



6 April 2022

To Councillor,
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street Nhill, on Wednesday 6 April 2022 commencing at **3:00pm**.



Greg Wood
Chief Executive Officer

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1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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, present and emerging.

Opening Prayer

Dear Lord,

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

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

2 APOLOGIES

3 DECLARATION OF INTERESTS

A Councillor 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 2 March 2022 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 or questions, which have been recently answered, may be excluded at the discretion of the Mayor.

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

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 23 February – 29 March 2022

Cr ALBRECHT, MAYOR

Date	Meeting	Location	Comments
24/02/2022	Tour of the Nhill Aeradio facility	Nhill	Congratulations to the hardworking volunteers that have repaired the Aeradio facility and collected the historical equipment, to showcase how the facility worked. It is a wonderful heritage asset to be retained and provide education on the important role this facility had in the aviation space.
24/02/2022	West Vic Business Hindmarsh Chapter	Nhill	Thank you to everyone that attended the inaugural meeting of the Hindmarsh Chapter. We look forward to seeing this important business networking opportunity grow.
02/03/2022	Council Briefing	Nhill	
02/03/2022	Council Meeting	Nhill	
08/03/2022	CEO Employment and Remuneration Independent Chair Interviews	Zoom	Interviews were conducted for the independent chair role.
9/03/2022	Audit & Risk Committee	Zoom	
12/03/2022	Rainbow Rises 240	Rainbow	The Rainbow Rises committee put on another fantastic event. Well done!

19/03/2022	Historic Engineering Expo	Nhill	Congratulations to the Nhill Heritage Aviation Centre volunteers for all their hard work in celebrating the engineering accomplishments in Nhill at the Historic Engineering Expo day. It was an honour to be presented by Engineering Heritage Victoria with two awards. One for the Aeradio facility, which was officially launched by Dr Anne Webster on the day, and the other for the RAAF base.
20/03/2022	7 th Anniversary of the Nhill Karen Baptist Church	Nhill	It was so enjoyable to join the Nhill Karen community to celebrate 7 years of their church.
21/03/2022	Community Consultation	Jeparit	Thank you to the Jeparit residents that attended and shared the priorities for their community.
21/03/2022	Nhill Town Committee Meeting	Zoom	
22/03/2022	Wimmera Development Association Board Meeting	Zoom	Progression of the transformation continues with focus on a chair and additional directors.
23/03/2022	Victorian Local Government Grants Commission (VLGGC) Information Session	Zoom	The VLGGC provided an overview of how the local government grants are allocated in Victoria.
23/03/2022	Community Consultation	Dimboola	Thank you to the Dimboola residents that attended and shared the priorities for their community.

Cr IRELAND, DEPUTY MAYOR

Date	Meeting	Location	Comments
24/02/2022	Community West Vic Business Networking Launch	Nhill	
02/03/2022	Tour of new Nhill Library facility	Nhill	
02/03/2022	Council Briefing meeting		
02/03/2022	Council Meeting	Nhill	
08/03/2022	CEO Remuneration Interviews	Zoom	
10/03/2022	Guest Speaker at Seniors Concert	Nhill	A great event to reward our senior community, entertained by the band Credence Clearwater Survival.
14/03/2022	Jeparit Town Committee Meeting		
21/03/2022	Jeparit Community Consultation Meeting and Swimming Hole		

	Update		
23/03/2022	Dimboola Community Consultation meeting		
24/03/2022	Yurunga Homestead Committee Meeting		
28/03/2022	Rainbow Community Consultation meeting		

Cr BYWATERS

Date	Meeting	Location	Comments
23/02/2022	Jeparit Outdoor Swimming Pool	Jeparit	
24/02/2022	Meeting with the Nhill Aviation Heritage Centre group, Councillors and Officers at the Nhill Aeradio Building - Propodollah Road Nhill, and the Air Navigation facility	Cutline Road Nhill	
24/02/2022	Business networking meeting Hindmarsh chapter of Westvic business	Nhill Communi ty Centre	
02/03/2022	Council briefing and Council meeting	Nhill Communi ty Centre	
05/03/2022	Nhill Silo heritage project members and donors' Open day	Nhill	
08/03/2022	Independent chair interviews	Zoom meeting	
09/03/2022	Arkona silo art information session	Dimboola Library	
09/03/2022	Hindmarsh Landcare board meeting	Dimboola	
10/03/2022	Senior's concert	Nhill Communi ty Centre	
12/03/2022	Rainbow Rises	Rainbow	
16/03/2022	Winiam Landcare Group meeting	Winiam Fire Shed	
19/03/2022	Aviation Heritage Centre, historical engineering expo	Nhill Airport	

21/03/2022	Nhill Karen Baptist community 7-year anniversary	Nhill Uniting Church	
21/03/2022	Community consultation session	Jeparit	
23/03/2022	Community consultation session	Dimboola	
25/03/2022	Storytime with Cam	Dimboola Library	
28/03/2022	Community consultation session	Rainbow	
28/03/2022	Albacutya (Kitt Bennett) silo Art visit - Hindmarsh Shire's first Silo Art		

Cr NELSON

Date	Meeting	Location	Comments
24/02/2022	Nhill Aviation Heritage Centre On-site meeting	Nhill	
24/02/2022	Share Your Care meeting		
01/03/2022	Share Your Care meeting		
02/03/2022	Council Briefing Meeting	Nhill	
02/03/2022	Council meeting	Nhill	
07/03/2022	Dimboola Town Committee AGM		
08/03/2022	CEO Recruitment Panel member interviews		
09/03/2022	Audit Committee meeting		
09/03/2022	Silo Art Drop In Session	Dimboola	
10/03/2022	Seniors Concert	Nhill	
15/03/2022	WSMLLEN Finance Meeting		
23/03/2022	Community Consultation	Dimboola	
24/03/2022	WSMLLEN Committee of Management meeting		
29/03/2022	Share Your Care Pop Up	Dimboola and Nhill	

Cr GERSCH

Date	Meeting	Location	Comments
24/02/2022	Aviation Site Inspection		
25/02/2022	Grampians Region Waste meeting		
25/02/2022	Rural Councils Victoria board meeting		
25/02/2022	Inspect Nhill Library renovation		
27/02/2022	Nhill Aviation Volunteers Update		
02/03/2022	Council Meeting		
05/03/2022	Nhill Silo Inspection		
08/03/2022	Council interviews for Chairperson RE CEO		
10/03/2022	Council Senior Concert		
19/03/2022	Nhill Aviation Open Day		
23/03/2022	Grants Commission update		
23/03/2022	Dimboola Community meeting		
25/03/2022	Wimmera Regional Roads meeting		
25/03/2022	Rural Councils Victoria board meeting		

Cr ISMAY

Date	Meeting	Location	Comments
02/03/2022	Council Briefing meeting	Nhill	
02/03/2022	Council meeting	Nhill	
08/03/2022	Independent Chair meeting	Zoom	
08/03/2022	Rainbow Rises event meeting		
10/03/2022	Working bee for Rainbow Rises 240		
11/03/2022	Rainbow Rises 240 Off Road Race		
12/03/2022	Rainbow Rises 240 Off Road Race		

13/03/2022	Rainbow Rises 240 Off Road Race		
14/03/2022	Working bee clean up after event		
19/03/2022	NAHC Open Day		
28/03/2022	Community Consult	Rainbow	
29/03/2022	Rainbow Rises event meeting		

7 CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2 – 4

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- 18/03/2022 – Email from Liz Chivell to Mayor RE Request for Lake Hindmarsh and Wimmera River to be Ramsar Listed.
- 23/03/2022 – Letter from Carol Paech to Mayor RE Western Beach Road

Outwards:

- 09/03/2022 – Letter to Carol Paech from Council RE Correspondence Tabled at Council Meeting 2 March 2022.

