



25 July 2018

To Councillor,  
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chambers, 92 Nelson Street, Nhill on Wednesday 1 August 2018, commencing at **3.00pm**.



Greg Wood  
Chief Executive Officer

#### AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Correspondence

8. Assembly of Councillors

- 8.1 Record of Assembly

**9. Planning Permit Reports**

- 9.1 Application for Planning Permit 1592-2018 – 160 Rupps Road Nhill

**10. Reports Requiring a Decision**

- 10.1 Financial Report for the Period Ending 30 June 2018  
10.2 Wimmera Mallee Pioneer Museum Committee of Management - allocation of funds

**11. Special Committees**

- 11.1 Rainbow Town Committee

**12. Late Reports**

No report

**13. Other Business**

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**14. Confidential Matters**

- 14.1 Supply of Bulk and Bowser Fuel and Variation to CEO Delegation  
14.2 Contract 2018/19-02 – Provision of Early Years Services 2019-2023

**15. Meeting Close**

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**1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND  
OPENING PRAYER**

***Acknowledgement of the Indigenous Community***

*We acknowledge the Shire's Indigenous community as the first owners of this country.  
We recognise the important ongoing role that indigenous people have in our community and  
pay our respects to their elders and people both living and past.*

***Opening Prayer***

*Dear Lord,*

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

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

**2. APOLOGIES**

**3. CONFIRMATION OF MINUTES**

***RECOMMENDATION:***

***That the Minutes of the Special Council Meeting held on Wednesday 18 July 2018 at  
the Council Chambers, 92 Nelson Street, Nhill as circulated to Councillors be taken  
as read and confirmed.***

*Attachment: 1*

**4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR  
INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.**

- Direct; or
- Indirect interest
  - a ) by close association;
  - b ) that is an indirect financial interest;
  - c ) because of conflicting duties;
  - d ) because of receipt of an applicable gift;
  - e ) as a consequence of becoming an interested party; or
  - f ) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the

commencement of discussion of the specific item.

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**5. PUBLIC QUESTION TIME**

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**6. DEPUTATIONS**

No deputations

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## 7. CORRESPONDENCE

### 7.1 GENERAL CORRESPONDENCE

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council:

- Ms Jessie Holmes, CEO Yarriambiack Shire Council
  - *Congratulating her on her appointment to CEO at Yarriambiack Shire Council*
- Western Highway Action Group
  - *Letter sent to Premier to support the continuation the Western Highway Duplication and corresponding email*

**RECOMMENDATION:**

***That Council notes the attached correspondence.***

*Attachment: 2*

## 8. ASSEMBLY OF COUNCILLORS

**Responsible Officer:** Chief Executive Officer

**Attachment:** 3 & 4

**Introduction:**

The attached Assembly of Councillors Records are presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

**Options:**

1. That Council accepts the Assembly of Councillors Records as presented.

**RECOMMENDATION:**

***That Council accepts the Assembly of Councillors Records as presented.***

*Attachment: 3 & 4*

**9. PLANNING PERMITS**

**9.1 APPLICATION FOR PLANNING PERMIT 1592-2018 – 160 RUPPS RD NHILL**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	167460
<b>Applicant:</b>	Michael Goodwin
<b>Owner:</b>	Luv-a-Duck Pty Ltd
<b>Subject Land:</b>	Lot 1 PS737805, 160 Rupps Road, Nhill
<b>Proposal:</b>	Buildings and works for the construction of a marshalling yard shelter
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ) No Overlays
<b>Attachments:</b>	Attachment 5 – Site plans Attachment 6 - Elevations

**Summary:**

This report recommends that Council approves planning permit 1592-2018 for the construction of a marshalling yard shelter at 160 Rupps Road, Nhill.

**Background:**

In June 2018, Luv-a-Duck applied for a planning permit for building and works for the construction of an attached unenclosed shelter structure (annex) to extend the area of the duck marshalling yard.

**Proposal Details:**

The proposal is to construct an extension to the size of the marshalling yard on the north eastern aspect of the existing abattoir. The proposed unenclosed annex is 15m wide x 33 m long, to cover a proposed increase in the area of the existing marshalling yard to a total area of 1485 square metres. In the applicant's submission, it states that:-

*“The purpose of the marshalling yard is to house and calm any crated live birds that are delivered to the processing plant. The current marshalling yard consists of two adjacent and joined structures, an original 1990's roof line, and a 2011 built roof line by Spanlift. There are three to four partially loaded trucks used every day to deliver crated birds.*

*The proposed extension is needed for two reasons, firstly to increase the livestock holding capacity of the marshalling yard at the high standards Luv-a-Duck maintain on site, and secondly to allow an operational area for the marshalling yard activities to continue while essential and major repairs on the original 1990's structure are completed. Spanlift will be commissioned for both portions of this work and they will match the proposed extension and the repair section to the structure they supplied in 2011. This is intended to provide a cohesive appearance to the joined structures of the marshalling yard.*

*During construction there will be a temporary increase in heavy traffic from the delivery of bulk materials, structural steel sheeting and cranes. The removal of building waste will add several truck movements with most material suitable for recycling. There will be a temporary increase in contractor cars and personnel numbers over the four to six week build period.*

*On completion of the proposed works the site traffic will return to previous levels and patterns”.*

**Requirement for Permit:**

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with a building or works associated with a use in Section 2 of Clause 35.07-1.

