



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 19 DECEMBER 2018 AT THE COUNCIL CHAMBERS, 92 NELSON STREET
NHILL COMMENCING AT 3:00PM.**

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. Activity Reports

8. Correspondence

9. Assembly of Councillors

9.1 Record of Assembly

10. Planning Permit Reports

10.1 Application for Planning Permit 1602-2018 – 291 Yanac-Netherby Rd, Yanac

- 10.2 Application for Planning Permit 1604-2018 – CA24E Parish Werrap (1 Kruger Rd Rainbow)
- 10.3 Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill
- 10.3.1 Supplementary Report: Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill

11. Reports Requiring a Decision

- 11.1 Tidy Town Awards

12. Special Committees

No report

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

- 15.1 2019 Hindmarsh Shire Youth Council
- 15.2 Demolition and Clean Up Of Derelict Building
- 15.3 Australia Day Awards 2019
- 15.5 Antwerp Woorak Road Deviation
- 15.6 Late Report: Contract Award 2018-2019/07 Provision of Plant, Labour and Equipment
- 15.4 Chief Executive Officer Appraisal 2017/18

16. Other Business (Confidential)

- 16.1 Funding for the Building Better Regions application for the Wimmera River Discovery Trail

17. Meeting Close

Present:

Crs R Ismay (Mayor), R Lowe (Deputy Mayor), R Gersch, D Nelson, T Schneider, D Colbert

Apologies:

In Attendance:

Mr Greg Wood (Chief Executive Officer) (Items 1 – 15.3, 15.5, 15.6), Ms Monica Revell (Director Corporate and Community Services) (Items 1 – 15.3, 15.5, 15.6), Mr Shane Power (Director Infrastructure Services) (Items 1 – 15.3, 15.5, 15.6, 16, 17), Ms Sarah Dickinson (Executive Assistant) (Items 1 – 15.3, 15.5, 15.6), Ms Janette Fritsch (Manager Strategic Assets and Planning) (Items 1 – 10.3.1), Mr Andre Dalton (Coordinator Planning and Development) (Items 1 – 10.3.1)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

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

2. APOLOGIES

No apologies.

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 5 December 2018 at the Council Chambers Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/R Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 5 December 2018 at the Council Chambers Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

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.

5. PUBLIC QUESTION TIME

Ms Wendy Bywaters addressed the Councillors and staff with four questions.

1. Confidential item 15.5 Antwerp Woorak Road deviation, my partner as an owner of the land in that area was initially involved in proposals for the changes to the road, we have not continued to be informed with what was happening to the road. Is there any information you can tell me on this matter?
2. Displaying of the national flags at either end of our town, would this be reconsidered? There have been no flags flying for some time now. Karen Community asked if they could fly their flag on Karen New Year and were declined last year. Would this be reconsidered?
3. Fence at Jaypex Park, what does it look like?
4. Tourism letter that Ms Bywaters wrote to Mayor and Councillors, no response has been received?

Mr Power responded to question 1 by explaining that the preferred option now being considered does not impact on her partner's property.

Mr Wood responded to question 2 by explaining that the flags are expensive and being out in the weather require regular replacement or maintenance, it is also costly in time and availability of staff to put up, adjust or take down the flags and is why Council has currently chosen not to endure these costs. The Karen were advised that their flag is not a nationally recognised flag in Australia and not appropriate to be flown at Council offices. They were advised that they could display a Karen flag at the flag pole at the Community Centre instead where the Karen New Year event was being held, but they chose not to do that.

Mr Wood responded to question 3 by explaining Council are having a landscaping plan drawn up since having been advised of funding received, this would include design of the

fence.

Mr Wood responded to question 4 by advising that a response letter was sent by himself on behalf of the Council which includes the Mayor and Councillors.

Mr Roger Dahlenburg spoke to item 10.3 Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill and item 10.3.1 Supplementary Report: Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill raising concerns about the safety and effective operation of his business that would be affected by the changes to this permit.

Mr Wes Dean spoke to item 10.3 Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill and item 10.3.1 Supplementary Report: Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill raising concern for the safety of transporting livestock, higher maintenance repairs required to the road and effect on other surrounding roads. Mr Dean also claimed it was an issue not being able to access the altered permit documents to be able to properly review and consider the changes.