RECOMMENDATION:

That Council

- 1. notes the attached correspondence; and***
- 2. Notes that the letter from Carol Paech is referenced in item 9.1 of this meeting's agenda.***

Attachment Numbers: 2 – 4

8 PLANNING PERMITS

8.1 APPLICATION TO AMEND PLANNING PERMIT PA1611-2018 – 2 TULLYVEA STREET JEPARIT VIC 3423 – AMENDED PLANS AND AMENDED PRE-AMBLE FOR CONSTRUCTION OF TWO NEW BUILDINGS AND ASSOCIATED WORKS INCLUDING THE CONSTRUCTION OF A LEVEE BANK

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	73680
Applicant:	Mr Bruce McIntosh, McIntosh Constructions Horsham, C/- Mr Adrian King, EJBI Pty Ltd
Owner:	Mr Adrian King, EJBI Pty Ltd
Subject Land:	2 Tullyvea Street Jeparit VIC 3423 (Lot 1 TP228795W)
Proposal:	Construction of an open canopy building adjacent to the existing building and associated works including the construction of a levee bank (Amended application to amend the description and amend plans to the planning permit to change the one approved building to two buildings and amend the conditions in relation to the amendments)
Zoning & Overlays:	Township Zone (TZ) & Farming Zone (FZ) Environmental Significance Overlay Schedule 6 (ESO6), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO), Bushfire Management Overlay (BMO) and Environmental Audit Overlay (EAO)
Attachment Numbers:	5 – 6

Summary:

This report recommends that Council approve a Notice of Decision to Amend Planning Permit PA1611-2018 for the construction of two new buildings and associated works including the previous construction of a levee bank (Amended application to the planning permit to change the one approved building to two buildings and amend the description in relation to the amendments).

Background:

The site has been used for Rural Trade Supplies and Service Station (Fuel Depot) for a long time. The site is affected by potential flooding from the Wimmera River and the site is within the FO and the LSIO. The flooding implications of development on the site have been discussed with the Wimmera Catchment Management Authority.

A detailed report was submitted with the original application as a Memorandum Report by Water Technology dated 21 March 2020, which detailed the flood risk and detailed design of the levee bank. The levee bank was required to be constructed in accordance with conditions required by the Wimmera CMA.

Planning Permit PA1611-2018 was issued by Council on 15 July 2020 for the '*Construction of an open canopy building adjacent to the existing building and associated works including the construction of a levee bank*' subject to conditions. Plans were also endorsed to the permit on 15 July 2020.

The approved permanent earthen bund (levee bank) (levee bank) required by the Wimmera CMA has since been constructed at a minimum height of 81.72m AHD above ground level

around the perimeter of the site in accordance with Conditions 4, 5 and 6 of the Planning Permit PA1611-2018.

Proposal Details:

The amended proposal is to amend the endorsed plans for the construction of two separate buildings instead of the one larger canopy building approved and amend the description of the Planning Permit PA1611-2018 to refer to the two buildings.

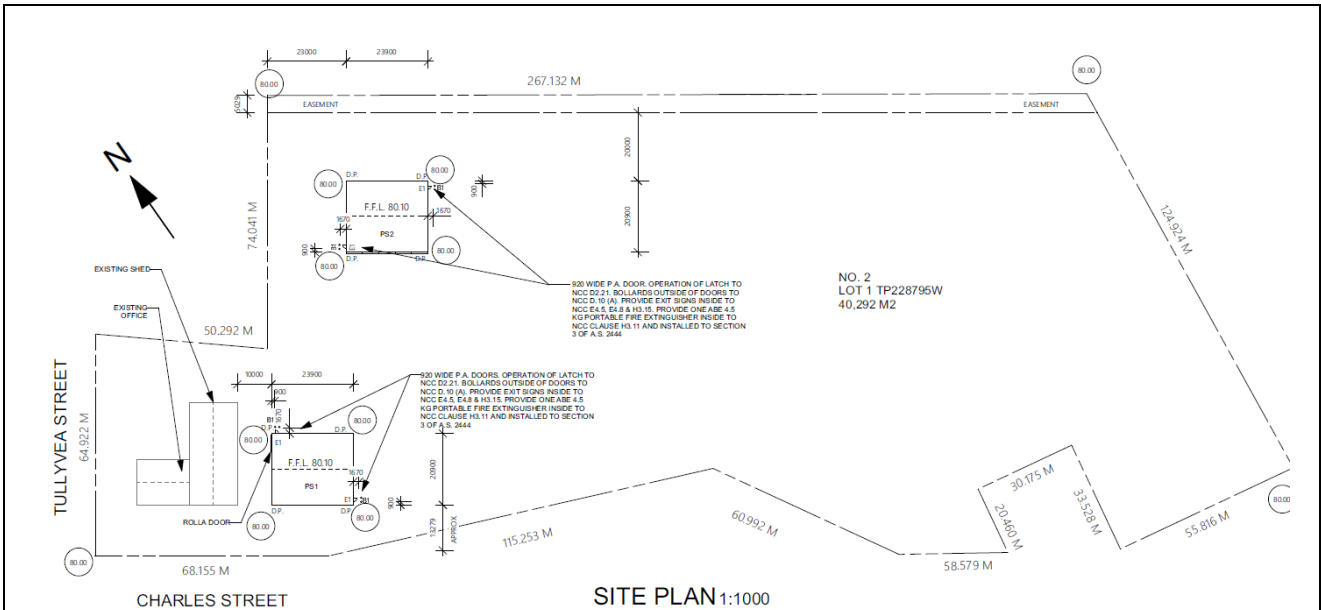
The applicant has advised that he wants to *'change to endorsed plans for Planning Permit PA1611-2018 due to the extreme cost of firefighting infrastructure that we would have to install due to the very low water flow from our GWM water mains'*.

The two proposed buildings will be located to the east and north-east of the existing building on the site. The proposed buildings will each have dimensions of 23.9 metres long by 20.9 metres wide with an area each of 499.5 square metres and a finished floor level of 80.10m AHD. The northern building will have setbacks of 23.0 metres from the northern boundary and 23.0 metres from the western boundary. The southern building which is 10.0 metres to the east of the existing building will have setbacks of between approximately 10.0 metres and 13.28m from the southern boundary adjoining Charles Street. The two buildings will each have fully enclosed walls, sliding doors at south (shed 2), a roller door at west (shed 1) and two pedestrian access doors on each. The buildings will have a wall height of 6.0 metres and a maximum height of approximately 7.2 metres from the existing ground level. The constructed earthen bund (levee bank) is 81.72m AHD and complies with WCMA requirements for a minimum height of 81.69m AHD.

The two buildings will be used for the storage of supplies associated with the existing Trade Supplies use of the land. The approved earthen bund (levee bank) has been constructed around the property boundaries to prevent flooding of the site and the surrounding properties from the Wimmera River floodplain extending through and adjacent to the site.

There are no changes to the conditions required as the Wimmera CMA has advised that they do not object to the granting of the amended permit subject to their requirements in Planning Permit PA1611-2018, which are Conditions 4, 5 and 6. It is noted that Conditions 5 and 6 still refer to an open canopy shed, but this is no longer relevant and the two conditions have been satisfied by the construction of the earthen bund (levee bank) on the site.