Under the provisions of the planning scheme, ‘abattoir’ is a Section 2 Use in the Farming Zone (FZ).

**Subject site & locality:**

The subject site is known as 160 Rupps Road, Nhill and is currently used for the purposes of an ‘abattoir’ – defined under the scheme as “*Land used to slaughter animals, including birds. It may include the processing of animal products*”. The facility is the primary abattoir for Luv-a-Duck. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

The abattoir is located approximately 3.32 km to the north west of the Nhill Post Office. There is a dwelling located approximately 1.1km to the south and another dwelling located approximately 1.74km to the north east.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed.

**Public Notification:**

Section 52 of the Planning and Environment Act 1987 prescribes the requirements relating to giving notice as such:

***s52 Notice of application***

- (1) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
- (a) *to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.*

The application is not required to be publicly notified under the provisions of the Planning and Environment Act 1987 as the proposal is not deemed to cause material detriment to any person for the following reasons:

- Given the proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposal will not adversely impact upon the landscape and general amenity of the area;
- The proposal is in keeping with the existing use of the subject land; and
- The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

It is therefore determined that the proposal will not cause material detriment to any person.

### **Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: In order to assess any damage to Rupps Road caused by the increase in truck movements to and from the site, an inspection by Council will be required prior to and at the conclusion of works. Any damage shall be repaired at the cost of the applicant.
- Environmental Health: Not required.
- Building: A Building Permit is required, due to structural work proposed.

### **Planning Assessment:**

#### Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with the construction of an annexed shelter – marshalling yard shelter.

#### Planning Scheme Requirements:

### **State Planning Policy Framework**

Clause 11 – Settlement

Clause 11.01 –Victoria

Clause 11.15 – Wimmera Southern Mallee

Clause 14.01 - Agriculture

Clause 17 – Economic Development

### **Local Planning Policy Framework**

Clause 21 – Municipal Strategic Statement

### **Zoning Provisions**

Clause 35.07 Farming Zone

### **Overlay Provisions**

None Applicable.

### **Particular Provisions:**

None applicable.

### **General Provisions**

Clause 65 – Decision Guidelines, states that:-

*“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”.*



The decision guidelines relevant to this application are stated within Clause 65.01 of the Hindmarsh Planning Scheme – Approval of an application or plan.

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

It is considered that the application complies with the relevant decision guidelines as outlined.

#### **Discussion:**

The application has been assessed against the State Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the proposed use is consistent with relevant policies contained within this section of the Hindmarsh Planning Scheme.

Clause 35.07 – Farming Zone states that before deciding on an application, in addition to the decision guidelines in Clause 55 the Responsible Authority must consider, as appropriate (as outlined in detail within the Planning Scheme):

#### **Decision Guidelines:**

##### **General Issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Planning response:

The proposed building and works is considered to meet the applicable decision guidelines as outlined above.

### **Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Planning response:

The proposed building and works is considered to meet the applicable decision guidelines with regard to agricultural considerations outlined above and does not require an integrated land management plan to be prepared for the site. The proposal provides for a more efficient continued operation of the abattoir which is part of the existing Luv-a-Duck enterprise.

### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- 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 the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Planning Response:

The proposed building and works is considered to:

- Not negatively impact on the natural physical features and resources of the area.
- Not negatively impact on the flora and fauna on the site and its surrounds as no native vegetation is proposed to be removed.
- Not negatively impact upon biodiversity of the area, inclusive of the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

- The proposed buildings and works does not include any additional on-site septic facilities.

**Design and siting issues:**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

**Planning Response:**

The proposed location of the building and works is considered to accord with the above decision guidelines, having regard to the siting, design, height, bulk, colours and materials to be used, with minimal impact on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposal will not adversely impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The applicable location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities supports the proposed buildings and works.

**Strategic, Statutory and Procedural Requirements:**

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

**Report to Council:**

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

**Processing Times:**

The application was received on 7 June 2018. The report is being presented to Council for approval at the meeting on 1 August 2018 (56 days). The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied in this instance.

**Conflict of Interest:**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development  
In providing this advice as the Author, I have no disclosable interests in this report.

