



MINUTES OF THE COUNCIL MEETING OF HINDMARSH SHIRE COUNCIL HELD 7 JULY 2021 AT THE NHILL MEMORIAL COMMUNITY CENTRE, 77-79 NELSON STREET NHILL, COMMENCING AT 3:00PM.

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Declaration of Interests

4. Confirmation of Minutes

5. Public Question and Submission Time

6. Activity Reports

7. Correspondence

8. Planning Permit Reports

8.1 Application for Planning Permit - PA1712-2021 – Buildings and Works, Including the Construction of Classrooms and an Administration Area at the Nhill Lutheran School at 2 Mackay Street Nhill VIC 3418

9. Reports Requiring a Decision

9.1 Lease 13 Bow Street Rainbow

9.2 Local Roads and Community Infrastructure Fund – Phase 2

10. Council Committees

- 10.1 Jeparit Town Committee
- 10.2 Nhill Town Committee
- 10.3 Audit and Risk Committee

11. Late Reports

- 11.1 Regional Infrastructure Fund Round 2
- 11.2 Silo Art

12. Notice of Motion

13. Other Business

14. Confidential Matters

15. Meeting Closed

Crs R Ismay, M Albrecht, D Nelson, B Ireland, W Bywaters, R Gersch.

In Attendance:

Mr Greg Wood (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Ms Angela Hoy (Director Infrastructure Services), Ms Shauna Johnson (Executive Assistant) and Mr Matt Sherwell (Community Development Officer)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

No apologies.

3. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY MATERIAL OR GENERAL INTEREST IN ANY ITEM ON THE AGENDA.

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

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

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

4. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 23 June 2021 at the Nhill Memorial Community Centre as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Gersch/B Ireland

That the Minutes of the Ordinary Council Meeting held on Wednesday 23 June

2021 at the Nhill Memorial Community Centre as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5. PUBLIC QUESTION AND SUBMISSION TIME

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

Moira Deeming – Taylors Hill

Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not?

The BCA (Building Code Australia) contains requirements for Braille and tactile signage in commercial class buildings, which is what public toilets are classed as.

Currently, the BCA only considers and regulates Male, Female & Unisex sanitary facilities.

Separate sanitary facilities are required by the BCA for males and females, a unisex facility may be provided instead of separate facilities for each sex in some instances.

6. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: JUNE 2021

Cr ISMAY, MAYOR

Date	Meeting	Location	Comments
26/05/2021	Rural Summit Welcome Gathering	Nagambie	
27/05/2021	Rural Summit	Nagambie	
08/06/2021	Site Meeting with Director of Infrastructure	Albacutya	
09/06/2021	Council Meeting	Nhill	
09/06/2021	Council Briefing	Nhill	
11/06/2021	Liaison Meeting with CEO and Regional Roads Victoria		
11/06/2021	Inspection of Caravan Park with CEO and Director Corporate and Community Services		
15/06/2021	WMT Meeting	Rainbow	
16/06/2021	Planning Consultation	Nhill	
17/06/2021	COVID Presentation with Dr Robert Grenfell	Nhill	
18/06/2021	Oasis Open Day	Rainbow	
21/06/2021	Davis Park Consultation	Nhill	
23/06/2021	Council Briefing	Nhill	
23/06/2021	Council Meeting	Nhill	
23/06/2021	Inspection of Drainage Issue	Nhill	
24/06/2021	Interview with ABC Wimmera		
28/06/2021	Discussion with CEO and Cr David Clark (President - MAV)	Nhill	

Cr ALBRECHT, DEPUTY MAYOR

Date	Meeting	Location	Comments
09/06/2021	Audit & Risk Committee	Zoom	
09/06/2021	Council Briefing	Zoom	
09/06/2021	Council Meeting	Zoom	
15/06/2021	Nhill Historical Society Meeting	Nhill	Discussion as to the current arrangements with DELWP and the lease of the property.
16/06/2021	Council Plan & Council Vision – Councillor Development Session	Nhill	
21/06/2021	Nhill Town Committee	Nhill	Presentation about community interest in a Dog Park.
22/06/2021	Wimmera Development Association Board Executive Committee Meeting	Zoom	Key business: review of draft budget.
22/06/2021	Wimmera Development Association Board Meeting	Zoom	Key business: Presentation of 'The Heart of the High Street' which was a project exploring main street

			activation across the Wimmera.
23/06/2021	Council Briefing	Nhill	
23/06/2021	Council Meeting	Nhill	

Cr GERSCH

Date	Meeting	Location	Comments
26/05/2021	Rural Summit	Nagambie	
27/05/2021	Rural Summit	Nagambie	
09/06/2021	Council Meeting		
11/06/2021	RCV Board Meeting	Zoom	
26/06/2021	Nhill Sporting Club 40 Year Reunion	Nhill	

Cr IRELAND

Date	Meeting	Location	Comments
26/05/2021	Rural Summit	Nagambie	A great experience meeting CEO's, Mayors and Councillors across the 38 rural shires sharing experiences and the various issues that confront all councils no matter how big or small. Also a range of guest speakers on subjects such as waste management, encouraging big business to move to the country, population movement and ages, housing and employment in the country and others.
27/05/2021	Rural Summit	Nagambie	
28/05/2021	Rural Summit	Nagambie	
9/06/2021	Council Meeting		
9/06/2021	Council Briefing Meeting		
14/06/2021	Jeparit Town Committee Meeting		
15/06/2021	Wimmera Mallee Pioneer Museum Meeting		
16/06/2021	Council Plan and Mission Meeting		
17/06/2021	Yurunga Homestead Meeting		Quorum not reached, general discussions.
23/06/2021	Council Briefing Meeting		
23/06/2021	Council Meeting		
23/06/2021	Meeting with Nhill resident Hamish Merrett		Regarding casual water on his property.

