



Minutes

Council Meeting held at 12.30 PM on Monday 3 October 2022 in the Perry Room, St Arnaud Town Hall.

Present

Cr Murray Emerson (Mayor)
Cr Lauren Dempsey
Cr Murray Emerson
Cr Kevin Erwin
Cr Trevor Gready
Cr Rob Haswell
Cr Eddy Ostarcevic PhD

Ms Liana Thompson, Chief Executive Officer
Mr Graham Haylock, Acting Director Corporate and Community Services
Mr Trenton Fithall, Director Infrastructure and Amenity

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

To be confirmed at the meeting of Council on Monday 7 November 2022.

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1. Apologies

Nil

2. Confirmation of Minutes

Council Meeting held on Monday, 5 September 2022

Unscheduled Council Meeting held on Monday, 26 September 2022

RESOLUTION

That the minutes as listed, copies of which have been circulated, be confirmed and adopted.

Moved: Cr Rob Haswell

Seconded: Cr Trevor Gready

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

Nil

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she-

- (i) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or
- (ii) intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice-
 - advising of the conflict of interest;
 - explaining the nature of the conflict of interest; and
 - detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the-
 - name of the other person
 - nature of the relationship with that other person or the date on receipt, value and type of gift received from the other person; and
 - nature of that other person's interest in the matter;

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer.

The Councillor must, in either event, exclude themselves from the decision-making process, including any discussion or vote on the matter and any action in relation to the matter and leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Members of Staff

A member of Council staff must disclose any conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a report for a Council meeting. They must immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining its nature.

Cr Ostarcevic declared a perceived general conflict of interest in Item 9.2.1 due to his owning property nearby the festival location.

Mr Fithall declared a perceived material conflict of interest in Item 9.4.1 and the appointment of an Acting Chief Executive Officer.

7. Informal Meetings of Councillors

[Liana Thompson, Chief Executive Officer]

Council's Governance Rules require that if there is a meeting of Councillors that-

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- tabled at the next convenient Council meeting; and
- recorded in the minutes of that Council meeting.

The records for the period since the last Council Meeting are listed below.

Date	Meeting Description	Matters Considered At The Informal Meeting:	Conflict Of Interest Disclosures		
19/09/2022	Sustainable Infrastructure Briefing	8.1 Planning Permit Application 5.2022.49.1 - 99 Torney Road & 4799 Sunraysia Highway, Carapooee West			
		8.2 Planning Permit Amendment 5.2019.46.2 - 24 Seaby Street, Stawell			
		8.3 11am Placeholder for Objector - Planning Permit 5.2019.46.2 - 24 Seaby Street	Cr Kevin Erwin	8.1	No
		8.4 11.20am Placeholder for Applicant - Planning Permit 5.2019.46.2 - 24 Seaby Street	Cr Eddy Ostarcevic	8.1	No
		8.5 2021-22 Capital Completion			
		8.6 Heritage Project Update			
05/09/2022	Lifestyles and Community Briefing	7.1 Sisters Rocks Discussion			
		8.1 Council Agenda Review	Nil	Nil	Nil
12/09/2022	Councillor Briefing	Resignation of the CEO			
			Nil	Nil	Nil
29/08/2022	Organisational Effectiveness Briefing	8.1 Asset Plan 2022-23			
		8.2 Albert Street, St Arnaud Development Proposal			
		8.3 Petition Update			
		8.4 96A Amendment - Sloane Street, Stawell			
		8.5 Quarterly Finance Report			
		8.6 Club Request for Waiver of Fees			
		8.7 Planning Permit Fee Refunds			
		8.8 Sisters Rocks Update			
		8.9 Delegations Update			
			Cr Kevin Erwin	8.1	No
			Cr Eddy Ostarcevic	8.1	No

RESOLUTION

That the report on Informal Meetings of Councillors be approved.

Moved: Cr Kevin Erwin

Seconded: Cr Rob Haswell

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers

9.1. Enhance Lifestyles and Community

9.1.1. Transfer of Sisters Rocks to Traditional Owners

Author/Position: Liana Thompson, Chief Executive Officer

Purpose

The purpose of this report is to amend, at the request of the Department of Justice and Community Safety, the Transfer of Sisters Rocks to Traditional Owners Council resolution dated 12 April 2021 and withdraw item 2 of the resolution that seeks a formal agreement from the State that the inclusion of the land within the Recognition and Settlement Agreement negotiations will not impact the proposed Section 3 Western Highway Duplication Project.

Summary

The Department of Justice and Community Safety (DJCS) has lead responsibility within the State on negotiating and finalising settlement agreements with Traditional Owners, including the settlement proposed with the Barengi Gadjin Land Council Aboriginal Corporation (BGLC) on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk (WJJWJ) Peoples, and do not consider it necessary or appropriate for the State to enter into a formal agreement with Council regarding the inclusion of Sisters Rocks within the Recognition and Settlement Agreement not impacting the proposed Section 3 Western Highway Duplication Project. The State have requested the withdrawal of the part of the resolution on this matter to enable the progress of the surrender of the land.

Recommendation

That Council:

1. **withdraws item 2 of the resolution (relating to entering a formal agreement) as a requirement associated with its request for Governor in Council consent to its surrender of Sisters Rocks to the Crown under s22A of the *Land Act 1958*; and**
2. **confirms with the Department of Environment Water Land and Planning's Grampians Regional Office in writing of the:**
 - a. **withdrawal of item 2 of the resolution to allow the State to continue to progress the request to surrender the land; and**
 - b. **acknowledge the importance of the duplication of the Western Highway.**

RESOLUTION

That Council:

1. **withdraws item 2 of the resolution (relating to entering a formal agreement) as a requirement associated with its request for Governor in Council consent to its surrender of Sisters Rocks to the Crown under s22A of the *Land Act 1958*; and**
2. **confirms with the Department of Environment Water Land and Planning's Grampians Regional Office in writing of the:**
 - a. **withdrawal of item 2 of the resolution to allow the State to continue to progress the request to surrender the land; and**
 - b. **acknowledge the importance of the duplication of the Western Highway.**

Moved: Cr Eddy Ostarcevic

Seconded: Cr Lauren Dempsey

Carried

A DIVISION WAS CALLED FOR

For the motion: Crs Ostarcevic, Dempsey, Erwin and Haswell

Against the motion: Crs Gready and Emerson

Background/Rationale

At its meeting dated 12 April 2021, Council resolved:

That Council:

1. as an act of reconciliation, resolves to transfer without consideration the Council owned property at Western Highway Stawell, known as Sisters Rocks, to the State of Victoria for inclusion in the Recognition and Settlement Agreement negotiations between the State and the Barengi Gadjin Land Council, in recognition of its high Aboriginal cultural heritage significance; and
2. seeks formal agreement from the State that the inclusion of the land within the Recognition and Settlement Agreement negotiations will not impact the proposed Section 3 Western Highway Duplication Project.

Council has since engaged its solicitor to write to the Department of Environment, Land, Water and Planning's (DELWP) Grampians Regional office seeking the Governor in Council's consent to the surrender of Sisters Rocks (Volume 1776 Folio 062) pursuant to section 22A(1)(a) of the *Land Act 1958 (Vic)*.

The Department of Justice and Community Safety Aboriginal Justice Group was advised of this request as it has lead responsibility within the State on negotiating and finalising settlement agreements with Traditional Owners, and wrote to council's solicitor requesting the withdrawal of item 2 of the resolution as it *'does not consider it necessary or appropriate for the State to enter into a formal agreement with the Council on this matter'*. The letter also advised that:

'...we can provide assurance to the Council that following consultation with relevant State agencies on the Project, our understanding is that the transfer to the BGLC will not impact on the delivery of the Project.'

We understand that a final alignment for the Project has not yet been determined. It is anticipated that consultations or negotiations with any impacted landowners will occur well in advance of any project approvals or land acquisition for the Project. It is further anticipated that once the Sisters Rocks land is transferred, there would be early consultation with the BGLC and Traditional Owners on the design and impacts (if any) of the Project, that would enable any concerns to be discussed and worked through, to avoid any prevention or delay of the Project.

We trust that this letter will act to fulfil the requirements of the second paragraph of the Council's 12 April 2021 resolution. On that basis, we kindly ask that the Council confirm with DEWLP's Grampians' Regional Office in writing that it withdraws its second resolution (relating to entering a formal agreement) as a requirement associated with its request for Governor in Council consent to its surrender of the land to the Crown under s22A of the Land Act 1958. This will then allow the State to continue to progress your client's request to surrender the land.

We are confident that the transfer of this land will assist in achieving justice for the BGLC, and we thank your clients for their contribution to this outcome....'

The inclusion of item 2 in the 12 April 2021 resolution seeking a formal agreement with the State regarding the proposed Section 3 Western Highway Duplication Project not being impacted was intended to highlight the need for this project to progress without complications resulting from the land transfer. *In the ten years to January 2022, there have been 156 crashes on the Western Highway between Ballarat and Stawell, including 17 fatalities, and 93 people seriously injured, it is vital for the safety of the community that this road is duplicated (source: Western Highway Upgrade - Victoria's Big Build website).* Council will continue to actively advocate for the progression of the highway duplication within our shire and will acknowledge the importance of this project in future collaboration with government departments in striving to achieve a safer place for residents to live, businesses to operate and tourists to visit.

Legislation, Council Plan, Strategy and Policy Implications

Traditional Owners Settlement Act 2010 (Vic)

Aboriginal Heritage Act 2006 Local Government Act 1989

Council Plan Objective - Enhance Lifestyles and Community

Options

Option 1

To resolve to withdraw item 2 of the resolution (relating to entering a formal agreement) as a requirement associated with its request for Governor in Council consent to its surrender of Sisters Rocks to the Crown under s22A of the *Land Act 1958* and confirm with the Department of Environment Water Land and Planning's Grampians' Regional Office in writing of the withdrawal. **[recommended]**

Option 2

To resolve not to withdraw item 2 of the resolution (relating to entering a formal agreement) as a requirement associated with its request for Governor in Council consent to its surrender of Sisters Rocks to the Crown under s22A of the *Land Act 1958*. **[not recommended as this would impact progress of the surrender of the land]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications have been addressed in this report.

Procurement

Not applicable

Community Engagement

Not applicable

Innovation and Continuous Improvement

Not applicable

Collaboration

Collaboration continues to occur with the Department of Justice and Community Safety, in consultation with the Department of Environment, Land, Water and Planning, Major Roads Projects Victoria, and the BGLC in achieving Council's act of reconciliation by returning the land known as Sisters Rocks to the WJJWJ Peoples.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Liana Thompson, Chief Executive Officer

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

Attachments

Nil

9.1.2. Forward Advocacy Plan

Author/Position: Charles Holdenby, Manager Government Relations, Engagement and Advocacy

Purpose

To clearly articulate and gain consensus on a forward advocacy agenda, comprising both project and policy oriented advocacy actions in a single document. The plan defines and authorises a scope of work to progress the advocacy of an agreed set of advocacy actions that are connected to the Shire Community Vision 2021-41 'To Love where we Live' and the eight pillars that deliver on this vision.

The Forward Advocacy Plan sets out key advocacy deliverables and brings Northern Grampians Shire Council in line with other councils in clearly articulating an approach to advocacy in a framework informed by key strategic documentation, and is to be communicated in hard copy, electronically and on the Northern Grampians Shire Council website.

Summary

The Forward Advocacy Plan Forward comprises Advocacy Context, Advocacy Strategy, Advocacy Priorities and Advocacy Actions. It outlines the strategic context of advocacy (Advocacy Context and Strategy), Advocacy Priorities connected to the Shire Vision and Council Goals, and Advocacy Actions related to these.

The Advocacy One Pager template, used to communicate the funding ask for the project, or data related advocating for policy change (for example, future investment in housing in the region) has also been revised.

The Forward Advocacy Plan will also become the single source of truth for a new webpage built into the Northern Grampians Shire website, providing all levels of government with an up to date insight into what our project and policy driven advocacy looks like, enabling us to take more of an active role in advocacy.

Now that COVID-19 is business as usual, face-to-face meetings with the government will be on the agenda again. The Forward Advocacy Plan, and the work defined by it, will be a key component in conversations with the new state government regarding project funding and policy change post the state election.

Recommendation

That Council adopts the Forward Advocacy Plan.

RESOLUTION

That Council adopts the Forward Advocacy Plan

Moved: Cr Kevin Erwin
Seconded: Cr Trevor Gready

Carried

Background/Rationale

Council maintains an efficient grant seeking and management program utilising 2 FTE resources, a Coordinator Strategic Funding and a Grants Officer. The work in this area is overseen by the Manager Government Relations, Engagement & Advocacy. As of 30 June 2022, the total income to Northern Grampians Shire Council in 2021-22 generated through this function was \$8,153,547.

Income to Council is intimately related to the advocacy of Council's priorities, with face-to-face advocacy hampered by the lockdowns imposed upon Victoria throughout 2020-21. Prior to the development of the draft Forward Advocacy Plan, no such document existed connecting Council's strategic priorities with Council's proposed advocacy actions.

To inform the content of the Forward Advocacy Plan, analysis of previous advocacy actions from various sources from 2018 to current was undertaken. The analysis identified several potential advocacy actions which were reviewed by the CEO, Director Infrastructure and Amenity, and Manager Economic and Community Futures. Advocacy actions related to projects that were either fully or partially funded were identified and not considered further. The remaining actions were also cross-referenced with projects in the Capital Plan 2022-32 and then incorporated into a draft Forward Advocacy Plan.

The draft Forward Advocacy Plan defines and authorises a scope of work to progress the advocacy of an agreed set of advocacy actions that are connected to the Shire Community Vision 2021-41 'To Love where we Live' and the eight pillars that deliver on this vision.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-24 – Improve Organisational Effectiveness

Options

Option 1

That Council adopts the Forward Advocacy Plan. **[recommended]**

Option 2

That Council does not adopt the Forward Advocacy Plan. **[not recommended]**

Option 3

The Council adopts the Forward Advocacy Plan with amendments **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Procurement

Not required.

Community Engagement

Not required

Innovation and Continuous Improvement

The Forward Advocacy Plan builds on both objectives.

Collaboration

The Forward Advocacy Plan has been reviewed by the CEO, Director Infrastructure and Amenity, and Manager Economic and Community Futures.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Charles Holdenby, Manager Government Relations, Engagement and Advocacy
In providing this advice as the author, I have no disclosable interests in this report.

Attachments

1. Forward Advocacy Program FINAL DRAFT [9.1.2.1 - 5 pages]
2. Advocacy one-pager Big Hill Lookout FINAL [9.1.2.2 - 1 page]

Advocacy Context

Strategic context

Advocacy plays an integral role to the successful delivery of Northern Grampians Shire Council's goals of:

-  Boost Economic Growth
-  Enhance Lifestyle and Community
-  Provide Sustainable Infrastructure
-  Improve Organisational Effectiveness

Key relationships

Successful advocacy is informed by and exists in context to roles of each of the stages of goal delivery below and the Departments that perform all or part of them.

Stage	Role	Description
1. Groundwork The groundwork required to justify Council investment and resources.	Investigation	Completing due diligence, feasibilities, and de-risking for future investment.
	Planning	Aligning vision to local and regional plans; land use planning.
2. Advocacy	Advocacy	Promotion of regional interests to other levels of government and decision makers.
3. Delivery Delivery of work that is justified based on investigation and planning, ensuring efforts are directly aimed at achieving the greatest benefit.	Investment attraction	Creating an environment that catalyses investor interest.
	Facilitation	Providing information, marketing, or incentives; fostering partnerships; and establishing local regulation.
	Services	Traditional or new services to support economic development.
	Capital works	Delivering physical infrastructure and assets identified in strategies and plans.

Advocacy Strategy

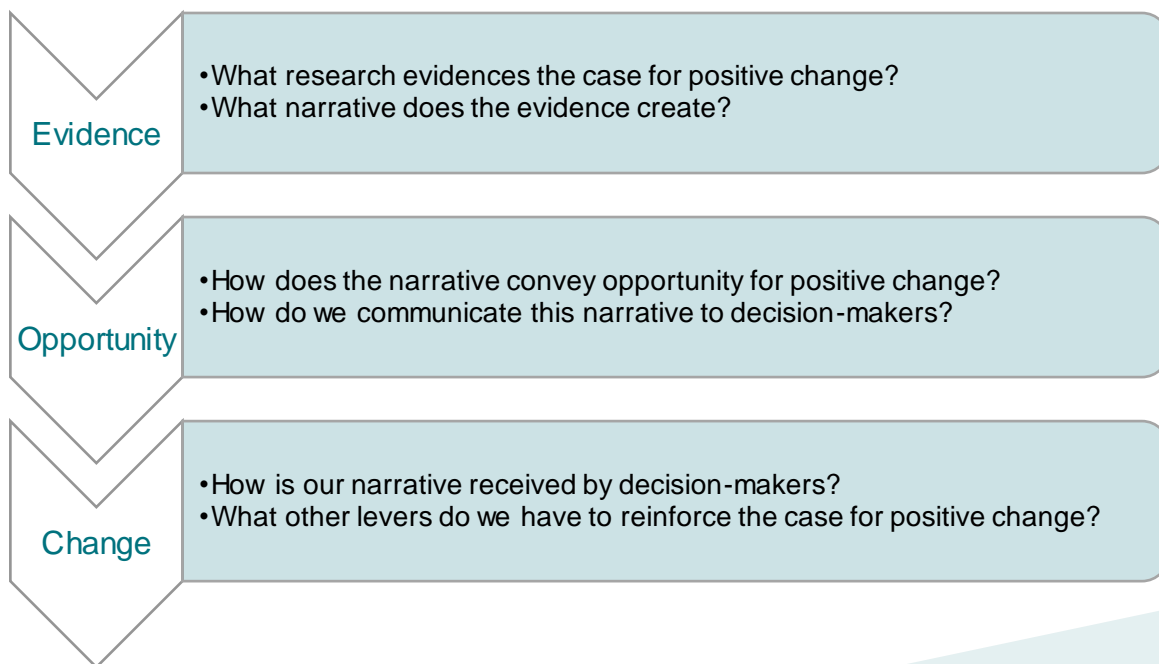
Strategic directions

There are **three key directions** that steer our advocacy strategy. They are:

- i. We use evidence to support our arguments for positive change.
- ii. We seek opportunities to influence the policies of the Victorian and Australian Governments.
- iii. We pursue positive change by using evidence, influence, partnerships, and collaboration.