Refer to the excerpts from Attachment 5 – Site Plan, South Elevations and Levee Bank Plan on the next page.



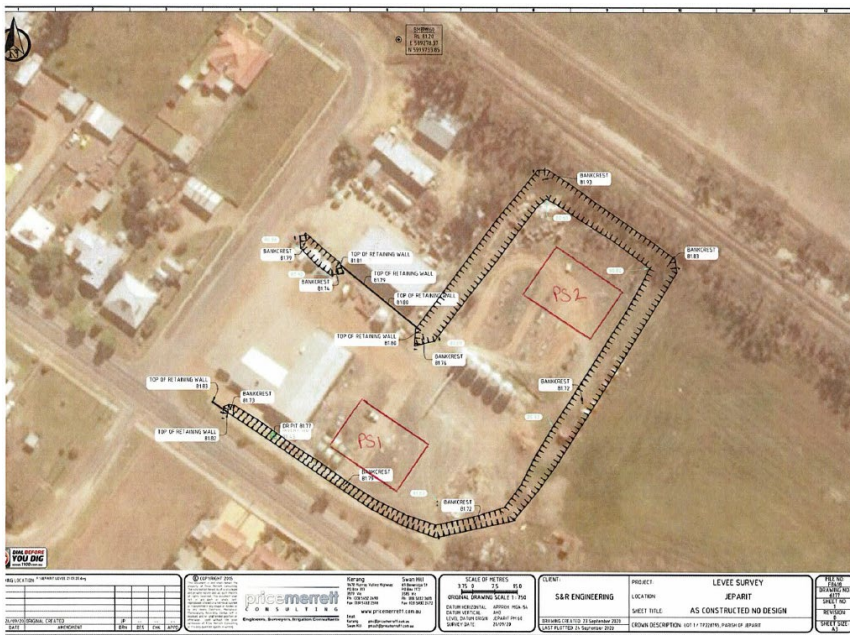
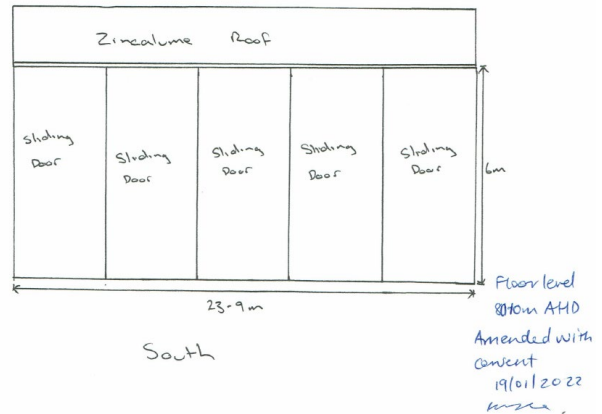
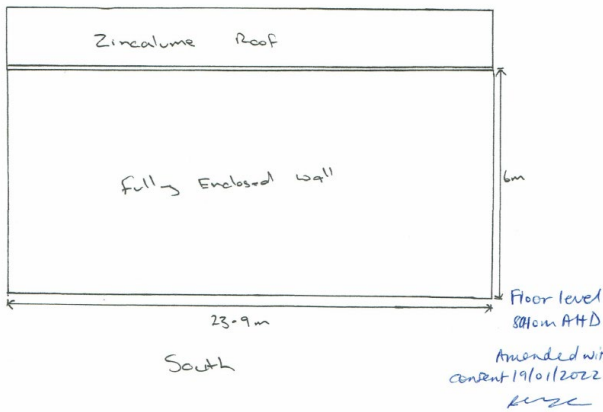
SITE PLAN 1:1000

PS1

Not to Scale

PS 2

Not to Scale



Requirement for Amended Permit:

An amended planning permit is required for amended plans and an amended description in relation to the following:

- Construct buildings and works for an existing Trade Supplies use which is a Section 2 Use pursuant to Clause 32.05-2 of the Township Zone.
- Construct buildings and works pursuant to Clause 44.03-2 of the Floodway Overlay.
- Construct buildings and works pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay.
- There is no planning permit required for buildings and works in the Farming Zone and Bushfire Management Overlay as the part of the site for the proposed buildings is not within that zone or overlay.
- There is no planning permit required for buildings and works in the Environmental Significance Overlay Schedule 3 and Schedule 6.
- There is no planning permit required in the Environmental Audit Overlay (EAO) as there is no new sensitive use (residential use, child care centre, pre-school centre or primary school) proposed as part of this amended application.

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 proposed development is not within part of the land that is affected by an Aboriginal Cultural Heritage Sensitivity Area.

Subject site & locality:

The subject site is located on the north-eastern corner of Tullyvea Street and Charles Street, Jeparit. The subject lot affected by the proposal is known as Lot 1 on Title Plan 228795W and has an area of approximately 4.0 hectares. There are existing buildings, accessways, car parking areas, a weighbridge and storage areas on the site. The earthen bund (levee bank) has been constructed around the perimeter of the site. The primary vehicle access is from Tullyvea Street. There is a second access point to exit from the site on Charles Street.

The site is located at the southern end of the Jeparit Township. There are residential properties to the north, west and south-west of the site. The Wimmera River and associated floodplain are situated to the south-east and south of the site. The adjoining land to the north-east on the same side of Tullyvea Street is occupied by warehouses and other non-residential uses.

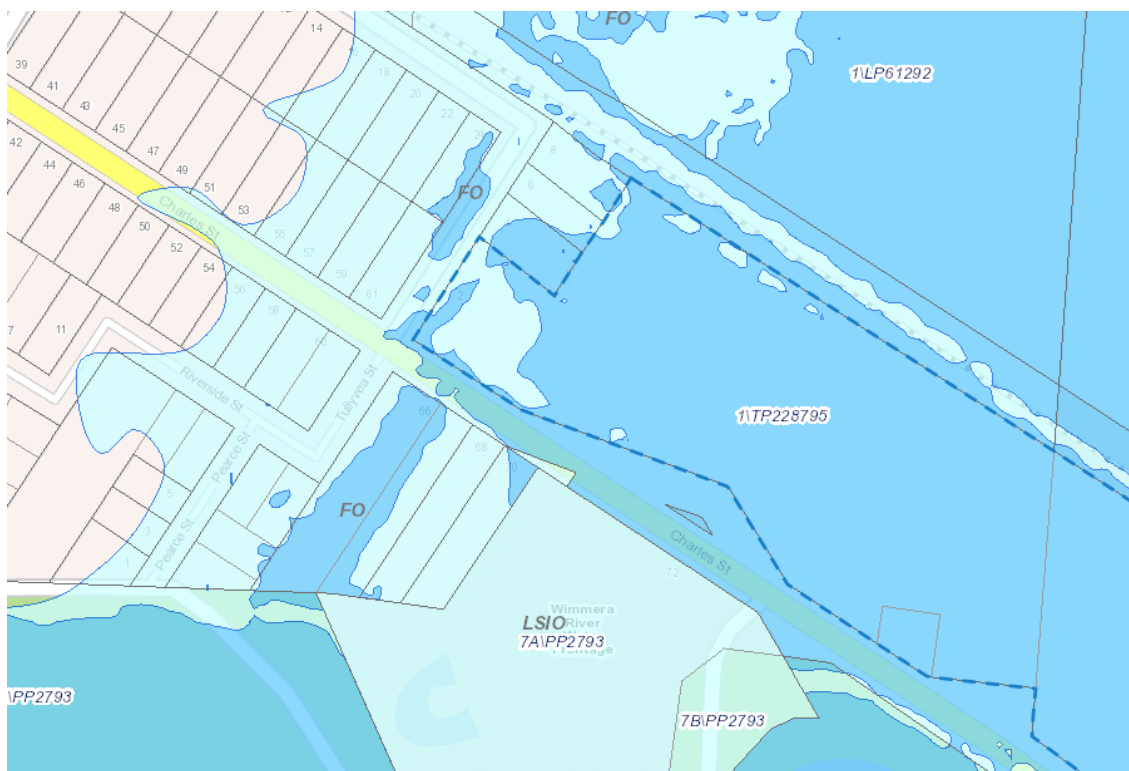
The north-western part of the land where the existing buildings and turning areas are located is within the Township Zone. The balance of the land is within the Farming Zone. The southern boundary of the site adjoins a Transport Road Zone 2, being the road reserve along Charles Street.

