: Farming Zone (FZ)
Environmental Significance Overlay Schedule 6 (ESO6) – eastern part only
Bushfire Management Overlay (BMO) – small eastern part only
Land Subject to Inundation Overlay (LSIO)
Attachment Number: 3

Summary:

This report recommends that Council approve Amended Planning Permit PA1647-2019-A2 for the Use and development of land for Mineral Extraction to amend the approved plans for construction of a new building for the storage of gypsum and amendments to the permit description and new conditions, on the land at Kurnbrunin Road Rainbow VIC 3424 (Crown Allotment 5 Parish of Kurnbrunin), subject to conditions.

Background:

The site is currently used for Mineral Extraction under Mining Licence 5316 and other agricultural activities. Planning Permit PA1647-2019 was issued on 20 January 2020. An Amended Planning Permit PA1647-2019-A1 was issued on 6 February 2020 to include two additional conditions for the hours of operation in accordance with the work plan and truck movements to and from the site to occur weekdays and Saturdays between 8.00am and 6.00pm unless with the separate consent from Council.

Proposal Details:

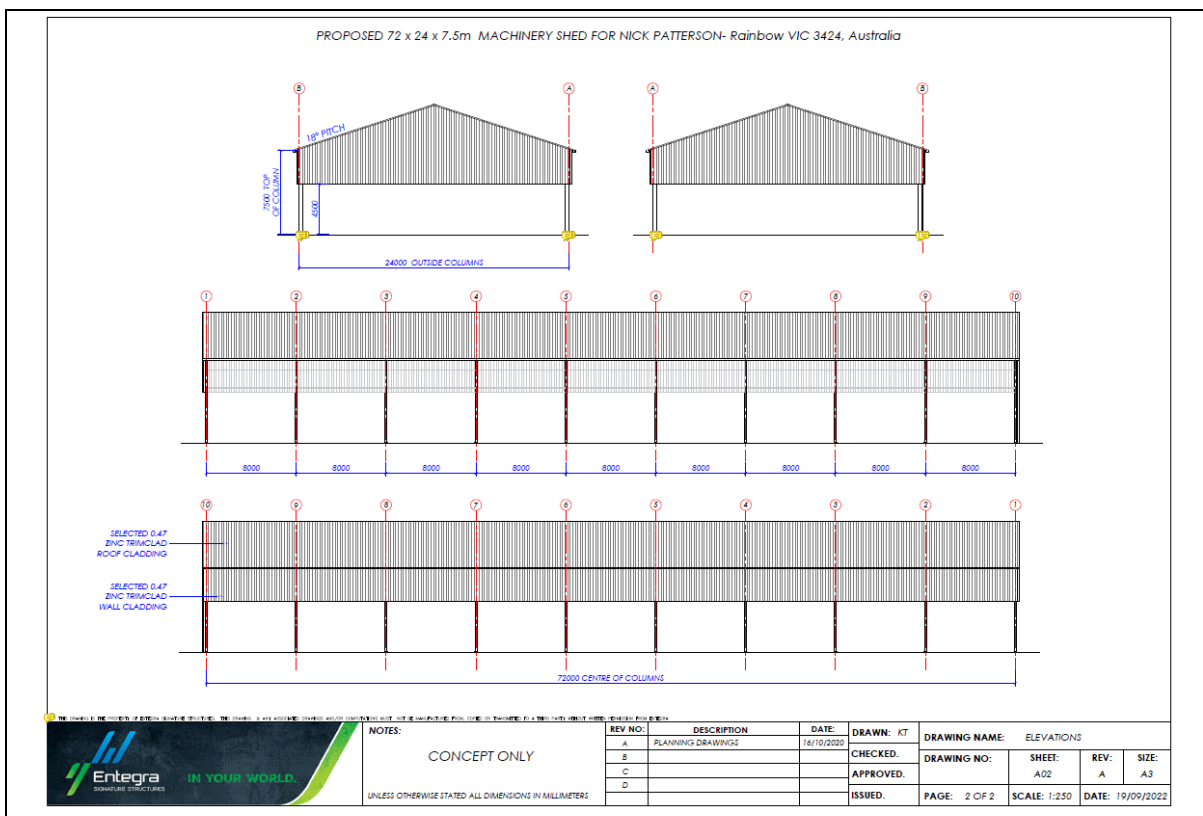
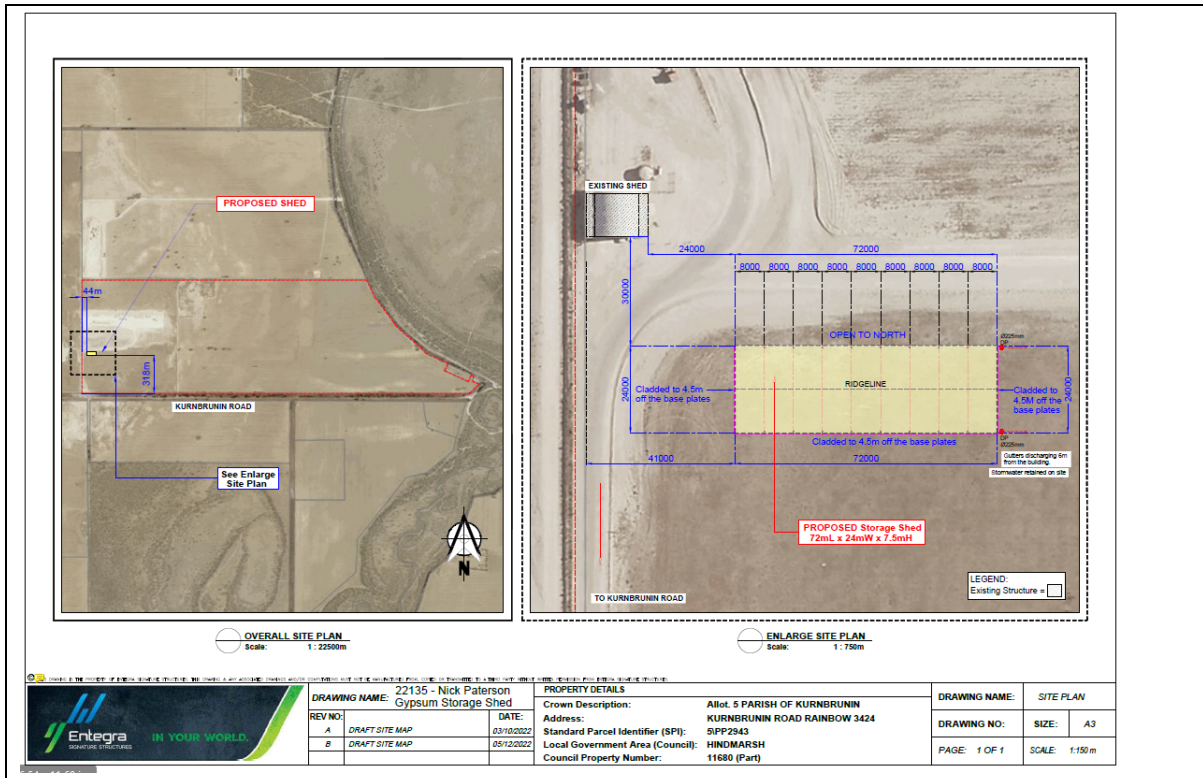
The application proposes to amend the approved plans for Planning Permit PA1647-2019-A1 for the construction of a new building for the storage of gypsum. The proposed building will be 72.0m long by 24.0m wide and 7.5m high. The building will have setbacks of 318.0m from the southern boundary to Kurnbrunin Road and 44.0m from the western side boundary. Trucks will use the existing internal access road for vehicle access to the proposed building and will have adequate clearance to enter and exit the site in a forward direction. The operator of the mine has described the proposal as follows:

'We produce the gypsum to meet the demand of our agricultural customers; farmers. Their demand is seasonal, primarily January to April. This is based on their cropping cycle and weather. Gypsum cannot be crushed, loaded and applied if it's wet, and if the paddocks are wet, so therefore we only have this window to produce and supply. When it does rain in these months, we have to shut down, as we cannot produce or load/supply wet gypsum. The storage shed will provide us an 'insurance policy' as such, so that when it does rain within our window (which it does) we can still at least supply, so long as the farmers are able to spread it on their paddocks.

It also allows us to maintain a dry stockpile to ensure we can keep up with demand. If stockpiles get wet, we have to spend more time and resources to dry it out before loading it. Therefore, this again gives us more flexibility to meet demand within this short window.

This season is a great example of needing to keep up with demand. Due to the excessively wet winter, demand for gypsum has skyrocketed, however, the gypsum coming out from the ground is still wet. Had we had a storage shed, we could load from both it, and the freshly mined gypsum as it dries out.'

Proposed Site Plan and Elevations below:



Requirement for Amended Permit:

The subject land is located within the Farming Zone, the Environmental Significance Overlay Schedule 6, the Bushfire Management Overlay (BMO) and the Land Subject to Inundation Overlay (LSIO).

An amended planning permit is required to construct buildings and works for a Section 2 Use under Clause 35.07-4 of the FZ and Clause 44.04-2 of the LSIO pursuant to Section 72 of the *Planning and Environment Act 1987*. An amended planning permit is not required under the ESO6 and BMO as there are no buildings and works proposed in those affected areas on the site and no permit triggers.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

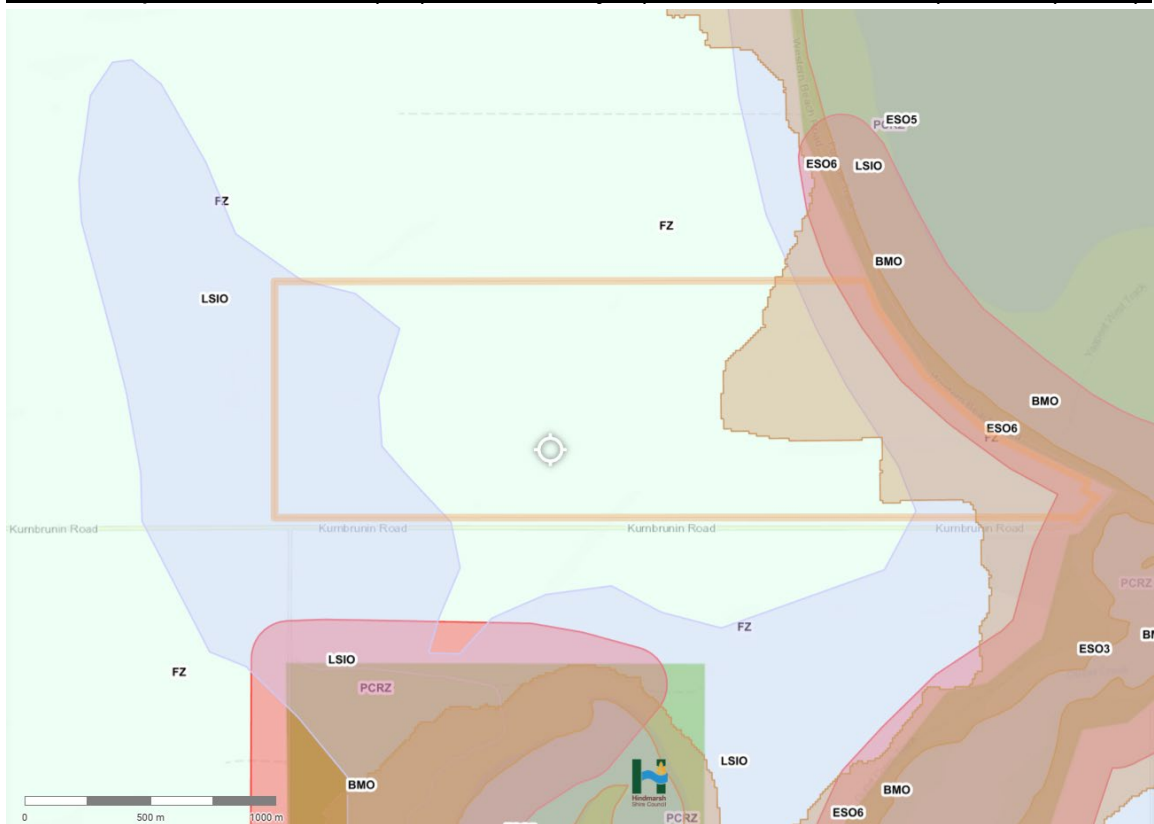
The subject land is located on the northern side of Kurnbrunin Road in Rainbow. The site is generally a rectangular shaped allotment with an angled eastern boundary and has a total area of approximately 257ha. The site is currently used for Mineral Extraction under Mining Licence 5316 and other agricultural activities. Existing vehicle access to the site is from Kurnbrunin Road to the south. The site is surrounded by broad scale farming land. Lake Albacutya is located to the east of the site on the eastern side of Western Beach Road.

The site and surrounding area are within the Farming Zone (FZ) and are also partly affected by the Environmental Significance Overlay Schedule 6 (ESO6), the Bushfire Management Overlay (BMO) and the Land Subject to Inundation Overlay (LSIO). The proposed building will be located within the area affected by the LSIO but will not be within the area affected by the ESO6 and BMO.

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



Aerial Map with the Zone (FZ) and Overlays (ESO6, BMO & LSIO) below (POZI):



Consultation:

Consultation was undertaken and included:

- A request for further information was sent to the applicant on 22 November 2022.

- A response to the further information including amended plans was received on 23 January 2023.
- Following a phone discussion with the applicant, additional information was received from the applicant on 17 February 2023 about the demand and supply of the gypsum.

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 and adjacent land.
- Placing one public notice on the front boundary of the site to Kurnbrunin Road.
- Placing a public notice on Council's website.

A statutory declaration form for the advertising signs was submitted by the applicant. The notification requirements have been carried out correctly.

Council received one submission from a neighbour confirming that they are not objecting to the shed to store gypsum and raised issues about safety and road maintenance by Council, which were responded to separately by the Manager of Development.

Council has not received any objections to date.

Referrals:

External Referrals/Notices were required by the Planning Scheme:

Section 55 Referrals

DEECA - Heritage Victoria:

Comments provided – No records of any Victorian Heritage Inventory sites, places in the Victorian Heritage Register or places on the National Heritage List.

DEECA - Earth Resources Regulation:

No response was received within the required timeframe.

Wimmera CMA:

Does not object to the granting of the permit to the proposal as submitted. No conditions are required.

Section 52 Referrals

Nil

Internal Referrals:

Engineering - Comments provided, and conditions recommended as detailed below.