Cr NELSON

Date	Meeting	Location	Comments
07/06/2021	Dimboola Town Committee Meeting		
09/06/2021	Audit Committee Meeting	Zoom	
09/06/2021	Council Meeting		
09/6/2021	Council Briefing		

16/06/2021	Council Plan Meeting	Nhill	
23/06/2021	Council Briefing	Nhill	
23/06/2021	Council Meeting	Nhill	
29/06/2021	Seniors Concert	Dimboola	

Cr BYWATERS

Date	Meeting	Location	Comments
07/06/2021	Dimboola Town Committee Meeting	Zoom	
09/06/2021	Council Meeting	Zoom	
09/06/2021	Council Briefing	Zoom	
15/06/2021	Nhill & District Historical Society General Meeting	Nhill	
16/06/2021	Council Plan, Council Vision and Council Development Session	Nhill	
17/06/2021	COVID-19 Information Session with Dr Grenfell	Online	
23/06/2021	Council Meeting	Nhill	
23/06/2021	Council Briefing	Nhill	
25/06/2021	Hindmarsh Visitor Information Centre, Volunteer	Nhill	I am proud to be one of over 40 volunteers helping keeping the Hindmarsh visitor information Centre open from 10.30 am to 3.30 pm seven days a week.
25/06/2021	Rainbow Talks 3, Supernova Film Screening	Nhill Memorial Community Centre	Wimmera Pride Project presented Rainbow Talks 3 and the guest speaker was Andrew Rogers. Andrew is an educator and trainer in the field of diversity and inclusion. He is Lead Educator at Val's LGBTI Ageing and Aged Care and is known for his commitment to improving the wellbeing of older LGBTIQ people. A confident and sometimes challenging speaker, Andrew is active in his work to improve health and wellbeing outcomes for the LGBTIQ+ community. Andrew spoke with us after the movie and answered questions.
29/06/2021	Seniors Melodies Concert	Nhill Memorial Community Centre	A Sin-a-long and get together with Leo Tellefson and Sandra Loats enjoyed by many. Thanks to staff members Tracey and Matt and to everyone for turning out on the day. It was great see so many people singing,

			clapping and rocking along, and fabulous to meet the Rainbow Groupies. Unfortunately I couldn't make it to the Dimboola event in the afternoon, but I'm sure Cr Deb was there tapping her shoes to the tunes.
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7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment Numbers: 2, 3, 4, 5 and 6

Introduction:

The following correspondence is tabled for noting by Council.

Inwards:

- 21/06/2021 – Thank You Letter to Mr Greg Wood from Wimmera Southern Mallee LLEN
- 28/06/2021 – Letter from Dimboola Town Committee regarding Proposed Event Funding

Outwards:

- 25/06/2021 – Letter to the Hon. Shaun Leane, Minister for Local Government, from Hindmarsh Shire Council regarding Adoption of Annual Budget 2021/2022 Incorporating Revenue and Rating Plan
- 28/06/2021 – Letter to the Hon. Jaala Pulford, Minister for Small Business, from Hindmarsh Shire Council regarding Public Holiday Arrangements for Melbourne Cup Day 2021
- 28/06/2021 – Letter to the Nhill Agricultural and Pastoral Society from Hindmarsh Shire Council regarding Public Holiday Request for Nhill Show Day 2021

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS R Gersch/B Ireland

That Council notes the attached correspondence.

CARRIED

Attachment Numbers: 2 – 6

MOVED: CRS W Bywaters/D Nelson

That Council supports the Dimboola Town Committee event on Saturday 4 September 2021, providing \$2,000 financial contribution consisting of \$500 in-kind contribution and \$1,500 cash contribution from the Arts and Culture ledger, and up to \$6,000 from the COVID Recovery Funding ledger should grant applications be unsuccessful.

CARRIED

8. PLANNING PERMITS

8.1 APPLICATION FOR PLANNING PERMIT - PA1712-2021 – BUILDINGS AND WORKS, INCLUDING THE CONSTRUCTION OF CLASSROOMS AND AN ADMINISTRATION AREA AT THE NHILL LUTHERAN SCHOOL AT 2 MACKAY STREET NHILL VIC 3418

Responsible Officer: Director Infrastructure Services
File: Planning - Applications
Assessment: 111340
Applicant: Mr Damon Prenzler, Nhill Lutheran School
Owner: Lutheran Church of Australia, Victorian District
Subject Land: 2 Mackay Street, Nhill (Lots 1 to 6 Block 1 on PS001033) 56-58 Queen Street, Nhill (Lots 39-40 Block 1 on PS 001033)
Proposal: Buildings and Works including the construction of classrooms and an administration area at the Nhill Lutheran School at 2 Mackay Street, Nhill
Zoning & Overlays: General Residential Zone Schedule 1 (GRZ1)
Attachment Number: 7

Summary

This report recommends that Council approve Planning Permit PA1712-2021 for buildings and works including the construction of classrooms and an administration area at Nhill Lutheran School at 2 Mackay Street, Nhill.