The adjacent land to the north, north-west and south is within the Township Zone. The adjacent land to the north and east is within the Public Use Zone 4 and the Farming Zone.

Aerial Photo below showing the subject lot where the building is proposed (POZI):



Aerial Map below of the areas of the site and surrounding areas affected by the Floodway Overlay (FO) and the Land Subject to Inundation Overlay (LSIO):



Advertising

Section 52 Notice of application

The amended application was advertised by letters to the adjoining and adjacent owners and occupiers and by two public notices on the land.

As a result of the advertising process, one objection was received.

The objection has raised concerns in regard to the amended proposal as summarised below.

- Shed blocking morning sunlight at the front of property, affecting garden and views of sunrise.
- Impact on value of property.
- Operation of machines in residential area.
- Levee bank built for trucks to turn on.
- Strong smells from site.

The applicant has provided a written response to the objection. The objector subsequently responded and disagreed with the applicant's response. The applicant provided a subsequent response explaining why the concerns are unreasonable.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals:

Wimmera Catchment Management Authority (WCMA)

Wimmera CMA does not object to the granting of the amended permit subject to our requirements as stipulated in Hindmarsh Shire Council Planning Permit 1611-2018.

Refer to Attachment 6 – Wimmera CMA response.

Section 52 Notices:

Nil

Internal Referrals:

Nil

Planning Assessment:

Planning Scheme Requirements:

Municipal Planning Strategy (MPS)

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

Clause 02.02 Vision

Clause 02.03 Strategic Directions

Clause 02.03 Settlement and housing

Council's strategic directions for settlement are to (relevant to application):

- To retain Rainbow and Jeparit as local community and service centres.

Clause 02.03-3 Environmental risks and amenity

Council's strategic directions for environmental risks and amenity are to (relevant to application):

- Minimise flood risk to agricultural production, the built and natural environment and the community.

Clause 02.03-5 Built environment and heritage

Clause 02.03-6 Economic development

Council's strategic directions for economic development are to (relevant to application):

- Promote service industries within the existing towns.

Planning Policy Framework (PPF)

The following relevant Clauses in the PPF have been considered for the amended 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 12.03-1S River corridors, waterways, lakes and wetlands

Clause 12.05-2S Landscapes

Clause 12.05-1S Environmentally sensitive areas

Clause 13.03-1S Floodplain management

Clause 13.07-1S Land use compatibility

Clause 14.02-1S Catchment planning and management

Clause 15.01-2S Building design

Clause 17.01-1S Diversified economy

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Clause 17.02-1S Business

Clause 19.03-2S Infrastructure design and provision

Clause 19.03-3S Integrated water management

Planning Response:

The amended proposal will locate two new buildings behind the existing permanent earthen bund (levee bank) that has been constructed in accordance with the requirements of the Wimmera CMA and will continue to minimise the flood risk to the site and surrounds. The amendments to propose two separate buildings will allow for fire-rating requirements to be met, while facilitating the upgrade and expansion of the buildings on the site for this important commercial business in the township of Jeparit. The amended design will not have any adverse impacts on the character and appearance of the site and the surrounding area.

The amended proposal will comply with the MPS and PPF subject to the same conditions on the Planning Permit PA1611-2018.

Zoning Provisions

Clause 32.05 Township Zone

32.05-2 Table of uses

Retail Premises – includes Trade Supplies – existing Section 2 Permit required Use.

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.

Planning Response:

The amended proposal complies with the MPS and PPF as discussed above. The amended proposal will incorporate two new buildings with a floor level of 80.10m AHD behind the existing earthen bund (levee bank) wall at a minimum height of 81.72m which exceeds the minimum height of 81.69m AHD in Condition 4 of the permit, which will protect and enhance the character of the town and the surrounding area. The existing building is connected to the utility services and the two new buildings will be connected to these services.

The design, height, setbacks and appearance of the two new buildings for this commercial use are appropriate. The construction of the earthen bund (levee bank) along the property boundaries has been completed and does not create any unreasonable visual impacts on the surrounding area. There will be adequate space on site for car parking and loading and unloading facilities. The scale and intensity of the existing use and the amended development is acceptable.

The amended proposal will not have any adverse traffic impacts to Tullyvea Street. The earthen bund (levee bank) constructed around the property boundaries for floodplain management has prevented any vehicle access to the site from Charles Street.

The amended proposal will comply with the relevant decision guidelines of the Zone.

Overlay Provisions

Clause 44.03 Floodway Overlay (FO)

44.03-2 Buildings and works

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

44.03-7 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 local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.

Schedule to the FO

A permit is required as the buildings and works exempt as listed in the Schedule are not applicable.

Planning Response:

The amended proposal complies with the MPS and PPF as discussed above. The existing earthen bund (levee bank) around the perimeter of the site that has been constructed has achieved a minimum level of 81.72m AHD, which exceeds the minimum level of 81.69m AHD required by the Wimmera CMA in Condition 4 of the permit. The earthen bund (levee bank) has therefore been constructed in accordance with the recommendations of the Water Technology Memorandum Report dated 21 March 2020 and complies with the conditions required by the Wimmera CMA in Conditions 4, 5 and 6 of the permit.

The two proposed buildings to be constructed at 81.10m AHD will not increase the risk and frequency of flooding of the site and the surrounding area.

The amended proposal complies with the relevant decision guidelines of this Overlay.

Clause 44.04 Land Subject to Inundation Overlay

44.04-2 Buildings and works

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

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:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.

- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

Schedule to the LSIO

A permit is required as the buildings and works exempt as listed in the Schedule are not applicable.

Planning Response:

The amended proposal complies with the MPS and PPF as discussed above. The earthen bund (levee bank) wall has been constructed at a minimum height of 81.72m AHD, which exceeds the minimum height of 81.69m AHD in the recommendations of the Water Technology Memorandum Report dated 21 March 2020 and Condition 4 on the permit required by the WCMA as discussed above.

The majority of the area of the site used for the existing Trade Supplies business is within the LSIO, so there is no flood-free land or land with a lesser flood hazard available. The amended development will be protected from flooding and flood damage by the earthen bund (levee bank) constructed along the property boundaries to ensure the risk to life, health and safety is reduced to an acceptable level.

The construction of the earthen bund (levee bank) (levee bank) has redirected floodwater across the Wimmera River floodplain. The amended proposal will not have any adverse effect on the river health values.

The amended proposal will comply with the relevant decision guidelines of this Overlay.