We have conducted a site visit for the new construction of shed at Kurnbrunin Rd Rainbow.

Access:

Access to the approved development on the site must be from the existing crossover on Kurnbrunin Road.

Vehicles must enter and exit the site in a forward direction at all times.

The internal access roads must be maintained to the satisfaction of the Responsible Authority.

Drainage:

a. The LPD is to be made away from any structure and Storm water should be collected from the shed and harvested into the rainwater tanks with overflow directed, downhill and away from the structure.

b. LPD can be applied with the building permit application.

Building:

Comments provided:

A Building Permit will be required for the construction of the shed.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

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

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03-4 Natural Resource Management

Clause 02.03-6 Economic Development

Planning Policy Framework (PPF)

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

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.01-1L Hindmarsh

Clause 11.03-6S Regional and local places

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2S Sustainable agricultural land use

Clause 15.01-6S Design for rural areas

Clause 19.03-2S Infrastructure design and provision

Planning Response:

The proposal will allow for increased productivity of the existing mining use on this part of the subject land. The proposal will not result in the loss of any agricultural land and will be protect and enhance valuable agricultural land and sustainable agricultural uses within the area. The proposal is unlikely to create any land use conflicts with surrounding agricultural land uses.

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

Zoning Provisions

Clause 35.07 Farming Zone (FZ)

35.07-1 Table of Uses

A permit is not required for the use of Mineral Extraction as this is an existing Section 2 Use (Permit required) under this Clause.

35.07-4 Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1.
- A building which is within any of the following setbacks:
 - The setback from any other road or boundary specified in a schedule to this zone.
 - The setback from a dwelling not in the same ownership specified in a schedule to this zone.

35.07-6 Decision Guidelines

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

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

Schedule to the Farming Zone

There are no relevant permit triggers in the Schedule.

Planning Response:

The proposed building to be used for the storage of gypsum will allow for increased productivity of the existing mining use on this part of the subject land. The proposal will not result in the loss of any agricultural land. The existing agricultural uses will be retained, and the proposal will not have adverse impacts on agricultural land and sustainable agricultural uses within the area. The proposal is unlikely to create any land use conflicts with surrounding agricultural land uses. The proposal is consistent with the purpose and the relevant decision guidelines of the Zone.

Overlay Provisions

Clause 42.01 Environmental Significance Overlay Schedule 6 (ESO6)

No permit is required under the ESO6 as no building and works are within the area affected by the ESO6.

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

44.04-2 Buildings and works

A permit is required to construct a building or to construct or carry out works that are within the LSIO.

44.04-8 Decision guidelines

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

Schedule to the LSIO

There are no exemptions from a permit under the Schedule to the LSIO.

Planning Response:

The Wimmera CMA have provided referral comments and have advised they do not object and have not required any conditions. The proposal will not create any adverse potential for flood risk to life, health and safety associated with the development. The development is unlikely to redirect or obstruct any floodwater, stormwater or drainage water. An additional condition is required to ensure the drainage is appropriately managed and discharged to the legal point of discharge.

Clause 44.06 Bushfire Management Overlay (BMO)

No permit is required under the BMO as there are no buildings and works for Industry (which includes Mineral Extraction) within the area affected by the BMO.

Particular Provisions

Clause 52.06 Car Parking

52.06-2 Provision of car parking spaces

Before an increase in the floor area or site area of an existing use increases, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

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. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

Planning Response:

The proposal does not generate any additional demand for car parking as the building will be used for the storage of gypsum in association with the existing use of Mineral Extraction on the land. There is no increase in staff and no visitors to the site that may require car parking on the site under Clause 52.06-6. The access to the site from the existing crossover and access roads will be managed by additional conditions to ensure the access is constructed and maintained to the required standards. The proposal therefore complies with this Clause with 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.

65.01 Approval of an application or plan

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

Planning Response:

The proposal complies with the MPS and PPF as discussed above. The proposal will not adversely impact the environment, human health, and the amenity of the area. The proposal will not have flooding impacts. The proposal will enable the orderly planning of the area. The proposal, therefore, complies with the relevant decision guidelines of Clause 65.

Discussion:

The construction of the proposed building for the storage of gypsum will be associated with the existing mining use of the land and will not result in the loss of any agricultural land. The potential impact of any earthworks will be managed by conditions to prevent changes to drainage patterns and other relevant drainage conditions required by Council's Engineering team. The proposal will comply with the relevant planning policies in the MPS and PPF, the relevant decision guidelines of the FZ, the LSIO and Clause 65.

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

Strategic, Statutory and Procedural Requirements:

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

Report to Council:

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

Processing Times:

26/10/2022	Application submitted
15/11/2022	Fee paid
22/11/2022	Further information requested
23/01/2023	Response to further information and amended plans received
17/02/2023	Additional further information received
23/02/2023	External referrals and internal referrals sent
24/02/2023	Advertising directions and letters sent.
27/02/2023	Public notice erected on site
02/03/2023	Response from Wimmera CMA received
05/03/2023	Submission received from adjacent owner
09/03/2023	Response received from Engineering
15/03/2023	Response from Heritage Victoria received
16/03/2023	Statutory declaration form returned and notification period ended
17/03/2023	Email sent to submitter requesting confirmation they are not objecting and providing a response to other issues raised
17/04/2023	Follow up email sent to the submitter requesting conformation of no objection to application
18/04/2023	Submitter formally confirmed in writing of no objection to the application
03/05/2023	The report is being presented to Council at the meeting held 03 May 2023 (76 statutory days)

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

Link to Council Plan:

Competitive and Innovative Economy: The application increases the accessibility to agricultural material during variable weather events.

Financial Implications:

The only financial implications to Council relate to the general planning administration which is budgeted for in the recurrent operational budget.

Risk Management Implications:

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

Conflict of Interest:

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the Planning Permit and endorse the plans if approved.

RECOMMENDATION:

That Council approves Amended Planning Permit PA1647-2019-A2 for the Use and development of land – mineral extraction – expansion of existing gypsum mine – mining license - MIN5316, to amend the approved plans for construction of a new building for the storage of gypsum for existing mineral extraction use, with amendments to the permit description and new conditions, on the land at Kurnbrunin Road Rainbow VIC 3424 (Crown Allotment 5 Parish of Kurnbrunin), subject to the following amended permit description and amended conditions:

Amended Planning Permit Description:

Use and development of land – mineral extraction – expansion of existing gypsum mine – mining license - MIN5316 and including the construction of a new building for the storage of gypsum

Amended Conditions:

General

1. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Amenity:

2. *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) *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.*
3. *The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.*

4. **Hours of operation on-site are to be in accordance with the work plan (risk based work plan v.2.0) submitted with the application - i.e. weekdays and Saturdays between 8.00 am and 6.00 pm.**
5. **Truck movements to and from the site are to occur weekdays and Saturdays between 8.00am and 6.00pm. Any variation to these hours requires the separate consent of the Responsible Authority.**

Permit Expiry:

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) **Within six months afterwards for commencement, or**
- (b) **Within twelve months afterwards for completion.**

Access:

7. **Access to the approved development on the site must be from the existing crossover on Kurnbrunin Road.**
8. **Vehicles must enter and exit the site in a forward direction at all times.**
9. **The internal access roads must be constructed and maintained to the satisfaction of the Responsible Authority.**

Drainage:

10. **Storm water from the development must be collected and directed away from the development with any overflow directed, downhill and away from the development to the legal point of discharge to the satisfaction of the Responsible Authority.**

-END OF CONDITIONS-

Notes:

Wimmera CMA

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.

It is important to note that the flood extent information currently available for this property is of low reliability as it was derived from the Flood Data Transfer flood mapping project in 1999. The topography of the survey was coarse and minimal calibration was undertaken.

Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2023-00033 in your correspondence with us.

Drainage

The Legal Point of Discharge (LPD) can be applied for with the building permit application.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>
<i>05/02/2020</i>	<i>Two additional conditions to be included being:</i> <i>(4) Hours of operation on-site are to be in accordance with the work plan (risk-based work plan v.2.0) submitted with the application - i.e. weekdays and Saturdays between 8.00 am and 6.00 pm.</i> <i>(5) Truck movements to and from the site are to occur weekdays and Saturdays between 8.00am and 6.00pm. Any variation to these hours requires the separate consent of the Responsible Authority.</i>
<i>03/05/2023</i>	<i>Amended permit description to include reference to the construction of a new building for storage of gypsum, additional Conditions 7 to 10 for access and drainage and amended plans (Sheets 1 to 3) for the construction of a new building for the storage of gypsum for the existing mineral extraction use pursuant to Section 74 of the Planning and Environment Act 1987.</i>

Amended Plans to be endorsed:

The amended plans to be endorsed are referred to as Site Plan Rev B dated 05/12/2022, Layout Plan Rev A dated 19/09/2022 and Elevations Rev A dated 19/09/2022 drawn by Entegra Signature Structures and are to be endorsed as Sheets 1 to 3 to form part of the amended planning permit.

Attachment Number: 3

8.2 PLANNING PERMIT APPLICATION PA1803-2022 – USE AND DEVELOPMENT OF A PLACE OF ASSEMBLY (SILO ART TRAIL VIEWING PLATFORM, AMENITIES BUILDING AND CAR PARK) – 13 BOW STREET RAINBOW VIC 3424

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	2800
Application No:	PA1803-2022
Applicant:	Mr Simon Landrigan, Hindmarsh Shire Council, C/- Mr Lindsay Douglas, Dig Design
Owner:	Llewellyn Schilling, with a Caveat for Hindmarsh Shire Council to Lease the land
Subject Land:	13 Bow Street Rainbow VIC 3424 (Crown Allotment 8F6 Township of Rainbow Parish of Werrap)
Proposal:	Use and development of a Place of Assembly (Silo Art Trail Viewing Platform, Amenities Building and Car Park)
Zoning & Overlays:	Township Zone (TZ) No Overlays
Attachment Number:	4

Summary:

This report recommends that Council approve Planning Permit Application PA1803-2022 for the Use and development of a Place of Assembly (Silo Art Trail Viewing Platform, Amenities Building and Car Park), on the subject land at 13 Bow Street Rainbow VIC 3424 (Crown Allotment 8F6 Township of Rainbow Parish of Werrap), subject to standard conditions.

Background:

The site contains two adjoining Grain Silos, a shed and water tank, and scattered trees. The site has been previously used for grain storage within the Silos, but these activities have since ceased on the land.

Proposal Details:

The application proposes the use and development of the land for a Place of Assembly for a Silo Art Trail Viewing Platform, Amenities Building and Car Park. The existing Grain Silos will be redeveloped into the viewing platform buildings and the amenities building and car park will be for visitors/tourists to utilise while visiting the site.

Amended plans were received on 25 January 2023 and 15 February 2023 in response to the requested further information for the application.

The maximum number of patrons at any given time will be up to 55. The site plan includes 17 car parking spaces and has provision for a bus turn around area on the site. A range for hours of operation is also sought, though it is expected that the Silo will only be open for a limited number of hours within this range. The proposed range of hours is Sunday through Thursday 7am - 10pm and Friday through Saturday 7am – Midnight.

The existing Redgum tree in the centre of the proposed parking area will be retained. An Arborist Report from Nelson’s Tree Services was submitted as part of the response to the further information and the plans were amended as a result of the arborist report to relocate the car park to be further north and to encroach the Tree Protection Zone (TPZ) of the tree by less than 10%.

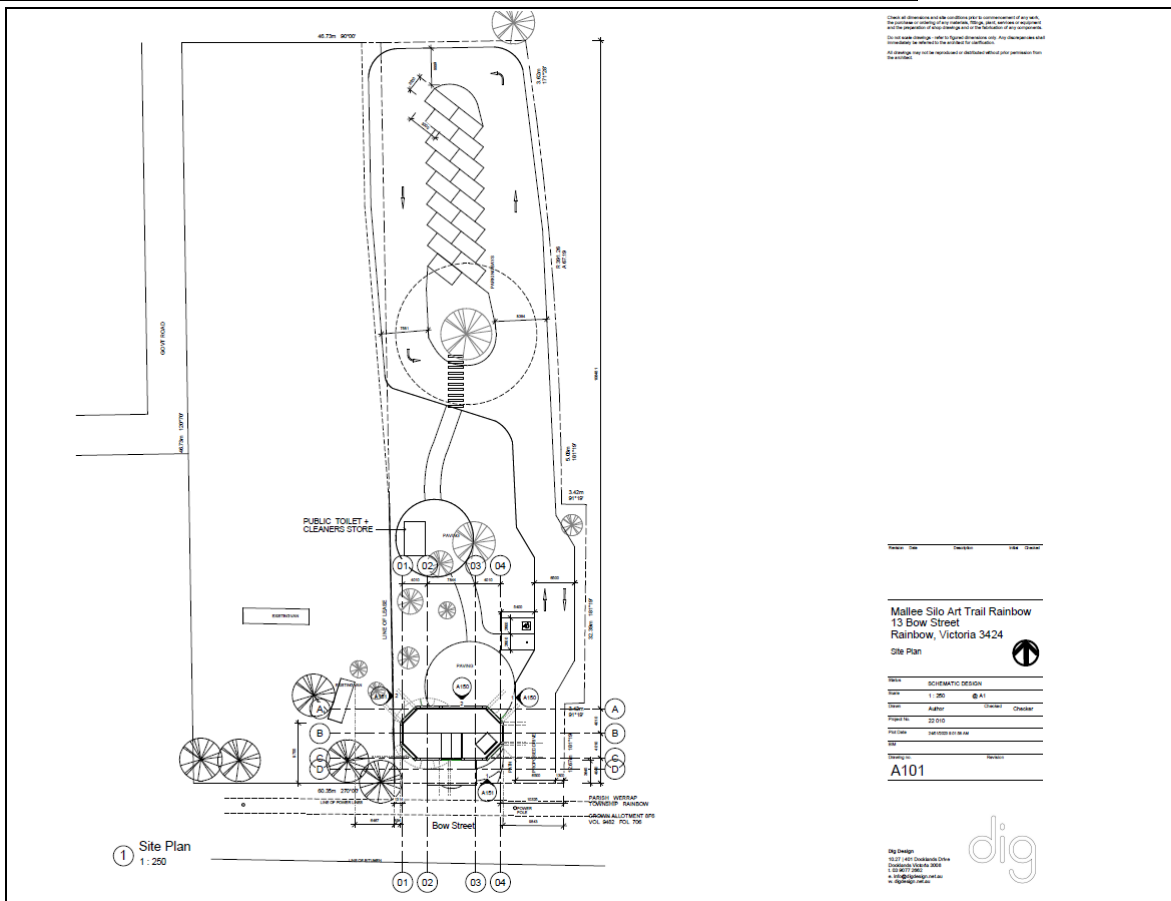
The applicant has provided details about the project including the following:

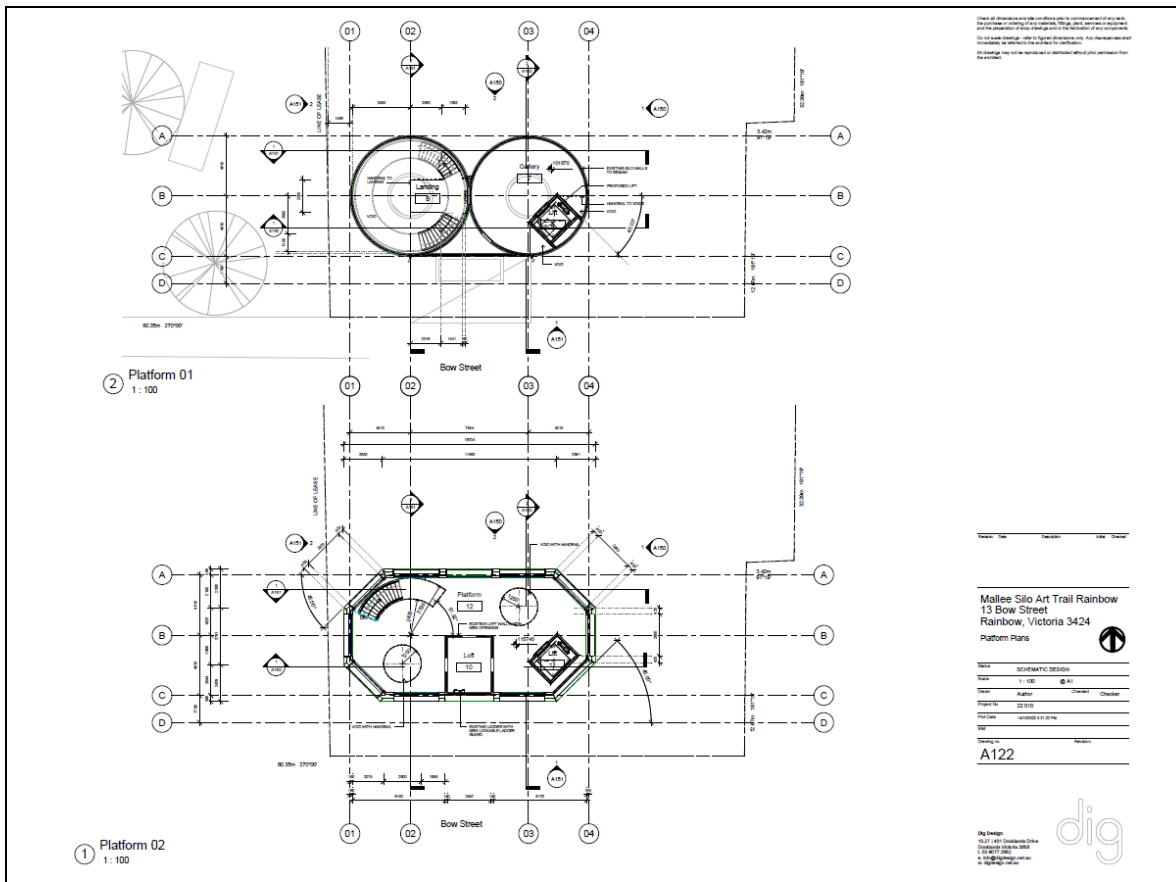
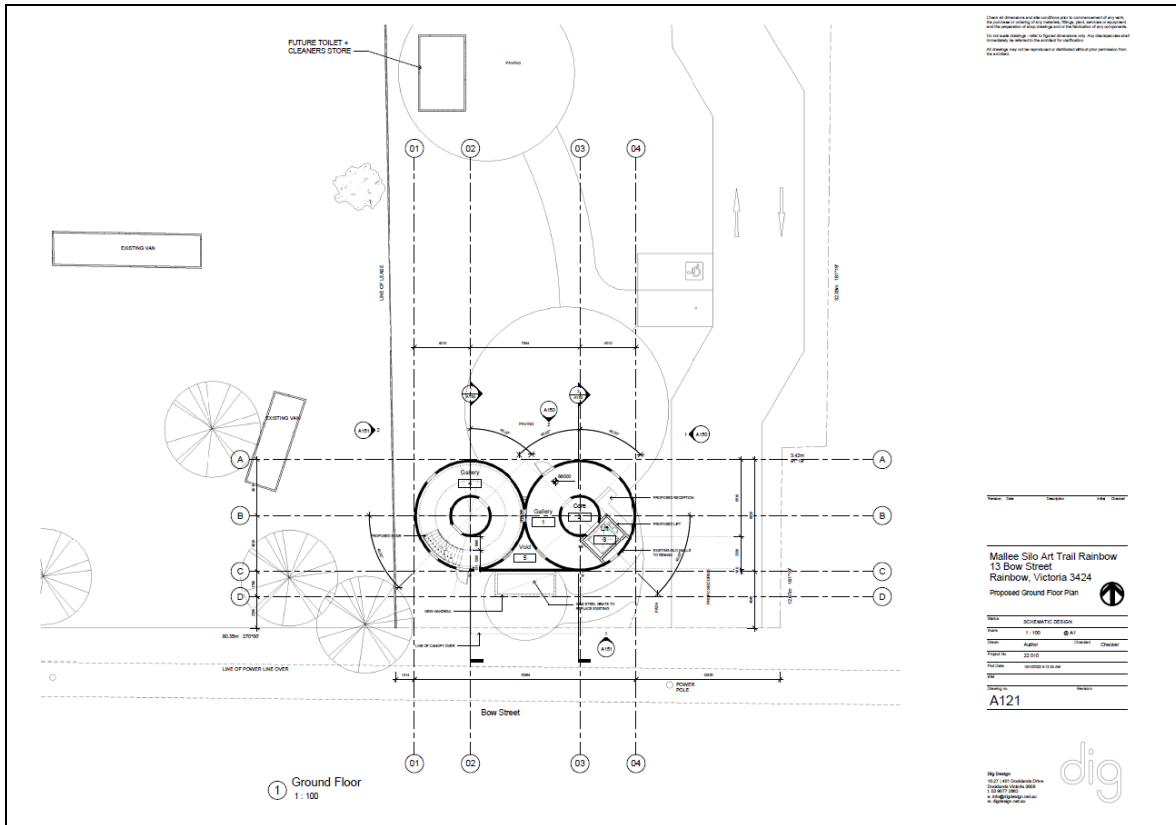
‘This project will see a 100 year old concrete grain silo remodeled as an interactive tourist attraction with internal access and viewing platform.

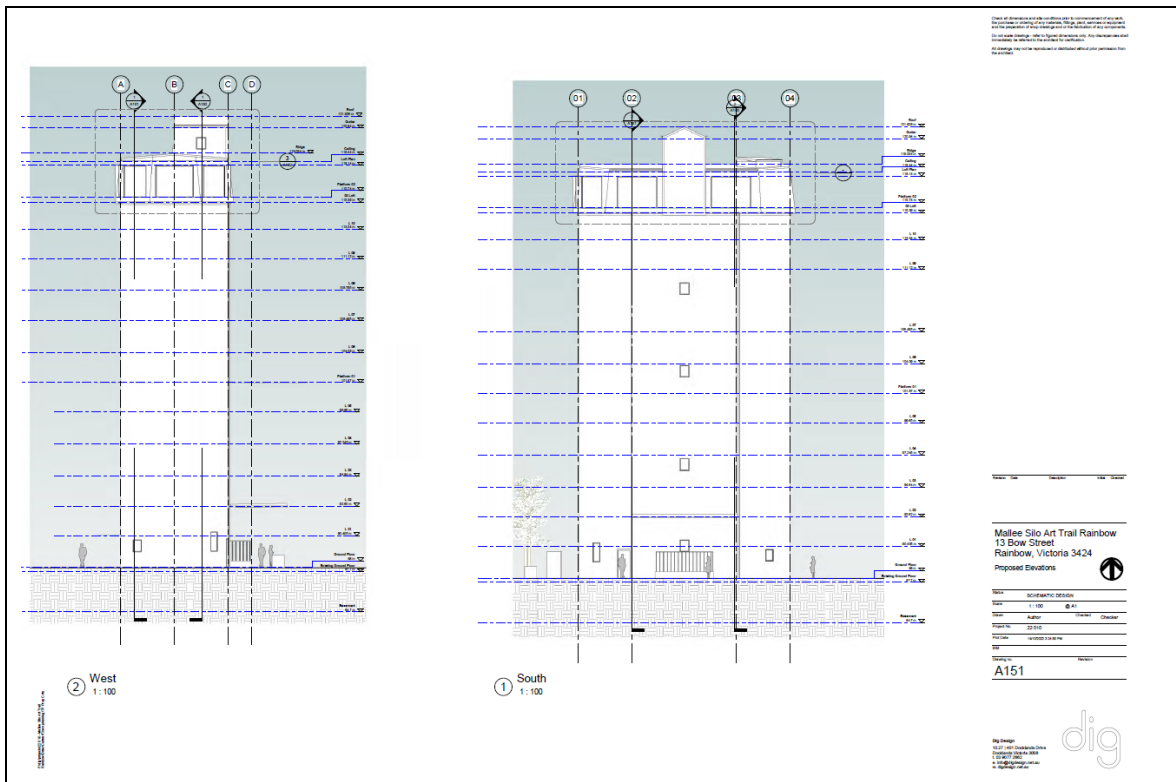
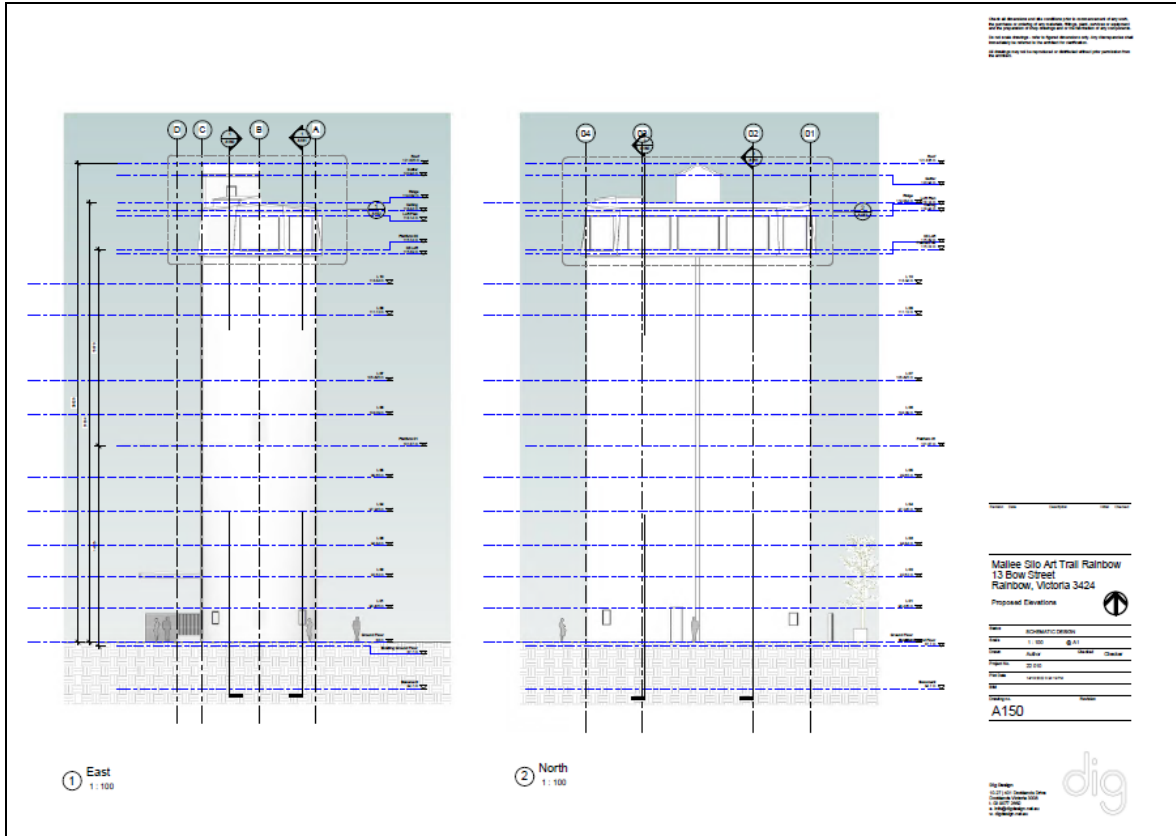
In recent years Silo Art has captured the imagination of travelers, with the Silo Art Trail (www.siloarttrail.com) in northwest Victoria earning international recognition. The popular tourist trail provides visitors with Australia’s largest outdoor gallery, where huge concrete grain silos are transformed into large scale art activations.

In partnership with the Victorian Government, Hindmarsh Shire Council is progressing with a new project in Rainbow (4.5 hours northwest of Melbourne) which is set to take the outdoor gallery experience to the next level. In addition to the traditional exterior art activation, the Silo will include both an elevator and a stairway for internal access leading to a viewing platform atop the 34 metre high structure. It is proposed that the internal walls of the Silo Bins will also feature art activations, which will be viewed from either the elevator, stairway or both. The highlight of the experience will be the enclosed viewing platform at the top of the Silo, which will provide 360 degree views across the expansive Wimmera Mallee plains.’

Site Plan, Ground Floor Plan, Platform Plans and Elevations below:







Requirement for Permit:

The subject land is located within the Township Zone (TZ). There are no Overlays affecting the subject land.

A planning permit is required for the use and development of a Place of Assembly under Clause 32.05-2 (Use) and Clause 32.05-10 (Buildings and works) of the TZ.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

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

Subject site & locality:

The subject land is located on the northern side of Bow Street in Rainbow. The subject site is generally rectangular in shape with a frontage of 63.5m to Bow Street, a depth of approximately 120.70m, an irregularly aligned eastern boundary and a total area of 7441m².

The site is occupied by two Grain Silos, an existing shed and water tank, and scattered trees. The shed and water tank will be removed. Vehicle access to the site is from an existing crossover on Bow Street which will be upgraded. The site adjoins a railway line to the east and residential uses to the west, to the south on the southern side of Bow Street and further east.