Background

The Nhill Lutheran School (school), at 2 Mackay Street, Nhill, has a current enrolment of 66 students with 8 full time staff.

The school commissioned Brand Architects to prepare a master plan to detail the future development of the campus. Brand Architects, in response, prepared the Nhill Lutheran School Masterplan December 2020 (Masterplan).

The Masterplan is to be implemented over the following three stages:

- Stage 1A provides for the:
 - demolition of the central modular component of the existing school, being the meeting room, staff room, art room/kitchen and classroom 5 located to the south of the entry corridor;
 - relocation or 'decanting' of classrooms A, B, C and D and rooms 1 and 2 for use whilst the proposed works are constructed. These buildings will be demolished once the new works are complete;
 - demolition of the existing two netball courts located to the east of the existing school buildings;
 - construction of a new entry foyer, four classrooms, toilets and small group learning areas generally in the area where the existing buildings are located however setback further from the property boundary with Mackay Street;
 - landscaping of proposed outdoor spaces that include the outdoor learning area, kitchen garden, chook pen and school farm yard;
- Stage 1B provides for the refurbishment of the multi-purpose hall, computer room and library, commonly known as the BER Wing
- Stage 2 includes works associated with a future classroom, outdoor learning spaces and sport /recreation area and any development works not completed as part of the previous stages

Planning application PA1712-2021 relates to those works detailed in Stage 1A of the Masterplan.

Proposal details

Works proposed under Stage 1A are as follows:

Demolition

No planning permit is required for the demolition of existing buildings on site. Items to be demolished include:

- the existing school building which includes classrooms A, B, C, D and E, administrative offices, corridors, staff rooms and central modular component, being the meeting room, staff room and art room/kitchen – comprising a floor area of approximately 906 square metres
- two hard courts to the east of the hall
- two sheds and water tanks located in proximity to the classrooms

The proposed demolition works are detailed in **Attachment 1 Existing demolition floor plan**.

The multi-purpose hall, computer room and library, commonly known as the BER Wing, will be retained. A condition of the funding of the BER Wing was the requirement that the building be retained until 2025.

New school building and associated works

Proposed works include the following:

- Construction of a single storey 677.65 square metre new school building setback a minimum of 30 metres from Mackay Street. The school currently is setback approximately 2 metres from this frontage. Within this increased setback will be an outdoor learning area to be part covered in shade structures. The proposed building will extend over the existing hard courts generally located to the east of the school. The proposed works are detailed in **Attachment 2 Proposed site plan**.
- The proposed school building will comprise of a new entry foyer, four classrooms, a central learning hub, toilets, small group learning area, art/science room, stores, a principal's office, general office and first aid area. A verandah will run along part of the north, east and southern elevations of the building. **Attachment 3 Floor plan** details these works.
- The proposal provides for an overall decrease in floor area of approximately 259 square metres. The existing floor area measures 1,211.36 metres square with the proposed area (including existing building area to be maintained) equals 952.07 square metres.
- The finished floor level of the building is 140.60 metres (AHD), identical to that of the existing classrooms that are to be demolished. The building is to be set above ground level by approximately 400mm.
- An overall height of 5.4 metres is proposed as measured to the highest point on the skillion roof. Wall heights are approximately 3.8 to 4 metres.
- The building will appear contemporary in design with a skillion roof, materials that include brick, scion matrix or similar compressed sheet cladding and colour bond metal sheeting (custom orb or similar). Window and door frames will be powder coated aluminium. See **Attachment 4 Elevations** and **Attachment 5 Views** for presentations of the proposed development.

Requirement for a permit

A planning permit is required under Clause 32.08-9 (GRZ) for buildings and works associated with a Section 2 Use. The existing use, of a school, is a section 2 use as it is not captured in either section 1 or section 3 of clause 32.08-1.

The application is able to meet the statutory car parking requirement therefore no permit is required under clause 52.06-1 Car parking.

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 and locality

Nhill Lutheran School has been in existence since 1977.

The site is L shaped with a frontage to Mackay Street of 202.21 metres, to Queen Street of 43.98m and to Madden Street of 278 metre. The site has an overall area of approximately 3.26 hectares. The existing school is located within the northern part of the site.

The school is setback approximately 2 metres from the Mackay Street boundary and to the east of the circular vehicle entry/bus parking area accessed from that street.

Land to the east of Madden Street and Mackay Street is zoned RLZ, subject to a lot on the intersection of Mackay Street and Nhill-Netherby Road that is zoned GRZ1. The school is setback a minimum of 129 metres from Madden Street to the east.



Current features of the school include the following:

School building

- Five classrooms, two rooms, corridors, meeting room, staff room, kitchen/art room and administrative offices to the north
- South of corridor 6 is a multipurpose room, library, offices and computer area. This wing is to be retained.

Vehicle access ways

- an access way runs along the northern boundary of 54 Nhill-Netherby Road providing vehicle access to the existing principal's residence and 14 car parking spaces
- an access way from Mackay Street to Nhill-Netherby Road providing 8 car parking spaces
- an access way from Mackay Street providing 7 car parking spaces and a bus zone.

