

APPLICATION FOR PLANNING PERMIT 1561-2017

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	101020
Attachment:	Plans – Locality Plan (Sheet 1) dated 29/06/17 prepared by Graincorp, and proposed subdivision (boundary realignment) prepared by Price Merrett Consulting, Copy of Objections, Submission by Graincorp in response.
Applicant:	Tyson Fehring – Graincorp Pty Ltd
Owner:	GrainCorp Pty Ltd
Subject Land:	Lot 1 PS442525, 66 Belcher St Nhill
Proposal:	Use and development of the land (including works) in association with Rural Store – Grain Handling facility (Grain Storage bunkers x 5), and boundary realignment (subdivision) to contain the grain storage area.
Zoning & Overlays:	Farming Zone (FZ), Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value
Attachments:	Plans – Locality Plan (Sheet 1) dated 29/06/17 prepared by Graincorp, and proposed subdivision (boundary realignment) prepared by Price Merrett Consulting, Copy of Objections, Submission by Graincorp in response.

Summary:

This application is for Use and Development of Land (including Buildings and Works) in association with Rural Store, for the construction of a grain handling facility, and boundary realignment to contain the grain storage area. The proposed boundary realignment proposes to increase the size of Lot 1 PS442525 from 12.14ha to 30.50 ha, whilst reducing the size of Lot 2 PS442525 from 148.9 ha to 130.5 ha. This proposal intends to create 5 x additional grain storage areas to the east of proposed Lot 1.

Under the provisions of the Hindmarsh Planning Scheme, the proposal accords with the definition of a “Rural Store,” being:-

“Land used to store unprocessed agricultural produce, or products used in agriculture”.

No buildings are proposed as a part of this application, with works proposed being associated with the construction of the bunker storage areas.

Previous approved planning permits include:

- Permit No. 732/01 – 21 September 2001 – Development of Grain Storage facilities including bunkers, weighbridge, sampling stand, associated road works, drainage and retarding dam.
- Permit No. 1231/2009 – 11 November 2009 – Grain Storage increase to a total of 135,000 tonnes.

Permit1557-2017 for the construction of associated grain loading and silo facilities was approved on the 25 October 2017.

Proposal Details:

The proposal in detail involves the construction of 5 x grain storage bunkers – approximately 40m x 120m in length oriented in an east-west direction, to the east of the existing site offices and existing bunkers.

The proposed boundary realignment (subdivision) proposes to increase the size of Lot 1 PS442525 from 12.14ha to 30.50 ha, whilst reducing the size of Lot 2 PS442525 from 148.9 ha to 130.5 ha. This proposal intends to create 5 x additional grain storage areas to the east of proposed Lot 1.

(Refer Attachments / see below)



Picture 1:
Shows location of the Environmental Significance Overlay Schedule 6. The ESO 6 does not impact upon the area of works, therefore referral to the WCMA is not required.



Picture 2:
Aerial Photograph of subject site

Planning Assessment:

Permit Requirement: -

Use:

A planning permit is required pursuant to Clause 35.07-1 of the Farming Zone to use the land for a Rural Store. A 'Rural Store' is a Section 2 Use, if the conditions for 'Rural Store' under Section 1 Uses cannot be met.

Development:

A planning permit is required pursuant to Clause 35.07-4 for buildings or works associated with a use in Section 2 of Clause 35.07-1 under the provisions of the Hindmarsh Planning Scheme.

Planning Scheme Requirements

State Planning Policy Framework

Clause 11 – Settlement

Clause 11.07 – Regional Victoria

Clause 11.15 – Wimmera Southern Mallee

Clause 13 – Environmental Risks

Clause 17 – Economic Development

Clause 18 - Transport

Clause 19 - Infrastructure

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Clause 22.01 – Western Highway

Zoning Provisions

Clause 35.07 – Farming Zone (FZ)

Overlay Provisions

Clause 42.01 - Environmental Significance Overlay Schedule 6 – Catchments of Wetlands of Conservation Value (ESO6)

Particular Provisions

Clause 5

General Provisions

Clause 65 – Decision Guidelines

Clause 66 - Referral and Notice Provisions

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 65, the responsible authority must consider, as appropriate (as outlined in detail within the planning scheme):

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.

The land is considered suitable for the proposal, and generally accords with the overall intent of the Farming Zone. The proposed grain bunkers are additional to the existing bunkers, and the overall development accords with adjoining and nearby land uses.

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.

The proposal also considers Environmental and Design & Siting Issues, and an assessment against these issues has determined that the proposal will have no detrimental impact. The proposed boundary realignment will serve to further agricultural uses on the balance of the land (cropping), with the proposed grain storage area increasing grain storage and transfer from the area.

35.07-3 Subdivision (FZ) states that a permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

The proposed boundary realignment complies.

General Provisions – Decision Guidelines

Clause 65.01 of the Hindmarsh Planning Scheme requires that 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 relevant matters set out in s60 of the Act are:

(1) Before deciding on an application, the responsible authority must consider—

- a) the relevant planning scheme; and
- b) the objectives of planning in Victoria; and
- c) all objections and other submissions which it has received and which have not been withdrawn; and
- d) any decision and comments of a referral authority which it has received; and
- e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
- f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

It is considered that this proposal will produce acceptable outcomes, having regard to the decision guidelines as listed above.