Hindmarsh Shire Council is leasing approximately 3730m² of the eastern half of the site from the owner for the Silo Art Project to enable the ongoing use and development of the land as a Place of Assembly.

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



Street view of the site (Google Maps)



Consultation:

Consultation was undertaken with the applicant and included:

- A request for further information on 25 November 2022 was sent to the applicant.
- Amended plans were received by Council's Planners on Council on 25 January 2023.
- An arborist report was received by Council's Planners on 30 January 2023.
- Amended plans were received by Council's Planners on 15 February 2023 to address the outstanding information required.

Section 52 Notice of application:

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

The advertising has been carried out as required. As a result of the advertising, no objections have been received.

One enquiry was received about planting trees which has been responded to separately by the applicant.

Referrals:

Section 52 Referrals:

GWM Water

Comments provided - No objection to the planning permit being issued.

VicTrack

VicTrack who own the adjoining railway land to the east have provided comments and recommended conditions be applies to the permit to protect railway land, infrastructure and services.

The conditions recommended by VicTrack are reasonable and will be included as part of the decision.

Department of Transport and Planning (DTP)

DTP on behalf of Head, Transport Victoria, has advised it does not object to the grant of a permit subject to conditions being included in the planning permit.

The conditions recommended by DTP are reasonable and will be included as part of the decision.

Internal Referrals:

Engineering:

We have conducted a site visit on 21/02/2023 and 07/03/2023 at 13 Bow St Rainbow.

Please find attached Engineering requirements / comments:

Access:

The existing location of the crossover must be upgraded / constructed as per IDM SD-255 standard (see attached) at the South side of the Lot on Bow St (pasted below) to the satisfaction of the Responsible Authority.

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

Vehicles must enter and exit the site in a forward direction at all times.

Car Parking:

All patrons attending the premise must park in the allocated parking bays on the site.

The internal access roads and parking areas must be maintained to the satisfaction of the Responsible Authority.

Note:

A consent to works within road reserve permission is required prior to construction of crossover.

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

Drainage:

a. All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Southern side of the property to the open table drain in the Bow Street road reserve to the satisfaction of the Responsible Authority.

b. LPD can be applied with the building permit application.

Environmental Health:

Comments and conditions required.

Agreement with GWM Water for sewerage

Prior to the commencement of the development hereby permitted, the owner shall enter into and comply with an agreement with Grampians Wimmera Mallee Water for the provision of sewerage.

Commercial Premises

Commercial Waste Collection

Unless with the prior written consent of the Responsible Authority, the commercial waste collection must not occur outside the following hours to the satisfaction of the Responsible Authority:

- *For one collection per week, between 6.30am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays.*
- *For two or more collections per week, between 7am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays.*

Building:

Comments provided.

Building Permit required.

Planning Scheme:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

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

Clause 02.02 Vision

Clause 02.03 Strategic directions

Clause 02.03-2 Environmental and landscape values

Clause 02.03-5 Built environment and heritage

Clause 02.03-6 Economic development

Clause 02.03-8 Infrastructure

Planning Policy Framework (PPF)

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

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 11.01-1L Hindmarsh

Clause 11.03-6S Regional and local places

Clause 12.01-1S Protection of biodiversity

Clause 12.01-1R Protection of biodiversity - Wimmera Southern Mallee

Clause 12.01-2S Native vegetation management

Clause 13.07-1S Land use compatibility

Clause 15.01-2S Building design

Clause 15.01-5S Neighbourhood character

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.04-1S Facilitating tourism

Clause 17.04-1R Tourism – Wimmera Southern Mallee

Clause 19.02-3S Cultural facilities

Objective

To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Clause 19.02-4S Social and cultural infrastructure

Objective

To provide fairer distribution of and access to, social and cultural infrastructure.

Planning Response:

The proposal complies with the relevant policies of the MPS and PPF including Clause 02.03-5 Built Environment and Heritage, Clause 12.01 Biodiversity, Clause 13.07 Amenity Human Health and Safety, Clause 15.01 Built Environment and Heritage, Clause 17.04 Tourism and Clause 19.02 Community Infrastructure. In particular, the proposal will provide for tourism development and will enhance and maximise economic, social and cultural benefits of the Silo Art trail and Rainbow as a tourist destination. The proposal will also increase access to arts and culture infrastructure as part of the Wimmera Mallee Silo Art Trail.

The proposal will comply with the relevant provisions of the MPS and PPF subject to standard conditions.

Zoning Provisions

Clause 32.05 – Township Zone (TZ)

32.05-2 Table of uses

Section 2 – Permit required

A permit is required to use the land for a Place of Assembly under this Clause.

32.05-10 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

32.05-13 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:

General (relevant)

- The Municipal Planning Strategy and the Planning Policy Framework.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Overlay Provisions

Not applicable – No Overlays affect the site.

Particular Provisions:

52.06-2 Provision of car parking spaces

Before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

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

Place of Assembly = 0.3 car spaces to each patron permitted

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 17 car parking spaces on the site. Clause 52.06-5 requires 0.3 car parking spaces for each patron permitted, which equates to 16.5 car spaces and is rounded down to 16 car spaces. Therefore, there are adequate car parking spaces to be provided on the site in accordance with Clauses 52.06-2 and 52.06-5.

General Provisions

Clause 65 - Decision Guidelines

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

65.01 Approval of an application or plan

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

Planning Response:

The proposal complies with the MPS and PPF as discussed above. The proposal will have positive impacts on the environment, human health, and the amenity of the area. The proposal will enable the orderly planning of the area. The proposal, therefore, complies with the relevant decision guidelines of Clause 65.

Discussion:

The proposed use and development for a Place of Assembly will facilitate the re-use and re-development of the two grain Silos as a tourism facility for visitors/tourists to visit as part of the Wimmera Mallee Silo Art Trail in Rainbow. The proposal will allow investment and economic opportunities within Rainbow including temporary employment during construction of the facility and ongoing tourism that will have positive economic impacts on

the township of Rainbow. The proposed range of hours of operation and the maximum number of patrons will be managed by conditions.

The proposed car park has been relocated and sited further north to minimise any potential impacts on the existing Red Gum tree at the entry to the car park in accordance with the advice in the arborist report. The tree will have less than 10% of the TPZ impacted by the proposed access way and car park. Conditions are required to minimise any impacts on this tree. An adequate number of 17 car parking spaces and amenities will be provided on site to accommodate the maximum likely number of 55 visitors/tourists at any given time.

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

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework, Clause 32.05 of the Township Zone, Clause 52.06 Car Parking and Clause 65 Decision Guidelines.

Report to Council:

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

Processing Times:

15/10/2022 Application submitted
10/11/2022 Fee paid by journal entry
25/11/2022 Further information requested.
25/01/2023 Partial further information response submitted with amended plans
30/01/2023 Partial further information response submitted with arborist report
15/02/2023 Amended plans received and all information provided
16/02/2023 Advertising instructions sent to the applicant and letters sent to neighbours
16/02/2023 Referrals sent to externally to GWM Water and Department of Transport, and internally to Engineering, Environmental Health and Building
20/02/2023 Referral response received from Building
21/02/2023 Referral response received from Environmental Health
23/02/2023 Public notice in Rainbow Argus newspaper
27/02/2023 Referral response received from GWM Water
01/03/2023 Referral response received from VicTrack with recommended conditions
09/03/2023 Referral response received from Engineering
15/03/2023 Statutory declaration for advertising received from the applicant to complete the advertising
21/04/2023 Referral response received from Department of Transport and Planning
03/05/2023 The report is being presented to Council at Council Meeting on 3 May 2023 (50 statutory days)

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

Link to Council Plan:

Competitive and Innovative Economy:

Develop and promote local tourism opportunities that attract visitation.

Financial Implications:

The only financial implications to Council relate to the general planning administration which is budgeted for in the recurrent operational budget.

Risk Management Implications:

N/A.

Conflict of Interest:

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author: Bernadine Pringle, Consultant Town Planner.

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

Communications Strategy:

Advise the applicant of Council's decision.

Next Steps:

Issue the Planning Permit and endorse the plans if approved.

RECOMMENDATION:

That Council approves Planning Application PA1803-2022 for the Use and development of a Place of Assembly (Silo Art Trail Viewing Platform, Amenities Building and Car Park), on the subject land at 13 Bow Street Rainbow VIC 3424 (Crown Allotment 8F6 Township of Rainbow Parish of Werrap), subject to the following conditions:

Conditions:

Endorsed Plans – Use and Development

- 1. The use and development as shown on the endorsed plans must not be altered or modified, whether or not in order to comply with any statute or statutory rule***

or local law or any other reason without the written consent of the Responsible Authority.

Hours of Operation

- 2. The use must operate between the following hours, unless with the further written consent of the Responsible Authority.***
- ***Sunday to Thursday inclusive – 7.00 am to 10.00pm.***
 - ***Friday and Saturday – 7.00 am to 12.00 midnight.***
 - ***Good Friday and Anzac Day not being a Sunday – 12.00 noon to 12.00 midnight.***
 - ***Anzac Day being a Sunday – 12.00 noon to 10.00pm.***

Numbers of Patrons/Visitors

- 3. No more than 55 patrons may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority.***

Amenity

- 4. The use 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) 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;***
 - (e) others as appropriate.***
- 5. The site must be kept in an ordered and tidy state and their appearance must not prejudicially affect the amenity of the area to the satisfaction of the Responsible Authority.***

Native Vegetation Impacts Minimised

- 6. Before the commencement of any works, perimeter fencing, which may consist of flags with star pickets, must be erected around the Tree Protection Zone (TPZ) of the River Red Gum tree to the south of the car park to prevent any construction or excavation, storage of materials or waste, parking of vehicles and plant machinery and the like within the TPZ of the tree, to the satisfaction of the Responsible Authority.***
- 7. The construction of the access ways and car park must be a gravel surface to be raised above the natural ground level to minimise any native vegetation impacts to the satisfaction of the Responsible Authority.***

Engineering

Access

8. ***Before the commencement of the use, the existing location of the crossover must be upgraded / constructed as per IDM SD-255 standard at the south side of the lot on Bow Street to the satisfaction of the Responsible Authority.***
9. ***The vehicle crossing must be constructed at the permit holder's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.***
10. ***Vehicles must enter and exit the site in a forward direction at all times.***

Car Parking:

11. ***All patrons attending the premise must park in the allocated parking bays on the site.***
12. ***The internal access roads and parking areas must be constructed and maintained to the satisfaction of the Responsible Authority.***

Drainage

13. ***All stormwater and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD), being the southern side of the property to the open table drain in the Bow Street road reserve, to the satisfaction of the Responsible Authority.***

Environmental Health

Agreement with GWM Water for sewerage

14. ***Before the commencement of the development hereby permitted, the owner must enter into and comply with an agreement with Grampians Wimmera Mallee Water for the provision of sewerage.***

Commercial Premises

Commercial Waste Collection

15. ***Unless with the prior written consent of the Responsible Authority, the commercial waste collection must not occur outside the following hours to the satisfaction of the Responsible Authority:***
 - (a) ***For one collection per week, between 6.30am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays.***
 - (b) ***For two or more collections per week, between 7am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays.***

VicTrack

16. ***At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.***
17. ***Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.***
18. ***No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.***

Department of Transport and Planning, for Head of Transport Victoria

- 19. The refurbished silos and new facilities facing the rail corridor shall avoid use of red, green or yellow colour schemes that may interfere with train driver operations.**
- 20. The new glazed finishes at the top of the refurbished silos shall be of low reflectivity and must not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.**
- 21. The development's landscaping and planting adjacent to the rail corridor boundary, shall be designed and delivered so it will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future. The landscaping must not facilitate illegal access onto railway land over boundary fence or wall via tree climbing upon completion or in the future. Landscaping and planting must not cause damage to any rail assets or infrastructure, via root or branch ingress in the future.**
- 22. The permit holder must, at all times, ensure that the common boundary with railway land is fenced to prohibit unauthorised access to the rail corridor. A permanent wall or fence must be provided on the common boundary with railway land that must be designed and constructed with the agreement of Head, Transport for Victoria, and the relevant Rail Operator. Boundary walls, where used, must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the Head, Transport for Victoria.**
- 23. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.**
- 24. The designs for the refurbished silos must prevent items from being thrown or falling onto railway land.**

Permit Expiry – Use and Development

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

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

Notes:

Engineering:

- ***A consent to works within road reserve permission is required prior to construction of crossover.***
<https://www.hindmarsh.vic.gov.au/register-for-permits>
- ***LPD can be applied with the building permit application.***

Building:

A Building Permit is required.

Attachment Number: 4

8.3 APPLICATION FOR PLANNING PERMIT 1795-2022 – USE AND DEVELOPMENT OF THE LAND FOR A TRANSFER STATION AND REDUCTION OF CAR PARKING REQUIREMENTS – 7 MIDDLETON AVENUE NHILL VIC 3418

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	200205
Application Number:	PA1795-2022
Application Received:	21 September 2022 (amended 4 October 2022)
Applicant:	Allan Crick
Owner:	Sayed Akbar Hosaini
Subject Land:	7 Middleton Avenue Nhill Vic 3418 (Lot 4 on Plan of Subdivision 339967M)
Proposal:	Use and development of the land for a transfer station and reduction of car parking requirements
Zoning & Overlays:	Industrial 1 Zone – Schedule 1 (IN1Z) Environmental Significance Overlay – Schedule 6 (ESO6)

Summary:

This report recommends that Council approve Planning Permit PA1795-2022 for the use and development of the land for a transfer station and reduction of car parking requirements on the subject land known as 7 Middleton Avenue Nhill Vic 3418 (Lot 4 on Plan of Subdivision 339967M).

Background:

On 21 September 2022, Allan Crick lodged a planning application to the Responsible Authority for a commercial storage shed at 7 Middleton Avenue Nhill. On 4 October 2022, the application was amended to the use and development of the land for a transfer station and reduction of car parking requirements in response to the correct land use definition and relevant planning permit triggers identified in the Hindmarsh Planning Scheme.