Sporting facilities

- Two hard courts to the east of the classroom and library area
- Playing fields to the south east

Principal's residence

The above is accessed from Queen Street and sits to the west of the existing school.

The school currently provides for a total of 66 students. It is anticipated that this enrolment will increase to 89 students by 2024, averaging around 84 students for 2027 to 2030.

The school currently employs the equivalent of 8 full time staff. It is anticipated that up until 2030 it will employ an average of 10 full time staff.

Clause 52.06-5 Table 1 prescribes 1 car space to each employee that is part of the maximum number of employees on the site at any one time.

Based on the above, 10 car parking spaces will be required. The site currently provides for 29 car parking spaces. These car parking spaces are to be retained.

A three metre wide easement runs along the western boundary of the existing school building and hall.

Advertising

Section 52

(1) Unless the Responsible Authority requires the applicant to give notice, the Responsible Authority must give notice of an application in a prescribed form—

(a) To the owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the Responsible Authority is satisfied that the grant of the permit wouldn't cause material detriment to any person.

The applicant provided Council with a statutory declaration stating that the application was advertised by way of notice on site for 14 days as required under the **Planning and Environment Act 1989**,

Council received no objections to this application.

Referrals

External referrals

The application was not required to be referred externally.

Internal referrals

The application was referred to the Engineering Department who had no objection to the proposal.

Planning assessment

Planning policy framework

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Wimmera Southern Mallee
Provide for easy access to housing, education, employment and community facilities, particularly in Horsham and district towns.
- Clause 15.01-2S Building design
- Clause 15.02-1S Energy and resource efficiency
- Clause 17.01-1S Diversified economy
- Clause 19.02-2S Education facilities

Local planning policies

- Clause 21.02 Vision-Strategic Framework
- Clause 21.03 Objectives – strategies -implementation

Zones

- General Residential Zone – purpose includes:
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The existing use, as an education centre, is a section 2 use within a General Residential Zone.

A permit is required under Clause 32.08-9 Buildings and works for works associated with a Section 2 use.

In assessing the application regard must be had to the following decision guidelines as detailed at clause 32.08-13.

General

The Municipal Planning Strategy and the Planning Policy Framework recognize the importance of ensuring that towns provide educational facilities to meet the needs of its

population. The purpose of the GRZ allows educational uses to serve local community needs in appropriate locations.

The Nhill Lutheran School has been established on the site since 1977. This school assists in meeting the educational needs of the community.

The proposed works are to occur in the northern part of a large site where the school currently exists. Numbers 2A Mackay Street and 32 Madden Street, to the east, are located approximately 130 metres from the proposed works. Number 1 and 5 Mackay Street, to the north, are located 20 metres from the proposed works. In both cases, roads separate the dwellings from the school buildings.

There will be no amenity impact on neighbouring properties given the distances between those sites and the proposed works. Furthermore, no objections were lodged by residents of those properties.

Non-residential use and development

The use currently exists on site and has done so since 1977. Given its longevity, it is apparent that the school serves local community needs.

The scale of the use is comparable to what is currently occurring on site. It is not anticipated that student enrolments will increase substantially over the next decade. Currently 66 students are enrolled with this number anticipated to increase to approximately 84 students by 2027. An increase of approximately 18 students in this period can be accommodated on site. Available car parking exceeds current requirements and will meet the statutory requirement even with this increase in student numbers.

The proposed single storey building will have an overall height of 5.4 metres. The footprint of the proposed works is comparable to that of the existing building to be demolished as part of Stage 1A.

The proposed building will be setback 30 metres from the Mackay frontage, an increase in setback of approximately 28 metres.

The proposed design provides for landscaping in the outdoor learning area to the north of the new building. This will enhance the streetscape presentation of the school.

It is proposed to do further landscaping to the rear of the new building at a later stage.

Existing car parking and access ways will be retained. As previously detailed, the existing car parking spaces exceed requirements and this will remain the case even with the anticipated increase in students to 84 in 2027.

The school currently provides for three vehicle access ways to the school: two from

Queen Street and one from Mackay Street. Two of these access ways provide for vehicles to access and exit from different entry points.

Vehicle access to the site is therefore safe and convenient.

The proposal will therefore comply with the relevant decision guidelines of the GRZ provisions.

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.

In reaching its decision Council has had regard to the following:

- The matters set out in Section 60 of the Act
- The Municipal Planning Strategy and the Planning Policy Framework
- The purpose of the zone
- All matters required to be considered in the zone
- The orderly planning of the area

Strategic, Statutory and Procedural Requirements

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies.

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

11/03/2021 – Application Lodged
23/03/2021 – Fee received
01/04/2021 – RFI issued
29/04/2021 – Final response to RFI received
20/05/2021 – Advertising instruction sent
11/06/2021 – Statutory Declaration returned
17/06/2021 – Final response to referrals received
07/07/2021 – Presented to Council for approval

This report is being presented to Council at its meeting on the 7 July 2021. (56 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Angela Hoy, Director Infrastructure Services

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

Author – Louise Lunn, Consultant Town Planner, on behalf of Janette Fritsch, Manager Development.

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 PA1712-2021 for buildings and works including the construction of classrooms and an administration area at the Nhill Lutheran School at 2 Mackay Street, Nhill, VIC 3418, subject to the following conditions:

Endorsed Plans

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

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.***

Amenity

- 3. 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.

e) others as appropriate.