Particular Provisions

Clause 52.06 Car Parking

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 the increase of the floor area of an existing use listed in the Table.

Table 1: Carparking requirement

Trade Supplies – 10 per cent of site area

Planning Response:

There will be adequate space in front of the existing and proposed buildings on the site to ensure that 10 per cent of the site area is available for car parking, which is not affected by the earthen bund (levee bank) that has been constructed along the property boundaries.

The provision of car parking on the site for the amended proposal will comply with this Clause.

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, as appropriate (relevant to 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 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:

The amended proposal for two new buildings will be located behind the existing permanent earthen bund (levee bank) (levee bank) that has been constructed along the property boundaries of the site to minimise the potential flood hazard.

The existing conditions on the permit to address the potential flood risk will continue to protect the environment, human health and amenity of the area. The amended proposal will enable the orderly planning of the area. There are adequate loading and unloading facilities on the site and the amended proposal will not create any traffic or road safety impacts. The amended development will not adversely impact on the transport system within Jeparit.

The amended application including the amended plans will comply with the relevant decision guidelines of this Clause.

Discussion:

Amended Proposal

The two proposed buildings will be sited to the east and north-east of the existing buildings used for Rural Trade Supplies and Service Station. The amended development will continue to enhance the operation of this existing commercial business, which is an essential business and service for the Jeparit Township and surrounding farming areas.

The amended design and layout of the two buildings to be constructed at 80.10m AHD will not increase the potential flooding of the site and surrounding area, which has been addressed by the construction of the permanent earthen bund (levee bank) (levee bank) to 81.72m AHD above ground level in accordance with the conditions required by the Wimmera CMA in Conditions 4, 5 and 6 of the permit. Conditions 5 and 6 for the construction of the earthen bund (levee bank) have therefore been satisfied.

Response to Objection

The objector's concerns are not generally supported and can be reasonably addressed by conditions on the permit to protect the amenity of the area. A response to the summarised list of concerns is outlined below:

Objector's concerns	Applicant Response	Council Response
Shed blocking morning sunlight at the front of property, affecting garden and views of sunrise	The proposed shed (closest to the southern boundary) will be built approximately 31 metres to the north of the objector's property. The sun rises in the east and the shed will not result in any extra shade to the objector's property. The existing front property	The two proposed sheds will not block sunlight to the objector's property, which is on the opposite side of Charles Street and will not affect the garden. Potential views of a sunrise to the east may be altered as a result of the proposed sheds, but there is a well-accepted

	fence, trees, front verandah awning and gazebo would currently shade the objector's property.	position at VCAT that there is no right to a view in the planning scheme.
Impact on value of property	An agricultural / trade supplies business has operated from the site since planning permit 165/93 was issued and a shed and office were built by building permit 23/95. There are existing properties near the site that have dilapidated caravans, an unregistered vehicle, used tyres and rubbish that are more likely to impact the objector's property.	The construction of two new buildings for the trade supplies business is unlikely to have any adverse impacts on the objector's property on the opposite side of Charles Street. Any perceived potential loss of property values as a result of development proposals are not regarded as a valid planning consideration.
Operation of machines in residential area	Jeparit is zoned township, there are no residential or industrial areas allocated. The business hours of operation are 8.00am to 5.00pm Monday to Friday. The amount of machine operation/movement will not change once the sheds have been built. When the second storage shed is built, the occasional parking of a truck from another business will cease due to reduced space.	The area of the site for the development is within the Township Zone which covers a large part of the commercial and residential areas in town. This commercial use has existed on the site for a long time. The operation of machinery is required to comply with the EPA Protocols for Noise. There is a condition on the permit to specify that the buildings and the site must not impact on the amenity of the area.
Levee bank built for trucks to turn on	The levee bank was built as a planning permit condition required by the CMA. The levee is constructed of earthen clay, sourced from the property to the east. Trucks do not drive on the levee bank, trucks access a weighbridge installed in 2003 which is inside the levee bank. The yard has a speed limit of 10km/hour,	The levee bank was built to minimise flood risk to the site and surrounds as required by the Wimmera CMA and is higher than the existing ground level and is not for trucks to turn on. The potential dust issues should be reduced by the construction of the new building adjacent to Charles Street that will reduce the extent of gravel area in the

	blue metal stone has been laid to combat dust and reduce mud in winter. A yard maintenance schedule is in place to regularly check and replace yard surface.	rear open yard. The potential dust issues will be managed by speed limit restrictions and regular maintenance as identified by the operator/applicant.
Strong smells from site	Does not recall objector advising of smell issues from treated pine posts and if notified could come to an agreement about this.	The recent site visits carried out by officers have not identified strong smells that would not be expected for a commercial use of this nature. The existing use must operate in accordance with EPA Protocols for dust suppression.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework and Clause 32.05 Township Zone in the Hindmarsh Planning Scheme.

The amended proposal will prevent flooding risk to the site and surrounding area by locating the two proposed buildings behind the permanent earthen bund (levee bank) in accordance with the Wimmera CMA's conditions on the permit to comply with Clause 44.03 Floodway Overlay and Clause 44.04 Land Subject to Inundation Overlay.

The concerns raised in the objection are addressed either by conditions on the permit or are not regarded as relevant planning considerations for this type of commercial development for an existing commercial use on the subject land.

Report to Council:

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

Processing Times:

- 10/12/2021 Amended application submitted
- 22/12/2021 Further information letter issued
- 30/12/2021 Fee paid, response to further information received and amended plans received
- 19/01/2022 Second request for information sent by email.
- 19/01/2022 Written consent received by email to amend the plans to mark the floor levels and the plans were amended.
- 01/02/2022 Advertising directions and letters sent
- 01/02/2022 External Section 55 Referral sent to Wimmera CMA

04/02/2022 Wimmera CMA Referral Response received
17/02/2022 Objection received
18/02/2022 Objection sent to Applicant for comment
21/02/2022 Statutory declaration for public notices on site received
22/02/2022 Response from applicant to objection received
23/02/2022 Response from applicant to objection sent to objector
08/03/2022 Subsequent response from objector received
14/03/2022 Subsequent response from applicant received
06/04/2022 The report is being presented to Council at its meeting on 06 April 2022 (57 statutory days).

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

Link to Council Plan:

Facilitating and supporting economic development.

Financial Implications:

The proposal will have positive financial implications to Council.

Risk Management Implications:

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

Conflict of Interest:

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

Officer Responsible: Angela Hoy, Director Infrastructure Services.

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

Author: Bernadine Pringle, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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

Communications Strategy:

Advise the applicant and objector of Council's decision.

Next Steps:

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

RECOMMENDATION:

That Council approves a Notice of Decision to Amend Planning Permit PA1611-2018 for the Construction of two new buildings and associated works including the

construction of a levee bank, on the subject land known as 2 Tullyvea Street Jeparit VIC 3423 (Lot 1 TP228795W), subject to the following amended pre-amble and the following conditions:

Amended Pre-Ambles:

Construction of two new buildings and associated works including the construction of a levee bank

Conditions:

Endorsed Plans

- 1. The location and design of the 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.**

General Requirements

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

Levee Design

- 3. The approved levee design must be constructed in accordance with the Memorandum by Water Technology dated 21 March 2020 or approve alternative design to the satisfaction of the Responsible Authority.**

Wimmera Catchment Management Authority Conditions

- 4. Prior to the construction of the open canopy shed, a permanent earthen bund (levee bank) with a minimum height of 81.69 m AHD must surround the building and facility, consistent with the memorandum report dated 21 March 2020 to Adrian King from Water Technology.**

The earthen levee will be constructed and compliant with construction requirements as specified in the Victorian Levee Management Guidelines. As constructed survey of the levee is to be provided to the Wimmera CMA upon completion of construction.