Ms Marlene Dahlenburg spoke to item 10.3 Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill and item 10.3.1 Supplementary Report: Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill with a number of questions in relation to the alterations to the permit and the clauses that allow these changes.

Mr Angus McGuckian spoke to item 10.3 Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill and item 10.3.1 Supplementary Report: Application for Amendment to Planning Permit 39-1999 – 142 Drapers Road, Nhill and addressed the questions and concerns raised by other members of the public.

Cr D Colbert left the room at 4:03pm and returned at 4:06pm.

6. DEPUTATIONS

No deputations.

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: NOVEMBER 2018

Cr ISMAY, MAYOR

Attended:

03/11/2018 Ross Lake Tour with CMA
05/11/2018 Meeting with VORRA, 2019 events
06/11/2018 EI Disaster event Rainbow
07/11/2018 Special Council Meeting Nhill
07/11/2018 Statutory pre meeting Nhill
07/11/2018 Statutory Meeting
09/11/2018 G.Meek Funeral Nhill
12/11/2018 Jeparit town committee meeting
13/11/2018 WMSA meeting Horsham
13/11/2018 Weather Radar Announcement Horsham
14/11/2018 GWM Reservoir inspection with Simon Landrigan Rainbow
14/11/2018 WWHS AGM Nhill
15/11/2018 New Residents BBQ Rainbow
16/11/2018 RFA meeting Melbourne
19/11/2018 Jeparit town committee Xmas breakup Dimboola
20/11/2018 WMT meeting Charlton
21/11/2018 Mayor/CEO discussion Nhill
21/11/2018 Briefing and Council meeting Nhill
24/11/2018 Nhill Aviation 10th Anniversary
24/11/2018 Vorra meeting
26/11/2018 Meet with Planning/Tourism Officers Rainbow
26/11/2018 Rainbow Town Committee meeting
29/11/2018 NWM Annual Dinner
30/11/2018 NWM Annual conference

Cr LOWE, DEPUTY MAYOR

Attended:

02/11/2018 Kim Gibson's Art Exhibition, Nhill
07/11/2018 Special Council, Caucus, Statutory Meetings, Nhill
13/11/2018 Weather radar release
15/11/2018 New Residents Welcoming BBQ, Rainbow
20/11/2018 Wimmera Mallee Pioneer Museum Meeting, Jeparit
21/11/2018 Council Briefing, Meeting, Nhill
28/11/2018 AGM, Rainbow Civic Centre, Mecca, Rainbow
30/11/2018 Funeral John Dart, Yanac

Cr GERSCH

Attended:

07/11/2018 Council meeting

09/11/2018 Rural Councils Victoria board meeting
13/11/2018 Weather radar release
13/11/2018 WDA Board meeting
14/11/2018 WWHS Annual meeting
19/11/2018 Nhill Sporting Club AGM
21/11/2018 Meeting with Dr Asif re Visa and registration
21/11/2018 Council meeting
24/11/2018 Nhill Aviation open day
29/11/2018 NWMA dinner and meeting
30/11/2018 NWMA Forum

Cr COLBERT

Attended:

07/11/2018 Special Council Meeting Nhill
07/11/2018 Statutory pre meeting Nhill
07/11/2018 Statutory Meeting
21/11/2018 Briefing and Council meeting Nhill

Cr NELSON

Attended:

01/11/2018 West Wimmera CWA 90th Birthday celebration, Dimboola
03/11/2018 Barefoot Ski Competition, Dimboola
05/11/2018 Dimboola Town Committee Meeting, Dimboola
07/11/2018 Special Council Meeting, Nhill
07/11/2018 Annual Statutory meeting, Nhill
10/11/2018 Rowing Regatta, Dimboola
11/11/2018 End of WW1 Commemoration Service, Dimboola
11/11/2018 End of WW1 Commemoration Service, Antwerp
13/11/2018 WDA AGM, Horsham
17/11/2018 Dimboola Fishing Classic, Dimboola
19/11/2018 Wimmera Southern Mallee LLEN finance meeting, Horsham
21/11/2018 Briefing meeting, Nhill
21/11/2018 Council Meeting, Nhill
23/11/2018 DMSC Year 12 Graduation, Dimboola
28/11/2018 Wimmera River Stakeholders meeting, Dimboola
29/11/2018 Wimmera Southern Mallee LLEN COM meeting and dinner, Horsham