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

Engineering

- 5. 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

- 6. 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, and the use is not commenced within four years of the date of this permit.*

MOVED: CRS M Albrecht/D Nelson

That Council approves planning application PA1712-2021 for buildings and works including the construction of classrooms and an administration area at the Nhill Lutheran School at 2 Mackay Street, Nhill, VIC 3418, subject to the following conditions:

Endorsed Plans

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

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.*

Amenity

- 3. 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.**
 - e) others as appropriate.**
- 4. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.**

Engineering

- 5. 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

- 6. 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, and the use is not commenced within four years of the date of this permit.**

CARRIED

Attachment Number: 7

9. REPORTS REQUIRING A DECISION

9.1 LEASE 13 BOW STREET RAINBOW

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks Council approval to enter into a lease for 13 Bow Street Rainbow (also known as the Llew Schilling Silo) for 30 years with the option of 10 year extensions for a total lease option of 90 years.

Discussion:

Council received funding through the Victorian Government's flagship tourism infrastructure funding for up to \$2.1m for tourism projects in Hindmarsh Shire.

The funding offered is for three projects: Rainbow Silo Art Re-imagined, Hindmarsh Silo Art project, and Business Innovation Pilot.

The majority of this funding is for the Rainbow Silo Art re-imagined project which involves utilising the Llew Schilling Silo at 13 Bow Street Rainbow for internal artwork, internal staircase and lift, viewing platform on top of the silo, night projects and possible elements of external artwork.

As part of receiving the funding Council is required to have security over the Llew Schilling Silo. Officers have been liaising with Mr Schilling and presented three options to Mr Schilling for consideration:

1. Establish a lease of the silo and surrounding land impacted by the project (refer to Appendix 1: site map and project area) for an initial period of 30 years with optional 10 year extensions to a maximum of 90 years.

Under this option:

- a. The extensions are solely at HSC discretion.
 - b. Lease is perpetual as a caveat on the land and not impacted or voided by any future sale of the property by the owner.
 - c. HSC has first option to purchase is the land is ever listed for sale.
2. HSC purchase project area at current market price and will pay for valuation and subdivision.

Under this option Council will undertake a valuation of the full parcel of land and incur costs associated with subdividing the land. Council will take ownership of the silo and surrounding land impacted by the project.

The current owner will retain ownership of the parcel of land outside of the silo

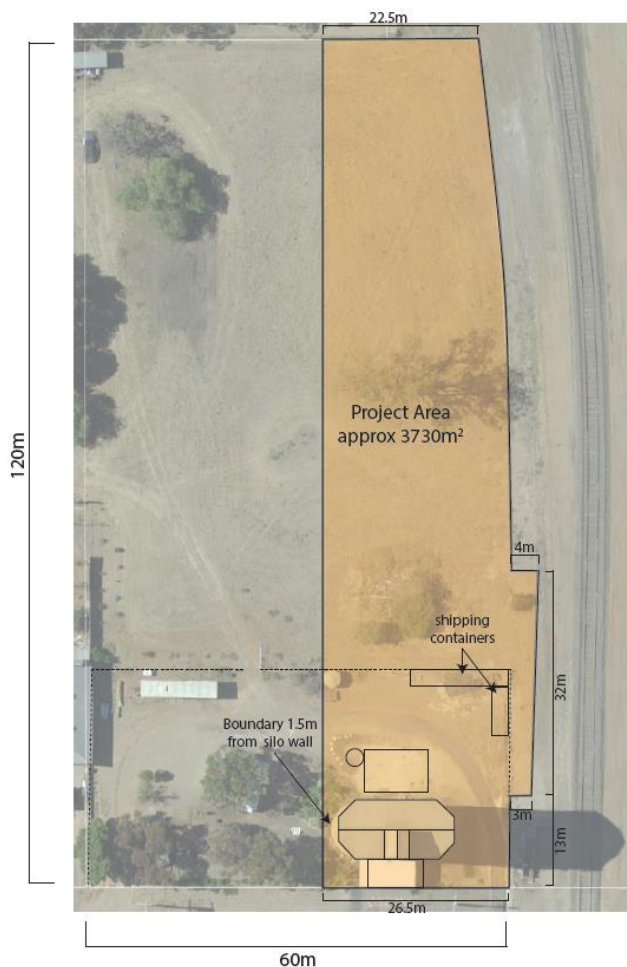
and surrounded land impacted by the project allowing for continuation of his current arrangements.

3. HSC purchase entire land parcel and establish a lease arrangement with the current owner to allow him to live and maintain control of the property outside of the project area.

Under this option Council will undertake a valuation and purchase the full parcel of land. A lease agreement would be drafted to allow the current owner to reside and maintain control of the property outside of the silo and surrounded land impacted by the project allowing for continuation of his current living arrangements.

Mr Schilling's preference is option 1 establishing a long term lease of the silo and surrounding land impacted by the project. The lease terms being an initial term of 30 years, with the option of 10 year extensions for a total lease option of 90 years with rent set at \$1 per annum. Extensions would be at Council's discretion, and provision has been made in the lease agreement for Council to have first option should the silo be placed on the market.

The site map and proposed project area are shown below. The lease area is shaded in orange.