Advocacy pathway

We ask the following **key questions** as we travel the advocacy pathway.



Advocacy Priorities

Strategic priorities

Our priorities align with the **pillars of the Shire Vision 2021-41**, which are:

1. Building More Housing
2. Growing Local Business
3. Boosting Tourism
4. Wellness and Welfare
5. Improving Connectivity
6. Advancing Education
7. Protecting the Natural Environment
8. Being a Better Council

Guiding documents

The priorities are embedded in the **vision, plans** and **strategies** that guide us:

- Northern Grampians Shire Vision 2021-41
- Northern Grampians Council Plan 2021-25
- Strategies and plans governing our day-to-day operations, land use and amenity, and our provision of services to the local community.



Advocacy Actions

Advocacy Priority	Description
1. Building More Housing	<ul style="list-style-type: none"> Advocate at every opportunity the need for infrastructure that enables housing investment
2. Growing Local Business	<ul style="list-style-type: none"> Advocate for funding the Halls Gap Heath Street bridge (PR-1256) Advocate for the Halls Gap Laneway Upgrade Advocate for an outer township gateway at the proposed London Rd intersection, Stawell
3. Boosting Tourism	<ul style="list-style-type: none"> Advocate at every opportunity the need for infrastructure and workforce to ensure a quality tourism experience
4. Wellness and Welfare	<ul style="list-style-type: none"> Advocate at every opportunity the need for infrastructure that enables wellness and welfare Advocate for Central Park Netball Courts and Changerooms (PR-1248) Advocate for the Lord Nelson Park Sports Oval Lighting Upgrade Advocate for funding of the Navarre Recreation Reserve Facility Upgrades (PR-1250) Advocate for funding of the North Park Precinct Skate Park detailed design Advocate for the North Park Precinct Soccer Lighting Advocate for funding and delivery of Great Western Football and Netball Clubrooms (PR-1246) Advocate for additional Big Hill precinct lookout (including arboretum) upgrades (PR-1269) Advocate for renewal of the St Arnaud outdoor pool

Advocacy Actions

Advocacy Priority	Description
5. Improving Connectivity	<ul style="list-style-type: none">• Advocate for the realignment of the Lake Road level crossing• Advocate to State and Commonwealth Governments for the implementation of key recommendations in the Wimmera Southern Mallee Regional Digital Plan• Advocate for upgrades to the Stawell Airport• Advocate for new and existing spaces for arts and culture activities (PR-1247)
6. Advancing Education	<ul style="list-style-type: none">• Advocate on every occasion the need for improvements to the breadth and depth of education opportunities available in Northern Grampians Shire
7. Protecting the Natural Environment	<ul style="list-style-type: none">• Advocate for Solar Panels and Batteries on Energy Intensive Buildings
8. Being a Better Council	<ul style="list-style-type: none">• Advocate for improvements to systems, processes and approach to improve Customer and Council interaction

Safety and access upgrades to Big Hill Lookout

Improving an iconic vantage point to the Grampians mountain range

\$200,000



- 1 Council's Infrastructure Department has draft plans for the area around the Pioneers Monument and gravel car park
- 2 Critical upgrades are required to the deteriorated guard railings and barriers for traffic management and safety, alongside applying a bitumen seal to the gravel car park
- 3 Outcomes include improving the safe access and wellbeing of locals and visitors alike to this iconic location in Stawell

Known as Kobram to our First Nations people and recognised as a traditional area for corroboree, Big Hill is a vantage point for locals and visitors to obtain grand and sweeping views of the Grampians (Gariwerd) mountain range against the town of Stawell and surrounding lakes and districts.



wellness and welfare



enhance lifestyle and community



investment in enabling infrastructure



Shire Community Vision 2021-41



Council Plan 2021-25



Municipal Public Health and Wellbeing Plan 2021-25



Activate 2020 to 2030 Strategy



Open Space, Sport and Recreation Strategy 2018

Date published: 5 September 2022
For further information call: 5358 8705
www.ngshire.vic.gov.au

9.2. Boost Economic Growth

9.2.1. Planning Permit Application 5.2022.49.1 - 99 Torney Road and 4799 Sunraysia Highway, Carapooee West

Author/Position: Virginia McLeod, Coordinator Sustainable Development

Purpose

To make a decision on planning permit application 5.2022.49.1, 99 Torney Road and 4799 Sunraysia Highway, Carapooee West.

Summary

The application seeks a planning permit for use of the land for a music festival including temporary development of stage areas, ancillary food and drink premises (food trucks) and camping.

Wild Horses Festival proposes to operate an annual music festival subject to a number of management plans. A planning permit is sought for a period of three to five years.

The application was advertised in accordance with the *Planning and Environment Act 1987*. Five objections were received raising the following issues:

- Impact on the environment, particularly Kara Kara National Park
- Noise, dust and air pollution, and disturbance to the peace
- Impact on the communication network
- Risk of fire
- Security of the site including trespassing concerns
- Anti-social human behaviour
- Previous event planning permit breaches

The application was referred to the County Fire Authority in accordance with Section 55 of the *Planning and Environment Act 1987*. Country Fire Authority had no objection to the application subject to conditions.

The application was provided to a range of other referral authorities including Victoria Police and Parks Victoria. No objection was received from any referral authority.

The application has been assessed against the provisions of the Northern Grampians Planning Scheme.

It is recommended that the application is approved subject to a range of conditions including a two year (3 events) expiry period and approval of a number of operational management plans.

Recommendation

That Council supports the officer's recommendation and determines to issue a Notice of Decision to issue a Planning Permit to allow for the use and development of land for a place of assembly (music festival) and associated uses subject to the conditions contained in Attachment 1 – Planning Assessment Report.

Having earlier declared an interest in Item 9.2.1, Cr Ostarcevic left the meeting at 12.44pm.

RESOLUTION

That Council supports the officer's recommendation and determines to issue a Notice of Decision to issue a Planning Permit to allow for the use and development of land for a place of assembly (music festival) and associated uses subject to the conditions contained in Attachment 1 – Planning Assessment Report.

Moved: Cr Trevor Gready
Seconded: Cr Lauren Dempsey

Carried

Cr Ostarcevic returned to the meeting at 12.48pm.

Background/Rationale

A detailed planning assessment report is provided as Attachment 1, assessing the application against the relevant requirements of the Northern Grampians Planning Scheme.

The subject site has previously hosted music festivals, including the Wild Horses Festival in March 2022. The applicant is seeking a planning permit with a longer expiry to allow for greater operational certainty. Should a planning permit be granted, the first planned festival dates are 9 to 11 December 2022. Future dates would be subject to approval by the Responsible Authority.

The application was accompanied by a number of plans providing detail for the management of the Wild Horses Festival including emergency management, waste management, security, and traffic management.

In response to the referral of the application, the Country Fire Authority noted that the Wild Horses Festival is likely to occur during the Fire Danger Period 2022-2023. Due to the location of the event the Country Fire Authority has requested conditions be placed on any permit issued that results in the cancellation of the event under Extreme or Catastrophic Fire Risk conditions. Additional conditions required by the Country Fire Authority include for an emergency management plan to be provided and approved prior to the event.

Parks Victoria were provided with a copy of the application and did not raise any issue of specific impacts to the values of the Kara Kara National Park. Parks Victoria did request a number of conditions be placed on any permit that is issued to prevent access to the Park and manage other impacts such as waste.

The objections raised a number of issues that concern the operation and management of the event, for example the impact on the local communication network. Other objections concerned the nature of the use as being inherently unsuitable for the location, for example the generation of noise is central to the proposed use.

The assessment of the application against the provisions of the Northern Grampians Planning Scheme determined that the application is largely consistent with the policies and requirements contained within, subject to clear parameters for the operation and management of the events.

The recommended planning permit conditions contained in Attachment 1 include a proposed permit expiry of December 2024, and allow three events to occur over this period subject to the agreement of the Responsible Authority.

Legislation, Council Plan, Strategy and Policy Implications

Planning and Environment Act 1987

Planning and Environment Regulations 2015

Northern Grampians Planning Scheme

Options

Option 1

That Council supports the officer's recommendation and determines to issue a Notice of Decision to Issue an Planning Permit for planning permit application number 5.2022.49.1 to allow for the use and development of the land for a place of assembly (music festival) subject to the conditions contained in Attachment 1 – Planning Assessment Report. **[recommended]**

Option 2

That Council decides to issue a Refusal to Grant a Planning Permit for planning permit number 5.2022.49.1 for the use and development of the land for a place of assembly (music festival). **[not recommended]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications have been addressed in this report.

Procurement

No procurement requirements apply to this report.

Community Engagement

Public Notice of the application was given via direct letters to surrounding properties, signs being placed on the land and notice in the newspaper.

Innovation and Continuous Improvement

The subject matter of the report does not raise any implications regarding innovation or improvements.

Collaboration

Internal and external referrals were sent to the following agencies:

External

- North Central CMA
- Victoria Police
- DELWP
- VicRoads
- GWMWater
- EPA
- Parks Victoria
- SES
- Ambulance Victoria
- St Arnaud Hospital
- Dja Daj Wurrung
- Aboriginal Victoria
-

Internal

- Environmental Health
- Building Services
- Community Safety
- Economic Development
- Infrastructure

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Virginia McLeod, Coordinator Sustainable Development

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

Attachments

1. 5.2022.49.1 Planning Application [9.2.1.1 - 24 pages]

PLANNING PERMIT APPLICATION NO. 5.2022.49.1

119115

1096687

Planning Permit Application Fee. **\$1337.70**

Receipt No. 701309

Assessment Report: Virginia McLeod (26 September 2022)

ASSESSMENT REPORT:	
No. of stat days at time of report:	
Officer Direct or Indirect Conflict of Interest	No Council officers involved in the preparation or review of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

APPLICATION DETAILS:	
Applicant:	Y Bruck
Application Received:	02/06/2022
Proposal for "The Permit Allows":	Use of the land for a music festival including temporary development of stage areas, ancillary food and drink premises (food trucks) and camping
Property Address:	99 Torney Road and 4799 Sunraysia Hwy Carapooee West 3477
Legal Description:	LOT: 1 on Plan of Subdivision 505198L and Crown Allotment 64B Section A Parish of Carapooee West
Land Area:	90.37 hectares
Existing Use:	Vacant
Zone:	Clause 35.07 Farming Zone (FZ) Schedule to Farming Zone
Adjoining Zones:	Clause 35.07 Farming Zone (FZ) to north and east Clause 36.03 Public Conservation and Resource Zone (PCRZ) to south and west
Overlays:	Clause 44.06 Bushfire Management Overlay (BMO)
Particular Provisions:	Clause 52.06 Car Parking Clause 52.34 Bicycle Parking Clause 52.17 Native Vegetation
Permit triggers:	Clause 35.07-1 Use associated with a Section 2 Use being Place of Assembly. Clause 35.07-4 Buildings and Works associated with a Section 2 Use being Place of Assembly. Clause 44.06-2 Buildings and Works in the Bushfire Management Overlay associated with Place of Assembly.
Easements:	No easements on title
Covenants or Restrictions:	No covenants or Section 173 Agreement registered on title.

CHMP required:	No. However, the land is surrounded by the Kara Kara National Park which is subject to cultural sensitivity. The application details have been provided to Aboriginal Victoria, as well as to Dja Dja Wurrung for their information.
Is the site located in a Special Water Supply Catchment?	No

PROPOSAL

The application seeks a permit for the use of the land for a place of assembly (music festival) including ancillary use of the land for food and drink premises (mobile food trucks), temporary development of stage areas and includes a range of related activities such as camping, car parking, and site operations.

The application seeks a permit for 3 to 5 years. The number of events to be hosted in this time did form part of the application, however in discussion with the applicant it is understood that they are seeking a yearly festival.

The application was accompanied by the following plans:

- Event Risk Register (Version 3)
- Event Management Plan (Version 1.3)
- Fire Management Plan (Event Fire Safety, Version 1.1)
- Safety and Emergency Management Plan (Version 1.4)
- Waste Management Plan (Version 1.3)
- Untitled traffic map (Game Traffic and Contracting, dated 15.02.21)
- Weather Management Plan (Crowdcare, Version 3)
- Site Map (Version 4.1)
- Traffic Management Plan (Game Traffic and Contracting, August 2020)
- Security Management Plan (NSA Security, 15 June 2022)
- Noise Management Plan (Noise Consulting, 9 June 2022)
- Medical Operations Plan (Medical Edge Australia, Version 1.1)

Use of the land

Event details

There is one event with proposed dates during the 3 to 5 year period that the permit is sought for. The event is Wild Horses Festival (the Festival) from 9-11 December 2022 in accordance with Figure 1. Should a permit be issued, future festival dates within the proposed 3 to 5 year period would be determined by the permit holder then subject to approval by the Responsible Authority.

The Festival is proposed to allow 2000 patrons onsite and 250 event related staff.

Gates open to the public:	12:00 Friday 9 th December
Programmed performances start:	16:00 Friday 9 th December
Programmed performances end:	20:00 Sunday 11 th December
Gates close, patrons to vacate by:	12:00 Monday 12 th December

Figure 1 – Wild Horses Festival 2022 - Proposed Opening and Operating Times

Access

Access to the site for festival patrons is proposed to be via the 'main gate' on 4799 Sunraysia Highway that will be sign posted and staffed (see Figure 2 – Site Map). Car parking is provided on site in designated areas. Other access to the site includes via the helipad and other gates for emergency personnel if required. Access to the site will be at designed times, with access prohibited outside of these times (i.e. no pass outs).

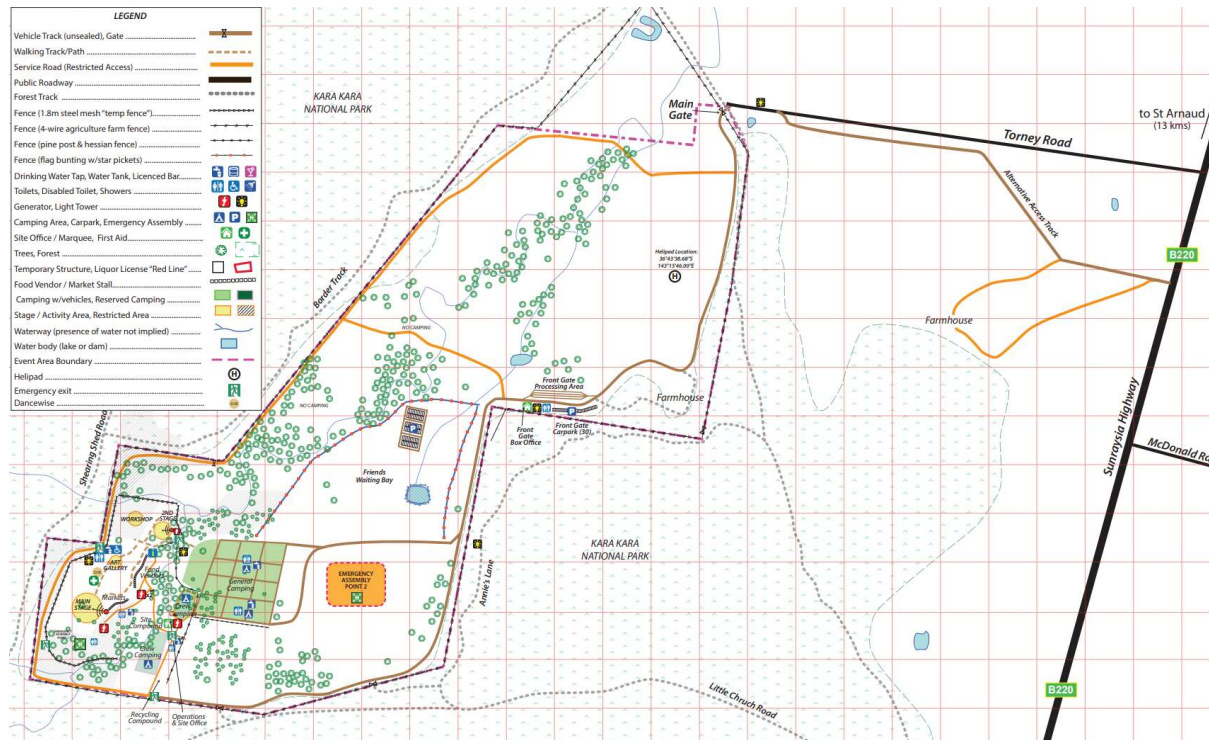


Figure 2 – Site Map

Festival operations

Festival patrons will arrive via car or bus. Patrons will camp on the site in designated areas. Temporary food vendors will be on site for festival patrons for the duration of the festival. No liquor licence will be sought for the event however this will not preclude patrons bringing alcohol. Amounts of alcohol will be at the discretion of the applicant. Patrons must be over 21 to purchase tickets and enter the festival.