- 5. Prior to the construction of the open canopy shed, a temporary levee to infill the section along Tullyvea St, with specifications to meet or exceed a minimum height of 81.69m AHD is to be purchased and onsite.**
- 6. Prior to the construction of the open canopy shed, a Levee Management Plan in accordance with the Victorian Levee Management Guidelines must be submitted to Wimmera CMA for approval.**
- 7. Any fencing within the floodplain shall be of an open style that will not obstruct the conveyance of flood water across the property, for example post and wire**

fencing or open pool style fencing.

Prior to the commencement of works, detailed plans of the proposed fencing within the floodplain area must be submitted to Wimmera CMA for approval.

Engineering

8. All stormwater and surface water discharging from the site must be conveyed to the Legal Point of Discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type will be allowed to enter any Council drainage system.

Time Limit

9. The 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.**

Notes

WCMA:

- The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.**
- Should you require further information please contact Wimmera CMA Floodplain Officer, on (03) 5382 1544. To assist Wimmera CMA in handling any enquiries please quote WCMA-F-2019-00005 in your correspondence with us.**

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of the Amendment
6 April 2022	Amended Planning Permit to amend the pre-ambule of the permit to replace the open canopy building with two separate buildings and approve amended plans for the two buildings with floor levels of 80.10m AHD dated 19 January 2022, pursuant to Section 74 of the <i>Planning and Environment Act 1987</i> .

Attachment Numbers: 5 – 6

9 REPORTS REQUIRING A DECISION

9.1 RESIDENT CONCERNS - WESTERN BEACH RD

Responsible Officer: Director Infrastructure Services
Attachment Number: 3

Introduction:

This report provides Council with information addressing the correspondence received from Carol Paech regarding Western Beach Road.

Discussion:

Correspondence via letter was received from Carol Paech on 23 February 2022 requesting that the letter be made available to the public, and published with the minutes. The letter has been included as an attachment to this agenda.

The letter raises a number of concerns which have been addressed below.

Excerpt 1 Letter dated 23 February

"I feel I am being ignored and treated poorly when asking for basic answers for my situation. Numerous replies from Angela Hoy, decline to fully address my dust and noise/vibration issues".

All letters and emails received from Carol Paech containing reference to dust and noise issues have been previously addressed as follows:

- *Letter sent 8 Feb 2022 - "Whilst you may not support Council's response we are unable to assist any further with dust and noise issues at this point in time";*
- *Email sent 31 Jan 2022 – "Noise from individual vehicles in service is governed by the Environmental Protection (Vehicle Emissions Regulations (2003) which is administered by EPA Victoria";*
- *Email sent 31 May 2021 – "Council will not be obtaining an acoustic engineering report";*
- *Letter Sent 8 February 2022 "Carol, where possible we will continue to water the bypass";*
- *Letter Sent 22 July 2021 – "as previously advised, the new dual bridge once completed should reduce the dust";*
- *Email sent 31 Jan 2022 – "Again I advise once the bridge is completed there will be a reduction in dust";*
- *Email sent 31 May 2021 – "The new dual bridge once completed will reduce dust issues from the bypass";*
- *Email sent 11 March 2021 – "We do acknowledge there is a dust issue caused by the number of vehicles using the bypass and where possible we have watered the track to reduce the dust";*
- *Email sent 26 February 2021 – "it is our intention to commence works on 1 March 2021 to install the dust binder product to reduce the dust".*

Excerpt 2 Letter dated 23 February

"The council approved Albacutya Gypsum a transport route for their customers to use Western Beach Road - when it did not own the road and still does not. How can council issue a transport route permit, on a road it does not own?"

Whilst Council does not own the full length of Western Beach Rd, it does own some areas as the alignment of the road runs through both Council managed road reserve and Parks Victoria. Council consulted with Parks Victoria as to the permit conditions for the Albacutya Gypsum mines.

Excerpt 3 Letter dated 23 February

“The council permit for Albacutya Gypsum was for the mine to have an estimated 30 semi-trucks per week. The 2021 season had 40 times this per week, averaged out over the year, it is 10 times greater than permitted. At what point does a permit become meaningless in relation to all the parameters that should be in place? At what point does the permit need to be reviewed – to ensure that the environment and local amenities are not being damaged with the increase in traffic above the original permit?”

The permit allows the land to be developed and used for mineral extraction – gypsum, it does not contain conditions in relation to the number of truck movements permitted.

The permit does contain a condition that all activities and works undertaken in association with mining on the land must be undertaken in accordance with the Mining Licence and Work Plan endorsed by the Department of Economic Development, Jobs, Transport and Resources dated 30 September 2015. There are no conditions on the Work Plan relating to the number of trucks that may enter/leave the quarry.

Traffic Count Data indicates between 170 and 300 daily truck movements on Western Beach Road through the gypsum season and between 3 and 12 daily truck movements outside gypsum season, noting that actual truck numbers would be half these figures.

Excerpt 4 Letter dated 23 February

“Dust, noise and vibration remain an issue for me, all created by a council decision. What right do you have to destroy my amenity so that one family – a mine lease holder, is benefited?”

With the new Albacutya Bridge and road approaches due for completion this financial year, the dust from the bypass will no longer be an issue.

Permitted trucks and other vehicles are legally able to utilise the road.

Excerpt 5 Letter dated 23 February

“The council permit is for the use of semi-trailer trucks only. This usage permission has been flouted. Angela Hoy has stated, and the shire road management plan indicates – Western Beach Road is not gazetted for B-Doubles or road train use, and yet they use it. How and why does the council grant permits and then have no follow up or responsibility to ensure the permit is adhered to?”

The permit issued does not contain any conditions in relation to the type or truck that may access the quarry.

Western Beach Road is conditionally approved for B-Double use on the Department of Transport and National Heavy Vehicle Regulator maps.

Excerpt 6 Letter dated 23 February

“When is the alternative route going to be considered? Not all stake holders were consulted; the owner of block 3, that leases the alternative road reserve, has verbally stated willingness to allow the reserve to be used as a transport route.”

A new alternative route is not being considered as it is unviable due to excessive cost for construction and there being a route already in place to access the gypsum pit.

Options:

1. Council can note the correspondence and officer’s responses with no further Action.
2. Council can request that the CEO write to Ms Paech advising her that the letter has been tabled and discussed as requested and responses provided to her concerns in this report.

Link to Council Plan:

Strong governance practices – Provide range of engagement and communication methods to ensure open, easily available and transparent communication between Council and the community

Financial Implications:

N/A

Risk Management Implications:

N/A

Relevant legislation:

Local Government Act 2020

Road Management Act 2004

Community engagement:

Discussions have taken place by various Councillors direct with Ms Paech.

Gender equality implications:

N/A

Confidential Declaration:

N/A

Conflict of Interest:

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

Officer Responsible/Author – Angela Hoy, Director Infrastructure Services

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

Communications Strategy:

Next Steps:

Interested Parties will be advised of Council’s decision in regards to this matter.