Proposal Details:

The permit applicant, Allan Crick seeks approval for the use and development of the land for a transfer station and reduction of car parking requirements. More specifically, the proposal involves:

- The construction of a shed with a footprint measuring 24.575m by 26.151m (642sqm) and a height of 8m to the eaves and 9.75m at the apex. The building will be clad in colorbond “Basalt” on the walls and zincalume metal sheeting on the roof. There will be two roller doors and a PA door on the south western elevation and one PA door on the north western elevation. The remaining elevations will be enclosed.
- The shed will be used to store scrap metal. Once a sufficient amount of scrap metal is collected, it will be transported to Melbourne. The use will require a maximum of two staff at any given time and will operate Monday to Friday between 8am to 4pm. Customers and members of the public will not have access to the site.

- A new crossover is proposed to Middleton Avenue as well as an internal accessway and nine on site car parking spaces to the south west of the proposed shed. The internal accessway and car parking spaces will be finished in crushed rock.
- Two landscaping beds are proposed at the entrance to the site from Middleton Avenue.

A site plan, floor plan and elevations are contained within Figure 1 to 3.



Figure 1 – Site Plan

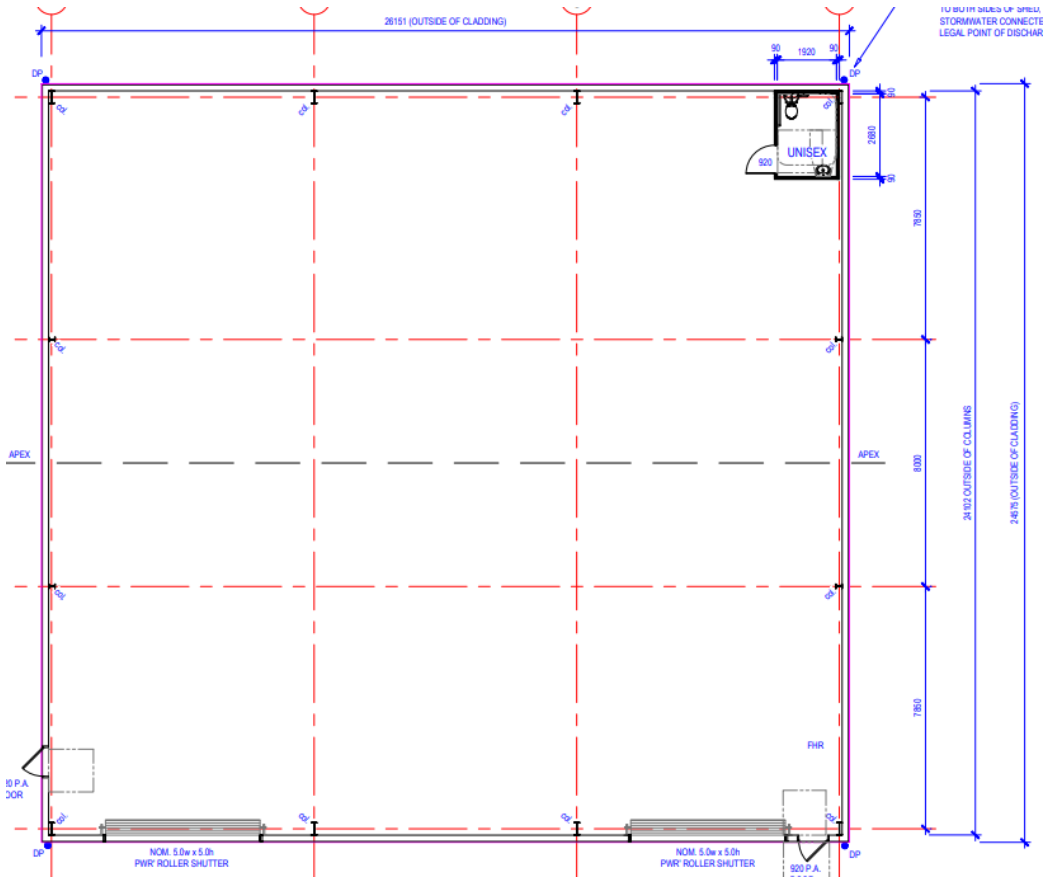


Figure 2 – Floor Plan

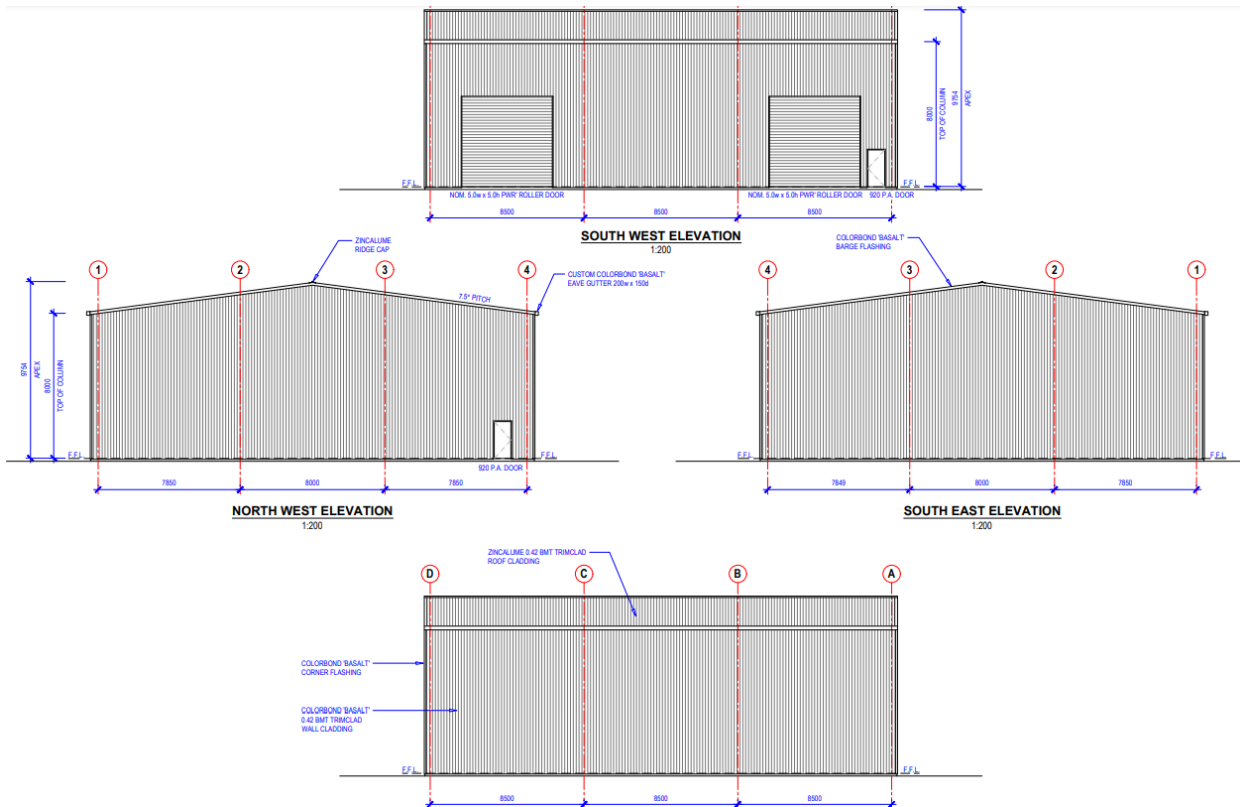


Figure 3 – Elevations

Requirement for Permit:

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

- Clause 33.01-1 (Industrial 1 Zone) – A permit is required to use the land for a transfer station (section 2 use).
- Clause 33.01-4 (Industrial 1 Zone) – A permit is required to construct a building or construct or carry out works.

Note – A permit is not required under the Environmental Significance Overlay (ESO) as the construction of a building is exempt under Clause 3.0 of Schedule 6 to the ESO. No earthworks, new fencing or vegetation removal is proposed, and no wastewater will be generated as the site has access to sewer

Definitions:

Transfer Station (nested under Industry)

Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere.

Restrictive Covenant or Section 173 Agreement:

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

Cultural Heritage Management Plan (CHMP):

A CHMP is not required pursuant to the *Aboriginal Heritage Regulations 2018*, as the subject site is not within an area of Aboriginal Cultural Heritage Sensitivity.

Subject site & locality:

The subject site is known as 7 Middleton Avenue Nhill VIC 3418 (Lot 4 on Plan of Subdivision 339967M), which comprises a single title of approximately 1519m². The land is generally flat and is currently vacant but informally used for outdoor storage. The site is void of any vegetation and does not have any heritage or cultural sensitivities. The site is within a bushfire prone area but is otherwise unaffected by natural hazards. The site appears to have access to reticulated power, telecommunications, water and sewer.

The subject site is situated approximately 1km to the south west of the Nhill Town Centre and is within an established industrial precinct. The subject site adjoins farming zoned land to the north west and industrial zoned land for the remaining boundaries. Surrounding land is predominantly used for storage/warehousing purposes and broadacre farming. There are no sensitive land uses within 30m of the site.

Aerial Map below – Hindmarsh POZI



Aerial Map with Zoning below – Hindmarsh POZI



Section 52 Notice of Application

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

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

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

Referrals:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
EPA	Response not provided within the 28 day statutory timeframe.

Section 52 and Internal Notices	
Engineering	<p>No objection to the development subject to conditions:</p> <p>Access: <i>Prior to the commencement of the proposed development, a new crossover must be constructed as per IDM SD-250 standard at the South side of Lot on Middleton Ave to RA satisfaction and at applicants cost.</i></p> <p><i>The vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.</i></p> <p><i>Damage to existing Council infrastructure is to be minimised during construction of the Proposed development.</i></p> <p><i>Any damage to Council infrastructure shall be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.</i></p> <p><i>A consent to works within road reserve permission is required prior to construction if working in road reserve.</i> https://www.hindmarsh.vic.gov.au/register-for-permits</p> <p>Car Parking <i>The car park must be constructed to a min. 150mm deep and 100mm compacted gravel, the car park space dimension must be, as specified on the proposed site plan (Drawing No. ASI-2158 Rev C) to the satisfaction of the Responsible Authority at the applicants cost.</i></p> <p><i>No parking is permitted along the road reserve of Middleton Avenue in front of the site.</i></p>

	<p><i>The reduction of car park spaces to 8 for the Proposed Business is adequate.</i></p> <p>Drainage:</p> <ul style="list-style-type: none"><i>a. All stormwater into rainwater tanks with overflow and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Southern side of the property to the kerb and channel in the Middleton Avenue road reserve to the satisfaction of the Responsible Authority.</i><i>b. No effluent or polluted water of any type may be allowed to enter the Council's Storm water drainage system.</i><i>c. LPD can be applied with the building permit application.</i> <p>Appropriate conditions will be included on any permit issued.</p>
--	--

Planning Assessment:

Planning Scheme Requirements:

Planning Policy Framework:

- Clause 02.03-1 Settlement and Housing
- Clause 11.01-1L Settlement – Hindmarsh
- Clause 02.03-3 Environmental Risks and Amenity
- Clause 13.02-1S Bushfire planning
- Clause 02.03-5 Built Environment and Heritage
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 02.03-6 Economic Development
- Clause 17.03-1S Industrial Land Supply
- Clause 17.03-2S Sustainable Industry
- Clause 02.03-8 Infrastructure
- Clause 19.03-3S Integrated Water Management
- Clause 19.03-5S – Waste and Resource Recovery

Planning Response:

When assessing the application against the state and local policies listed above, there is clear support for the proposal. The use is ideally situated within an existing industrial precinct in Nhill with convenient access to the Western Highway (via Middleton Avenue), as sought by Clause 11.01-1L. Given that the site has access to all reticulated services, stormwater and wastewater can be appropriately managed in accordance with Clause 19.03-3S.

The subject site is within a bushfire prone area but is not a land use requiring specific bushfire risk consideration under Clause 13.02-1S. The proposal is unlikely to lead to unreasonable bushfire risk and suitable mitigating techniques will be assessed as part of a future building permit application.

The design of the development is functional and is consistent with surrounding established industrial sites. The locality is not considered to be of high amenity value and there are no cultural or heritage sensitivities. Clause's 17.03-1S and 17.03-2S seek to ensure that land is available for industrial uses and facilitate the sustainable operation of industry. The proposal is industrial in nature and is appropriately located on industrial zoned land to minimise off-site impacts to sensitive land uses. The proposed land use is compatible with other land uses within the industrial precinct and provides for a scrap metal storage facility to reduce waste and reliance on landfills, as sought by Clause 19.03-5S.

Zoning Provisions:

Clause 33.01 – Industrial 1 Zone (IN1Z)

33.01-1 Table of Uses & 33.01-2 Use of Land

A permit is required to use the land for a transfer station.

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 effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

33.01-4 – Buildings and Works

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

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.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Planning Response:

The proposal supports the Municipal Planning Strategy and Planning Policy Framework, which have been discussed above. The proposal involves a transfer station which will store scrap metal prior to transport to Melbourne. It is a relatively low impact industrial use and is appropriately located within an industrial precinct with appropriate separation distances from sensitive land uses. The nearest dwellings are located approximately 150m to the south and north east of the site and are separated by a number of existing developed properties. The proposed hours of operation are not within sensitive hours and there will not be any processing or manufacturing activities taking place on site. Taking into consideration the above, the proposed use is unlikely to have a negative impact on the amenity of the surrounding area.

Middleton Avenue does not have particularly high amenity value or consistent character as it consists of a mixture of industrial/commercial premises. There are no natural or cultural features on or near the land and there are no heritage or native vegetation sensitivities on or surrounding the land. The proposal is considered to have minimal impact on streetscape character as the building is positioned in the north eastern corner of the site, with appropriate setbacks from boundaries and a gravel car parking area at the property frontage. The appearance of the proposed shed and the layout of the site is fairly standard for an industrial premises and is consistent with existing premises within the surrounding area. The frontage of the site is narrow and can only accommodate a vehicle accessway, however, landscaping beds are proposed at the entrance of the site to soften the appearance of the development.

No areas of outdoor storage are proposed. Car parking and access will be discussed in greater detail under Clause 52.06 below. The Engineering Department did not raise any issues in terms of vehicle access to the site or traffic likely to be generated by the proposed use. Loading and unloading will be undertaken on-site within the proposed building and a swept path has been shown on the site plan demonstrating that the anticipated vehicles are able to load/unload on site. The site has access to all reticulated services such as sewer, stormwater, water and electricity. Conditions will be included on the planning permit to ensure that stormwater is managed appropriately and any outdoor lighting is suitably baffled to avoid nuisance to adjoining properties.

Taking into consideration the above, the proposal positively addresses the relevant decision guidelines of the IN1Z.

Overlay Provisions:

As discussed above, a planning permit is not required under the ESO.