The site does not have permanent infrastructure for the festival, therefore portable toilets and amenities will be installed on the site for the duration of the festival. 20 security staff will be deployed over the event to perform a range of functions including managing patron behaviour, preventing unauthorised access, and emergency management. Medical staff will be deployed to manage medical emergencies.

Buildings and works

A planning permit is sought for buildings and works for the temporary construction/erection of the Main Stage, Art Galley, Workshop, 2nd Stage and Site Compound (refer Figure 3 – Site Plan ext).

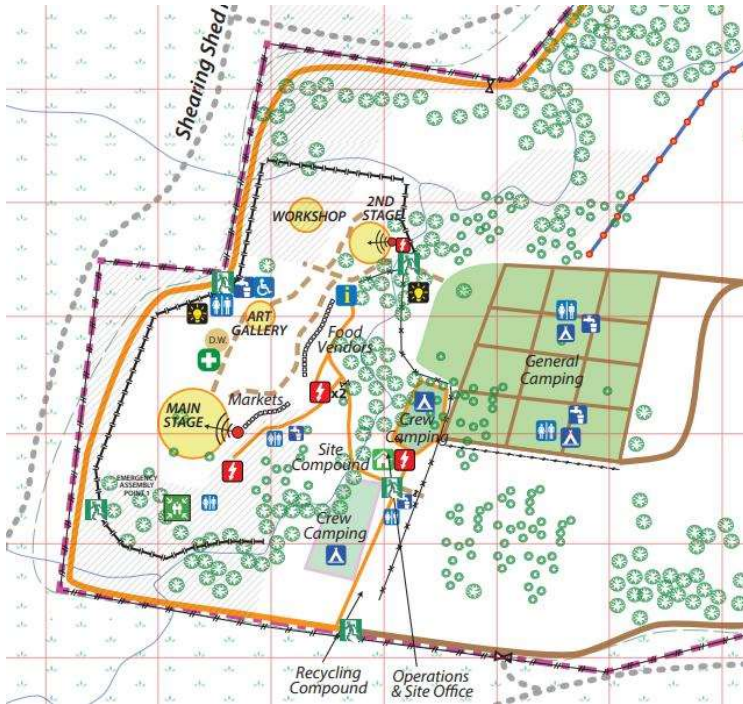


Figure 3 – Site Plan excerpt

The perimeter of the site is fenced to discourage access to the National Park, and there is internal fencing proposed around the festival stages and workshop areas (see Figure 3 – Site Map excerpt).

SITE AND SURROUNDING AREA

The subject site is two comprised of two separate land parcels:

- 99 Torney Road, Carapooee West being Lot 1 PS 505198L Parish of Carapooee West
- 4799 Sunraysia Highway, Carapooee West being Crown Allotment 68B Section A Parish of Carapooee West (refer Figure 4 and 5 – Aerial Maps of subject sites)

The land at 99 Torney Road is situated on the western side of the Sunraysia Highway, south of Torney Road, and is surrounded by the Kara Kara National Park on three boundaries. It is approximately 12km south of St Arnaud, 230km north/west of Melbourne. The land is privately owned and used for grazing purposes and not as high productive farmland. The land is undulating with an unnamed waterway running through it, with eucalypt trees along the waterway and ironbark trees at the south/western corner and western boundary, adjacent to the Kara Kara National Park.

Surrounding land is in the Farming Zone and Public Conservation and Recreation Zone. The land to the north is generally flat. Kara Kara National Park extends for over 2km and is highly vegetated. Beyond the park is grazing farmland.

The land to the west gradually rises. Kara Kara National Park extends for over 2.8km and is highly vegetated. Further beyond the National Park land is used as open pasture/farmland.

The land to the south gradually falls with slope averaging between 0-5 degrees. Kara Kara National Park and other public reserves extend to the south for over 18km.

The land to the east has small patches of undulating forest, woodland, and scrubland within open grazing land and comprises the Farming Zone. There is a dwelling immediately across the lot boundary to the east, close to the proposed entrance and another dwelling to the east around 400m from the subject site. The dwelling immediately across the lot boundary did not object to the proposal, and the other dwelling 400m to the east is on the land which is owned by the residents who are giving permission to the alternative access route.



Figure 4 – Aerial map of 99 Torney Road, Carapoose West



Figure 5 – Aerial map of 4799 Sunraysia Highway, Carapoose

PERMIT HISTORY

Previously issued permit	Description
5.2016.89.1	Temporary Use and Development of Land for Place of Assembly for Music Festival (Camping and Electronic Music Festival between 10-14 March, 2017, which includes live music and entertainment, sale of liquor and food, market stalls, camping, car parking, primary infrastructure) and associated works
5.2017.63.1	Temporary Use and Development of Land for Place of Assembly for Music Festival (Camping and Electronic Music Festival between 23-26 February, 2018, which includes live music and entertainment, sale of liquor and food, market stalls, camping, car parking, primary infrastructure) and associated works

5.2018.53.1	Temporary Use and Development of Land for Place of Assembly for Music Festival (Camping and Electronic Music Festival between 14-18 February, 2019, which includes live music and entertainment, sale of liquor and food, market stalls, camping, car parking, primary infrastructure) and associated works
5.2021.94.1	Temporary Use and Development of land for Place of Assembly (Music Festival between Friday 25th to Sunday 27th March 2022, which includes Live Music and Entertainment, Camping, Food Vendors, Craft Stalls, Carparking, Creation of All-Weather Road, native vegetation removal) and associated works.

REFERRALS

The following external referrals were undertaken:

Authority	Advice/ Response/Conditions	Report Response
Section 55 Referrals:		
CFA	No objection subject to conditions.	Noted. Conditions will be placed on permit.

Authority	Advice/ Response/Conditions	Report Response
Section 52 Referrals:		
North Central CMA	No objection subject to conditions.	Noted. Conditions will included on any permit issued.
Victoria Police	No objection.	Noted.
DELWP	No written response received within allocated timeframe.	No response received. Considered to indicate no concerns.
VicRoads	No response received within allocated timeframe.	No response received. Considered to indicate no concerns.
GWMWater	No objection.	Noted. No concerns or conditions required.
EPA	No objection. Permit notes recommended.	Noted. Permit notes will be placed on permit.
Parks Victoria	No objection subject to conditions.	Noted. Conditions will included on any permit issued.
SES	No objection.	Noted. No concerns or conditions required.
Ambulance Victoria	No objection subject to conditions.	Noted. Conditions will included on any permit issued.
St Arnaud Hospital - Health Services	No response received within allocated timeframe.	No response received. Considered to indicate no concerns.
Dja Dja Wurrung	No response received within allocated timeframe.	No response received. Considered to indicate no concerns.
Aboriginal Victoria	No response received within allocated timeframe.	No response received. Considered to indicate no concerns.

The application was referred internally, and comments received as below:

Internal Council Referrals	Advice/ Response/Conditions	Report Response
Infrastructure	Provided standard conditions regarding Site Access, Car Parking, Event Conditions, and Stormwater Drainage.	Noted. Conditions will be placed on permit.
Building	POPE Occupancy Permit required.	Noted. Permit notes will be placed on permit.
Environmental Health	Noise from the festival will impact local residents. Support the offer of relocating nearby residents for the duration. Conditions recommended.	Noted. Conditions will be placed on permit.
Local Laws	No comment.	Noted. No concerns or conditions required.
Economic Development	No response received within allocated timeframe	Noted. No concerns or conditions required.

PUBLIC NOTIFICATION

The application was required to be advertised pursuant to Section 52 of the Planning and Environment Act 1987.

The following forms of advertising were undertaken:

- Notices sent to owners and occupiers of adjoining land (includes opposite);
- Notices placed on the land;
- Notice placed in the Newspaper.

OBJECTIONS

Council has received 5 objections in response to advertising, including from nearby landowners.

The key issues raised in the objections can be summarised as follows:

- Unsuitable site creating an impact on the environment, particularly Kara Kara National Park
- Disturbance of the peace in a 'rural residential zone'
- Noise Pollution
- Dust and air pollution
- Impact on the communication network
- Risk of fire
- Security of the site including trespassing concerns
- Anti-social human behaviour
- Previous event planning permit breaches

MEDIATION

No mediation was undertaken.

PLANNING CONTROLS

Planning Policy Framework

The Planning Policy Framework (PPF), gives direction supporting the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) and are fostered through appropriate land use and development policies and practices. The Northern Grampians Planning Scheme provides the following relevant Policies and Clauses that relate to this proposal.

Clause 00 Purpose and Vision

Clause 01 Purposes of this Planning Scheme

The purposes of the Northern Grampians Planning Scheme is to provide a clear and consistent framework within which decisions about the use and development of land can be made, to express state, regional, local and community expectations for areas and land uses and to provide for the implementation of State, regional and local policies affecting land use and development.

Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03 Strategic Directions

Clause 10 Planning Policy Framework (PPF)

Clause 11 Settlement

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Wimmera Southern Mallee

Clause 12 Environmental and Landscape values

- Clause 12.01 Biodiversity
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 12.03 Water bodies and wetlands
- Clause 12.05 Significant environments and landscapes
- Clause 12.05-1S Environmentally sensitive areas

Clause 13 Environmental risks and amenity

- Clause 13.02 Bushfire
- Clause 13.02-1S Bushfire planning
- Clause 13.03 Floodplains
- Clause 13.03 Floodplain management
- Clause 13.05 Noise
- Clause 13.05-1S Noise abatement
- Clause 13.06 Air quality
- Clause 13.06-1S Air quality management
- Clause 13.07 Amenity, human health and safety
- Clause 13.07-1S Land use compatibility

Clause 14 Natural resource management

- Clause 14.01 Agriculture
- Clause 14.01-1S Protection of agricultural land
- Clause 14.02 Water
- Clause 14.02-1S Catchment planning and management
- Clause 14.02-2S Water quality

Clause 15 Built environment and heritage

- Clause 15.03 Heritage
- Clause 15.03-1S Heritage conservation

Clause 17 Economic development

- Clause 17.01 Employment
- Clause 17.01-1R Diversified economy – Wimmera Southern Mallee
- Clause 17.02 Commercial
- Clause 17.02-1S Business
- Clause 17.04 Tourism
- Clause 17.04-1S Facilitating Tourism
- Clause 17.04-1R Tourism-Wimmera Southern Mallee

Clause 18 Transport

- Clause 18.02 Movement networks
- Clause 18.02-4S Car parking

Clause 19 Infrastructure

- Clause 19.03-4S Telecommunications
- Clause 19.03-5S Waste and resource recovery

Zone

The land is zoned Farming Zone. Use of the land for a place of assembly is a Section 2 use requiring a planning permit. Buildings and works for a Section 2 Use require a planning permit. The use of the land for food and drink premises is considered ancillary to the place of assembly use.

Overlay

The land is subject to the provisions of the Bushfire Management Overlay at Clause 44.06. Buildings and works associated with the use of the land for a place of assembly require a planning permit.

Particular Provisions

Clause 52.06 Car Parking

Before a new use can commence, car parking is required to be provided at the rate specified in the scheme. An application can be made to waive or vary this requirement.

Clause 52.34 Bicycle facilities

A new use must not commence until the required bicycle facilities have been provided on the land.

General Provisions

Clause 65 Decision guidelines

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

Clause 65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider this clause.

ASSESSMENT

An assessment of this proposal against the relevant provisions of the Northern Grampians Planning Scheme has been undertaken. The proposal involves the application of the principles of integrated

decision making, which requires balancing conflicting objectives in favour of net community benefit and sustainable development.

Policy

Planning Policy has several objectives relevant to the consideration of this application in particular it:

- Seeks to protect biodiversity values.
- Protects community amenity while facilitating other uses.
- Prioritises the protection of human life
- Encourages tourism.

The application is supported by the policies seeking to promote economic activity within the Northern Grampians Shire. However there are inherent risks from the proposal that including to local environmental values, and to the patrons and community from bushfire. In assessing the application, it must be determined if the risks can be appropriately mitigated and managed through reasonable actions of the applicant, to a level that allows consistency with the objectives of the relevant policy.

In addition there is the significant amenity impact of noise generated by the festival and the impact on nearby residents. This assessment must determine if this impact can be managed, and ultimately if granting a permit for the use would represent net community benefit.

The above objectives of the Planning Policy Framework are discussed in further detail below:

Bushfire Risk

The subject site is located adjacent to the heavily vegetated Kara Kara National Park and proposes to have over 2000 people on the site during the festival proposed for December 2022, likely during the Fire Danger Period, and over other potential dates yet to be determined. The location of the subject site and the proposed use requires consideration of the bushfire risk in accordance with Clause 13.02-1S.

Clause 13.02-1S requires the Responsible Authority to consider the risk of bushfire and prioritise human life. The application was accompanied by *Wild Horses Festival 2022 Fire Management Plan* (Event Fire Safety, 06 June 2022). This plan acknowledges that there are several 'extreme' fire risks that could occur including an approaching bushfire or a fire generated on the site. Objections also raised the issue of fire generated from the festival and potential to damage crops.

Through appropriate mitigation it is proposed that these risks can be controlled to present a 'low' risk. This includes fire suppression resources on site and monitoring of emergency conditions.

The application was referred to the Country Fire Authority (CFA) in accordance with Clause 66.03 of the Northern Grampians Planning Scheme. CFA has no objection to the grant of a permit subject to conditions. The CFA response noted that evacuation in advance of a fire would be problematic and therefore the event should be cancelled on days of Catastrophic Fire Danger Rating and require CFA approval to operate on days of Extreme Fire Danger Rating (it is noted that the Fire Danger Rating System has recently been revised in Victoria and is reduced to 4 levels – moderate, high, extreme and catastrophic).

The CFA also required a number of other conditions including approval of an emergency management plan prior to the event. Considering the CFA response and management plan provided by the applicant, the risk of fire, both to the site and from the site, can be adequately managed and enforced through permit conditions. This is considered to be an appropriate response to the policy at Clause 13 and represent a suitable outcome.

Environment

The application has the potential to impact on the environmental values of the surrounding area. Several objections raised impacts to the Kara Kara National Park and listed flora and fauna values, and other surrounding area of environmental sensitivity. Planning policy aims to protect environmental values from the impact of use and development. This includes sensitive areas such as national National Parks, water bodies and riparian habitats, and avoiding the removal of native vegetation.

One objection states that previous events on this site have impacted bird species that form part of a *Flora and Fauna Guarantee Act 1988* listed community – Temperate Woodland Birds. While there is general scientific research that demonstrates impacts to birds from noise, this application seeks to use the land for a small number of days each year, and therefore the impact from the use on this Community is unclear. In considering this issue and general disturbance to the National Park, the response of Parks Victoria, as the land manager, and DELWP as responsible for the *Flora and Fauna Guarantee Act 1988* are considered.

Parks Victoria was referred the application in accordance with Section 52 of the *Planning and Environment Act 1987* and had no objection subject to conditions. The conditions include fencing to exclude festival patrons from the National Park, signage, prohibiting vehicle access, and removal of any rubbish. No comments were made in regards to noise and impacts on listed species and communities. DELWP did not respond to the referral within the timeframe, nor contact the Responsible Authority to discuss potential impacts to listed species and communities and the National Park.

The application was accompanied by a waste management plan (*Wild Horses Festival Waste Management Plan, version 1.3*) that outlines appropriate consideration of waste collection and removal from the site to avoid impacts to environmental values. The *Traffic Management Plan* (Game Traffic and Contracting, August 2020) includes controls for environmental impacts including parking in designated areas and inspection and removal of weeds from vehicles. The fencing shown on the Site Plan (see Figure 2 – Site Map) and associated signage provides clear information for festival patrons and restricts access to the National Park and surrounding private land. Public access to the National Park is allowed and would remain allowed, however no direct access would be provided from the festival site.

On balance, and in the absence of any response from Parks Victoria or DELWP raising concerns about specific impacts of noise to listed species and communities, the environmental impact of the use appears limited. In addition, planning permit conditions are recommended to further mitigate impacts and ensure patrons and operational staff have a clear understanding of areas of no access and management of waste. The application is considered to be generally consistent with the applicable environment policy.