RECOMMENDATION:

That Council:

- 1. notes the correspondence received by Carol Paech dated 23 February 2022 with regards to Western Beach Road, Rainbow and notes the Officers response in this report to questions raised in the letter; and***
- 2. requests officers notify Carol Paech in writing that her letter has been tabled and discussed as requested and responses provided in this report.***

Attachment Number: 3

9.2 COUNCILLOR DEVELOPMENT

Responsible Officer: Chief Executive Officer

Introduction:

This report considers a request from Cr Albrecht to undertake mayoral coaching along with a request from Cr Albrecht and Cr Bywaters to attend No Woman Left Behind conference in May 2022.

Discussion:

Cr Albrecht was appointed to the mayoral position at the Annual Statutory Meeting in November 2021. As this is her first term as Mayor Cr Albrecht has requested approval from Council to undertake mayoral coaching totaling \$5,000 (plus GST).

A quotation was obtained for coaching with this specifically tailored to meet the professional development needs of Mayors. The coaching will be undertaken over a six-month period with regular sessions held online via zoom.

Topics covered in coaching are focused on the needs of the mayor and cover setting goals for the term; political savvy; develop influence; effective communication; and stronger relationships.

Cr Albrecht and Cr Bywaters have expressed interest in attending the No Woman Left Behind conference in Melbourne on Thursday 12 May 2022. Guest speakers including

Catherine Freeman OAM and Rochelle Courtenay discussing the theme creating hope through actions.

Registration for the conference is \$250 per person. Accommodation will be required prior to the conference due to the early start.

Council allocates an annual budget of approximately \$15,000 (excl GST) for Councillor Development and mayoral attendance at meetings. The training is based on \$2,000 (excl GST) per Councillor and an additional \$3,000 (excl GST) for mayoral attendance at meetings as Council's delegate.

Options:

1. Council can approve the coaching request for Cr Albrecht totaling \$5,000 (plus GST) and No Woman Left Behind conference ticket and accommodation for Cr Albrecht and Cr Bywaters.
2. Council can choose to not approve one or other of the requests.

Link to Council Plan:

A skilled Council and workforce capable of meeting community needs.

Financial Implications:

Council has an annual budget allocation of \$15,000 for 2021/2022 for Councillor Training, Conferences and Seminars. \$10,000 was allocated at the meeting held on 4 August 2021 for Councillor development.

Risk Management Implications:

Undertaking training will increase skills and knowledge of Council.

Relevant legislation:

Not applicable

Community engagement:

Not applicable

Gender equality implications:

No gender impact assessment was completed.

Conflict of Interest:

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

Author & Officer Responsible – Greg Wood, Chief Executive Officer

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

RECOMMENDATION:

That Council

- 1. approves the mayoral coaching request from Cr Albrecht totaling \$5,000 (plus GST).***
- 2. Approves the request for Cr Albrecht and Cr Bywaters to attend the No Woman Left Behind Conference in Melbourne on 12 May 2022 (\$250 each) along with one night's accommodation prior to the conference.***

10 COUNCIL COMMITTEES

10.1 AUDIT AND RISK COMMITTEE

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

Introduction:

The Audit and Risk Committee held a meeting on 9 March 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Audit and Risk Committee meeting held on 9 March 2022;
Attachment Number: 7

10.2 RAINBOW TOWN ADVISORY COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Numbers: 8 – 10

Introduction:

The Rainbow Town Advisory Committee held its annual general meeting followed by a general meeting on 21 February 2022, and a general meeting on 21 March 2022. The purpose of this report is to note the minutes from these meetings, note the Chairperson report for 2021 and appoint members of the committee from the annual general meeting. A copy of these minutes are included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Rainbow Town Advisory Committee annual general***

- meeting held on 21 February 2022;*
- 2. notes the minutes of the Rainbow Town Advisory Committee general meetings held on 21 February 2022 and 21 March 2022;*
 - 3. notes the Chairperson Report for 2021; and*
 - 4. appoints as members of the Rainbow Town Advisory Committee:*
 - Chairperson – Greg Roberts*
 - Vice Chairperson – Graham Nuske*
 - Secretary – Colleen Petschel and Allira Roberts*
 - Committee Members – Maxwell Clarke, Alison Ey, Belinda Eckermann, Callum Bull and Bill Hutson.*
 - 5. notes the resignation of Michael Sullivan from the committee and thanks Michael for his service.*

Attachment Numbers: 8 – 10

10.3 JEPARIT TOWN ADVISORY COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Numbers: 11 – 13

Introduction:

The Jeparit Town Advisory Committee held its annual general meeting followed by a general meeting on 14 February 2022, and a general meeting on 14 March 2022. The purpose of this report is to note the minutes from these meetings, note the Chairperson report for 2021 and appoint members of the committee from the annual general meeting. A copy of these minutes are included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Jeparit Town Advisory Committee annual general meeting held on 14 February 2022;*
- 2. notes the minutes of the Jeparit Town Advisory Committee general meetings held on 14 February 2022 and 14 March 2022;*
- 3. notes the Chairperson Report for 2021; and*
- 4. appoints as members of the Jeparit Town Advisory Committee:*
 - Chairperson – Jason Hutson*
 - Vice Chairperson – Teresa Smith*
 - Secretary – Cheryl Quinn*
 - Committee Members – Craig Proctor, Alan Hewitt, Louise Dillon, Mel Wagener, Bec Schultz and Sharron Reilly.*

Attachment Numbers: 11 – 13

10.4 DIMBOOLA TOWN ADVISORY COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Number: 14

Introduction:

The Dimboola Town Advisory Committee held its annual general meeting on 7 March 2022. The purpose of this report is to note the minutes from this meeting, note the Chairperson report for 2021 and appoint members of the committee from the annual general 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 Dimboola Town Advisory Committee annual general meeting held on 7 March 2022; and***
- 2. appoints as Chairperson and Secretary of the Dimboola Town Advisory Committee:***
 - Chairperson – Kaylene Pietsch***
 - Secretary – Owen Pietsch***

Attachment Number: 14

10.5 NHILL TOWN ADVISORY COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Numbers: 15 – 16

Introduction:

The Nhill Town Advisory Committee held its annual general meeting on 21 February 2022. The purpose of this report is to note the minutes from this meeting, note the Chairperson report for 2021 and appoint members of the committee from the annual general meeting. A copy of the minutes and Chairperson Report is included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the minutes of the Nhill Town Advisory Committee annual general meeting held on 21 February 2022;***
- 2. notes the Chairperson Report for 2021; and***
- 3. appoints as Chairperson and Vice Chairperson of the Nhill Town Advisory Committee:***
 - Chairperson – Alana Storey***
 - Vice Chairperson – Brock Stephens***

- **Secretary – Left vacant to be revised at next meeting**

Attachment Numbers: 15 – 16

10.6 YURUNGA HOMESTEAD COMMUNITY ASSET COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 17

Introduction:

The Yurunga Homestead Community Asset Committee held a general meeting on 27 January 2022. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Yurunga Homestead Community Asset Committee meeting held on 27 January 2022.

Attachment Number: 17

11 LATE REPORTS

11.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND PHASE 3

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks in-principal support from Council for Phase 3 of the Local Roads and Community Infrastructure key projects.

Discussion:

Council received notification on 27 October 2021 that the Federal Government's Local Roads and Community Infrastructure (LRCI) Program has been extended. Under the LRCI program phase 3, Council will receive an additional funding allocation of \$2,161,596. Projects funded under phase 3 are required to be completed by 31 December 2023.