Particular Provisions:

Clause 52.06 – Car Parking

Clause 52.06-5 – Number of Car Parking Spaces

The following car parking requirement under Table 1 of this clause is applicable to the proposal:

Industry – 2.9 spaces to each 100sqm or net floor area.

Planning Response:

The proposed building has a net floor area of 642sqm and as such, 18 car parking spaces are required under Clause 52.06-5. The proposal provides nine on-site car parking spaces and as such, a reduction of nine spaces is sought. The reduction of car parking spaces is considered to be appropriate in this instance for the following reasons:

- The building will be predominantly used for storage purposes only.
- A maximum of two staff will be on-site at any given time.
- The use will not require any customer visitation.
- Deliveries will not require any car parking spaces and will be accommodated within the proposed shed.
- Based on the above factors, the demand for car parking is unlikely to exceed two at any given time.

The car parking information required by Clause 52.06-8 has been included on the site plan and the design standards under Clause 52.06-9 have been met as described below:

- The accessway is at least 3m wide and allows vehicles to exit the site in a forward direction.
- The car parking spaces are at least 4.9m long and 2.6m wide (suitable for accessway exceeding 6.4m in width). The car parking area contains one disabled space designed in accordance with Australian Standard AS2890.6-2009 (disabled) which will be assessed further as part of a future building permit application.
- As the site is relatively flat, gradients do not pose a concern.
- The car parking area will be secured with an existing chain mesh fence and lighting can be installed if the need arises.
- Customers will not frequent the site; therefore, designated pedestrian walkways are not necessary.
- Some landscaping has been included at the entrance of the site to assist in softening the car parking area from view. The extent of landscaping is considered to be appropriate taking into account the context of the site and surrounding land uses.

A condition will be included on any permit issued to ensure that the car parking area is suitably constructed prior to the commencement of the use in accordance with Clause 52.06-11 of the Hindmarsh Planning Scheme.

Clause 53.10 – Uses and Activities with Potential Adverse Impacts

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

Transfer Station (other) – 200m.

Planning Response:

The subject site is within 200m of the Commercial 1 Zone and as such, a referral to the Environment Protection Authority was undertaken. A response was not received within the 28 day statutory timeframe.

Clause 53.18 – Stormwater Management in Urban Development

Clause 53.18 applies to this application and seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management objectives for buildings and works

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Standard W2

The stormwater management system should be designed to:

- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Site management objectives

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.*

Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- *Erosion and sediment.*
- *Stormwater.*
- *Litter, concrete and other construction wastes.*
- *Chemical contamination.*

Planning Response:

Standard conditions were recommended by the Engineering Department in relation to stormwater and a condition relating to site management during construction will be included on any permit issued.

Clause 53.14 – Resource Recovery

This clause applies to this application as a transfer station is proposed and has the purpose:

- *To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.*

Decision Guidelines

- *The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.*
- *The impact of the proposal on the amenity of the surrounding area.*
- *The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).*
- *Any Regional Waste and Resource Recovery Implementation Plan including the Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016).*
- *Relevant guidelines applicable to the application including the guideline for Designing, Constructing and Operating Composting Facilities (Environmental Protection Authority, 2015), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).*

Planning Response:

The proposal is for a transfer station which will be used to store scrap metal prior to transport to Melbourne. It will take the pressure off landfills for providing this storage service and will assist in achieving the resource recovery targets established by the state government, in line with the relevant guidelines and plans listed above. The subject site is appropriately

located within an industrial precinct where surrounding land uses are not sensitive in nature. The site is located within the Environmental Significance Overlay due to wetlands of conservation value dispersed throughout the Municipality. Given that the site has access to all reticulated services, stormwater and wastewater will be appropriately directed to public infrastructure and unlikely to impact wetland health.

The applicant advised that the scrap metal will be brought to the site in bins and will be stored in bins, minimising the likelihood of soil contamination. Scrap metal storage is unlikely to produce smells or odours and a condition will be included on the permit to limit the stored goods to scrap metal only. Noise will be relatively limited to loading and unloading of trucks which will occur weekdays only during standard business hours. The internal accessway will be sealed in crushed rock to minimise dust. These factors as well as the separation distance from sensitive land uses ensures that the amenity of the surrounding area will not be detrimentally impacted by the proposed use. In any instance the permit holder will be required to meet the requirements of the *Environment Protection Act 2017* in relation to odour, noise, hours of operation and the like ensuring that off-site amenity impacts are minimised.

General Provisions

Clause 65 - Decision Guidelines

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

Clause 65.01– Approval of an application or plan

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

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

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 proposal provides for an industrial land use in an appropriate area with access to all necessary reticulated services. The proposal is unlikely to result in any unreasonable amenity or environmental impacts. No natural hazards issues are identified in relation to the site and no issues have been raised by the engineering department in terms of stormwater, access and traffic. The application is therefore considered to be reflective of orderly planning.

Discussion:

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

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

Clause 33.01 Industrial 1 Zone

The proposal complies with the purpose and decision guidelines of Clause 33.01 for the reasons outlined in the planning response to the zone as discussed above.

Clause 52.06 Car Parking

The proposal complies with the purpose and decision guidelines of Clause 52.06 for the reasons outlined in the planning response to the overlay as discussed above.

Clause 53.14 Resource Recovery

The proposal complies with the relevant purpose and decision guidelines of Clause 53.14 for the reasons outlined in the planning response to this clause as discussed above.

Clause 53.18 Stormwater Management in Urban Development

The proposal complies with the relevant purpose and decision guidelines of Clause 53.14 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 Industrial 1 Zone, Clause 52.06, Clause 53.14, Clause 53.18 and Clause 65 of the Hindmarsh Planning Scheme.

Report to Council:

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

Processing Times:

21/09/2022 The application was received.
21/09/2022 Request for further information sent to applicant.
28/09/2022 Applicant responded to request for further information.
03/10/2023 Internal referral to Engineering.
04/10/2022 The fee was paid.
04/10/2022 Application was amended by the applicant.
24/01/2023 Request for further information sent to applicant (amended application).
22/02/2023 Applicant responded to request for further information (amended application).
16/03/2023 External referral to EPA.
16/03/2023 Internal referral to Engineering (amended application).
16/03/2023 Email confirmation from applicant to include reduction of car parking requirements.
21/03/2023 Fees for amended application paid.
23/03/2023 Engineering response received.
23/03/2023 Notice commenced.
06/04/2023 Notice concluded
03/05/2023 The report is being presented to Council at the meeting held 3 May 2023

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

Conflict of Interest:

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

Officer Responsible: Jessie Holmes, Director Infrastructure Services

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

Author: Ebony Cetinich, Consultant Town Planner, on behalf of Jessie Holmes, Director Infrastructure Services

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

Link to Council Plan:

Objective – a healthy economy

Financial Implications:

Nil

Risk Management Implications:

Nil

Communications Strategy:

Advise the Applicant of Council's decision.

Next Steps:

Issue the Planning Permit if approved by Council.

RECOMMENDATION:

That Council approves planning application PA1795-2022 for the Use and development of the land for a transfer station and reduction of car parking requirements on the subject land known as 7 Middleton Avenue Nhill Vic 3418 (Lot 4 on Plan of Subdivision 339967M), subject to the following conditions:

Amended Plans Required

- 1. Before the commencement of any works hereby permitted, an amended site plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.***

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

- (a) Remove reference to vehicle store and replace it with transfer station.***
- (b) Correctly annotate the footprint of the building to match the measurements on the floor plan (26.151m x 24.575m).***

Endorsed Plans

- 2. 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.***

Construction Phase

- 3. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority. Issues such as mud on roads, dust generation and erosion and sediment control must be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.***
- 4. Appropriate measures must be implemented throughout the construction stage***

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

Use Conditions

- 5. Unless with the written consent of the Responsible Authority, only scrap metal is permitted to be stored on site.***
- 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) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;***
 - (d) presence of vermin;***
- 7. The use hereby permitted may operate only between the hours of:***
 - (a) 8 am and 4 pm Monday to Friday.******unless with the prior written consent of the responsible authority***

Landscaping

- 8. All landscaping shown on the endorsed plans must be established on the site prior to the commencement of the use hereby approved.***
- 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.***

Development Conditions

- 10. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.***
- 11. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.***
- 12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***

Engineering Conditions

- 13. Prior to the commencement of the proposed development, a new crossover must be constructed as per IDM SD-250 standard at the South side of Lot on Middleton Ave to the satisfaction of the Responsible Authority and at the applicants cost.***

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

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

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

- 14. Damage to existing Council infrastructure is to be minimised during construction of the Proposed development. Any damage to Council infrastructure shall be replaced to original state, to the satisfaction of the Responsible Authority and at the applicants expense.**
- 15. Prior to the commencement of the use hereby approved, the car park must be constructed to a min. 150mm deep and 100mm compacted gravel, the car park space dimension must be, as specified on the proposed site plan (Drawing No. ASI-2158 Rev C) to the satisfaction of the Responsible Authority at the applicants cost.**
- 16. No parking is permitted along the road reserve of Middleton Avenue in front of the site.**
- 17. Prior to the commencement of the use hereby approved, all stormwater into rainwater tanks with overflow and surface water discharging from the site for the approved development must be directed to the legal point of discharge (LPD) being the Southern side of the property to the kerb and channel in the Middleton Avenue road reserve to the satisfaction of the Responsible Authority. LPD can be applied with the building permit application.**
- 18. No effluent or polluted water of any type may be allowed to enter the Council's Storm water drainage system.**

Time Limit

- 19. The above-mentioned planning permit will expire if either of the following circumstances arise:**
 - (a) The development is not started within two (2) years of the date of this permit; or**
 - (b) The development is not completed within four (4) years of the date of this permit.**
 - (c) The use is not started within two (2) years after the completion of the development; or**
 - (d) The use is discontinued for a period of two (2) or more years.**

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

9 REPORTS REQUIRING A DECISION

9.1 PROPOSED LOCAL ROADS AND COMMUNITY INFRASTRUCTURE ROUND 4 FUNDING DISTRIBUTION

Responsible Officer: Director Infrastructure Services

Introduction:

Council has received \$1,080,798 in funding through Round 4 of the Local Roads and Community Infrastructure program and is required to allocate funding for projects to be submitted for consideration by the Federal Government. This report sets out the proposed allocation of funding from Council source revenue and Local Roads and Community Infrastructure Round 4 (LRCI4).

There have been recent community consultation sessions which have identified several priority community projects that would benefit from LRCI4 funding allocations.

Discussion:

Davis Park Upgrades

The Davis Park upgrades continue to be the major advocacy and grant funding priority of Council alongside continued efforts for road funding. As these funding opportunities are usually from different grant sources – there is usually not a requirement for Council to prioritise one above the other, however as LRCI4 can be utilised for road or community infrastructure. This report recommends that Davis Park upgrades be given preference in the apportioning of funds.

Davis Park, Nhill has been the subject of several funding applications for upgrades to facilities including the clubrooms, changing rooms for football and netball and public seating following the demolition of the grandstand.

A short history of the proposed upgrades for Davis Park since 2018 include:

2018

1. Davis Park grandstand was closed for public use by the Council in April 2018 following concerns about its structural integrity and safety of users.
2. An independent Structural Assessment was carried out in May 2018.
3. Council submitted a grant application for funding of \$471,803 to the Federal Government's, Community Sport Infrastructure Fund in 2018 for the construction of a new grandstand at a total cost of \$562,653.
4. The council received notification in December 2018 that the application was unsuccessful, despite scoring highly and being recommended for funding. Due to the high number of applications another round was to be held in early 2019 for which our application would be eligible.
5. Council began discussions with NDSC in early 2018 to have plans prepared for new

clubrooms that required the existing clubrooms to be demolished and the construction of new clubrooms to be undertaken.

2019

1. The council received notification on 26 April 2019 that the second-round application to the Federal Government's Community Sport Infrastructure Fund application was also unsuccessful.
*Council did not have to re-submit the application as it was carried over from round 1.
2. Schematic plans were finalised for the new clubrooms in April 2019.
3. A Cost Plan for the construction of new club rooms was received in September 2019 – estimated cost \$1,325,000.
4. At its meeting in October 2019, Council resolved to demolish the grandstand.
5. Due to the Council resolution in October 2019 for the grandstand to be demolished, NDSC changed their focus to constructing new club rooms incorporating undercover tiered seating to be constructed where the former grandstand was located.
6. Plans were prepared in November 2019 for the new proposal.

2020

1. The demolition of the grandstand occurred in March 2020.
2. The Victorian Government called for applications through the Community Sports Infrastructure Stimulus Program (CSISP). Applications were for funding between \$1M to a maximum of \$10M with a minimum of 10% co-contribution.
3. Following discussions with the club in June 2020, based on new schematic designs and cost plans received from an independent architect, Council submitted a grant application for funding.
4. In late 2020 Council received notification that the submission was not successful but was advised that due to the high number of applications an additional round was to be opened to which Council was invited to re-submit the application.

2021

1. The Round 2 application was submitted in March 2021 and Council received notification in May 2021 that this application was also unsuccessful.
2. Following continued unsuccessful grant applications, Council and NDSC then set about identifying the main priority as opportunities for funding through the Federal Government's Local Roads and Community Infrastructure were potentially available. A revised designed Community Function Centre / Clubrooms located where the grandstand was previously located was identified as the main priority if it incorporated undercover tiered spectator seating.
Council considered this an option as there are more external funding programs available for sporting facilities (change rooms, courts, lighting etc) while funding for community facilities is more difficult to obtain.
Council called for quotations to once again prepare designs and appointed a contractor in July 2021
3. Plans for new raised clubrooms were prepared in August 2021.

4. Based on the plans provided a Quantity Surveyor prepared a cost plan for the proposed Community Function Centre / Clubrooms at a cost of \$2,205,500.
5. As there were insufficient funds available to construct the new clubrooms other options were discussed, again, with the need for undercover / tiered spectator seating the priority. At a meeting between Council and NDSC, an option to construct new AFL compliant football change rooms with undercover seating facing the oval was considered a suitable alternative.
6. Council then obtained a cost plan in October 2021 for this facility at a cost of \$907,500.
7. As Council considered this option feasible, a subsequent meeting was held with NDSC, to further explore and plan for the AFL compliant change room's option. However, NDSC stated that the proposal for a new Community Function Centre / Clubrooms remained their preferred option.