Cr SCHNEIDER

Attended:

05/11/2018 Dimboola Town Committee meeting
07/11/2018 Special Council meeting and Assembly of Councillors, Nhill
07/11/2018 Annual Statutory Meeting of Council, Nhill
11/11/2018 Remembrance Day commemoration and lunch, Dimboola
19/11/2018 Dimboola Memorial Secondary College School Council meeting,
Dimboola

21/11/2018 Council meeting and Briefing session, Nhill

SENIOR MANAGEMENT ACTIVITIES: NOVEMBER 2018

GREG WOOD, Chief Executive Officer:

Attended:

02/11/2018 Cinema volunteer, Nhill
03/11/2018 Barefoot ski competition, Dimboola
07/11/2018 Special Council Meeting, Nhill
07/11/2018 Councillor briefing, Nhill
07/11/2018 Annual Statutory Council Meeting, Nhill
08/11/2018 MAV CEO Forum, Melbourne
09/11/2018 RCTP Meeting with CEOs, Melbourne
13/11/2018 WDA Meeting, Horsham
14/11/2018 DELWP/Local Government Strategic Issues Forum, Stawell
14/11/2018 WWHS AGM, Nhill
15/11/2018 Rainbow new resident welcome, Rainbow
16/11/2018 Cinema volunteer, Nhill
20/11/2018 Meeting with Maurice Billi, Labor Candidate Lowan, Nhill
21/11/2018 Meeting with Roly Paterson (Ace Radio)
21/11/2018 Mayor/CEO Meeting, Nhill
21/11/2018 Councillor briefing, Nhill
21/11/2018 Council meeting Nhill
27/11/2018 Meeting with Sport and Recreation Victoria, Nhill
30/11/2018 Wimmera River Challenge Day, Goolum Goolum
30/11/2018 Bairnsdale Secondary College Band performance matinee, Nhill
30/11/2018 Bairnsdale Secondary College Band evening performance, Nhill

SHANE POWER, Director Infrastructure Services:

Attended:

02/11/2018 Wimmera Southern Mallee Regional Transport Group Meeting, Horsham
05/11/2018 Dimboola Town Committee Meeting, Dimboola
07/11/2018 Open Session Tender Briefing – Plant Hire Contract, Nhill
07/11/2018 Special Council Meeting, Nhill
07/11/2018 Annual Statutory Meeting, Nhill
08/11/2018 Kiata Wind Farm Emergency Information Session, Nhill
09/11/2018 MAV, Melbourne
13/11/2018 Wimmera Southern Mallee Regional Profile Workshop with Infrastructure Victoria, Horsham
15/11/2018 Hindmarsh Shire Council-Municipal Emergency Management Planning Committee, Nhill
20/11/2018 Project Control Group Meeting - Local Government Purchasing Power Agreement Project (teleconference)
20/11/2018 Senior Management Team meeting, Nhill

21/11/2018 Briefing and Council Meeting, Nhill
23/11/2018 MAV, Melbourne
28/11/2018 Wimmera River Dimboola Stakeholders Advisory Group Meeting,
Dimboola
30/11/2018 Wimmera River Challenge Day 2018, Goolum Goolum

MONICA REVELL, Director Corporate and Community Services:

Attended:

07/11/2018 Family Violence Event Planning Meeting
08/11/2018 HACC Standards workshop
08/11/2018 HACC All team staff meeting
08/11/2018 Keep Victoria Beautiful teleconference
14/11/2018 LGPro Engagement suffering from usual suspects webinar
14/11/2018 Meeting with Nhill Learning Centre
15/11/2018 Hindmarsh MEMPC Meeting
19/11/2018 Family Violence Event Planning Meeting
20/11/2018 Senior Management Team Meeting
20/11/2018 Teleconference Northern Grampians
21/11/2018 Council Briefing, Nhill
21/11/2018 Council Meeting, Nhill
23/11/2018 Horsham ICC Walkthrough
27/11/2018 Senior Management Team Meeting
28/11/2018 Family Violence Event Planning Meeting
28/11/2018 Interviews, Nhill
30/11/2018 Bairnsdale Secondary College Band performance, Nhill

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

No correspondence.