Options:

1. Council enter into a long term lease agreement with Mr Schilling for 13 Bow Street Rainbow including the silo and project area. The lease terms being an initial term of 30 years, with the option of 10 year extensions for a total lease option of 90 years with rent set at \$1 per annum.
2. Council negotiate with Mr Schilling to purchase the silo and project area at 13 Bow Street Rainbow which incorporates the silo.
3. Council negotiate with Mr Schilling to purchase the entire site at 13 Bow Street Rainbow then establish a lease arrangement with Mr Schilling for the land and buildings outside of the silo and project area.
4. Council may choose not to enter into any arrangement with Mr Schilling, meaning the project will not go ahead.

Link to Council Plan:

Strategic Objective 3.2: A thriving tourism industry

Strategic Objective 3.1: A strong rural economy and thriving towns

Financial Implications:

Under the terms of the lease rent will be set at \$1 per annum. Council's annual budget will require an allocation for maintenance on the site.

Risk Management Implications:

All risk management implications will be managed during the project. Should Council choose to not go ahead with entering into any arrangement with Mr Schilling there may be reputational damage.

Relevant legislation:

Local Government Act 2020

Community engagement:

The community will be engaged throughout the process of the Silo Art project through media releases, Facebook posts and articles in Council's newsletters. A project working group will be established to ensure the success of the project.

Gender equality implications:

A gender impact assessment will be completed as part of the overall project.

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 and Community Services

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

Communications Strategy:

Officers will liaise with Mr Schilling following Council's decision.

RECOMMENDATION:

That Council:

- 1. authorises the CEO to draft and sign a lease agreement entering into a long term lease with Mr Schilling for 13 Bow Street Rainbow including the silo and project area as detailed in this report, and**
- 2. the lease terms be for an initial term of 30 years, with the option of 10 year extensions for a total lease option of 90 years with rent set at \$1 per annum.**

MOVED: CRS M Albrecht/D Nelson

That Council:

- 1. authorises the CEO to draft and sign a lease agreement entering into a long term lease with Mr Schilling for 13 Bow Street Rainbow including the silo and project area as detailed in this report, and**
- 2. the lease terms be for an initial term of 30 years, with the option of 10 year extensions for a total lease option of 90 years with rent set at \$1 per annum.**

CARRIED

9.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND – PHASE 2

Responsible Officer: Director Infrastructure Services

Introduction:

This report seeks in-principal support from Council for round 2 of the Local Roads and Community Infrastructure key projects with changes to the original projects report caused by unsuccessful funding applications.

Discussion:

Council at the 16 Dec 2020 meeting resolved to:

1. Endorses and allocate up to \$867,423 from the Local Roads and Community Infrastructure program for the following projects: Rainbow Library Community Park; Rainbow Lake; Jeparit Camp Kitchen; Nhill Tennis Club Sporting Facilities; and Davis Park Redevelopment Nhill; and
2. Authorise the CEO to vary the projects should final guidelines not allow for the above projects.

The original projects recommended for funding are were follows:

1. Rainbow Library Community Park - \$100,000 (estimate)
2. Rainbow Lake - \$ 90,000 (estimate)

3. Jeparit Camp Kitchen - \$200,000 (estimate)
4. Nhill Tennis Club Sporting Facilities - \$250,000 (estimate)
5. Davis Park Nhill - \$227,000

Unfortunately and, not for lack of trying, Council's submission for grant funding for the Davis Park Grandstand was not successful. Consequently Council Officers recommend that the project be reduced to \$80,000 to get the project shovel ready for when another grant opportunity arises. The remaining \$147,000 allocation of the original project bid could then be used towards the Jeparit Swimming Hole Retaining Wall Project of which there is \$68,910 budget remaining. The design is underway and it is highly unlikely that the project including the deck could be built for remaining budget amount. Whilst Council was given the CEO authority to vary the projects should the final guidelines not allow for the above projects, the guidelines still allow for all of the original projects as approved by Council to be accepted.

It is important to note that all projects under the Local Roads and Community Infrastructure Funds must be finalised by the 31 July 2021, but can be amended by variation with the monetary amounts, but no new projects are able to be added past this date, hence the recommendation to include the Jeparit retaining wall.

Options:

1. Council endorses and allocates up to \$867,423 from the Local Roads and Community Infrastructure Funds for the following projects: Rainbow Library Community Park; Rainbow Lake; Jeparit Camp Kitchen; Nhill Tennis Club Sporting Facilities; Davis Park Nhill (reduced to \$80,000) and the Jeparit Swimming Hole Retaining Wall Project (\$147,000)
2. Council endorses other projects to be funded from the Local Roads infrastructure Fund round 2.

Link to Council Plan:

- Strategic Objective 1.1: An actively engaged community.
- Strategic Objective 1.2: A range of effective and accessible services to support the health and wellbeing of our community.
- Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
- Strategic Objective 2.1: Well-maintained physical assets and infrastructure to meet community and organisational needs.

Financial Implications:

Projects approved by Council will be funded through the Local Roads and Community Infrastructure grant for \$867,423.

Risk Management Implications:

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

Community engagement:

The community has had community input into these projects, through community information sessions, club meetings, as well as through the budget process which has now been adopted as the 2021-2022 Annual Budget.

Gender equality implications: All projects listed will undergo a future gender impact assessment, as this requirement was added after the December Council Report.

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 – Angela Hoy, Director Infrastructure Services

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

Communications Strategy:

To be established.