2022

1. A meeting with NDSC was held in June 2022, in relation to a potential submission for a grant application for funding to undertake the development of a Davis Park Master Plan or alternate ways to progress Davis Park Upgrades.
As the submission of a grant application for a Master Plan for Davis Park may have had a negative impact on any potential State Government election commitments, it was decided not submit the application.

2023

1. A letter was received by the Nhill and District Sporting Club setting out the priorities for the David Park Upgrades with the initial focus on changerooms and seating.

The Nhill and District Sporting Club wrote to Council in March 2023 requesting information relating to expenditure to date on the proposal to upgrade Davis Park facilities and the expenditure on maintenance since 2018 related to Davis Park.

There has been close to \$85,000 spent on the drafting of designs for the Davis Park upgrades as the priorities and funding opportunities have become available and required different approaches. Additional funds will need to be expended to have tender ready documentation prepared for expenditure of funding, estimated to be \$25,000.

In relation to the maintenance expenditure at Davis Park since 2018 – there has been approximately \$45,000 spent over the five years. This does not include insurance, utilities, mowing, cleaning, inspections or litter removal. Due to the way in which council accounts – expenditure on the grandstand is not a specific line item and would require forensic transaction drilling to determine.

Council has made provision for \$10,000 of building maintenance in the 2023/24 proposed budget for Davis Park – in addition to allocations across insurance, mowing, cleaning, inspections and litter removal.

Council is looking to undertake a Sport and Recreation Strategy incorporating recreation reserves, bowling greens, tennis facilities, golf facilities, aquatic facilities and passive recreation including walking tracks and lakes to consider future investment across the Shire.

Community projects

There have been requests for an official Cane Ball court at the Nhill Tennis Club in the available space adjacent to the disability carparking area to be utilised for the local Karen population. This would allow additional utilisation of the new facilities located on the site and can be accommodated for \$40,000.

The Rainbow Skate Park does not currently have shade, and this makes it difficult for families to utilise it in the hotter climate as there is no adequate shade for supervision and respite. Recent shade structures at Dimboola and Nhill have been well received and it is recommended that a shade structure be erected at Rainbow for a cost of \$30,000.

The Dimboola Toddler Pool requires significant upgrades to meet the needs of the community – its current depth and size are not compatible with the higher usage at the pool and upgrades to the value of \$70,000 are required.

Council has had repeated requests from the early years and child community for more adventurous playgrounds, as such an allocation of \$100,000 through LRCI4 would see the four communities share in upgrades to their playgrounds.

Council adopted the Nhill Streetscape Plan with staged implementation. Stage 2 of the Nhill Streetscape plan involves a pathway, landscaping, and signage linking Goldsworthy Park to Jaypex Park to the value of \$80,798.

The Riverside Caravan Park at Dimboola continues to reach capacity and requires additional powered sites and ability for 24-hour park access through an electric boom gate. Upgrades to accommodate further sites and all hour's access are a \$60,000 investment.

Options:

1. That Council seeks an alternate funding model for the projects proposed.
2. That Council does not fund any or all of the projects listed.

Link to Council Plan:

Our community

Support health living and provide services and activities for people of all ages and abilities.

Built and natural environment

Well maintained physical assets and infrastructure to meet community needs.

Financial Implications:

There is currently a budget of Council revenue for Davis Park upgrades of \$525,000 which has been rolled over and added to for several years as a contribution to leverage grant funding opportunities.

Council is forecast to receive \$1,080,798 in round 4 of LRCI as per the allocations made in the October 2022 budget release. The exact amount will be confirmed when the application portal is opened in June 2023 by the relevant federal government department. The allocations for the previous LRCI rounds have been aligned with the allocation Council receives for their Road to Recovery grant.

It is not intended that additional funds for stage one of Davis Park upgrades be sought from the state government – however future development upgrades of the netball courts and changerooms as well as new club function rooms will need to be predominantly funded through external grant sources including local contributions.

Risk Management Implications:

Projects of the scale of Davis Park upgrades with this level of stakeholder needs, scrutiny and scope requires careful project management to ensure realistic expectations around delivery on budget and on time. A well-qualified project manager and a designated project steering group with clear roles and responsibilities will be crucial to project delivery and success.

The upgrades at Davis Park have been required for close to a decade and recent unsuccessful grant applications have contributed to a strained relationship between Council and the Nhill and District Sporting Club in relation to expectations of delivery and support. This in turn is also causing reputational damage to Council and fractured relationships with funding authorities including Sport and Recreation Victoria.

This report is based on the assumption that the LRCI4 funding guidelines will permit the funds to be used for upgrades at Davis Park, if the upgrades are not permissible then alternate funding will need to be sought through other funding streams at a federal and state level. In addition – the estimated costs of stage one upgrades to the AFL changerooms and grandstand are based on a cost increase of no greater than 20% on the previous cost plan that was undertaken at Davis Park when funding was sought in late 2021 for a similar design. Subject to the prices received through the tender process – the project may need to be further staged or rescope or additional funding sources obtained.

Council is committed to responding to the needs of the community raised through community consultation sessions. The need for recreation across football, netball, cane ball, skate parks, pools and playgrounds is being responded to through the proposed allocation of LRCI4 funding. In addition, the economic development associated with fit for purpose caravan parks are also reflected in the proposed allocations.

Relevant legislation:

The *Local Government Act 2020* sets out overarching principles which include:

- Council decisions are made and actions taken in accordance with the relevant law
- Priority to be given to achieving the best outcomes for the municipal community, including future generations,

- The economic, social and environmental sustainability of the municipal district
- The municipal district is to be engaged in strategic planning and decision making

The decision to fund upgrades to Davis Park must be made with consideration to the above principles.

Community engagement:

There has been extensive engagement over several years with a committee representing the Nhill and District Sporting Club and the need for improvements to Davis Park have repeatedly been raised at Nhill consultation sessions for the Council Plan and Community Action Plans.

There has been consultation between Council, the Nhill Karen community and the Nhill Tennis Club in relation to the design and siting of a Cane Ball court.

There has been ongoing community consultation in the development of the LRCI4 funding through community sessions in the four townships.

Gender equality implications:

A gender impact assessment has been undertaken for the proposal at Davis Park.

Conflict of Interest:

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

Officer Responsible – Ms Jessie Holmes, Director Infrastructure Services

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

Author – Ms Jessie Holmes, Director Infrastructure Services

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

Communications Strategy:

That a letter be sent to the Nhill and District Sporting Club outlining the funds available and timeframe for expenditure on the first stage of the Davis Park upgrades.

A meeting to be held between the Karen community representatives, Council and the Nhill Tennis Club to progress development of a dedicated Cane ball court.

Public announcements of funding allocations following advice around approval once projects are submitted to LRIC4 and assessed by the relevant department.

Next Steps:

Seek approval from LRCI4 through the relevant federal government department for the allocation of funds to the Davis Park upgrades and the other projects listed in this report in June 2023 when the application portal is opened.

RECOMMENDATION:

That Council:

- 1. Allocates Local Roads and Community Infrastructure Round 4 funding of \$1,080,798 as follows:***
 - (a) \$700,000 towards upgrades at Davis Park incorporating the AFL changerooms and grandstand;***
 - (b) \$40,000 towards a Cane Ball court at Nhill Tennis Club site;***
 - (c) \$30,000 towards the Rainbow Skate Park shade structure;***
 - (d) \$70,000 towards the Dimboola Toddler Pool upgrades;***
 - (e) \$100,000 towards Shire wide Playground upgrades;***
 - (f) \$80,798 towards Stage 2 of the Nhill Streetscape Plan Implementation;
and***
 - (g) \$60,000 to Dimboola Riverside Holiday Park upgrades.***
 - 2. Carries forward own source funds of \$525,000 into the 23/24 financial year for upgrades at Davis Park incorporating the AFL changerooms and grandstand.***
-

9.2 GOVERNANCE UPDATES

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 5 – 6

Introduction:

This report seeks Council adoption of the Public Art Policy and formal rescindment of the Social Media Policy (Council).

Discussion:

Public Art Policy

Hindmarsh Shire Council's Public Art Policy aims to support the delivery of dynamic, contemporary public art to our diverse communities in a creative celebration of place, culture, heritage and environment. The first and current iteration of this policy was developed in 2018, and the review undertaken incorporated learnings from the application period of the document and additional principles that align with the ongoing values and goals of Council. New provisions within the Policy include –

- Amendments and additions to the guiding principles of the policy, including climate considerations and supporting local artists and businesses.
- Increased emphasis on community consultation and engagement with all aspects of the project to foster community ownership of the project.

The Public Art Policy was made available for public consultation from Thursday 6 April to 2023 to Thursday 20 April 2023. No community feedback was received.

Social Media Policy

The Social Media Policy (Council) was the subject of a scheduled review, whereby it was identified that the substantive content of the policy was primarily concerned with operational functions of Council. The Policy contains the principles and processes through which Council staff and volunteers, as delegated and authorised by the CEO, manage Council-affiliated social media pages. Should this policy be rescinded by Council, an appropriate iteration of an operational Social Media Management Policy would be developed to be adopted by the Chief Executive Officer.

Directives around the use of Social Media are also contained within Councillor and Employee Codes of Conduct as well as the Governance Rules and Election Period Policy. Council's objectives around effective and strategic communication is contained within the Council Plan and Vision, as well as embedded across various policies and procedures.

Options:

1. Council can choose to adopt the Public Art Policy and rescind the Social Media Policy;
2. Council can choose to make amendments to the Public Art Policy;
3. Council can choose to not adopt the Public Art Policy and to retain the Social Media Policy (Council) as a Council policy.

Link to Council Plan:

Strong governance practices

Financial Implications:

NIL

Risk Management Implications:

Public Art Policy

Maintaining a clear and comprehensive Public Art Policy provides for the transparent and effective use of public funds to enhance the aesthetic and livability of Hindmarsh Shire Council. Strengthening the guiding principles ensure that any action taken is aligned with the strategic direction of Council and Council's values.

Relevant legislation:

Local Government Act 2020

Local Government Act 1989

Community engagement:

The Public Art Policy was made available to the public for consultation from Thursday 6 April to 2023 to Thursday 20 April 2023.

Gender equality implications:

A Gender Impact Assessment was conducted for the amended Public Art Policy. No GIA is required for the Social Media Policy as the decision to rescind the policy has no direct or significant impact on the public.

Conflict of Interest:

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

Officer Responsible – Monica Revell, Director Corporate and Community Services

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

Author – Petra Croot, Manager Governance and Human Services

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

Communications Strategy:

All policies and delegations will be placed on Council's website, will be available for public viewing on request and will be distributed to Council staff.

Next Steps:

As above.

RECOMMENDATION:

Council adopts the Public Art Policy and rescinds the Social Media Policy (Council).

Attachment Numbers: 5 – 6

9.3 COUNCIL PLAN 2021-2025 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Introduction:

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

Discussion:

Council’s main strategic document the Council Plan 2021-2025 was developed and adopted on 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 2022/2023 actions against the Plan are included below:

Theme One – Our Community

Action Item	Update on Action	Status
Monthly and fortnightly e-newsletters distributed through emails and available on Council’s website	Q3. Council continues to prepare and circulate fortnightly e-newsletters and monthly newsletters. Monthly Newsletters are printed for collection at all libraries, Council offices and a variety of businesses in Dimboola, Jeparit, Nhill and Rainbow. Council is now also including a 2-page newsletter with Community Care Accounts when they are being sent out each month.	Ongoing
Establish LGBTIQ+ Focus Groups to advise Council on key projects and initiatives	Q3. The LGBTIQ+ Advisory Committee met on Wednesday 8 February and Wednesday 12 April 2023.	Ongoing
Councillors and Council Officers attend advisory committees including Town Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings	Q3. Councillors and Council Officers attend Town Advisory Committees, Wimmera Mallee Pioneer Museum and Yurunga Homestead meetings.	Ongoing
Advocate for after school care and an increase childcare in Hindmarsh Shire.	Q3. Emerge attended the March 2023 briefing session to discuss services and challenges with Councillors.	Ongoing
Implement the Hindmarsh	Q3. 2023 Youth Councillors became familiar	Ongoing

<p>Shire Youth Strategy</p>	<p>with the youth Strategy at their retreat in February to ensure they are all working towards the same goals and outcomes. Council and Youth Council continue to work with community groups and organisations to further implement the Hindmarsh Shire Youth Strategy and dedicated to strengthening relationships within our community to help with implementation and success of the strategy.</p>	
<p>Work with various agencies to host and promote school holiday activities throughout the Shire.</p>	<p>Q3. Further relationships have been established with facilitators to bring about new, exciting, and past activities that have been well received by the community. Activities benefit the health and wellbeing of our Youth and are focused on their wants and needs throughout school holidays. We work closely with schools for promotion and have plans to work with local neighborhood houses to collaborate and host activities in the future.</p>	<p>Ongoing</p>
<p>Continue to support early years services in Hindmarsh Shire</p>	<p>Q3. A meeting was held with the six Councils who have been nominated for the pre-prep roll out to advocated for appropriate resources.</p>	<p>Ongoing</p>
<p>Partner with Nhill Learning Centre to ensure barriers and views of the Karen and other multicultural communities are considered</p>	<p>Q3. A multicultural waste session was held on Wednesday 29 March 2023 to launch the video on the three bins (Red – waste; Yellow – recycling; and Purple – glass). The videos were presented with English and Karen voice overs. Council’s Youth Officer is working closely with the Centre for Multicultural Youth who are creating positive activities and opportunities at Nhill Learning Centre. Council is strengthening their relationship and supporting CMY where appropriate to bring about more opportunities for our Karen and other multicultural community and young people.</p>	<p>Ongoing</p>
<p>Support and host youth events that are accessible to all Hindmarsh Shire youth.</p>	<p>Q3. Continue to actively seek events and opportunities inclusive of all young people. In-depth discussions happening at Youth Council meetings to ensure broader personalities and hobbies are being addressed and events organised to suit these. Youth Council continue to evaluate the accessibility of all their events and opportunities for young people and are</p>	<p>Ongoing</p>

	extremely passionate about addressing the entire youth community.	
Key documents translated into Karen	Q3. The cat desexing program poster and waste information session poster was translated into Karen.	Ongoing
Undertake Cultural Audit and Develop Strategy	Q3. Work has commenced on the cultural audit with the consultant aiming to have the work completed by 30 June 2023.	Underway
Support our ageing community through hosting seniors concert, social connection activities including movie matinees and morning teas, and delivery of community care service	Q3. Monthly class movies continue to be shown with people enjoying the films and an opportunity to connect. Cuppa Connections continue in each of the libraries on a weekly basis. Planning is underway for the delivery of digital literacy to seniors in Hindmarsh Shire Libraries.	Ongoing
Support local community events such as the Rainbow Desert Enduro, Nhill Friday Fiestas in February, Peter Taylor Barefoot Tournament etc.	Q3. Council officers continue to support event organisers through a range of different channels including permit processing, promotion and assistance with traffic management plans.	Ongoing
Celebrate volunteers week, International Day of People with Disability and Harmony day	Q3. Council celebrated Harmony Day with a citizenship ceremony and celebration which included guest speakers, videos coordinated by Hindmarsh Shire Youth Councillors in Nhill who recorded videos of their peers and teachers who discussed culture and what it meant to them, 3 Karen young people involved in a recent photography project ran by Meg Lee called "Happy Snaps" also recorded a video for Harmony Day and openly discussed their culture and background. A multicultural morning tea followed these presentations where we celebrated food from several different cultures and cuisines.	Ongoing
Support culturally significant days including for first nations people	Q3. Planning is underway for an activity to celebrate NAIDOC week.	Ongoing
Provide community action grants to support Hindmarsh community groups and organisations	Q3. Community Action Grants closed on Friday 10 February and a recommendation went to Council on Wednesday 1 March 2023. 4 out of 5 applications were deemed successful and Council are now receiving acceptance of grant forms from applicants.	Ongoing