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The attached Assembly of Councillors Record is 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.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Record as presented.

MOVED: Crs R Lowe/T Schneider

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 2

10. PLANNING PERMITS

10.1 APPLICATION FOR PLANNING PERMIT 1602-2018 – 291 YANAC-NETHERBY RD, YANAC

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	168820
Applicant:	Alex Schmidt c/- Hotondo Homes
Owner:	John & Michael Dart
Subject Land:	CA 107 Psh Yanac-a-Yanac (291 Yanac-Netherby Rd Yanac)
Proposal:	Building and works for the construction of a replacement dwelling
Zoning & Overlays:	Farming Zone (FZ) No Overlays
Attachments:	3 - Site plans and Elevations

Summary:

This report recommends that Council approves planning permit 1602-2018 for the construction of a replacement dwelling located at 291 Yanac-Netherby Rd Yanac.

Background:

The proposal seeks a permit for buildings and works to construct a replacement dwelling on land 273.25 ha in area.

Proposal Details:

The proposal is to construct a brick veneer single story dwelling to replace an existing farm dwelling on the land.

The dwelling is to be constructed of modern materials including brick and Colorbond roofing. The proposed materials and colour palette are not considered to have any adverse impact on the landscape or to that of neighbouring properties, given the proximity of the dwelling to any adjoining neighbours. The nearest dwelling to this proposal is 1.36 kilometres to the north east.

Requirement for Permit:

A Planning permit is triggered for this application pursuant to Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with the construction of a dwelling. As a dwelling already exists on the land a replacement dwelling is classified as a Section 2 use under the provisions of the Farming Zone, and therefore a VicSmart process could not be applied in this instance.

It is proposed to condition the permit requiring the owner to appropriately decommission (demolish) the existing dwelling within three months of the owner receiving an Occupancy Permit as per the Building Regulations 2018 for the new dwelling.

Subject site & locality:

The subject site is known as 291 Yanac–Netherby Rd Yanac, and is currently used for agriculture, comprising multiple farm buildings / shedding. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

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:

- The permit is to be conditioned as such that the existing dwelling will be removed and therefore the proposal will not result in any net increase in dwelling density;
- The proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposed dwelling will not adversely impact upon the landscape and general amenity of the area;
- The proposed dwelling 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: Not required

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 a dwelling.

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 - Settlement

Clause 11.01 - Victoria

Clause 11.01-1R Settlement - Wimmera Southern Mallee

Clause 13.02 - Bushfire

Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 35.07 Farming Zone

Overlay Provisions

None

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.

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:

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

It is considered the proposed replacement dwelling meets these requirements subject to appropriate conditions being applied to the permit.

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.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Planning response:

The proposed building and works is considered to comply with the dwelling issues and considerations as listed above. The proposed dwelling does:

- Not result in the loss or fragmentation of productive agricultural land as the permit will be conditioned to have the existing dwelling removed within three months of the owner having received Occupancy Permit as per the Building Regulations 2018 for the new dwelling.
- Not adversely affect agricultural activities on adjacent and nearby land.
- Not adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- Not lead to a concentration or proliferation of dwellings in the area and does not negatively impact on the use of the land for agriculture.

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 location of the on-site effluent disposal area minimises the impact of nutrient loads on waterways and native vegetation.

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 dwelling 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.

The proposed dwelling is serviced by Yanac – Netherby Road. The permit however will require the owner to provide a vehicle crossing to the satisfaction of the Responsible Authority.

This planning application is for buildings and works for a replacement dwelling on a parcel of land over 40 hectares in area, which is an 'as of right use' in the Farming Zone, and is a Section 2 Use in this instance, as there is an existing dwelling on the land .