Council received funding through phase 1 and 2 of the LRCI grant which was allocated to roads and community projects. Following the announcement of the LRCI phase 3 Council Officers reviewed priority projects identified during the consultation sessions for the development of the Council Plan. Normally Council would consider using these additional funds on upgrading roads due to the significant number of kilometres of road Council is responsible for, however given our recent success with roads funding applications our construction programme for 2021/2022 is at full capacity with uncompleted projects to be carried forward and completed in 2022/2023.

Projects already allocation through Council decisions include:

1. Rainbow Enduro Infrastructure Upgrades - \$125,000.
This project was allocated by Council resolution on 7 July 2021
2. Rainbow Female Friendly Change rooms - \$253,027.
This project was allocated by Council resolution on 20 October 2021
3. Dimboola Visitor Node carpark and laneway sealing - \$200,000.
This project was allocated by Council resolution on 24 November 2021
4. Jeparit Swimming Hole Deck and Retaining Wall - \$300,000.
This project was allocated by Council resolution on 24 November 2021.

Davis Park Redevelopment is Council's highest priority project in which we are advocating continually for funding. For this reason, it is proposed to recommend Council consider two options for the balance of LRCI phase 3 funding.

Option one for the allocation of remaining phase 3 funding is as follows, subject to a commitment of funding for Davis Park of at least \$1.635m (in addition to LRCI money) prior to the issuing of writs to hold an election:

1.1 Davis Park Upgrades - \$900,000

The total project cost for Davis Park upgrades community facility is \$2.835m. Funding of \$1.635m is required from either Federal or State Government with the balance of funding made up of \$300,000 Council and \$900,000 LRCI Phase 3.

1.2 Dimboola Soundshell - \$125,000

This project will erect a new soundshell at the Dimboola Recreation Reserve replacing the existing soundshell that is no longer fit for purpose. This project has been high priority for the Dimboola Town Committee for a number of years.

1.3 Jeparit Riverbank Precinct Amenities - \$200,000

This project will build new amenities at the Riverbank Precinct in Jeparit. The amenities will include an all-abilities bathroom, unisex toilets and shower. This project was identified as high priority by the Jeparit community and has been incorporated into the Jeparit Riverbank Precinct Masterplan.

1.4 Nhill Skatepark Shade Structure - \$58,569

This project will see the construction of a shade structure at the Nhill Skatepark. The shade structure will be adjacent to the skatepark providing a concrete pad with seating ledge and cantilever shade structure. Consultation with Hindmarsh youth identified that the shade is best placed adjacent to the skatepark and not over the top.

Option two for the allocation of remaining phase 3 funding is as follows:

2.1 Swimming Pool Package - \$325,000

This project will see the installation of solar heating at Nhill Swimming Pool; new security lighting; new vacuum systems and installation of a mobility hoist at Dimboola Swimming Pool to provide all-abilities access to the pool.

2.2 Dimboola Soundshell - \$125,000

This project will erect a new Soundshell at the Dimboola Recreation Reserve replacing the existing soundshell that is no longer fit for purpose. This project has been high priority for the Dimboola Town Committee for a number of years.

2.3 Nhill Streetscape Plan Implementation - \$125,000

This project will implement items from the Nhill Streetscape master plan. The masterplan was adopted by Council on 15 December 2021 and contains multiple elements. Exact details on the projects to be undertaken will be presented to Council prior to works commencing.

2.4 Jeparit Riverbank Precinct Amenities - \$200,000

This project will build new amenities at the Riverbank Precinct in Jeparit. The amenities will include an all-abilities bathroom, unisex toilets and shower. This project was identified as high priority by the Jeparit community and has been incorporated into the Jeparit Riverbank Precinct Masterplan.

2.5 Skatepark Shade Structures - \$125,000

This project will see the construction of shade structures at the Dimboola and Nhill Skateparks. The shade structures will be adjacent to the skateparks providing a concrete pad with seating ledge and cantilever shade structure. Consultation with Hindmarsh youth identified that the shade is best placed adjacent to the skatepark and not over the top.

2.6 Rainbow Caravan Park Amenities - \$383,569

This project will see the construction of new amenities at the Rainbow Caravan Park. Council prepared a masterplan for the Rainbow Caravan Park in 2021. Following the purchase of an adjacent block of land the masterplan has been amended. The current amenities at Rainbow Caravan Park are tired and in need of replacement. Construction of a new amenities block will allow for further expansion of the Caravan Park to meet the demands of the increasing number of tourists visiting both Rainbow and Hindmarsh Shire.

Options:

1. Council endorses and allocates up to \$1,283,569 from the Local Roads and Community Infrastructure Phase 3 for the either option 1 or option 2 projects

2. Council allocates funds from the Local Roads Infrastructure Funds for alternative projects.

Link to Council Plan:

A range of effective and accessible services to support the health and wellbeing of our community.

Support healthy living and provide services and activities for people of all ages and abilities. Well-maintained physical assets and infrastructure to meet community and organisational needs.

Financial Implications

Projects approved by Council will be funded through Local Roads and Community Infrastructure Phase 3.

Risk Management Implications

Appropriate Risk Management Plans will be established once the projects nominated are approved prior to any resulting works commencing.

Relevant legislation:

Local Government Act 2020

Community engagement:

Recommended projects were identified through community surveys and community conversation sessions. The recommended projects were also discussed at the Community Conversation Meetings held in March 2022.

Gender equality implications:

Gender equality assessments will be completed for relevant projects prior to on ground commencement of works.

Conflict of Interest:

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

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

RECOMMENDATION:

That Council:

1. endorses option 2 as listed below subject to the following. If the Federal Government makes a decision to commit funding to Davis Park redevelopment of at least \$1.635m, in addition to LRCl money, prior to the issuing of the writs to hold an election, then the CEO be authorised to vary this decision

to implement option 1 subject to the agreement from the Federal Government to reallocate LRCl phase 3 funding.

- 2. if option 1 is not able to be implemented through LRCl phase 3 funding then Council puts Davis Park redevelopment as its first priority for the next round of LRCl subject to additional Federal or State funding of \$1.635m.**
- 3. notes that it is proposed to allocate \$175,000 to swimming pool upgrades in the 2022/2023 budget if option 1 is implemented.**

Option 1:

That Council endorses and allocates up to \$1,283,569 from the Local Roads and Community infrastructure program for the following projects: Davis Park Upgrade (\$900,000); Dimboola Soundshell (\$125,000); Jeparit Riverbank Precinct Amenities (\$200,000); and Nhill Skatepark Shade Structure (\$58,569).

Option 2:

That Council endorses and allocates up to \$1,283,569 from the Local Roads and Community Infrastructure program for the following projects: Swimming Pool Package (\$325,000); Dimboola Soundshell (\$125,000); Nhill Streetscape Plan Implementation (\$125,000); Jeparit Riverbank Precinct Amenities (\$200,000); Nhill and Dimboola Skatepark Shade Structures (\$125,000); and Rainbow Caravan Park Amenities (\$383,569).

12 NOTICES OF MOTION

13 OTHER BUSINESS

14 CONFIDENTIAL REPORTS

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

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989

RECOMMENDATION:

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

- 14.1 WASTE MANAGEMENT – 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;**
- 12.2 EXTENSION OF CONTRACT – DELIVERY OF MUNICIPAL BUILDING SURVEYOR SERVICES AND BUILDING PERMIT SERVICES – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and**
- 14.3 INDEPENDENT CHAIR CEO EMPLOYMENT AND REMUNERATION COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to personal information.**

15 MEETING CLOSE