Amenity

Planning policy notes a range of risks and impacts to amenity. Relevant to this assessment are considerations of noise and air quality. Clause 13.05-1S includes the following objective:

- *To assist the management of noise effects on sensitive land uses.*

It is noted that the nature of the use generates noise that is detrimental to the amenity of neighbouring and nearby properties. However given the limited nature of the events with the noise occurring over a 3 days period per year, mitigation of this impact needs to be considered to determine if the application displays an appropriate response. The report *Noise Management Plan, Wild Horses Festival* (Noise Consulting & Management Pty Ltd, 9 June 2022) notes that the previous noise regulations have been replaced by Environment Protection Regulations 2021 S.R. No 47/2020 and associated Noise Limit and Assessment Protocol. These regulations set a prescribed outdoor noise limit for this type of festival.

The loudest or most significant source of noise will be the west-facing outdoor stage. There are two small west facing stages. All stages will face away from the nearest dwellings. The Noise Management Plan includes suggested mitigation measures that include reducing bass music levels on Sunday between 4 am and 10 am, and operating only one stage over Saturday night. These measures are considered suitable given there are additional suggestions such as continuous noise monitoring and offering affected residents alternative accommodation. Permit conditions will be included on any permit issued to implement these recommendations.

The Noise Management Plan assesses that the noise generated by the proposed use can comply with the regulated noise limits, however will require a permit from the Environment Protection Authority for operation beyond 8 hours per day.

While acknowledging that the noise has an impact to the local amenity, in general the compliance of the application with the Planning Policy Framework is high, and the noise impacts are limited to a small number of days.

Dust was raised as an issue in objections, and air quality forms part of Planning Policy Framework considerations. It is noted that the scale of the road usage from the festival is not considered to present a risk to amenity that is significantly greater than farming operations occurring throughout the year.

Tourism and Economic Development

Tourism on private land is supported by Clause 17.04 of the Grampians Planning Scheme. The proposed use of the land represents diversified tourism and will bring visitors to the area more generally. In previous years the use of the land has generated an economic benefit for St Arnaud township.

In considering the suitability of the location it is noted that the bushfire and environmental considerations have been assessed above, and there is no specific impact proposed to agricultural operations on the land. The proposed use of the land is also consistent with the general economic development policy contained within the Planning Policy Framework.

ZONE

Clause 35.07 Farming Zone.

A permit is required for the use and development of a Place of Assembly in accordance with the Farming Zone.

The purpose of the Farming Zone include:

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To provide for the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities

The application is not inconsistent with the purposes of the Farming Zone. The application does not propose an agricultural or dwelling use, but will not have a long-term impact on viable agricultural land or remove productive farming land from the states agricultural base. The land use is limited in duration and occurs on a small portion of the site, limiting the impact to farming and environmental values.

Clause 35.07-6 Decision Guidelines

In accordance with the requirements of Clause 35.07-6 Decision Guidelines, the following comments are made against relevant Decision Guidelines:

- *Any Regional Catchment Strategy and associated plan applying to the land*
 - The application was referred to the North Central Catchment Management Authority and GWM Water, both of whom did not object to the proposal.
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
 - The subject land will be managed in accordance with the relevant management plans that have been supplied with the application. The subject land is large enough to cater for the size of the event, including car parking and camping, and utilises a limited section of the site. Access to and from the site must be in accordance with the Traffic Management Plan and Event Management Plan.

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
 - Amenity impacts on neighbours have been considered and addressed in the various management plans provided and to be approved as part of any permit issued. The subject land is zoned Farming Zone, with Farming Zone land nearby. Whilst the area is not high productive farmland, there is a mixture of farming and rural living type use and developments in the area.
- *Whether the use or development will support and enhance agricultural production.*
 - The use and development does not support or enhance agriculture production. The proposal is a limited and temporary event on land that is used for minimal grazing. The subject land is not productive farmland and is not used for cropping. The proposal will not require any crop removal.
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural use.*
 - The proposal will not limit operation and expansion of adjoining and nearby agricultural uses.
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water.*
 - The festival runs for three days each year, with post and pre-event works occurring to prepare for the event. The proposal does not significantly impact on the physical features of the site and that there is expected to be no impact on the waterway nearby. See comments under Planning Policy relating to impacts to environmental values. There will be a number of portable toilets and showers that are contracted out and cleaned/emptied when necessary and will be removed from the site.
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge.*
 - See comments under Planning Policy relating to impacts to environmental values. The waterway on the subject site will be protected through fencing and containment of the festival to a limited area.
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
 - Access – The dedicated access point at 4799 Sunraysia Highway presents a safe and controlled access to the site.
 - Water - water tanks and taps will be provided throughout the site.
 - Telecommunications – mobile coverage is present but limited. This issue was raised in objections and in discussion with Victoria Police. The use is likely to impact local telecommunications, however this can be addressed via a condition of permit requiring the applicant to provide mobile telecommunications infrastructure for the duration of the festival.
 - Sewerage – Portable toilets will be installed and maintained for the duration of the use.
- *Whether the use and development will require traffic management measures.*
 - The applicant has supplied a Traffic Management Plan that has been referred to VicRoads and Council's Infrastructure Department.

OVERLAYS

Clause 44.06 Bushfire Management Overlay

The purpose of the Bushfire Management Overlay includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Clause 44.06-2 Buildings and Works

A permit is required to construct a building or construct or carry out works associated with Place of Assembly. The Decision Guidelines of Clause 44.06 include consideration of the Planning Policy Framework, refer to comments above regarding bushfire risk.

A Fire Management Plan has been submitted as part of the application and was referred to the CFA in accordance with Section 55 of the Act. The CFA has no objection subject to conditions.

PARTICULAR PROVISIONS

Clause 52.06 Car Parking

The purpose of the Car Parking provisions at Clause 52.06 is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06 applies to a new use, and the provision of car parking spaces is to be provided before a new use commences, to the satisfaction of the Responsible Authority. A planning permit is required to reduce the number specified in the table.

The rate for Place of Assembly is 0.3 car spaces to each patron permitted. In this case, 2000 patrons are proposed to attend the event, excluding staff/vendors/stakeholders. Therefore, a total of 600 car spaces are required to be provided on the site and available for event patrons. There is sufficient room on the subject land to accommodate for car parking requirements.

RESPONSE TO OBJECTIONS

In response to the issues raised in objections, the following comments are made:

- *Unsuitable site creating an impact on the environment, particularly Kara Kara National Park*
See discussion regarding environmental values under Planning Policy Framework.
- *Disturbance of the peace in a 'rural residential zone'*
The Northern Grampians Planning Scheme does not preclude the use of the land in the Farming Zone for a music festival. It is acknowledged that the activity proposed is noisy, over the day and night, and does disturb what would usually be a quiet environment. However this does not make the application inherently unsuitable but rather requires close consideration of the relevant planning policy and controls.

- *Noise Pollution*
- *Dust and air pollution*

See discussion regarding amenity under Planning Policy Framework.

- *Impact on the communication network*

As mentioned above, it is acknowledged that there is likely an impact on the local telecommunications network from the high level of visitation on the site. A condition will be included on any planning permit issued that requires provision of telecommunications infrastructure, to the satisfaction of the relevant authority, before the event can proceed.

- *Risk of fire*

See discussion regarding fire under Planning Policy Framework.

- *Security of the site including trespassing concerns*

Victoria Police had no objection to the application and did not suggest the past festival events had compromised security of local residents. The Security Management Plans outlines that the security personnel will be on site during the operation of the festival and part of their role will be to prevent people trespassing from the site onto neighbouring land.

- *Anti-social human behaviour*

The Northern Grampians Planning Scheme does not preclude the use of the land for a place of assembly (music festival) and the behaviour of individuals attending the site, or any at any other site within the Shire, is not a matter contemplated and controlled by the Planning Scheme

- *Previous event planning permit breaches*

The applicant is not prohibited from applying for a permit due to previous complaints made to the Responsible Authority regarding permit compliance. Any application must be assessed on merit against the requirements of the Northern Grampians Planning Scheme. Previous changes to the operation of the festival have been reviewed and considered as part of this application to ensure that the operation of the festival and conditions of the planning permit minimise opportunities for non-compliance, while placing reasonable requirements on the applicant.

CONDITIONS

Planning Permit Expiry

The application seeks a permit for 3 to 5 years, to provide for a level of operational certainty for the festival. In reviewing the objections received and the relevant provisions of the Northern Grampians Planning Scheme this time period is viewed as excessive. The operation of the festival and the environmental conditions may change, requiring reconsideration of the use and appropriate permit conditions. A shorter period of permit validity would allow this review to occur. It is recommended that a planning permit be granted with validity until end of 2024, allowing the applicant to operate three festivals in this period. This provides a balance between operational certainty for the applicant and the ability to consider relevant changes.

CLAUSE 65

The application is generally consistent with the decision guidelines of Clause 65.01 – Approval of an application and the matters set out in section 60 of the *Planning and Environment Act 1987* have been considered.

CONCLUSION

The application for the use of the land for a music festival including temporary development of stage areas, ancillary food and drink premises (food trucks) and camping is considered to be satisfactory when assessed against the relevant provisions of the Northern Grampians Planning Scheme:

- The risks to the environment and from bushfire can be appropriately managed via actions of the applicant.
- The use will have an impact to the local amenity, primarily through noise during the night-time. When the limited nature of the use is considered with the mitigation measures proposed, the outcome is considered acceptable.
- The use of the land will not be detrimental to agriculture in the local area.

It is recommended that a planning permit be granted for Use of the land for a music festival including temporary development of stage areas, ancillary food and drink premises (food trucks) and camping for the land identified as 99 Torney Road, Carapooee West and 4799 Sunraysia Highway, Carapooee West, subject to the following conditions:

Amended Plans

1. Prior to endorsement of the plans, the following documents and plans must be updated accordingly:
 - a. Event Risk Register (version 3) to be amended to:
 - i. Remove reference to Licensed areas, two drink per person policy, Bar Manager's, Bar Staff, RSA's etc. (No liquor license is applicable to the proposal);
 - b. Safety and Emergency Management Plans (Version 1.4) to be amended to:
 - i. Include reference to the CFA requested cancellation triggers and the comprehensive emergency management plan
 - c. Event Management Plan (Version 1.3) to be amended to:
 - i. Include reference to the CFA requested cancellation triggers and the comprehensive emergency management plan
 - d. Weather Management Plan (Version 1.3) to be amended to:
 - i. Include reference to the CFA requested cancellation triggers and the comprehensive emergency management plan
 - ii. Include clear event cancellations triggers based on severe weather, wind and flood warnings
 - e. Red Site Map (Version 4.1) to be amended to:
 - i. Remove reference of Liquor License "Red Line"
 - f. Red Site Map (Version 4.2) to be amended to:
 - i. Remove reference of Liquor License "Red Line"
2. Unless with the written consent of the Responsible Authority, all Management Plans must be updated and submitted for re-endorsement to the satisfaction of the Responsible Authority six (6) months before each annual permitted event.

Event scheduling

3. The event must only operate between the following dates/times, unless with the prior written consent of the Responsible Authority:
 - a) 12:00pm Friday 9 December 2022 to 8:00pm Sunday 11 December 2022.
 - b) Once only in 2023, the dates and times to be provided to the satisfaction of the Responsible Authority six (6) months prior to the proposed event.
 - c) Once only in 2024, the dates and times to be provided to the satisfaction of the Responsible Authority six (6) months prior to the proposed event.
4. Preparation and set up for each permitted event may occur up to a maximum of 10 days prior to the event commencement and removal of associated structures, equipment and the like must be removed and the site vacated and restored to its former state within 7 days of cessation of the event, to the satisfaction of the responsible authority.

5. The dates and times of each event, permitted under condition 3, may be changed to the satisfaction of the Responsible Authority.
6. Each permitted event must not exceed more than a 3 night and 4 day period.

Music hours of operation

7. The music may operate for the duration of the festival and is only permitted to operate for the main stage between the following hours, unless otherwise approved in writing by the Responsible Authority:
 - a) 4:00pm 9 December 2022 to 8:00pm 11 December 2022
 - b) Times and dates to the satisfaction of the Responsible Authority as per the events permitted under Conditions 3 b) and 3 c)

Noise management

8. Noise emissions from the site must be managed in accordance with the endorsed Noise Management Plan. Maximum noise emissions must not exceed the maximum decibel limit set out in the plan. Any breaches must be immediately rectified as per the measures stipulated in the plan.
9. The event organiser must engage a suitably qualified acoustic engineer to monitor the sound levels for the duration of the live music to ensure compliance with the Noise Management Plan.

Maximum number of patrons and entry conditions

10. A maximum of 2000 patrons (excluding event organisers/vendors/staff and other employees including employed voluntary workers for which a maximum of 250 are permitted) are permitted to be on the subject land during the event at any one time, to the satisfaction of the Responsible Authority.
11. Patrons must be a minimum of 21 years of age and above, and must provide identification at the event entrance.
12. Patrons are not permitted to leave and re-enter the event premises throughout the duration of the event.
13. Patrons are permitted to bring their own food and alcohol.

Camping

14. The permit holder must ensure there are adequate camping spaces available to cater for the total number of patrons attending the event, to the satisfaction of the Responsible Authority.
15. All camping must be undertaken within the designated camping area, in accordance with the endorsed plans.
16. The permit holder must ensure there is no camping permitted on the waterway, to the satisfaction of the Responsible Authority.

Loading and Unloading

17. The loading and unloading of goods from vehicles must only be carried out on the land.

Amenity

General Amenity

18. The events hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

- i. transport of materials, goods or commodities to or from the land
- ii. appearance of any building, works or materials
- iii. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
- iv. presence of vermin

to the satisfaction of the Responsible Authority.

Post Event Clean-Up

19. The permit holder must ensure that the subject land and immediately surrounding area, including the Kara Kara National Park, is cleared of all waste produced from the site during the event, within four days of cessation of each permitted event and to the satisfaction of the responsible authority.

External Lighting

20. External lighting must be located, directed and shielded, and of such intensity so that no unreasonable nuisance is caused to nearby residents, to the satisfaction of the Responsible Authority.
21. Adequate lighting is to be located at the vehicle and pedestrian access points to the land, to ensure the safety of patrons, to the satisfaction of the responsible authority.

Site Reinstatement

22. The event organiser must ensure that the site and environs (including car parking and camping areas) are reinstated to an equivalent condition as existed prior to the event being conducted and must ensure the removal of any rubbish or litter from the site, repairing any damage caused by the occupation of the site, remove any materials used to protect any public works or to gain access to or egress from the site, to the satisfaction of the Responsible Authority (Condition 4 outlines the timeframes for reinstatement).

Security

23. Private security arrangements including personal must be deployed at the site to appropriately manage security. Security arrangements must accord with the endorsed Security Management Plan.

Accommodation for objectors

24. The event organizer must offer to provide suitable alternative accommodation for the duration of each permitted event to the five objectors to the application. The applicant

must contact the objectors no less than one month prior to each permitted event to begin discussions regarding the above and the accommodation provided to the satisfaction of the Responsible Authority.

Telecommunications

25. The applicant is to provide sufficient arrangements to ensure that the mobile telecommunications service needs (including voice, text and internet service) of the total patrons, emergency support authorities and staff on the site, as well as the broader community living in the area, for the duration of each permitted event (including the day prior and the after each event) are met.
26. Unless with the written permission of the Responsible Authority, evidence that the arrangement will meet the expected needs is required from the managing authority of the telecommunications infrastructure supporting the site and the surrounding localities in the documentation provided at Conditions 1 and 2, one month prior to each permitted event.

Fire Safety

27. A copy of the comprehensive emergency management plan required by Condition 30 must be provided to the most local fire brigade to the subject site no less than 2 weeks prior to each permitted event.

Country Fire Authority

Cancellation on days of elevated bushfire danger

28. No staff, talent, event attendees or other people must be on the property after 10 am on a day of Catastrophic Fire Danger Rating within the Wimmera Fire District.
29. Unless with the written consent of CFA prior to the event, no staff, talent, event attendees or other people must be on the property after 10 am on a day of Extreme Fire Danger Rating within the Wimmera Fire District.

Emergency management planning

30. The event organiser is to engage a person who is suitably qualified in emergency management planning to prepare a comprehensive emergency management plan to the satisfaction of the Responsible Authority that addresses the following areas (but is not limited to):

- Bushfire/Grassfire related matters
 - Contains appropriate “action statements” for:
 - How the bushfire threat will be monitored
 - Implementing cancellation of the event having regard to conditions 28 & 29
 - Any other particular trigger points for action (such as a forecast Fire Danger Ratings, Total Fire Ban etc)
 - When a bushfire threatens the site – including the trigger for sheltering in place or evacuation (as appropriate).
 - After the bushfire threat passes
 - Details on evacuating staff, talent and event attendees from the site (if required)
 - Details on assembly of those on site and sheltering in place (if required)

- Fire response related matters
 - Details any on-site firefighting resources
 - Details the response arrangements for any fire or other emergency that may occur within the site.
31. Unless with the written consent of CFA, a draft version of the emergency management plan must be provided to the Responsible Authority and firesafetyreferrals@cfa.vic.gov.au (ATTN: ACFO D16) for comment no less than 3 months prior to the date of the event.
 32. Unless with the written consent of CFA, a final version of the emergency management plan must be to the Responsible Authority and firesafetyreferrals@cfa.vic.gov.au (ATTN: ACFO D16) for endorsement as part of the permit no less than 40 days prior to the event date.