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 31 October 2018. The report is being presented to Council at its meeting on 19 December 2018 (50 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 – 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 an application to construct a replacement dwelling on CA107 Psh Yanac-a-Yanac, 291 Yanac–Netherby Road Yanac, 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 dwelling 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, stream, 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.*

General

5. *The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*

Engineering

6. *A vehicle crossing must be provided to the satisfaction of the Responsible Authority.*

Environmental Health

7. *The wastewater from the dwelling must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

Decommissioning of Existing Dwelling

8. *The existing dwelling on the subject land must be appropriately decommissioned (demolished and removed) to the satisfaction of the Responsible Authority within three (3) months of an Occupancy Certificate being issued for the new dwelling.*

Permit Lapse/Extension

9. *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) Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit.**
- (3) 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.**

MOVED: Crs R Gersch/R Lowe

That Council approves an application to construct a replacement dwelling on CA107 Psh Yanac-a-Yanac, 291 Yanac–Netherby Road Yanac, 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 dwelling 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, stream, 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.**

General

5. *The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*

Engineering

6. *A vehicle crossing must be provided to the satisfaction of the Responsible Authority.*

Environmental Health

7. *The wastewater from the dwelling must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

Decommissioning of Existing Dwelling

8. *The existing dwelling on the subject land must be appropriately decommissioned (demolished and removed) to the satisfaction of the Responsible Authority within three (3) months of an Occupancy Certificate being issued for the new dwelling.*

Permit Lapse/Extension

9. *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) *Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit.*

- (3) ***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.***

CARRIED

Attachment 3

**10.2 APPLICATION FOR PLANNING PERMIT 1604-2018 – CA24E PARISH
WERRAP (1 KRUGER ROAD RAINBOW)**

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 8500
Applicant: Josh Perryman c/- Swanbuild Homes
Owner: Neville & Nola Sleep
Subject Land: CA24E Psh Werrap (1 Kruger Rd Rainbow)
Proposal: Construction of a dwelling

Zoning & Overlays: Public Parks and Recreation Zone (PPRZ)
No Overlays

Attachments: 4 - Site plans and elevations

Summary:

This report recommends that Council approves planning permit 1604-2018 for the construction of a dwelling and shed, located at 1 Kruger Rd Rainbow.

Background:

The proposal seeks a permit for buildings and works to construct a dwelling and shed on land 9053m² in area.

Proposal Details:

The proposal is to construct a brick veneer single story dwelling to replace an existing farm dwelling on the land.

The dwelling is to be constructed of modern materials including brick and Colorbond roofing. The proposed materials and colour palette are not considered to have any adverse impact on the landscape or to that of neighbouring properties, given the proximity of the dwelling to any adjoining neighbours.

Requirement for Permit:

A Planning permit is triggered for this application pursuant to Clause 36.02-2 of the Public Parks and Recreation Zone (PPRZ) which states “A permit is required to construct a building or construct or carry out works”.

Subject site & locality:

The subject site is known as 1 Kruger Road Rainbow, and is currently occupied by a shed. The property (and surrounds) has been extensively cleared with little established vegetation remaining. The surrounding properties contain dwellings. The Rainbow Council depot is approximately 210 metres to the north east, and the Rainbow water treatment facility exists to the immediate west.

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

(2) Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—

- (b) 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 reason:

- The proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposed dwelling will not adversely impact upon the landscape and general amenity of 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: Not required

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 36.02-2 of the Public Parks and Recreation Zone of the Hindmarsh Planning Scheme for Buildings and Works associated with the construction of a dwelling.

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 – Settlement

Clause 11.01 –Victoria

Clause 15.01 – Built Environment

Clause 16 – Housing

Clause 16.01 – Residential Development

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 36.02 - Public Park and Recreation Zone

Overlay Provisions

None

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:

Clause 36.02-5 of the Public Parks and Recreation Zone - Decision guidelines states that before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Planning Response:

The proposed location of the dwelling 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 land is not seweraged, therefore a Land Capability Assessment will be required to demonstrate the land is capable of containing effluent generated from the 3 bedroom dwelling.