**RECOMMENDATION:**

***That Council approves an application to construct a marshalling yard shelter on Lot 1 PS737805, 160 Rupps Rd Nhill, subject to the following conditions:***

**Endorsed Plans**

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

**Amenity**

- 2. The construction of the annexed marshalling yard shelter, must be managed so that the amenity of the area is not detrimentally affected through the:***
  - (a) Transport of materials, goods or commodities to or from the land;***
  - (b) Appearance of any buildings, works or materials;***
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;***
  - (d) Presence of vermin; or***
  - (e) In any other way.***
- 3. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
- 4. All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

**Engineering Conditions**

***The applicant shall:-***

- 5. Commence works only after an assessment by Council of the condition of Rupps Road.***
- 6. Notify Council of the conclusion of works to allow for an inspection by Council of Rupps Road***
- 7. Meet the cost of any repairs to Rupps Road which in the opinion of Council has been caused as a result of the works***

**Permit Lapse/Extension**

- 8. The development approved by this permit will expire if one of the following circumstances applies:***

- (a) Construction is not commenced within two years of the date of this permit.**
- (b) Construction is not completed within four years of the date of this permit.**

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

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

**Notes:**

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

*Attachments: 5 & 6*

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**10. REPORTS REQUIRING A DECISION**

**10.1 FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2018**

**Responsible Officer:** Director of Corporate and Community Services

**Attachment number:** 7

**Introduction:**

The Financial Report for the fourth quarter of 2017/18 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

**RECOMMENDATION:**

***That Council notes the Financial Report as presented.***

*Attachment: 7*

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**10.2 WIMMERA MALLEE PIONEER MUSEUM COMMITTEE OF MANAGEMENT -  
ALLOCATION OF FUNDS**

**Responsible Officer:** Director Corporate and Community Services

**Introduction:**

This report seeks support from Council to approve the allocation of funds from the Wimmera Mallee Pioneer Museum Committee of Management towards the purchase and supply of a ride on mower for the Museum.

In accordance to the limitations and conditions specified in the Schedule, item 6 of the Instrument of Delegation to the Wimmera Mallee Pioneer Museum Committee of Management dated 1 November 2017, the Wimmera Mallee Pioneer Museum Committee of Management seeks support from Council to enter into an agreement exceeding its limit of \$2,000.

**Discussion:**

At its meeting on 17 July 2018, the Wimmera Mallee Pioneer Museum Committee of Management unanimously agreed to proceed with the purchase of a Rover Ride on Mower.

The Wimmera Mallee Pioneer Museum Committee of Management received a quote from Dimboola Stockfeed and Produce to supply the Rover Ride on Mower for \$4,090.91 excl GST.

The Wimmera Mallee Pioneer Museum Committee of Management has sufficient funds to purchase the ride on mower.

**Link to Council Plan:**

- Strategic Objective 1.1: An actively engaged community.
- Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.
- Strategic Objective 2.1: Well-maintained physical assets and infrastructure to meet community and organisational needs.
- Strategic Objective 3.1: A strong rural economy and thriving towns.
- Strategic Objective 3.2: A thriving tourism industry.

**Financial Implications:**

There are no financial implications.

**Risk Management Implications:**

There are no risk management implications.

**Conflict of Interest:**

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

Author: Jeff Woodward, Tourism and Economic Development Officer

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

**Communications Strategy:**

The Wimmera Mallee Pioneer Museum Committee of Management will receive formal notification within 14 days of the Council meeting.

**Options:**

1. Council can approve the Wimmera Mallee Pioneer Museum Committee of Management request to allocate funds towards the purchase of the Rover Ride on Mower.
2. Council can decline the request and suggest to the Wimmera Mallee Pioneer Museum Committee of Management to identify another project where the funds can be allocated to.

**RECOMMENDATION:**

***That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$4,090.91 (excluding GST) towards the purchase of the Rover Ride on Mower.***

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**11. SPECIAL COMMITTEES**

**11.1 RAINBOW TOWN COMMITTEE**

**Responsible Officer:** Director Corporate and Community Services

**Attachment:** 8

**Introduction:**

The Rainbow Town Committee held its meeting on 26 June 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

**RECOMMENDATION:**

***That Council notes the minutes of the Rainbow Town Committee meeting held on 26 June 2018.***

*Attachment: 8*

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**12. LATE REPORTS**

No report

**13. OTHER BUSINESS**

**14. CONFIDENTIAL REPORTS**

In accordance with Section 89 (2) of the *Local Government Act 1989*, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

**RECOMMENDATION:**

***That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider.***

**14.1 *Supply of Bulk and Bowser Fuel and Variation to CEO Delegation***

**14.2 *Contract 2018/19-02 – Provision of Early Years Services 2019-2023***

**15. MEETING CLOSE**