Continue to advocate for funding for the Rural Outreach Program	Q3. Council places quarterly posts on Facebook to promote this valuable service to our community. Officers advocate for continuation of this important program at every opportunity.	Ongoing
Advocate for and host a range of learning and skill development opportunities for all ages throughout Hindmarsh	Q3. Planning is underway for the delivery of digital literacy for seniors training in Hindmarsh Shire Libraries.	Ongoing
Support and coordinate the volunteer taxi service in Nhill	Q3. Council continues to coordinate and support the Volunteer Taxi Service in Nhill.	Ongoing
Work with community groups including Senior Citizens to re-establish following the COVID-19 pandemic	Q1. Council's Community Development and Social Support Officer continues to liaise with Senior Citizens. Q2. Many community groups struggled to regroup post-lockdown, but have found new ways to operate. HSC assisted Nhill Senior Citizens to re-establish. The group regularly liaised with HSC regarding Covid safety requirements. Club president reported the numbers are returning and they have a number of new members in 2022.	Ongoing
Consider community garden opportunities in Dimboola	Q3. A community garden was prioritised at the Dimboola Community Planning meeting on 27 March 2023 for the development of the Community Plan.	Underway

Theme Two – Built & Natural Environment

Action Item	Update on Action	Status
Seal Dimboola Civic Hub Carpark; laneway between Lochiel Street and public amenities and Road between Wimmera Street and Carpark.	Q3. Works have been completed for the sealing of the carpark, laneway and road. Lighting in the car park will be completed in mid-June with lighting along the laneway and Lochiel Street between the road and the gardens completed in April.	Completed
Implement glass collection throughout the Shire	Q3. Glass bins were delivered in March 2023 in preparation for first collection on 14 April 2023 and advertising undertaken in local newspapers.	Underway
Work with Hindmarsh Landcare in addressing	Q3. Maps provided and returned to Council identifying target areas for spraying. A	Underway

pest and weed problems throughout Hindmarsh including the weed Gazania which is spreading along roadside verges.	contractor has been engaged to undertake works in Q4.	
Seek funding for BMX dirt tracks, pocket parks, dog parks	Q3. Council was advised by Rainbow Oasis that they were successful in obtaining funding for BMX Track.	Ongoing
Hold free green waste month in September and encourage residents to tidy their properties	Q3. No update	Ongoing
Implementation of Nhill streetscape plan	Q3. Planning has progressed with cost estimates obtained for the construction of the Nhill Lake Pathway. Discussions are being held on the capacity for Council staff to undertake the works or if quotations will need to be sought for a third party to undertake the works.	Underway
Installation of solar heating on Nhill swimming pool	Q3. Council is still awaiting consent for works from the Department of Education and Training (DET). A contractor has been engaged to undertake the installation once consent has been received.	Ongoing
Develop playground strategy	Q3. Consultation to occur in Q4 with early years and young people alongside guardians.	Underway
Seek funding for all abilities access to the swimming pool and changeroom at Dimboola Swimming Pool	Q3. All ability hoists were installed in Q3 at Dimboola and Rainbow Swimming Pools.	Underway
Seek funding to develop a Masterplan for the Dimboola Recreation Reserve	Q3. No update.	Delayed
Seek funding to undertake a solar assessment on Council buildings and halls	Q3. No update.	Delayed
Construction of shade structures at Dimboola and Nhill Skateparks	Q3. Shelters at Dimboola and Nhill Skateparks have been constructed and seating installed. Security lighting will be installed in Q4.	Underway

Consider opportunities and seek funding for lighting in public areas	Q3. Funding opportunities for increased lighting will continue to be monitored.	Ongoing
Ensure Council representation on Western Highway Action Committee, Wimmera Regional Transport Group and Hindmarsh Landcare Network	Q3. Council continues to have representatives on the Western Highway Action Committee, Regional Transport Group and Hindmarsh Landcare Network	Ongoing
Continue to advocate for funding for Davis Park improvements	Q3. Minor amendments have been made to existing plans. A report will be presented to the May 2023 Council meeting regarding allocating funding from the LRCI phase 4 program.	Ongoing

Theme Three – Competitive and Innovative Economy

Action Item	Update on Action	Status
Upgrades to ensuites at Dimboola Caravan Park	Q3. Quotes received were higher than budgeted, rescoped works now being quoted.	Ongoing
Provide the business assistance grants program	Q3. Two submissions were received for Round 2 of the Business Assistance Grants program with both applications obtaining funding.	Ongoing
Promote Hindmarsh as a tourism destination to stop, stay and play	Q3. No update	Ongoing
Partner with West Vic Business to provide events and education for Hindmarsh businesses to come together, network and learn	Q3. Council hosted a Hindmarsh Business Networking Session in Dimboola in March. We are planning the next quarterly meeting for Jeparit, with a date yet to be determined.	Ongoing
Tourism information available in Hindmarsh Shire business	Q3. No update	Ongoing
Seek funding for continued development of Hindmarsh Shire Caravan Parks including a Masterplan for Nhill Caravan Park	Q3. Construction of the six new accommodation units is progressing well with an estimated mid-year delivery date. Council will call for quotations for the Nhill Caravan Park Master Plan during April / May 2023.	Underway
Implementation of Council's economic development strategy	Q3. A consultant has been appointed to develop the Economic Development Strategy with the Community Planning Sessions	Underway

	including discussion regarding the Economic Development Strategy, and feedback being sought from the community.	
Seek funding and implement components of the Wimmera Mallee Pioneer Museum Masterplan	Q3. No update.	Ongoing
Support Wimmera Development Association housing strategy	Q3. Council continues to attend WDA housing strategy meetings.	Ongoing
Commence Silo Art at Llew Schilling Silo in Rainbow and Arkona Silo	Q3. Design is now complete, and the project will be advertised for tender in late April 2023. The tender period will be open through to early June. Other site works are ongoing – replacement garage permit approved, and materials ordered.	Underway
Construct new amenities at Rainbow Caravan Park	Q3. Final designs are being prepared and building permit application process is underway.	Underway

Theme Four – Good Governance & Financial Sustainability

Action Item	Update on Action	Status
Implementation of strategies identified in the Workforce Plan	Q3. Staff Learning and Development Policy in draft form to be taken to Senior Management Team – this policy allows for transition planning in line with equal employment opportunity principles. Council has registered for the 2023 People Matters Survey to collect data relating to gender equality indicators. An additional recruitment presentation relating to governance has been drafted and is being reviewed by Human Resources. A video is being developed by Council in collaboration with local stakeholders to market Hindmarsh Shire as an attractive area to live and work within. Position Descriptions have been reviewed as part of the Infrastructure Restructure and our performance and development review framework is currently under review.	Ongoing
Online streaming of Council meetings through Council’s Facebook page	Q3. Council continues to livestream the Council meetings with links to the recordings included on the Council website.	Ongoing
Consideration of employing a trainee, or apprentice when	Q3. Council continues to consider opportunities on a case-by-case basis as positions become vacant or new positions are available.	Ongoing

vacancies arise throughout the year		
Community conversation sessions held annually in our four main towns	Q3. Community Consultation Sessions are being planned for mid-May 2023. Community Planning consultations were held in each town in late March / early April for input into the community plans and economic development strategy.	Ongoing
Drop-in sessions held allowing for community input on key documents or projects	Q3. No update	Ongoing
Update Long Term Financial Plan	Q3. The updated Long Term Financial Plan is currently being updated as part of the 2023/2024 annual budget development.	Ongoing
Quarterly finance reporting to Council	Q3. The second quarter finance report was presented to Council on 1 February 2023.	Ongoing
Ensure Council representation on Wimmera Development Association, Rural Council's Victoria, and Municipal Association of Victoria	Q3. Council continues to have representatives on the WDA, RCV and MAV.	Ongoing
Quarterly Council plan reporting to Council	Q3. The second quarter update was presented to Council on 1 February 2023	Ongoing
Implementation of gender equality action plan	Q3. Aboriginal and Torres Strait Islander cultural awareness training is scheduled for 22 May 2023. The LGBTQI+ Advisory Committee continues to contribute to planning around LGBTQI+ matters and days of significance. Council will complete the 2023 People Matters Survey to provide measurable data on gender equality in our workforce. The Policy Framework was reviewed to ensure that gender is accounted for when reviewing or developing policies.	Ongoing
Collaborate with Horsham Rural City Council, and Loddon Shire to implement the Rural Council Transformation Project	Q3. Council staff are continuing to work with Civica, Loddon and Horsham on the new structures required for the Altitude software.	Ongoing
Audit & Risk Committee meetings review and	Q3. Council's Risk register is provided at each Audit & Risk Committee meeting for discussion	Ongoing

consider Council risks at each meeting	and consideration.	
--	--------------------	--

Link to Council Plan:

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides annual actions to achieve the plan under the four key themes.

Financial Implications:

Council’s annual budget allocates funding to complete initiatives.

Risk Management Implications:

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

Relevant legislation:

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

Community engagement:

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

Gender equality implications:

A gender impact assessment was not required.

Conflict of Interest:

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

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

RECOMMENDATION:

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

9.4 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2023

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

Introduction:

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

RECOMMENDATION:

That Council notes the Financial Report for the period ending 31 March 2023 as presented.

Attachment Number: 7

9.5 COUNCIL PLAN DRAFT ACTION PLAN 2023/2024

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

Introduction:

This report presents the Council Plan draft Action Plan 2023/2024 and recommends advertising the draft Action Plan 2023/2024 for public submissions.

Discussion:

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

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

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

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

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

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

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

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

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

- Healthy Eating
- Active Living
- Social Connectivity

- Improving Mental Health
- Preventing all forms of violence and injury.

The draft Action Plan 2023/2024 will be made available to allow for submissions for the period Thursday 4 May 2023 to Friday 2 June 2023. Submissions will be considered at the Council meeting held on Wednesday 28 June 2023.

Options:

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

Link to Council Plan:

The Council Plan is the overarching plan that sets the strategic objectives for Council over the four-year term and provides initiatives and activities under the four key themes. The annual action plan details action items to be undertaken during the financial year.

Financial Implications:

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

Risk Management Implications:

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

Relevant legislation:

Local Government Act 2020

Public Health and Wellbeing Act 2008

Community engagement:

The Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision 2040 was developed following consultation with the community through an online survey and in person community conversation sessions. The Annual Action Plan is informed by the initial Council Plan discussions and subsequent community conversation sessions where round table discussions were held and participated were asked to consider and discuss a series of questions with Councillors and staff members.

Gender equality implications:

No gender impact assessment is required.

Conflict of Interest:

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

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

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

Communications Strategy:

Copies of the draft Council Plan Actions 2023/2024 will be available at Council's Customer Service Centres and on Council's website.

RECOMMENDATION:

That Council:

- 1. approves the draft Council Plan Actions 2023/2024 incorporating the Health and Wellbeing Plan Actions 2023/2024 for the purposes of public consultation;***
- 2. gives public notice of the preparation of the draft Council Plan Actions 2023/2024 incorporating the Health and Wellbeing Plan Actions 2023/2024 inviting written submissions from the public for the period Thursday 4 May 2023 to Friday 2 June 2023;***
- 3. considers public submissions and the formal adoption of the Council Plan Actions 2023/2024 incorporating the Health and Wellbeing Plan Actions 2023/2024 at the Council meeting on Wednesday 28 June 2023.***

Attachment Number: 8

10 COUNCIL COMMITTEES

10.1 LGBTIQ+ ADVISORY COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 9

Introduction:

The LGBTIQ+ Advisory Committee held a meeting on 12 April 2023. The purpose of this report is to note the minutes and consider any recommendations from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the LGBTIQ+ Advisory Committee Meeting held on 12 April 2023; and***
- 2. renames the LGBTIQ+ Advisory Committee to Hindmarsh Pride Committee.***

Attachment Number: 9

10.2 WIMMERA MALLEE PIONEER MUSEUM COMMUNITY ASSET COMMITTEE

Responsible Officer: Chief Executive Officer

Attachment Number: 10

Introduction:

The Wimmera Mallee Pioneer Museum Community Asset Committee held a meeting on 21 March 2023. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Wimmera Mallee Pioneer Museum Community Asset Committee meeting held on 21 March 2023.

Attachment Number: 10

10.3 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE

Responsible Officer: Chief Executive Officer
Attachment Number: 11

Introduction:

The Yurunga Homestead Community Asset Committee held a meeting on 23 March 2023. The purpose of this report is to note the minutes from this meeting. Copies of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 23 March 2023.

Attachment Number: 11

11 LATE REPORTS

12 NOTICES OF MOTION

13 OTHER BUSINESS

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

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

RECOMMENDATION:

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

14.1 REQUEST FOR QUOTATION – SUPPLY, CONSTRUCTION AND INSTALLATION OF PEDESTRIAN BRIDGES – RFQ 2022-2023 – Q23 – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters.

15 LATE CONFIDENTIAL REPORTS

RECOMMENDATION:

That Council resumes in open session, releasing the details of item 14.1 as deemed appropriate by the CEO.

16 MEETING CLOSE