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 22 November 2018. The report is being presented to Council at its meeting on 19 December 2018 (27 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 – 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 an application to construct a dwelling and shed on CA24E Psh Werrap (1 Kruger Rd Rainbow), 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 dwelling 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, stream, 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.*

General

5. *The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*

Engineering

6. *A vehicle crossing must be constructed to the satisfaction of the Responsible Authority.*

Environmental Health

7. *The applicant is to provide a Land Capability Assessment demonstrating the land can contain effluent generated by the proposed development, in accordance with the EPA Code of Practice for Onsite Wastewater Management under the Environment Protection Act 1970, prior to the commencement of construction.*
8. *The wastewater from the dwelling must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

Permit Lapse/Extension

9. *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:

- (c) *Within six months afterwards for commencement, or*
- (d) *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) Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit.**
- (3) An Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) within 14 days of the date of this permit.**
- (4) 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.**

MOVED: Crs R Lowe/D Colbert

That Council approves an application to construct a dwelling and shed on CA24E Psh Werrap (1 Kruger Rd Rainbow), 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 dwelling 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.**

General

5. *The dwelling must be connected to a potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*

Engineering

6. *A vehicle crossing must be constructed to the satisfaction of the Responsible Authority.*

Environmental Health

7. *The applicant is to provide a Land Capability Assessment demonstrating the land can contain effluent generated by the proposed development, in accordance with the EPA Code of Practice for Onsite Wastewater Management under the Environment Protection Act 1970, prior to the commencement of construction.*
8. *The wastewater from the dwelling must be connected to an approved septic system and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

Permit Lapse/Extension

9. *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:

- (c) *Within six months afterwards for commencement, or*
- (d) *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) *Approval must be obtained from Council's Engineering Department (Phone: 03 5391 4444) for the construction or alteration of any vehicle crossings within 14 days of the date of this permit.*

- (3) *An Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 03 5391 4444) within 14 days of the date of this permit.***
- (4) *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.***

CARRIED

Attachment: 4

**10.3 APPLICATION FOR AMENDMENT TO PLANNING PERMIT 39-1999 – 142
DRAPERS ROAD, NHILL**

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 200136
Applicant: Mr Angus McGuckian, Journeyman Planning
Owner: Rosina Fine Foods Pty Ltd (Luv-a-Duck Pty Ltd)
Subject Land: Lot 1 PS432916, 142 Drapers Road, Nhill
Proposal: Use and Construction of Poultry Farm (Duck Farm)
Zoning & Overlays: Farming Zone (FZ)
Bushfire Management Overlay (BMO)

Attachments: Attachment 5 – Site Plans and Elevations
Attachment 6 – Objections
Attachment 7 – Response to Objections

Summary:

This report recommends that Council issues a Notice of Decision (NOD) to approve an amendment to planning permit 39-1999 by:

1. Amending the preamble of the permit to “Use and construction of Poultry Farm (Duck Farm)”;
2. Amending Condition 6 to allow for 24,000 ducks and to insert secondary consent provision; and
3. Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works to the existing Luv-a-Duck facility located at 142 Drapers Road, Nhill.

Background:

Planning permit 39/1999 was granted for the subject site by the Hindmarsh Shire Council on 18 August 1999 for “Construction of Duck Sheds to house approximately 6,000 Ducks Breeder/Developer”. This permit allowed for the construction of duck sheds, however contains specific use conditions in conditions 5 and 6 which state:

“Condition 5. The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the responsible authority”.

“Condition 6. The number of ducks housed at the facility shall not exceed 12,000, without application for a further Planning Permit”.

The recommendation of the minutes from the 18 August 1999 Council meeting was “That Council grant a Planning Permit to Luv-A-Duck Pty Ltd for the establishment of a Duck Breeder/Developer facility in Drapers Road, Winiam, subject to conditions. This planning permit is considered to grant permission for the “use” of the site.

A further planning permit, 1233/2009, was granted for “The extension of the existing rearing sheds by 3 bays, equalling 13.5m in total for each shed” in November 2009.

Planning Permit 1591/2018 was granted on 7 June 2018 for the construction of a replacement dwelling at the subject site.

Proposal Details:

The proposal is to upgrade the farm to increase the overall capacity to 24,000 ducks by expanding the current sheds, modernising the internal facilities and to improve the office and amenities. The components of the proposal are described in more detail as follows.