Additional fire mitigation measures

33. No fires in the open air are permitted without the written consent of CFA prior to the event.
34. Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls is unlikely to occur.
35. Unless with the written consent of CFA prior to the event, emergency vehicle access and egress routes within the site are to be clearly marked, be a width of not less than 5.4 metres and must meet the following conditions:
 - Vehicle access must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes or the trafficable road width.
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres.
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
 - There must be no obstructions for at least 4.0 m vertically.
36. Unless with the written consent of CFA prior to the event, emergency vehicle access must be provided around the full perimeter of the site.
37. Emergency assembly areas are to be graded to mineral earth, grass maintained to less than 50 mm or other fuel treatment to the satisfaction of CFA.
38. Unless with the written consent of CFA prior to the event, all grass on the property must be slashed or mown to not exceed 100 mm in height.
39. Unless with the written consent of CFA prior to the event, camping areas must be:
 - separated into clearly identifiable blocks
 - within 30 m of an area of emergency vehicle access.

Ambulance Victoria

40. Prior to any event being held on site, the event organiser must assess the health and medical requirements of the event, document a plan for the management of these requirements, and ensure provision of appropriate medical services for the

management of these requirements. The assessment of the event should be based on, but not limited to:

- a) the nature of the event and event venue/infrastructure
- b) the number of expected patrons
- c) the demographic of the expected patronage
- d) the distance to the nearest appropriate health service
- e) the potential environmental health impacts for the duration of the event (e.g. heat or cold exposure)
- f) access and egress requirements for emergency and ambulance services
- g) consultation with Ambulance Victoria on service provision recommendations as necessary.

The assessment must be provided to the Council and to the satisfaction of the Responsible Authority.

North Central CMA

- 41. All buildings, structures and roads (excluding specified crossings) must be setback a minimum of 30 metres from the top of bank of all waterways. Prior to the event, an exclusion fence must be installed and maintained for the duration of the event to delineate the required setback from the top of bank of waterway.

Parks Victoria

- 42. The event organisers must erect signage for patrons advising that access and egress routes for all patrons is directly off the highway through the property at 4799 Sunraysia Highway, Carapooee West.
- 43. The event organisers must install signage restricting access to the property for patrons through alternate routes via local government roads. The signs must advise that access to the property through Crown Land is prohibited.
- 44. A temporary 1.8m high chainmesh fence, covered with hessian or similar material must be erected along the eastern, southern and western boundaries of the event/festival site at a distance of 30 metres from the title boundary to deter patrons from accessing Crown Land and mitigate against waste from entering the Park.
- 45. Temporary signs must be installed at the entrance to the festival and on the temporary fence advising patrons that there is to be no access or use of the adjoining Kara Kara National Park and that it is prohibited to collect firewood.
- 46. The permit holder or festival organiser must employ all methods considered practical including leaflet distribution / public notification advising attendees of their obligations relating to not using adjoining Crown Land (Kara Kara National Park).
- 47. The Park must not be used for vehicle access by patrons, event organisers.
- 48. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Park.
- 49. To protect the nearby waterways, toilet and refuelling / maintenance operations must not be established or carried out within 100 metres of any waterway, channel or drainage line, or within a floodplain.

50. Any rubbish within the Park which has been generated by the festival must be removed by the proponent daily, to the satisfaction of Parks Victoria.
51. Any rubbish that enters the Parks must be removed by the event proponent within 7 days after the event to the satisfaction of Parks Victoria.
52. If there is any encroachment of patron into the adjoining Kara Kara National Park, the permit holder or festival organiser shall ensure the subject land and environs are reinstated to an equivalent condition as existed prior to the event being conducted to the satisfaction of the Responsible Authority and Parks Victoria.

Council Infrastructure Department

Site Access & Car Parking

53. The access route for all event patrons and staff entering the site from Sunraysia Highway event must be via the private alternative access track which then connects to Torney Road and then the site entrance point as shown on TMP Number BO21-051 of the Traffic Map Area to the satisfaction of the Responsible Authority.
54. The minimum width of the access route from Sunraysia Highway to the entry point of the event should be 6.0m with a 1.0m clear shoulder each side of the road. The access route is to be surfaced with suitable all weather material at a minimum thickness of 100mm to the satisfaction of the Responsible Authority.
55. The applicant must organise with the Responsible Authority an inspection of Torney Road within seven days prior to the event and again seven days after the event so any damage to Torney Road can be rectified at the expense of the applicant to the satisfaction of the Responsible Authority.
56. The entry and exit of vehicles must be in accordance with the approved Traffic Management Plan.
57. The permit holder must ensure that where car parking areas are proposed on the land, attendants must direct vehicles to optimise the use of available space. The attendant must be available to direct vehicles at least two hours prior to the event commencing and two hours post the conclusion of the event.
58. All vehicles must be parked in the designated parking areas and there is to be no parking of vehicles on the Public Road Reserves or the adjoining Crown Land.
59. No tree(s) or significant vegetation on the Road Reserves shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the written consent of the Responsible Authority.
60. Parking areas and the parking layout must be clearly defined and capable of accommodating vehicles for the maximum number patrons at the event to the satisfaction of the Responsible Authority.
61. Clearly defined signage is to be provided at the property entrance and throughout the land (where applicable) to direct patrons to the designated car parking areas to the satisfaction of the Responsible Authority.

62. Any works in the road reserve required by permit conditions is at the cost of the permit holder to the satisfaction of the Responsible Authority.

Event Conditions

63. For the duration of the event dust control measures are to be implemented (where required) on the site and Torney Road to the Satisfaction of the Responsible Authority.

64. The approved Traffic Management Plan is to be implemented by the event organiser. Any event signs on public roads are to be approved by the Responsible Authority (Torney Road – Council, Sunraysia Highway – Rural Roads Victoria).

Stormwater Drainage

65. Stormwater from the property must be drained to the satisfaction of the Responsible Authority.

66. No effluent or polluted water of any type will be allowed to enter the natural stormwater drainage system to the satisfaction of the Responsible Authority.

Permit Expiry

Music Festival

67. The permit expires on 31 December 2024 unless with the written permission of the Responsible Authority.

End of Conditions

Permit Notes

Environment Protection Authority (EPA)

- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021
- The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

Council Building Department

- An application for a POPE (Place of Public Entertainment) is required.

Council Environmental Health Department

- In order to comply with Council's Environmental Health requirements the applicant needs to allow 21 days for the registration/notification to be processed, and cannot trade until their premises have been registered/notified. Lodgement of a Statement of Trade (SOT) ensures that they have complied with the Food Act.
- Food vendors are required to submit a 'Statement of Trade' through the Streatrader website and have it approved by the Responsible Authority prior to the event.

Assessed by:	Virginia McLeod – Coordinator Sustainable Development <i>V. McLeod</i>	Date: 16 September 2022
Reviewed by:	 <i>[Signature]</i>	Date: 16 September 2022

9.2.2. Planning Permit Amendment 5.2019.46.2 - 24 Seaby Street, Stawell

Author/Position: Jade Erwin, Senior Planning Officer

Purpose

To make a decision on Planning Permit application 5.2019.46.2 for 24 Seaby Street, Stawell.

Summary

The subject site is located at 24 Seaby Street, Stawell. The business on the site is the Diamond House restaurant and motel. An existing planning permit issued in April 2020 contains a condition that requires an acoustic fence to be built along the shared boundary between the car park and the residential property.

The application is for amendment to this existing permit to remove the condition requiring the acoustic fence, and to allow an extension to the liquor licence by increasing the licensed area to cover the new outdoor dining area and the new motel units, and to increase patron numbers by 14. A small car parking reduction of five spaces is required due to the minor increase in patron numbers.

The application was advertised in accordance with the *Planning and Environment Act 1987*. One objection was received from the residents of 22 Seaby Street, raising concerns regarding noise, patron behaviour, and the removal of the condition requiring the acoustic fence.

Statutory planning recommends the application to extend the licensed area (and associated modifications) is approved subject to conditions which will regulate patron behaviour and noise in the outdoor dining area, including requiring a patron management plan and restricting the licensed hours to 11pm.

Statutory planning does not recommend that the requirement for the acoustic fence be removed from the planning permit.

Recommendation

That Council supports the officer's recommendation and determines to issue a Notice of Decision to Issue an Amended Planning Permit to allow the variation to the Liquor Licence but not to allow the removal of the acoustic fence requirement subject to the conditions contained in the Attached Planning Report.

RESOLUTION

That Council determines to issue a Notice of Decision to Amend the Permit to allow the variation to the Liquor Licence and to also allow the removal of the acoustic fence requirement.

Moved: Cr Rob Haswell

Seconded: Cr Kevin Erwin

Carried

A DIVISION WAS CALLED FOR

For the motion: Crs Haswell, Erwin, Gready and Emerson

Against the motion: Crs Dempsey and Ostarcevic

Background/Rationale

A detailed Planning Assessment Report is provided at Attachment 1, assessing the application against all relevant requirements of the Northern Grampians Planning Scheme.

The subject site is located in a residential zone and is surrounded by houses on abutting properties. The restaurant has been in use for several years.

A planning permit was issued in April 2020 to allow the development of four additional motel rooms at the rear of the site and a reconfiguration of the car park. An objection from a nearby resident was received at the time, and as a compromise a condition was placed on the permit requiring an acoustic fence to be built along the shared boundary between the car park and the residential property.

This condition was intended to mitigate noise impacts to the nearby residents of the new motel units and car parking area, and these noise impacts are still valid.

The application was referred to council's Environmental Health Officer (EHO) to consider whether the removal of the acoustic fence will have significant impacts on noise emissions from the site. Council's EHO has raised concern with removing the acoustic fence and has advised that it is the responsibility of the business to comply with the general environmental duty and to take reasonable steps to minimise harm to human health and the environment from noise pollution.

Whilst the acoustic fence will result in an additional cost to the business which has already suffered during the pandemic lockdowns, it is considered that the provision of the acoustic fence will assist in enabling the business to comply with the noise requirements of the *Environment Protection Act* and resolve the issue of on-going complaints from the neighbour, which will benefit the business in the long term. The acoustic fence will also help protect the amenity of the objector's dwelling from intrusive noise from the restaurant, which is appropriate given the land is zoned for residential purposes and protection of residential amenity is therefore key. It is therefore recommended that the acoustic fence requirement be retained on the permit. Condition 1a requiring the acoustic fence will be renumbered to a Condition 34 to allow for a new Amended Plans Condition 1 to be applied.

Legislation, Council Plan, Strategy and Policy Implications

Planning and Environment Act 1987

Planning and Environment Regulations 2015

Northern Grampians Planning Scheme

Options

Option 1

That Council supports the officer's recommendation and determines to issue a Notice of Decision to Issue an Amended Planning Permit to allow the variation to the Liquor Licence but not to allow the removal of the acoustic fence requirement subject to the conditions contained in the attached Planning Report.

[recommended]

Option 2

That Council determines to issue a Notice of Decision to Amend the Permit to allow the variation to the Liquor Licence and to also allow the removal of acoustic fence requirement. **[not recommended]**

Option 3

That Council determine to issue a Refusal to Issue the Amended Permit, refusing both the removal of the acoustic fence requirement and also refusing to allow the Liquor Licence extension. **[not recommended]**

Implications

The subject matter has not raised any issues relating to sustainability issues (economic, social, environmental or climate change) or heritage/cultural, human rights/gender equality, privacy, risk management, budgetary and asset management implications. Amenity impacts have been considered and are addressed in the attached report

Procurement

No procurement requirements apply to this report.

Community Engagement

Public Notice of the Application was given via direct letters to surrounding properties and two signs being placed on the land.

Innovation and Continuous Improvement

The subject matter of the report does not raise any implications regarding innovation or improvements.

Collaboration

Internal and external referrals were sent to the following agencies:

- GWM Water
- Victoria Police
- Victorian Commission for Gambling and Liquor Regulations (VCGLR)
- Environmental Health

Officer's Declaration of Interest

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

Attachments

1. 5.2019.46.2 Planning Assessment report final version [9.2.2.1 - 19 pages]

PLANNING PERMIT AMENDMENT NO. 5.2019.46.1

103473

1039224

Planning Permit Application Fee. \$1,337-70

Receipt No. 703057

ASSESSMENT REPORT:	
No. of stat days at time of Council Meeting:	Over 60 days
Officer Direct or Indirect Conflict of Interest	No Council officers involved in the preparation or review of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

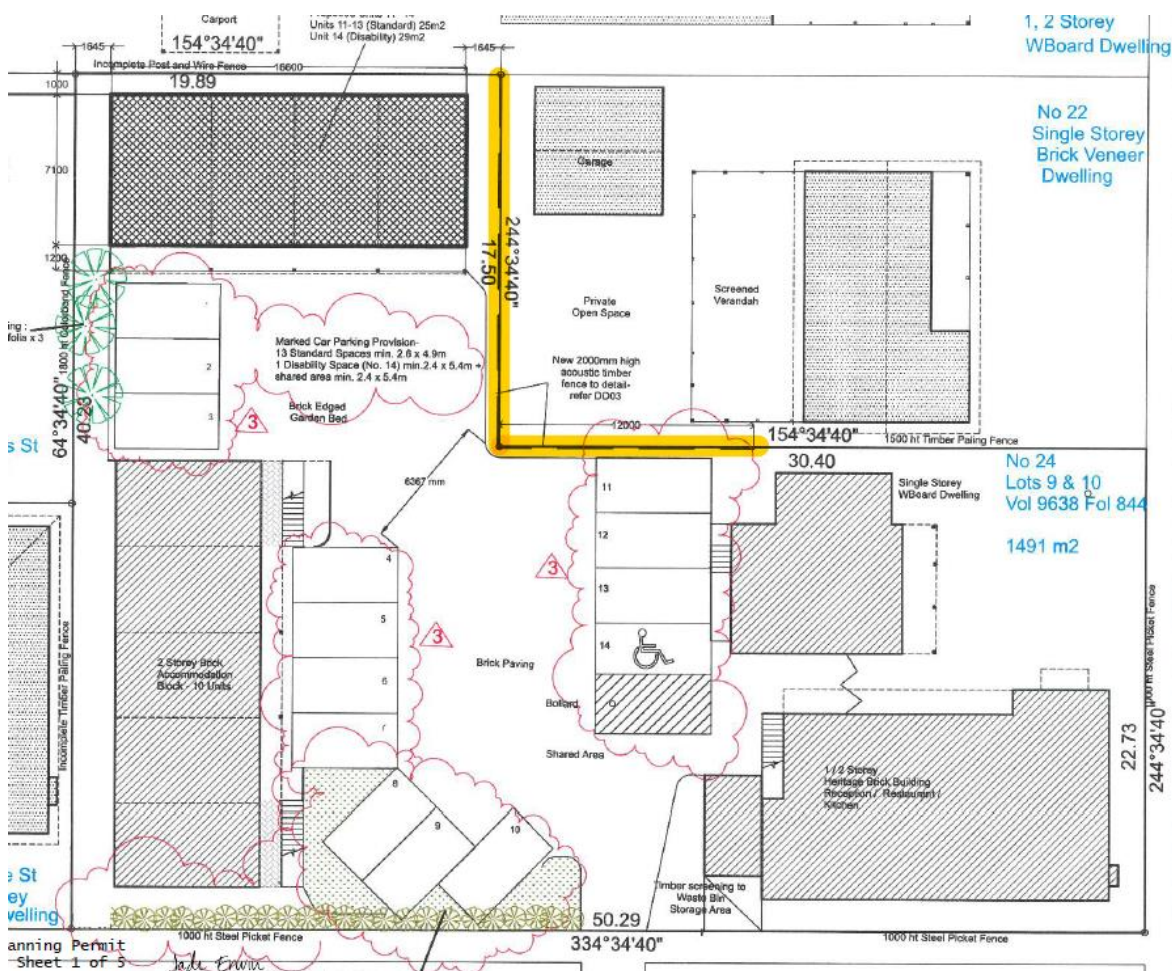
APPLICATION DETAILS:	
Applicant:	D Wainwright Pty Ltd
Application Received:	28/06/2022
Proposal for "The Permit Allows":	Amendment to Existing Permit to remove condition 1a requiring acoustic fence, to include an increase to the existing licensed area and increase in patron numbers by 14 (including associated car parking reduction). Existing permit issued for: Development being Buildings and Works in association with existing Motel and reduction in car parking
Property Address:	24 Seaby Street STAWELL 3380
Legal Description:	TSH: STAWELL CP: 159479G
Land Area:	1491 sqm
Existing Use:	Restaurant and motel complex
Zone:	GRZ1
Adjoining Zones:	GRZ1 TRZ2
Overlays:	Heritage Overlay (HO31)
Easements:	A sewer easement located on title – no new buildings/works proposed as part of this application.
Covenants or Restrictions:	No covenants or Section 173 Agreement registered on title.
CHMP required:	No. The area is not in an area of cultural heritage sensitivity.
Is the site located in a Special Water Supply Catchment ?	Yes
Permit Triggers:	<ul style="list-style-type: none"> • Clause 52.27 – Liquor Licence • Clause 52.06 – Car parking • Section 72 - Amendment to permit condition.