Notification & Referral of Application:

Pursuant to Sections 52 (1)(a), (b) and (d) of the Planning and Environment Act 1987 (the Act), notice of the application must be given to the community and affected authorities, unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.

Notification was undertaken by way of letter to adjoining landowners, placing signs on the land, and an advertisement in the Nhill Free Press. 13 objections were received, summarised as follows (and addressed by the Coordinator Planning and Development):-

Summary of Objections:

Objection	Response
Impacts of dust, noise and rodents	These matters can be conditioned.
Impacts upon natural features / views / fauna	Views are not a relevant planning consideration. Impacts upon fauna can be mitigated through an appropriate condition relating to construction management.
Halting expansion of dwellings in the area	The proposal in its amended form will not detrimentally impact on dwellings within the area. The Farming Zone is not intended for residences, and the adjoining Rural Living Zone will not be significantly impacted by the proposal in its current form.
Health impacts – mental and physical	Conditions are to be applied addressing noise, dust, light pollution, chemical spray etc.
Effects of proposal on rainwater quality and stormwater	To be conditioned
Lack of Consultation	The applicant has advertised the proposal in its various forms twice, with appropriate signage placed on the land, neighbour consultation and an advertisement in the Nhill Free Press. The amended proposal was advertised for the minimum period of fourteen (14) days, with no objections received.
Land could be used for Rural Living purposes	The land is appropriately zoned as Farming, with an adequate supply of Rural Living zoned land within the Shire.
Truck traffic / pedestrian safety	Appropriate engineering conditions are to be applied to address this matter.
Proposal better suited to eastern sector of existing facility	Amended plans were lodged to address this matter, and subsequently advertised, with no objection received as stated.
Effects of proposal on property values	Not a relevant planning consideration

Pursuant to Section 55 of the Planning and Environment Act 1987 (the Act), the application must be referred to stipulated authorities. This was not required (refer Clause 66 of the Planning Scheme).

Authorities:

Not required.

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 Town Planner 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 the 10 July 2017. The report is being presented to the Council meeting of 15 November 2017, giving a processing time of 129 days. The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied, due to amended plans lodged under Section 72 of the Act, further information requested, and re-advertising.

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 – Shane Power, 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 the use and development of the land (including buildings and works) in association with Rural Store – Grain Handling facility (Grain Storage bunkers), and boundary realignment (subdivision) subject to the following conditions:

Endorsed Plans

(1) The development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.

Landscaping

(2) 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 be generally in accordance with plans submitted except that the plan must show:

- a) Details of surface finishes of pathways and driveways;***
- 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;***
- d) Detail of site and soil preparation including mulching and maintenance;***
- e) All species selected must be to the satisfaction of the Responsible Authority.***

Subdivision - Amended plans required

(3) Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:

- a) all bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.**
- b) other information relevant to the development of the land such as dams, wells, filled land, land subject to inundation, etc.**

Amenity

(4) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land;**
- b) Appearance of any building, works or materials;**
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- d) Presence of vermin; or**
- e) In any other way.**

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

(6) All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.

(7) Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

General

(8) During the construction phase of the development, the following conditions shall be met:

- a) Only clean rainwater shall be discharged to the stormwater drainage system;**
- b) Stormwater drainage system protection measures shall be installed as**
- c) Required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;**
- d) Vehicle borne materials shall not accumulate on the roads abutting the site;**
- e) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;**
- f) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly.**

- (9) All chemicals, pesticides and fungicides are to be used on site, in accordance with Occupational Health and Safety Standards. The use of chemicals must be conducted so that it has minimum impact on the amenity of the immediate area by reason smell, fumes, smoke, waste water, waste products, or otherwise.**

Car Parking/Access

- (10) Carparking must be provided internally within the site for maintenance vehicles.**

Engineering

- (11) Access to the site and ancillary road works must be constructed in accordance with the requirements of the Responsible Authority.**

- (12) The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.**

Environmental Health

- (13) If the Responsible Authority is not satisfied that the approved development has mitigated unreasonable noise impacts, it may require the owner to carry out a noise assessment by an acoustic consultant by a specified date. If the assessment shows that further specified measures are required to ensure compliance with the EPA Guideline "Noise from Industry in Regional Victoria" (October 2011), additional suitable procedures for suppression must be developed and implemented to the satisfaction of the Responsible Authority.**

Time Limit (Use and Development)

- (14) The development approved by this permit will expire if one of the following circumstances applies:**

- a) The development and use is not started within two years of the date of this permit.**
- b) The development is not completed within four years of the date of this permit.**

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.**

Time Limit – Subdivision

- (15) This permit will expire if:**

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or**
- b) the registration of the subdivision is not completed within 5 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 is not a Building Permit. Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.***
- (2) Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.***
- (3) Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 9249 4430).***
- (4) A copy of this permit and the endorsed plans must be provided to all builders and contractors who are to work on the site so that they are aware of the conditions to which this approval is subject.***

Attach.