Shed works

The initial development of the site made provision for the future expansion of the farm as the sheds were set out in a predetermined alignment with the distance between the existing sheds being equal to that of one existing shed, thereby allowing for the sheds to be joined together. It is proposed to complete this final stage of the development and also upgrade the sheds as follows:

- Construct new shed additions to join the current sheds, taking the number of sheds from 6 smaller sheds to 3 large sheds of 2,446m² each;
- Replace old roofing to existing sheds to match the new roofing with zinc ‘econo clad’ to an overall height of 5.6 metres;
- Shed walls, control rooms, and roller doors facing Drapers Road, and roof trims and blinds will all be coloured ‘Caulfield Green’ while the roof will be retained as zinc alum to manage the temperature and growing environment;
- Concrete new floor section between existing sheds and provide rat walls to 1m;
- New 5 x 3 metre control rooms to north end of each shed;
- New large roller doors to north and south ends of each shed;
- Replace old silos with six new, larger silos on concrete base slabs adjacent to the sheds;
- New bird proofing;
- New brood end curtains; and
- Provision of two 144,000L fire services tanks to meet building requirements.

In addition to increasing the size of the sheds it is also proposed to completely modernise the internal fit out of the sheds with internal upgrades to the sheds to consist of:

- Automatic control through installation of control panel to winches to the drinkers, fans and curtains.
- New drinker lines in improved locations which will improve conditions with litter and availability to water for the ducks;

- Six new spin feeders per shed to allow even feeding and to accommodate increased capacity;
- Remove internal litter shed and entrance shed;
- Upgrade fogger system for expansion to regulate temperatures;
- Alarm controller systems in all sheds to current standards; and
- Feed for the ducks is currently stored in a number of silos dispersed around the site at the end of the sheds and it is proposed to consolidate these into six new, larger silos located adjacent to each shed.

Increases in use

It is not proposed as a result of this application to change how the current farm operates or the purpose of the farm. It is noted that the use of the site for a duck farm was approved by Hindmarsh Shire Council under planning permit 39/1999, despite the permit not making this explicitly clear. For this reason the site is considered to have established existing use rights pursuant to Clause 63.01 of the scheme as a planning permit for the use of the site has been granted and the use commenced before the permit expired. Additionally, the use has been operating continuously in excess of 15 years. As such a planning permit is not required for the use of the site.

It is proposed however to modify the current use permission and increase the capacity of the farm from the current 12,000 ducks to a total of 24,000 ducks. As such, it is expected that deliveries to and from the site will increase as more ducks on site necessitates a greater frequency of deliveries of ducks, litter, feed and gas to run the farm but also for the need to remove more waste litter from the site.

The farm is currently staffed by two full time employees (which includes the onsite manager) and employs casual/part time employees as needed depending on production cycles. The increase in the ducks on site will not require any increase in staff numbers.

Trucks and vehicles will access the site from Winiam East Road via L Creek Road and Drapers Road. The increase in the ducks on site to 24,000 is expected to roughly double deliveries and removals from the site. It is anticipated that the traffic movements into and out of the site will be as follows:

- 4 x B Double Feed Trucks per month
- 8 x B Double trucks of Litter Shavings per month
- 2 x Gas tanker loads every 7 weeks
- 2 x Medium delivery trucks of ducks every 7 weeks
- 4 x single trailer trucks removing ducks every 7 weeks
- 50-60 litter removal trucks every 7 weeks, generally over a 2-3 day period.

Further to this, as stated by the applicant:

“Averaged over a month, the expected traffic movements are around 1-2 trucks per day. It should be noted that the above estimates do not include the movements attributable to staff or the farm manager using the road for domestic purposes. Further, it is noted however that deliveries to the site will not be spread out in this fashion, rather will occur in bouts of intensity and that the increase in traffic will be gradual as the increase in production on site grows annually to the new proposed cap.

The most intense period of traffic movements is when flocks of ducks are removed from the site and the waste litter is removed from sheds. This occurs rapidly over 2-3 days and the short term increase in traffic is considered to be acceptable and will not result in detrimental impacts on the condition of Drapers Road and L Creek Road”.