PROPOSAL

The proposal comprises an amendment to the existing permit to remove a condition requiring an acoustic fence to be provided, and to vary the liquor licence area and patron numbers by 14 to cover the new outdoor dining area and the new motel units. Refer to further details below:

Acoustic fence

The original permit was issued in April 2020 and allowed the development of four additional motel rooms at the rear of the site and a reconfiguration of the car park. This permit contained a condition requiring the provision of an acoustic fence along part of the property boundary shared with 22 Seaby Street. The location of the requested acoustic fence is shown below. The approved acoustic fence is a 2.0m high timber paling fence with overlapping panels to provide noise attenuation benefits.



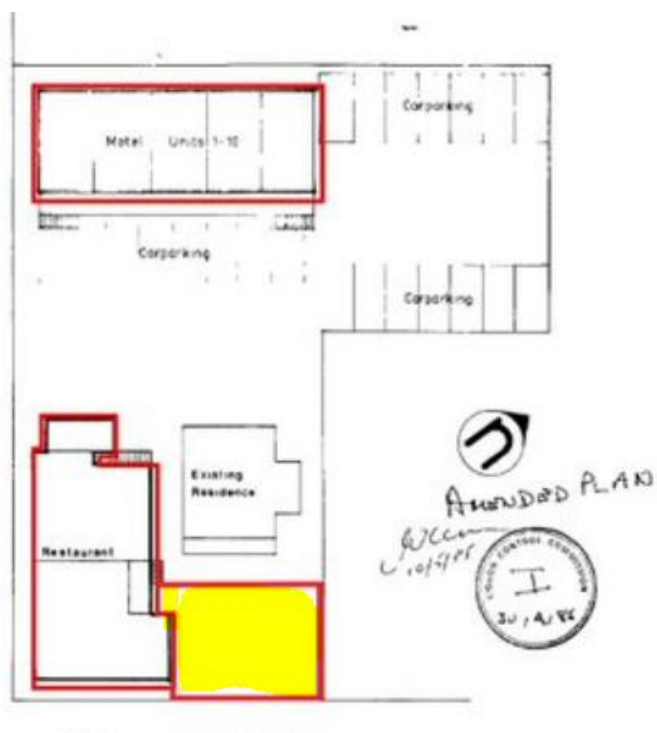
Since the issue of the planning permit, the applicant has installed a 1.8m high Colorbond fence along the entirety of the shared boundary with 22 Seaby Street, which conflicts with the permit condition requiring an acoustic fence along part of the boundary. The applicant is seeking approval to remove condition 1a which requires the acoustic fence to enable them to retain the recently constructed colorbond fence.

Liquor Licence and Car Parking

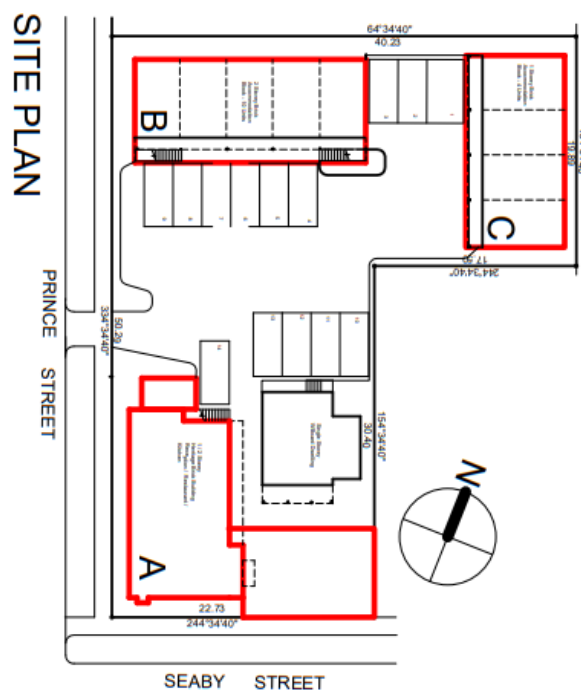
The site contains an existing Restaurant and Café Liquor Licence which covers the existing restaurant and the existing motel units. Due to covid, in 2020 a small outdoor dining area has been erected in the front yard area of the site which has been operating under a limited liquor licence for the last few years. This limited licence is due to expire in December 2022 and the applicant has therefore applied to formalise this arrangement and retain the liquor licence over the outdoor dining area. The applicant is also seeking to extend the liquor licence to the approved four additional motel units. Given the increased licenced area the applicant is seeking to increase the number of patrons allowed in the licensed premises from the currently approved 109 patrons to 123 (an increase in 14). This small increase in patron numbers would require the provision of 5 additional car parking spaces. As no additional car parking spaces are being provided, the applicant is seeking a reduction in the car parking requirements. The existing liquor licence allows trading until 1am; however the applicant is only seeking approval for trading until 11pm in the outdoor dining area.

Refer to plans below for further detail:

The existing licensed area is shown below, with the temporary licensed area shown in yellow.



The proposed licensed area is shown below:



SITE AND SURROUNDING AREA

The site is known as 'Diamond House' and is located on the north-east corner of Seaby Street and Prince Street, Stawell. The site is L-shaped with an area of 1491sqm and contains the existing heritage listed restaurant 'Diamond House' at the Seaby Street frontage, along with an existing managers residence and outdoor dining area. At the rear of the site there is an existing two storey motel development and car parking area. Access to the site is from Prince Street to the west via an existing crossover. A planning permit has been granted in 2020 to construct an additional four motel units at the rear of the site.

Seaby Street is a dual-carriageway arterial road under the management of VicRoads which contains extensive traffic and associated traffic noise. The site is approximately 500m from the Central Park/Cato Park district and approximately 1km southwest of the Stawell CBD.

The subject site is located in a residential zone and surrounding properties are developed with typical residential development comprising single dwellings on spacious lot sizes. Abutting the site to its east is 22 Seaby Street which contains an existing single storey brick dwelling.

An aerial map is provided below. The subject site is outlined in orange.



PERMIT HISTORY

- Planning Permit 5.2019.46.1 was issued on 6th April 2020 for the *Development being Buildings and Works in association with existing Motel and reduction of car parking*. This application seeks to amend this permit.

REFERRALS

The following **external** referrals were undertaken:

Authority	Advice/ Response/Conditions	Report Response
Section 55 Referrals:		
GWM Water	No objection.	Noted. No concerns or conditions required.

Authority	Advice/ Response/Conditions	Report Response
Section 52 Referrals:		
Victoria Police	No response received within allocated timeframe	No response received. Considered to indicate no concerns.
VCGLR	<p>I refer to your below email received by the Victorian Liquor Commission (the Commission) on 11 July 2022.</p> <p>The Commission has delegated to me its functions, powers, duties and responsibilities as a referral authority for the purposes of the <i>Planning and Environment Act 1987</i> (the Act).</p> <p>I acknowledge notice of application 5.2019.46.2 pursuant to section 52 of the Act.</p> <p>I confirm that the Commission does not intend to offer any comment or submission on the above application.</p> <p>I note that offering no comment to the above application does not affect any decision that the Commission may make pursuant to the <i>Liquor Control Reform Act 1998</i> in respect of any application that the Applicant is required to make under that Act if the planning permit is granted.</p>	Noted. No concerns or conditions required.

The application was referred internally and comments received as below:

Internal Council Referrals	Advice/ Response/Conditions	Report Response
Environmental Health	<p>Businesses must comply with the general environmental duty to take reasonable steps to minimise harm to human health and the environment from pollution and waste, including noise. Businesses must not cause unreasonable noise or aggravated noise. They must make sure that any noise from their activities or premises doesn't unreasonably impact the local community.</p> <p>Hazard: Noise Unwanted sound (including vibration) that's annoying, disturbing or harmful. Common sources of harm Possible consequences if risks of harm from pollution and waste aren't managed</p> <ul style="list-style-type: none"> • Vehicle movement and beepers, such as those used during deliveries and waste collection • Excessive vibrations and noise from heating and cooling units, ventilation systems, exhaust fans and fridges • Continuous use of power tools • Improper use of radios/speakers • Playing loud music <p>For more information, including controls Noise control guidelines (EPA publication 1254) How to reduce noise from your business (EPA publication 1481) Retail - guide to preventing harm to people and the environment (EPA publication 1824.1)</p> <p>My concern with removing the acoustic fence is that even if they have come to an agreement with the current owner, that owner or a subsequent owner can still claim excessive noise if it is not managed appropriately. The addition of the permanent outdoor dining area creates another space likely to create noise until 11 pm that may affect the neighbour at 22 Seaby St.</p> <p>I would like to see that the owner has done a proper General Environmental Duty (GED) hazard analysis of the business and put in place proper protocols to manage the potential hazards of the business. If that analysis indicates that an acoustic fence would not be required either because it would be ineffective or because other management principles have been set in place then I would have no issue with the removal of the clause.</p> <p>I cannot see any scientific reason given in the notes either for its inclusion in the first permit or for its removal now.</p>	Noted.

PUBLIC NOTIFICATION

The application was required to be advertised pursuant to Section 52 of the Planning and Environment Act 1987.

The following forms of advertising were undertaken:

- Notices sent to owners and occupiers of surrounding properties ;
- Two signs were placed on the land;

Refer to extent of notice plan below



OBJECTIONS

Council has received one objection in response to advertising from the following property:

- 22 Seaby Street, Stawell

The key issues raised in the objection can be summarised as follows:

- Noise from the outdoor dining area as a result of the proposed liquor licence.
- Concerns about the outdoor dining area operating beyond 11pm
- Noise from the rear carpark and new motel units as a result of removing the acoustic fence requirement

The objector has strong concerns about the removal of the acoustic fence requirement. The objector would like to see the colorbond fence replaced with the acoustic fence. The objector would also like the acoustic fence requirement extended along the boundary to provide a buffer adjacent to the outdoor dining area.

MEDIATION

The objector declined a formal mediation meeting and instead the permit applicant has provided a written response to the concerns raised, which was circulated to the objector.

The above did not result in a resolution being reached and the objection has not been withdrawn.

ASSESSMENT

The proposal complies with state and local planning policies, and generally satisfies the relevant decision guidelines. The principal issues can be summarised as follows:

STRATEGIC JUSTIFICATION

The proposal generally complies with relevant state and local planning policies including those listed below:

- Clause 02.03-1 *Settlement* which aims to encourage the growth of Stawell as the shire's largest town
- Clause 02.03-7 *Economic development* which aims to consolidate retail and service businesses in Stawell and to support the development of the shire's tourism industry based on the Grampians National Park, historic buildings and places, events such as the Stawell Easter Gift, and the wine and food industry.
- Clause 11.01-1R *Settlement - Wimmera Southern Mallee* which aims to support the ongoing growth and development of Stawell as a key service hub.
- Clause 11.01-1L *Settlement - Northern Grampian* which aims to encourage retail and tourism development that capitalises on Stawell's proximity to the Grampians National Park and to support retail and tourism development in Stawell that enhances its aesthetic appearance and heritage assets.
- Clause 13.05-1S *Noise management* which aims to assist the management of noise effects on sensitive land uses. Relevant strategies include:
 - Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.
 - Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.
- Clause 13.07-1S *Land use compatibility* which aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Clause 17.01-1S *Diversified economy* which aims to strengthen and diversify the economy, to facilitate growth in a range of employment sectors, including tourism, and support rural economies to grow and diversify.
- Clause 17.01-1R *Diversified economy - Wimmera Southern Mallee* which aims to capitalise on economic development opportunities through building on the region's assets, including tourism.

- Clause 17.02-1S *Business* which aims to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
- Clause 17.04-1S *Facilitating tourism* which aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Comment: As detailed above, there is significant policy support aimed at protecting and enhancing the existing restaurant and motel business operating at the heritage listed site. There is also policy support aimed at protecting the amenity of surrounding residential properties.

Noise and Amenity Impacts

It is unfortunate that the permit holder has incorrectly put up a new 1.8m high colorbond fence instead of the 2.0m acoustic fence required under the original permit. Additional expense will be incurred if the permit holder is forced to replace the fence. The objector has strong concerns regarding the removal of the acoustic fence and is concerned about noise from the car park, motel units and outdoor dining area.

As detailed above, the application was referred to Council's EHO to consider whether the removal of the acoustic fence will have significant impacts on noise emissions from the site. Council's EHO has raised concern with removing the acoustic fence, and has advised that it is the responsibility of the business to comply with the EPA noise requirements (General Environmental Duty) and to take reasonable steps to minimise harm to human health and the environment from pollution and waste, including noise. Businesses must not cause unreasonable noise or aggravated noise. They must make sure that any noise from their activities or premises doesn't unreasonably impact the local community.

Whilst the acoustic fence will result in an additional cost to the business which has already suffered during the pandemic lockdowns, it is considered that the provision of the acoustic fence will assist in enabling the business to comply with the noise requirements of the EPA Act and resolve the issue of on-going complaints from the neighbour, which will result in an overall benefit to the business in the long term.

The acoustic fence will also help protect the amenity of the objector's dwelling from intrusive noise from the car parking area, which is appropriate given the land is zoned for residential purposes and protection of residential amenity is therefore a key consideration.

The applicant has questioned the efficiency of the acoustic fence, and has cited additional buffers such as shrubs which will help reduce sound. The objector has indicated that the colorbond fence and shrubs are not currently adequate in controlling noise from the motel car park. When measuring acoustics, density is a key element of sound attenuation and the acoustic fence has a wall density 12.2kg/m², whereas colorbond fencing has a typical wall density ranging from 4.35 to 6.29kg/m², approximately half of that of the acoustic fence. Therefore the acoustic fence should result in a noticeable reduction in noise from the ground level car park and is not considered to be redundant.

With regards to the outdoor dining area, a patron management plan can be requested by way of permit condition to regulate the outdoor dining area and ensure this area is appropriately managed to prevent noise impacts on the neighbour. A permit condition can also be applied to prevent music being broadcast into this space. The licensed area can also be reduced to incorporate only the existing seating area, rather than the whole front yard. These interventions, along with the applicant's agreement to restrict the liquor licence to only 11pm in the outdoor area, are considered sufficient to protect the amenity of the neighbouring property.

ZONE

General Residential Zone

The site is located within the General Residential Zone and the purpose of this zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Comment: Whilst located in a General Residential Zone, the site has a long-standing history of being used for non-residential purposes and most recently has been used for many years as a heritage-listed Restaurant 'Diamond House' and associated motel. A permit has already been granted for an additional 4 motel units on the site which will help realise the site's commercial potential and in so doing further the key economic commercial policy objectives contained in the Northern Grampians Planning Scheme. Noise and amenity impacts including the removal of the acoustic fence have been discussed earlier in this report

OVERLAYS

No overlays affect the subject site.

PARTICULAR PROVISIONS

Clause 52.06 'Car Parking'

The purpose of this clause is to:

- Ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Comment: Under the provisions of this clause 0.4 car parking spaces are required per patron for a restaurant use. This proposal seeks to increase total patron numbers from 109 to 123 (an increase in 14 patrons). This would require an additional five car parking spaces be provided on-site. The rear car parking area is reserved for motel guests and the applicant has therefore requested dispensation for these five car parking spaces. The dispensation of the statutory car parking requirement is considered acceptable having regard to the following observations:

- The availability of on-street car parking along Seaby Street and Prince Street, in proximity to the site, which can readily absorb 5 additional parked cars
- Availability of public transport, via the nearby bus stop located at the front of 23 Seaby Street, 50m from the site.

Clause 52.27 'Licensed Premises'

The purpose of this clause is to:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

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

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

Cumulative impact is not a major issue in this case, as the proposal will not increase the number of licensed venues in the area. The application seeks only to formalise the liquor licence for the existing outdoor dining area which has been operating since 2020 under covid exemptions, and to extend the liquor licence to cover the recently approved motel units. This is considered to be of more modest

means as far as liquor licensing is concerned, given the venue already exists as a licensed premises and there will be no increase in licensed venues in this area.

The application has been widely advertised with only one objection received. The application was referred to Victoria Police and the VCGLR - Director of Liquor Licensing, neither of whom raised any objection to the proposal. It is noted that the current Liquor Licence (Licence No. 32204820) has a five star rating and has received zero demerit points, indicating the premises is well-managed with respect to liquor laws. Noise and amenity impacts have been discussed earlier in this report and the proposed permit conditions are considered acceptable to manage patron behaviour and mitigate amenity impacts from the proposed changes to the liquor licence and modest increase in patron numbers at the existing licensed venue.

CLAUSE 65

The application is generally consistent with the decision guidelines of Clause 65.01 – Approval of an application or plan.

CONCLUSION

The proposal is considered to accord with the relevant decision guidelines of the Northern Grampians Planning Scheme. It is recommended that a Notice of Decision to Grant an Amended Planning Permit is issued subject to the following revised conditions.

Amended Plans

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority, must be submitted for approval by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be of a high quality, be professionally drawn, and be generally in accordance with the plans submitted with the application, except where modified to include the following requirements:
 - a) Patron Management Plan in accordance with Condition 30.
 - b) Revised red-line plan reducing the licensed area to just the outdoor seating area and excluded the front landscape/garden area, to the satisfaction of the Responsible Authority.