RECOMMENDATION:

That Council:

- 1. Re-allocates \$147,000 to the Jeparit Swimming Hole project from the Local Roads and Community Infrastructure program (round 2) and reduces the allocation to the Davis Park Redevelopment from \$227,000 to \$80,000.**
- 2. Authorises the CEO to vary the budgeted amounts for Round 2 LRCI projects should there be cost savings and an under/over spend in the projects nominated.**

MOVED: CRS B Ireland/D Nelson

That Council:

- 1. Re-allocates \$147,000 to the Jeparit Swimming Hole project from the Local Roads and Community Infrastructure program (round 2) and reduces the allocation to the Davis Park Redevelopment from \$227,000 to \$80,000.**
- 2. Authorises the CEO to vary the budgeted amounts for Round 2 LRCI projects should there be cost savings and an under/over spend in the projects nominated.**

CARRIED

10. COUNCIL COMMITTEES

10.1 JEPARIT TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment Numbers: 8 and 9

Introduction:

The Jeparit Town Committee held its meetings on 15 March 2021 and 14 June 2021. The purpose of this report is to note the minutes from these meetings. A copy of the minutes is included as attachments for the information of Council.

RECOMMENDATION:

That Council:

1. *notes the minutes of the Jeparit Town Committee meetings held on 15 March 2021 and 14 June 2021; and*
2. *approves appointment as members of the Jeparit Town Committee:*
 - *President – Jason Hutson*
 - *Treasurer – Teresa Smith*
 - *New Committee Members – Sharon Reilly and Tony Simpson*
 - *Existing Committee Members – Cheryl Quinn, Wendy Werner, Graham Blair and Mel Wagener.*

MOVED: CRS B Ireland/M Albrecht

That Council:

1. *notes the minutes of the Jeparit Town Committee meetings held on 15 March 2021 and 14 June 2021; and*
2. *approves appointment as members of the Jeparit Town Committee:*
 - *President – Jason Hutson*
 - *Treasurer – Teresa Smith*
 - *New Committee Members – Sharon Reilly and Tony Simpson*
 - *Existing Committee Members – Cheryl Quinn, Wendy Werner, Graham Blair and Mel Wagener.*

CARRIED

Attachment Numbers: 8 and 9

10.2 NHILL TOWN COMMITTEE

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

Introduction:

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

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee meeting held on 21 June 2021.

MOVED: CRS M Albrecht/R Gersch

That Council notes the minutes of the Nhill Town Committee meeting held on 21 June 2021.

CARRIED

Attachment Number: 10

10.3 AUDIT AND RISK COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment Number: 11

Introduction:

The Audit and Risk Committee held its meeting on 9 June 2021. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Audit and Risk Committee meeting held on 9 June 2021.

MOVED: CRS D Nelson/M Albrecht

That Council notes the minutes of the Audit and Risk Committee meeting held on 9 June 2021.

CARRIED

Attachment Number: 11

11. LATE REPORTS

11.1 REGIONAL INFRASTRUCTURE FUND ROUND 2

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks endorsement from Council for the submission of a funding application to the Victorian Government's Regional Jobs and Infrastructure Fund – Regional Infrastructure Fund Round 2.

Discussion:

Council received notification on 1 July 2021 that the guidelines for Round 2 of the Victorian Government's Regional Jobs and Infrastructure Fund – Regional infrastructure Fund (RIF) had been released with a closing date of 10 August 2021.

The RIF round 2 seeks to assist the growth of rural Victoria by providing grants for infrastructure projects that have the potential to stimulate economic and community activity, including those that seek to support recovery from COVID-19 and other major economic challenges, in regional Victoria.

The objectives of the fund are:

- To create and retain jobs and support regional economies and communities, including transition, diversification and recovery efforts.
- To increase economic and social benefits through improved community access and usability of precincts, town or region.
- To increase economic and social benefits through investment in strategic and public enabling infrastructure.

Round 2 of the program will be delivered as a single competitive round with applications to be received from eligible organisations to support infrastructure projects that have a focus on strengthening regional jobs, economic and community outcomes.

A co-funding contribution is required from Council and as Hindmarsh Shire Council is classed as a Small Rural Council the funding ratio is \$4:\$1. Grants will be capped at \$3 million per project with the minimum amount of funding for a project being \$20,000.

It is proposed that funding of up to \$500,000 will be sought for the development of permanent facilities at the Rainbow Desert Enduro and Rainbow Rises 240 site at Rainbow with a contribution from Council of \$125,000 allocated from the Federal Government's Local Roads and Community Infrastructure fund round 3.

Developments will include:

- Construction of the pit area and access road;

- Supply and installation of power to the site;
- Construction of sheds for catering services, food court, storage, workshop (hot works) and under cover spectator area;
- Office, meeting, event management and first aid rooms;
- Construction of public amenities and amenities including showers for drivers and crew;
- Appropriate fencing and pedestrian access areas; and
- Rainwater storage tanks for collection of storm water from sheds for use in amenities and facilities.

The construction of permanent infrastructure will provide greater efficiencies for the local volunteer community organisation that helps to organise and run the Rainbow Desert Enduro and Rainbow Rises 240.

Permanent infrastructure will increase the attractiveness of Rainbow as a location for other off-road motor sports and will provide better facilities for drivers, crews and spectators.