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

Endorsed Plans

Layout not to be altered

2. The permitted development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Heritage Permit

3. Before the commencement of the development, a Heritage Permit for the buildings and works on the site within the VAHR H2178 must be issued and evidence must be provided to the satisfaction of the Responsible Authority.

Landscaping

4. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) The existing trees and shrubs on the site to be retained.
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) Landscaping and planting within all open areas of the site.

All species selected must be to the satisfaction of the Responsible Authority.

5. The landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

6. Before the commencement of the development, a Construction Management Plan with details of the hours of construction and measures to minimise adverse impacts on the adjoining properties must be submitted to the satisfaction of the Responsible Authority and must be approved by the Responsible Authority.

Council's Infrastructure Department Conditions

Drainage Discharge Plan

7. Before any of the development starts, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information and plan must include:
 - a) Details of how the works on the land are to be drained and/or retarded.
 - b) Computations for the existing and proposed drainage as directed by Responsible Authority.
 - c) Underground pipe drains conveying stormwater to the legal point of discharge.
 - d) A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council
 - e) Levels demonstrating that stormwater will be captured onsite and have no runoff impacts to neighbouring properties
 - f) Documentation demonstrating approval from the relevant authority for the legal point of discharge.

Before the use begins all works constructed or carried out must be in accordance with those plans. to the satisfaction of the Responsible Authority.

Councils Existing Assets:

8. Before the development starts, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least one property either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Stormwater Drainage:

9. Stormwater from the property must be drained to the satisfaction of the Responsible Authority.
10. Before the use begins and/or the building(s) are occupied, the development must be connected to the existing stormwater drainage system.

Emissions and Discharges during Construction:

11. The developer must restrict emissions and discharges from any construction sites within the land in accordance with the best practice environmental management techniques and guidelines contained in the Environment Protection Authority publications for sediment pollution control and Environmental Guidelines for major construction sites to the satisfaction of the Responsible Authority.

Car Parking

12. No fewer than 14 carspaces must be provided on the land for the use and development including one (1) car space clearly marked for the disabled.
13. Car parks must be set out in accordance with the endorsed plans and clearly marked to the Satisfaction of the Responsible Authority.
14. The area set aside for car parking as shown on the endorsed plan must be used for the parking of vehicles and for no other purpose.
15. All car parking areas and accessways must be clearly signed and provide clear directions to all visitors and staff to the satisfaction of the Responsible Authority.
16. All car spaces and access lanes on the land must be formed to such levels that they can be utilised in accordance with the endorsed plan and must be drained and surfaced with an impervious surface to the satisfaction of the Responsible Authority.

Amenity

Colours and Materials

17. All external surfaces of any buildings (including any roof) and works must be non-reflective and be of a colour(s) which harmonise with the natural environment, to the satisfaction of the Responsible Authority.

General Amenity

18. The development hereby permitted 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; and
 - d) presence of vermin.

to the satisfaction of the Responsible Authority.

Waste Storage and Removal

19. All wastes and the remnants of solid waste materials used or produced on the site must be stored and removed from the site and disposed of in such a manner as to avoid any nuisance, pollution or offence to the satisfaction of the Responsible Authority.

Maintenance of Buildings and Works

20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

External Lighting to Not Cause Nuisance

21. All external lighting of the site must be located, directed and shielded, and of such limited intensity so that no nuisance is caused to nearby residents and motorists to the satisfaction of the Responsible Authority.

Storage of Goods and Materials

22. All goods, materials and waste stored on the site must be stored out of view in an appropriate place of storage and in such a manner so as not to cause unsightliness to persons on nearby lands and must not be visible from outside the land.

Storage Area for Waste

23. All bins and receptacles used for the collection and storage of garbage, bottles and other wastes must be kept in a storage area to the satisfaction of the Responsible Authority. The storage area must be:

- a) properly paved and drained to a legal point of discharge.
- b) screened from public view with a suitable designed enclosure.
- c) supplied with adequate hot and cold water.
- d) maintained in a clean and tidy condition free from offensive odours.

to the satisfaction of the Responsible Authority.

External Plant and Equipment

24. External plant and equipment must not be installed in a location or manner which imposes noise on any adjoining residential property.

Noise

25. Noise emissions from the site must not exceed the standards set out in State Environment Protection Policies to the satisfaction of the Responsible Authority.

Loading /Unloading

26. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

Liquor Licence Conditions

Licenced area

27. The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.

Liquor Trading Hours

28. Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licenced outdoor dining area between the following hours:

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

Maximum Capacity

29. No more than 123 patrons are permitted within the licensed restaurant (Diamond House) inclusive of the outdoor dining area at any given time, without the further written consent of the Responsible Authority.

Patron Management Plan

30. Before the use starts, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:

- (a) Staffing and security arrangements for the premises
- (b) Signage to be used to encourage responsible off-site patron behaviour;
- (c) The training of staff in the management of patron behaviour;
- (d) Measures to control noise emissions from the premises;
- (e) A documented complaint response procedure to the satisfaction of the responsible authority including the provision of a
 - i. Contact point during hours of operation
 - ii. Supervision of the outdoor dining area
 - iii. Record management of complaints and corrective action taken to resolve the concern.

The Patron Management Plan must be implemented to the satisfaction the Responsible Authority. The patron management plan must not be modified unless with the further written consent of the Responsible Authority

Management / Supervision of Premises

31. At all times during the operation of the use, there must be present on the premises a person over the age of twenty one (21) years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the responsible authority (referred to in this permit as "the manager").

The manager must be authorised by the operator under this permit to make statements at any time on his / her behalf to any officer of the responsible authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.

No Amplified Music to Outdoor Areas

32. No music (live or amplified) other than background music is to be played in the outdoor dining area to the satisfaction of the Responsible Authority.

Regulation of Sale and Consumption of Liquor

33. The predominant activity carried out in the outdoor dining area shall be the preparation and serving of meals for consumption on the premises, to the satisfaction of the Responsible Authority.

Acoustic Fence

34. Unless otherwise approved in writing by the Responsible Authority, the 2.0m high Acoustic Fence, spanning the length of the rear boundary of No 22 Seaby Street and approximately 12metres along its southwestern boundary, measured from the rear boundary as shown on the endorsed plans must be installed before occupancy of the approved motel units to the satisfaction of the Responsible Authority.

Expiry

35. Development and use of land expires if:

- (a) The development or any stage of it does not start within four (4) years of the date of this permit; or
- (b) The development or any stage of it is not completed within five (5) years of the date of this permit; or
- (c) The use does not start within two (2) years after the completion of the development; or
- (d) The use is discontinued for a period of two years.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

End of Conditions.

Notes:

Building

Building Permit required. Please note: Accessible Unit appears to be non-compliant with the Bathroom design. Ensure Unit/bathroom complies with AS 1428.1 2009.

Environmental Health

The Motel units will need to comply with the *Public Health and Wellbeing Regulations 2009*

Heritage Victoria

The proposed development and associated works require approval from Heritage Victoria, and an application must be lodged.

Wimmera Catchment Management Authority

The 1% AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1% AEP flood, may occur in the future.

Amendment Box
Permit amended to enable extension to liquor licence, patron numbers and further reduction in car parking. Condition 1 updated. Acoustic fence requirement relocated from Condition 1a to condition 34. Conditions 27-35 (inclusive) added. Expiry note removed.

9.3. Providing Sustainable Infrastructure

9.3.1. Petition - Inglewood Road, St Arnaud

Author/Position: Jeevan Pinto, Manager Infrastructure

Purpose

To determine the action in response to the requested works identified in the Inglewood Road petition tabled at the September 2022 Council meeting. This report includes options available to Council and the financial implications to complete the works.

Summary

A petition was received by Council at the September 2022 Council meeting seeking safety and drainage improvement works on Inglewood Road, St Arnaud. The petition identified safety concerns and issues faced during heavy rainfall events on Inglewood Road. This report provides the options available to the Council to address the issues raised by the residents and the associated costs.

Recommendation

That Council accepts all the proposed individual projects to be applied to the Capital Infrastructure Program to be undertaken where the priorities deem fit. The proposed individual projects include:

- Inglewood Road drainage, North (Kerb and Channel Improvement Program)
- Inglewood Road drainage, South (Drainage Improvement Program)
- Inglewood Road footpath, North (Footpath Improvement Program)
- Inglewood Road footpath South (Footpath Improvement Program)

RESOLUTION

That Council accepts all the proposed individual projects to be applied to the Capital Infrastructure Program to be undertaken where the priorities deem fit. The proposed individual projects include:

- Inglewood Road drainage, North (Kerb and Channel Improvement Program)
- Inglewood Road drainage, South (Drainage Improvement Program)
- Inglewood Road footpath, North (Footpath Improvement Program)
- Inglewood Road footpath South (Footpath Improvement Program)

Moved: Cr Eddy Ostarcevic

Seconded: Cr Kevin Erwin

Carried

Background/Rationale

Council received a petition on the 23 August 2022 which was tabled at the September Council meeting for a report to be provided to Council the following month.

The petition received identified issues for residents related to safety and climate resilience that reside on Inglewood Road, St Arnaud. Issues include:

- Residents do not have an accessible walking path, leading them to use the road
- Young parents do not have footpaths and it makes it difficult to push a pram/stroller
- Lack of kerb and footpath has resulted in people using the Inglewood Road to carry out U-turns
- High rain events have resulted in stormwater entering properties near the veterinary clinic. Lack of proper drainage, kerb and channel has been identified by the residents for the climate-related events

The residents have highlighted the provision of pathways kerb and channel and drainage will result in a safer community and improve the protection of properties against inclement weather. It will also lead to an increased number of people walking to the town centre leading to an enhanced healthy lifestyle and a safer community.

Council officers are aware of flooding impacts in this area, with reports received from residents on Inglewood Road during the November 2021 flash flooding event that occurred in St Arnaud.

Inglewood Road is a State Arterial Road managed by the Department of Transport, formally Regional Roads and VicRoads. Infrastructure demarcation recognises that the road infrastructure within the kerb and channel or table drain including kerb and channel and table drain is the responsibility of the Department of Transport, not Council. Infrastructure outside the kerb and channel and table drain, including service roads, pathways, etc is the Local Road Authority's responsibility. To that end Council has no obligation to install a kerb and channel to cater for water coming from the road.

Council requested drainage treatments on Inglewood Road from Department of Transport at the time of the November 2021 event. Department of Transport indicated that drainage treatment would not be undertaken by them as water impacting on residents was observed to be that which was not their responsibility.

Council is responsible for the stormwater network, taking stormwater discharging from private property on local roads. It was evident in November 2021 that stormwater impacting on residents in Inglewood Road was a culmination of localised stormwater and stormwater coming overland from properties to the North of Inglewood Road. While it is not expected that Council's infrastructure is able to cater for such an event (1% AEP or 1 in 100 year ARI event), a drainage design has indicated that further drainage infrastructure on Inglewood Road would reduce the impacts to properties in future events.

Urban footpaths networks across the council are not complete and officers often receive requests for improved footpath connections. These requests are reviewed and prioritised against other requests received which generate Council's Capital Footpath Improvement Program.

The petition request has been reviewed, designed, costed and prioritised. For clarity, the infrastructure requests have been broken down into deliverable components. A breakdown is provided below.

Investigation

- Confirm design against the St Arnaud Flood study – Estimated cost \$15,000

Drainage and Kerb and Channel works

- Inglewood Road drainage, North – Estimated cost \$119,658, including
 - Kerb and Channel
- Inglewood Road drainage, South – Estimated cost \$443,888, including
 - Kerb and Channel
 - Underground drainage, including pipes and pits

Footpath works

- Inglewood Road footpath, North – Estimated cost \$100,013
- Inglewood Road footpath South - Estimated cost \$103,556

Total works are estimated to cost \$782,114.

Considering the current projected development on Inglewood Road, the proposed individual projects would be prioritised for construction in the next 5 – 10 years under the current evaluation process within the Capital Infrastructure Program.

If work is deemed urgent and Council does not wish to defer current budgeted projects, Council could pursue a Special Charge Scheme, by agreement charging the cost of works or a portion of to those who gain a benefit of the works.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-24 - Sustainable Infrastructure

Options

Option 1

Council accepts all the proposed individual projects to be applied to the Capital Infrastructure Program to be undertaken where the priorities deem fit. Proposed individual projects include:

- Inglewood Road drainage, North (Kerb & Channel Improvement Program)
- Inglewood Road drainage, South (Drainage Improvement Program)
- Inglewood Road footpath, North (Footpath Improvement Program)
- Inglewood Road footpath South (Footpath Improvement Program) **[recommended]**

Option 2

Council refuses to undertake kerb and channel works on Inglewood Road and accepts the requested proposed footpath works, submitting works to the Footpath Improvement Program to be undertaken where the priorities deem fit. **[not recommended]**

Option 3

Council defers a range of 2022-23 projects to be determined, making the budget available to deliver the full or part of the proposed projects on Inglewood Road, St Arnaud. **[not recommended]**

Implications

The social, risk management, and climate change implications have been addressed in this report.

Procurement

Not applicable.

Community Engagement

A petition was sent to Council from residents of Inglewood Road, St Arnaud.

Innovation and Continuous Improvement

The works would fall under continuous improvements to provide an enhanced healthy lifestyle, a safer community, and climate resilience.

Collaboration

Council's engineering staff met with VicRoads to discuss the issues, but VicRoads has advised that the washdown from the roads is minimal and they would not be carrying out any works.

Officer's Declaration of Interest

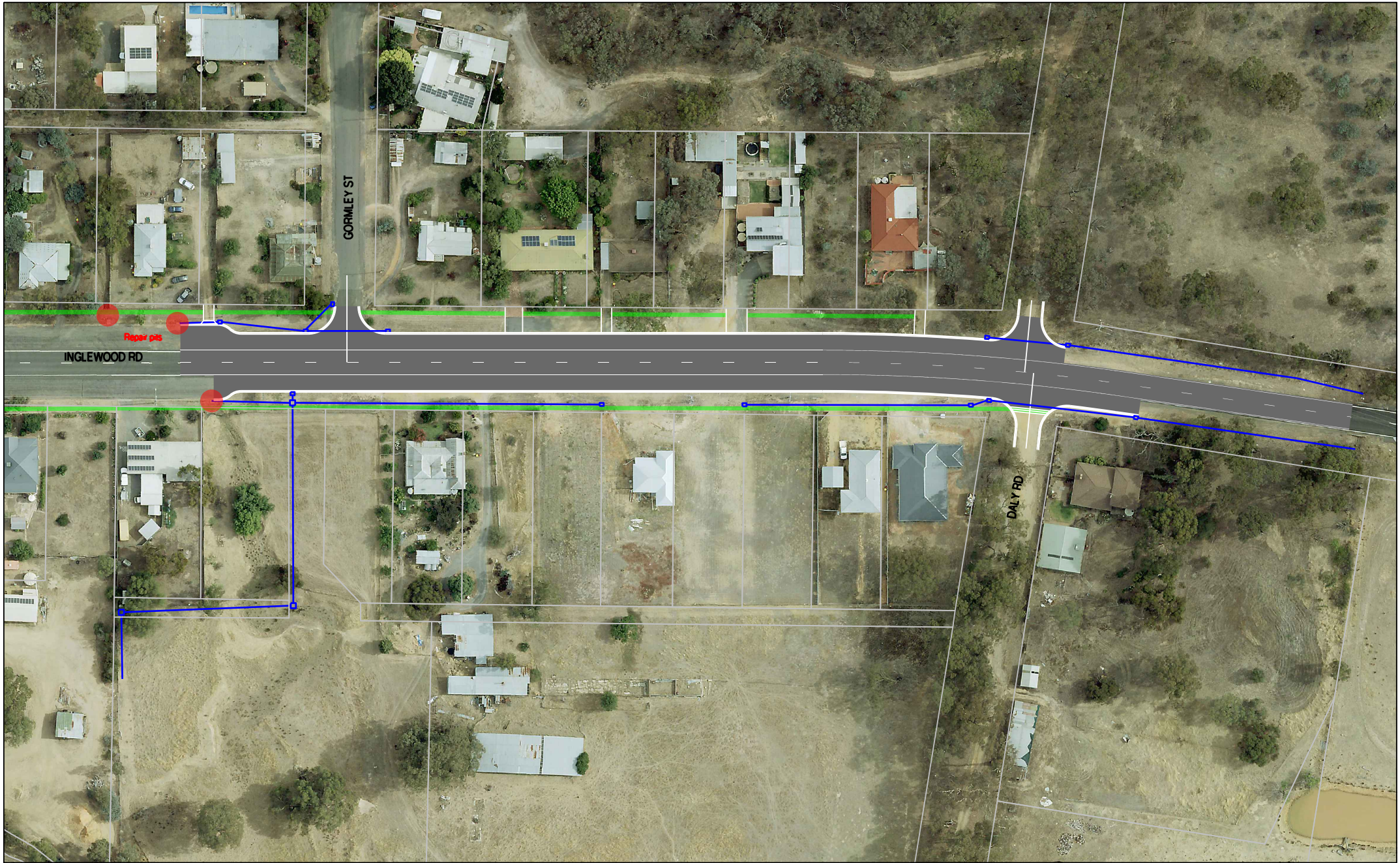
All officers providing advice to Council must disclose any interests, including the type of interest.