Options:

1. Council can choose to submit an application for funding to the Regional Infrastructure Fund Round 2.
2. Council can choose not to submit an application for funding to the Regional Infrastructure Fund Round 2.

Link to Council Plan:

Strategic Objective 1.1	An actively engaged community
Strategic Objective 1.2	A community that is physically active with access to a wide range of leisure, sporting and recreation facilities
Strategic Objective 2.1	Well-maintained physical assets and infrastructure to meet community and organisational needs
Strategic Objective 3.1	A strong rural economy and thriving towns
Strategic Objective 3.2	A thriving tourism industry

Financial Implications:

Council's contribution towards the grant application will be an allocation from the Federal Government's Local Roads and Community Infrastructure fund round 3.

Risk Management Implications:

Appropriate risk management will be prepared in accordance with Council procedures and policies prior to the implementation of the project.

Relevant legislation:

Not applicable.

Community engagement:

A community engagement plan has not been prepared but the works as outlined in the report were identified and prioritised by a community based committee however a community engagement plan will be prepared prior to implementation of the project.

Gender equality implications:

A Gender impact assessment will be undertaken prior to any works commencing should the application be successful.

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 – Phil King, Economic and Community Development Manager.
In providing this advice as the Author, I have no disclosable interests in this report.

Communications Strategy:

To be established if funding is obtained.

Next Steps:

Liaise with the Rainbow Desert Enduro committee to ensure all details and costs for the project are available for inclusion in the grant application.

RECOMMENDATION:

That Council:

- 1. endorses a funding application of up to \$500,000 through Regional Infrastructure Fund Round 2 for the development of permanent infrastructure at the Rainbow Desert Enduro and Rainbow Rises Site, and***
- 2. allocates up to \$125,000 from the Federal Government's Local Community and Infrastructure Fund Round 3 as Councils co-contribution towards the project.***

MOVED: CRS R Gersch/B Ireland

That Council:

- 1. endorses a funding application of up to \$500,000 through Regional Infrastructure Fund Round 2 for the development of permanent infrastructure at the Rainbow Desert Enduro and Rainbow Rises Site, and***
- 2. allocates up to \$125,000 from the Federal Government's Local Community and Infrastructure Fund Round 3 as Councils co-contribution towards the project.***

CARRIED

11.2 SILO ART

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks to inform Council that the next funded Silo Art Trail instalment in Hindmarsh Shire will be at Arkona rather than Dimboola as stated in the original funding announcement from the Minister. This report clearly highlights the reasons for this whilst demonstrating a continued positive outcome for the visitor economy of Dimboola and Jeparit.

Discussion:

In December 2020 the State Government announced a funding package of \$4.9m to implement the first round of priority projects from the *Silo art extension project – Priority investments overview* report developed for Regional Development Victoria. \$120 000 of this package was allocated to Hindmarsh Shire for a new Silo Art Trail project. The report and funding announcement named Dimboola as the site for this.

Council officers have since been informed from GrainCorp (Dimboola silo owners) that they would not grant permission for silo art at Dimboola due to the site currently in the process of being sold. For privacy reasons GrainCorp could not inform Council of the purchaser's name or the timeframe of this sale.

Council officers had previously engaged in discussions with the owner of Arkona silos, 10km north of Dimboola, as a potential Silo Art Trail site. Following hearing from GrainCorp regarding Dimboola not being available, further discussions and agreement for the use of Arkona has been obtained.

The Arkona site offers many positives over the Dimboola site, including:

- Strengthening the Silo Art Trail route along the Dimboola Rainbow road with potentially greater attraction to Jeparit than if the Dimboola site was used.
- Negates issues of community housing and school impacts that would have arisen in Dimboola due to significantly increased traffic and parking along residential streets.
- Will remain an asset attracting people into Dimboola as the closest town, services and amenities to Arkona. This attraction can be strengthened by interpretive tourism signage at the silo site highlighting Dimboola.
- If the final artwork style is divisive, as art often is, the local community can choose whether to visit the site or not minimising any potential negativity or backlash that may occur if it was in Dimboola.

Link to Council Plan:

Strategic Objective 3.1: A strong rural economy and thriving towns

Strategic Objective 3.2: A thriving tourism industry
Strategic Objective 3.2.2: Appealing tourism facilities that promote visitation and meet visitor needs

Financial Implications:

There are no financial implications to Council for the changing of location as this is a fully funded project.

Risk Management Implications:

There is a risk to Council that the Dimboola community may dislike the change of site. However, this risk will be minimised through a clear communications strategy.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Author: Jeff Woodward, Tourism and Economic Development Officer
In providing this advice as the Author, I have no interests to disclose.

Officer Responsible: Monica Revell, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Communications Strategy:

The Arkona Silo Art site will be announced in a media release following the Council Briefing. Reasons behind the decision to substitute Dimboola with Arkona, plus the continued positive impact to Dimboola, as discussed in this report will be reiterated in the media release.

MOVED: CRS W Bywaters/D Nelson

That Council receives this report.

CARRIED

12. NOTICES OF MOTION

13. OTHER BUSINESS

MOVED: CRS D Nelson/W Bywaters

That Council:

- Writes to and congratulates John and Alex O'Halloran on revitalising the Dimboola Store which has just been sold to local people; and***

- ***Writes to and congratulates Linda Millane and Tori Lehmann on purchasing the Dimboola Store.***

CARRIED

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*

15. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 3:51pm.