Jeevan Pinto, Manager Infrastructure

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


Attachments

1. Inglewood Catchment Area [**9.3.1.1**]
2. Inglewood Estimated Drainage Plan [**9.3.1.2**]
3. Inglewood Rd Kerb Draft [**9.3.1.3** - 1 page]
4. Inglewood Rd, St Arnaud Cost Estimate [**9.3.1.4** - 2 pages]



E	-	-
D	-	-
C	-	-
B	-	-
A	-	-
VERSION	DATE	AMENDMENTS

GENERAL NOTES/CROSS REFERENCES
- Notes



**NORTHERN
Grampians
SHIRE COUNCIL**

DESIGNED:	DATE:
ENGINEER:	DATE:
DRAWN: B. HIGGINS	DATE: 14 Sep 2022
SCALE: 1:1000	A3

INFRASTRUCTURE SERVICES DEPARTMENT

Inglewood Rd Drainage and Beautification DRAFT - FOR DISCUSSION ONLY	
DRAWING No.	JOB No.

**NORTHERN GRAMPIANS SHIRE COUNCIL
PROJECT COST ESTIMATE**

PROJECT NAME	Inglewood Road Infrastructure Upgrades
LOCATION	Inglewood Rd St Arnaud
DATE	12/09/2022
PREPARED BY	Nic Murphy & Ben Higgins
POSITION	
PROJECT DESCRIPTION	Provide Estimate on the road infrastructure required for the flood and amenity works on Inglewood Road

ELEMENT 1: INVESTIGATION

ITEM	QTY	UNIT	RATE	COST	TOTAL
FLOOD MODELLING					\$ 15,000
CONFIRM DESIGN WITH FLOOD ASSESSMENT	1	UNITS	\$ 15,000	\$ 15,000	
TOTAL					\$ 15,000

PROJECT 1: Inglewood Rd Drainage, North

ITEM	QTY	UNIT	RATE	COST	TOTAL
TRAFFIC MANAGEMENT					\$ 720
TRUCK	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
SITE FENCING & SITE YARD SETUP					\$ 720
TRUCK	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
NATIVE VEGETATION					\$ 11,500
OFFSETS	0.5	UNITS	\$ 15,000	\$ 7,500	
REMOVAL	0.5	UNITS	\$ 8,000	\$ 4,000	
SERVICE LOCATIONS					\$ 720
STREET SWEEPER	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
INSTALL KERB					\$ 54,000
B2 KERB & CHANNEL - NORTH	270	/M	\$ 200	\$ 54,000	
ROAD WORKS					\$ 46,300
NORTH - NEW ROAD PAVEMENT - 200mm Gravel	1400	SQM	\$ 20	\$ 28,000	
NORTH - 2 COAT SPRAYSEAL	1400	SQM	\$ 12	\$ 16,800	
LINEMARKING + SIGNAGE	0.5	UNIT	\$ 3,000	\$ 1,500	
SUB TOTAL					\$ 113,960
CONTINGENCY (5%)					\$ 5,698
TOTAL					\$ 119,658

PROJECT 2: Inglewood Rd Drainage, South

ITEM	QTY	UNIT	RATE	COST	TOTAL
TRAFFIC MANAGEMENT					\$ 720
TRUCK	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
SITE FENCING & SITE YARD SETUP					\$ 720
TRUCK	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
NATIVE VEGETATION					\$ 11,500
OFFSETS	0.5	UNITS	\$ 15,000	\$ 7,500	
REMOVAL	0.5	UNITS	\$ 8,000	\$ 4,000	
SERVICE LOCATIONS					\$ 720
STREET SWEEPER	4	HRS	\$ 120	\$ 480	
LABOUR	4	HRS	\$ 60	\$ 240	
INSTALL KERB					\$ 56,200
B2 KERB & CHANNEL - SOUTH	281	/M	\$ 200	\$ 56,200	
GORMLEY INTERSECTION DRAINAGE					\$ 19,150
SIDE ENTRY PITS	4	UNITS	\$ 2,500	\$ 10,000	
450MM DIA PLASTIC PIPE	35	/M	\$ 120	\$ 4,200	
300MM DIA RCP	33	/M	\$ 150	\$ 4,950	
DALY INT DRAINAGE					\$ 50,760
OPEN DRAIN CONSTRUCTION	148	/M	\$ 100	\$ 14,800	
GRATED/SIDE ENTRY PITS	6	UNITS	\$ 2,500	\$ 15,000	
300MM DIA PLASTIC PIPE	68	/M	\$ 120	\$ 8,160	
375MM DIA RCP	64	/M	\$ 200	\$ 12,800	
UPGRADE EXISTING PITS					\$ 7,500
GRATED/SIDE ENTRY PITS	3	UNITS	\$ 2,500	\$ 7,500	
SOUTH INGLEWOOD DRAINAGE (VET)					\$ 232,380
OPEN DRAIN CONSTRUCTION	80	/M	\$ 100	\$ 8,000	

GRATED/SIDE ENTRY PITS	2 UNITS	\$	2,500	\$	5,000
LARGE PITS	3 UNITS	\$	4,500	\$	13,500
1050MM ENDWALL	1 UNITS	\$	5,000	\$	5,000
1050MM DIA RCP	146 /M	\$	1,200	\$	175,200
300MM DIA PLASTIC PIPE	89 /M	\$	120	\$	10,680
EASEMENT ALLOWANCE	1 UNITS	\$	15,000	\$	15,000
ROAD WORKS					\$ 43,100
SOUTH - NEW ROAD PAVEMENT - 200mm Gravel	1300 SQM	\$	20	\$	26,000
SOUTH - 2 COAT SPRAYSEAL	1300 SQM	\$	12	\$	15,600
LINEMARKING + SIGNAGE	0.5 UNIT	\$	3,000	\$	1,500
SUB TOTAL					\$ 422,750
CONTINGENCY (5%)					\$ 21,138
TOTAL					\$ 443,888

Project 3: FOOTPATH North					
ITEM	QTY	UNIT	RATE	COST	TOTAL
NEW FOOTPATH					\$ 95,250
NORTH - FOOTPATH	585 SQM		\$ 150	\$ 87,750	
NORTH - PED CROSSINGS	5 UNITS		\$ 1,500	\$ 7,500	
SUB TOTAL					\$ 95,250
CONTINGENCY (5%)					\$ 4,763
TOTAL					\$ 100,013

Project 3: FOOTPATH South					
ITEM	QTY	UNIT	RATE	COST	TOTAL
NEW FOOTPATH					\$ 98,625
SOUTH - FOOTPATH	637.5 SQM		\$ 150	\$ 95,625	
SOUTH - PED CROSSINGS	2 UNITS		\$ 1,500	\$ 3,000	
SUB TOTAL					\$ 98,625
CONTINGENCY (5%)					\$ 4,931
TOTAL					\$ 103,556

PROJECT TOTAL					\$ 782,114
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9.4. Improve Organisational Effectiveness

9.4.1. Appointment of Acting Chief Executive Officer

Author/Position: Graham Haylock, Acting Director Corporate and Community Services

Purpose

To consider the appointment of an Acting Chief Executive Officer.

Summary

The current Chief Executive Officer tendered her resignation on Monday 5 September. The council must appoint an Acting CEO when there is a vacancy in the office of the CEO of greater than 28 days or the Chief Executive Officer is unable to perform the duties of the office of the Chief Executive Officer.

The appointment of an Acting CEO must be made by a resolution of the council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from council pursuant to section 11(3) of the Act.

The CEO Employment and Remuneration Committee must advise the council on the selection and appointment of an Acting CEO.

Council must engage an independent and suitably qualified recruitment firm to support it in recruitment and appointment of a CEO. The Committee will make recommendations to the Council when appointing a recruitment firm, determining the CEO selection criteria and developing the CEO Contract of Employment.

Recommendation

That Council:

- 1. determines to appoint an Acting Chief Executive Officer for a period exceeding 28 days**
- 2. engages an independent and suitably qualified recruitment firm to support it in the recruitment and appointment of a Chief Executive Officer.**

Having earlier declared a conflict in Item 9.4.1, Mr Fithall left the meeting at 12.59pm

RESOLUTION

That Council:

- 1. determines to appoint Mr Trenton Fithall as Acting Chief Executive Officer for a period in excess of 28 days from 10 October 2022;**
- 2. engages Lisa Davidson as an independent and suitably qualified recruitment firm to support it in the recruitment and appointment of a Chief Executive Officer.**

Moved: Cr Kevin Erwin

Seconded: Cr Eddy Ostarcevic

Carried

Mr Fithall returned to the meeting at 1.03pm

Background/Rationale

On 5 September 2022, Council accepted the resignation of the current Chief Executive Officer, Mrs Liana Thompson, effective from 14 October, 2022.

The appointment of an Acting CEO must be made by a resolution of the council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from council pursuant to section 11(3) of the *Local Government Act 2020*.

Legislation, Council Plan, Strategy and Policy Implications

Under section 45 of the *Local Government Act 2020* council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.

Council must appoint a CEO in accordance with its *CEO Employment and Remuneration Policy*.

Legislation and Standards Local Government Act 2020

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019

Council Plan 2021-24 – Improve Organisational Effectiveness

Options

Option 1

That Council determines to appoint an Acting Chief Executive Officer for a period exceeding 28 days and engages an independent and suitably qualified recruitment firm to support it in the recruitment and appointment of a Chief Executive Officer. **[recommended]**

Option 2

That the Council determines that the Chief Executive Officer appoint an Acting Chief Executive Officer for a period not exceeding 28 days. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Procurement

Not applicable.

Community Engagement

Not applicable.

Innovation and Continuous Improvement

Not applicable.

Collaboration

Not applicable.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Graham Haylock, Acting Director Corporate and Community Services

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

Attachments

Nil

9.4.2. Place Naming - Lord Nelson Park Community Sports Centre

Author/Position: Mary Scully, Manager Governance

Purpose

To consider the naming of the new multipurpose pavilion at Lord Nelson Park and to commence the formal process to name the place in accordance with geographic place names legislation.

Summary

The new multipurpose pavilion built at Lord Nelson Park was officially opened on 6 May 2022 and needs to be formally named. Council undertook a poll of three suggested place names and asked the community for their preference. The results of the poll were provided at the 15 August Unscheduled Council Meeting and Council gave public notice of its intention to name the newly built multipurpose facility at Lord Nelson Park, St Arnaud *Lord Nelson Park Community Sports Centre*.

Recommendation

That Council formally names the new built multipurpose facility at Lord Nelson Park, St Arnaud as *Lord Nelson Park Community Sports Centre*.

RESOLUTION

That Council formally names the new built multipurpose facility at Lord Nelson Park, St Arnaud as *Lord Nelson Park Community Sports Centre*.

Moved: Cr Eddy Ostarcevic

Seconded: Cr Rob Haswell

Carried

Background/Rationale

Council can develop a naming proposal for the building which is a feature considered to be of public interest and is required to submit the proposal to the Registrar of Geographic Place Names to determine whether or not to gazette and register or record the name in VICNAMES. Council has to determine that the proposed name conforms with naming principles and statutory requirements applied to features must follow set processes for naming features and consulting with the community.

At the 15 August Unscheduled Council Meeting, Council gave public notice of its intention to name the newly built multipurpose facility at Lord Nelson Park as *Lord Nelson Park Community Sports Centre* and invited the public to comment on the suggested name.

Legislation, Council Plan, Strategy and Policy Implications

Council is empowered under the *Geographic Place Names Act 1998 (the Act)* to develop naming proposals for features within its jurisdiction. Any feature naming must be in accordance with the Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016 which are the guidelines provided for under the Act.

Options

Option 1

That Council formally names the new built multipurpose facility at Lord Nelson Park, St Arnaud as *Lord Nelson Park Community Sports Centre*. **[recommended]**

Option 2

To not proceed with the naming process. **[not recommended]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications have been addressed in this report.

Finance - The naming of features incurs administration, advertising and signage costs.

Risk Management - By adhering to the Naming Principles and statutory requirements in the naming rules ensures that the feature is clearly and unambiguously named for emergency and other service reasons.

Amenity – a name will facilitate the booking of the facility by the community for functions

Procurement

Not applicable.

Community Engagement

Community consultation is an important part of a place naming process and public notice was given on social media, council's website and in newspapers inviting consideration of the proposal and providing interested persons an opportunity to comment prior to the facility being formally named. No submissions were received.

Innovation and Continuous Improvement

Not applicable

Collaboration

Not applicable

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance

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

Attachments

Nil

10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

Councillors provided brief reports on their activities on behalf of Council since the last Council meeting.

Cr Gready reported that he had attended the Great Western Futures Committee meeting on 26 September. He said there was a good attendance and no new issues were raised.

Cr Ostarcevic thanked Crs Gready and Erwin for attending the Stuart Mill Community Action Plan meeting. He reported on a St Arnaud Community Renewable Energy Development (SACRED) meeting and said the group had received the final report from the consultants regarding the solar farm development; some minor amendments are required to recognise some of the issues the community faces. He reported on his attendance at the St Arnaud CFA Brigade presentation event where a number of awards were given to active members for 45 and 50 years service. He reported that at the SCAN meeting an issue about the St Arnaud Visitor Information Centre was raised. He said it is his view that the current working model and structure of the volunteers providing the service should not be changed, rather that it be allowed to continue and make improvements along the way. He suggested allowing other visitor centres to catch up and take advantage of the volunteers' experience at St Arnaud. He reported that there had been quite a lot of interest in the use of QR Codes following the Gatherings Festival and increasing their reach to other aspects of the community eg historical places. He thanked Crs Emerson and Dempsey and partners for attending this year's St Arnaud Agricultural Show. He said in the lead up to the show there were some teething problems with the new facility at Lord Nelson Park including the trip points at the entrance. He said next year's program and the use of the multi-use space for the Agricultural Society will have to be looked at. He reported on the re-establishment of the air pistol club at the St Arnaud Sports Stadium and said some council assistance may be required due to the toll of COVID. He reported on his attendance with Cr Erwin to network at a Victoria H2 Hub meeting that focused on skills gaps and skills knowledge and opportunities for the shire. He congratulated Greg Fithall and Greg McNally on their appointment as Life Members of the St Arnaud Agricultural Show.

Cr Dempsey reported that she had attended the Australian Local Government Women's Association (ALGWA) information session for members with other female councillors from across the state and a meeting of the newly formed community group (Women for Council) that is inspiring to encourage women to stand for council and be involved in politics. She reported on the three female candidates who had nominated for the Kara Kara By-election which she said is one step closer to achieving the government's target of 50% female councillors and mayors by 2025. She said she was delighted to be asked as a Guest Speaker to the recent SCAN meeting to give an insight into her life as a councillor and to network with community members. She said she had the opportunity to attend the Advancing Women's Leadership Summit that is led by the Government's Gender Equality Advisory Committee (GEAC) and brings together some of the nation's most inspirational leaders to address key issues and barriers for women seeking leadership positions in local government across Victoria. She said GEAC was established in 2021 to provide advice to the Minister for Local Government and the Minister for Women to address gender inequality in local government elected officials. She said she had attended the Ruth McGowan monthly mentoring meetings that provide support to newly elected female councillors from across the state. She said she attended the \$800k government funding announcement for the Female Friending Changerooms Upgrade at Central Park to which council has also allocated \$650k. She said it is important to support female participation in sport and gender equality. She reported on attending the St Arnaud Agricultural Show.

Cr Emerson reported on a number of matters attended to during his busy month including the CEO's retirement, the Central Highlands Mayors and CEOs meeting, MAV State Council, meetings with Martha Haylett the Labour Party candidate, the Central Park changerooms funding announcement, the St Arnaud Agricultural Show and numerous meetings of the Stawell Gift Event Management Board. He said next Wednesday they were meeting with the Sports Minister to organise Stawell Gift finance.

RESOLUTION

That the reports be received.

Moved: Cr Kevin Erwin
Seconded: Cr Rob Haswell

Carried

12. Urgent Business

Nil

13. Public Question Time

The Mayor informed the meeting that the following public questions had been handed to him at the commencement of the meeting from Mr Ross Hudson He said Mr Hudson could not attend the meeting in person and had asked that his questions be read out.

Q1. What are council's standards and requirements in response to resident requests for phone contact by council staff? Is it any different for executive staff (CEO, Executive Assistant, Directors etc?

Q2. What policy and procedures does council have for providing necessary access and meeting communication needs for residents, ratepayers or others engaging with council who are adversely affected by psycho-socio mental health conditions?

Q3. What policy and plans does council have for training of all staff in communication with persons dealing with council and have psuedo social illnesses and personal communication needs and interaction methods to support them?

The Mayor thanked Mr Hudson for his questions. He said they would be taken on notice and a written response provided.

14. Closure of Meeting Pursuant to Section 66(2)(a) of the Local Government Act 2020

A Council or delegated committee may resolve that the meeting be closed to members of the public if it considers it necessary because a circumstance specified below apply:

The circumstances are-

- (a) the meeting is to consider confidential information; or**
- (b) security reasons; or**
- (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.**

If the circumstances specified in subsection (b) or (c) apply, the meeting can only be closed to the public if the Council has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

15. Close

There being no further business the Mayor declared the meeting closed at 1.24pm.

CR MURRAY EMERSON
MAYOR