Appropriate conditions to address traffic impacts can be applied to any permit granted, as applied to any Notice of Decision issued.

Requirement for Permit:

A planning permit is triggered, pursuant to Clause 35.07-1 – Farming Zone of the Hindmarsh Planning Scheme for Use of the land (including Buildings and Works associated with ‘Poultry farm’) as a Section 2 Use, if the poultry farm exceeds the following parameters:

- Must be no more than 100 poultry (not including emus or ostriches).
- Must be no more than 10 emus and ostriches.

A planning permit is required under Clause 35.07-4– Farming Zone of the Hindmarsh Planning Scheme for Buildings and works associated with a use in Section 2 of Clause 35.07-1.

Definitions:

Clause 73.03 of the Planning Scheme defines land uses. The proposal is defined as a ‘poultry farm’, being “land used to keep or breed poultry”.

Restrictive Covenant or Section 173 Agreement:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

Cultural Heritage Management Plan (CHMP):

The construction of a shed on this site is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007, as the Aboriginal Cultural Heritage Overlay does not affect the area of proposed buildings and works.

Subject site & locality:

The subject site is known as 142 Drapers Road, Nhill and is currently used for intensive duck farming comprising six large sheds and multiple farm buildings. The property (and surrounds) has been extensively cleared with little established vegetation remaining.

The Little Desert Nature Lodge is located approximately 2.2km to the south west of the subject site. There is a dwelling located at 92 L Creek Road approximately 2.67km to the north west and another dwelling located approximately 2.7km to the north at 1180 Winiam East Road and a further two more dwellings located approximately 3-3.5kms to the north east and 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

- (3) *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.*
- (4) *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 exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land;
- A3 sign was placed on the land on 14 November 2018; and
- A notice was placed in the Nhill Free Press newspaper on 14 November 2018.

4 x objections have been lodged with Council. An applicant / objector meeting was proposed, however, was declined by 2 x objectors, one objector was unavailable, and one could not attend the proposed meeting.

The objections can be summarised as follows (see attachment 6 for objections, and attachment 7 for applicant's responses to objectors):

Objection / Submission	Planning Comment
1. Concern over ability of local road network to accommodate additional traffic.	Noted. Relevant planning conditions as recommended by Council's Engineering Department can be applied to any planning permit to address this issue.
2. Conflict between vehicular traffic, farm machinery and movement of stock.	Noted. Refer Planning Comment 1.
3. Concern over conflict with tourism traffic.	Noted. Refer Planning Comment 1.
4. Increase in noise from ducks, traffic, and machinery.	Noted. It is not considered that noise generated from the proposed increase in use is out of character for uses in the Farming Zone. Appropriate amenity conditions will be applied to any NOD issued.
5. Impacts on amenity of scrub block of land from dust, noise, odour and polluted runoff.	Noted. It is not considered that potential impacts on amenity generated from the proposed increase in use is out of character for uses in the Farming Zone. Appropriate amenity conditions will be applied to any NOD issued.
6. Permit preamble is too general.	Noted. Procedural – the proposed permit preamble accords with the proposed amendments to existing permit 39/1999, and the current land use definitions within the Hindmarsh Planning Scheme.
7. Insertion of secondary consent provision is unclear.	Noted. Procedural.
8. Not being provided with a copy of the application and request for more time to make submissions.	Noted. Procedural – it is considered the application was notified in accordance with the provisions of Section 52 of the Planning & Environment Act 1987.
9. Increase in numbers at [this site] will increase ducks at Mt Gert and associated traffic	Noted. Any duck increase on Mt. Gert site will be within current valid permit parameters for that site, as stated by the applicant. Should this be exceeded, Council has the option to commence enforcement action as necessary. Increased traffic at the Mt. Gert site is not relevant to this site, as

	the Mt Gert site is governed by Permit 1478-2018.
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It should be noted that the applicants conducted a pre application public consultation meeting on the 26 July 2018 to discuss this proposal, attended by surrounding landowners.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: No objection subject to conditions.
- Environmental Health: Not required as standard amenity conditions exist on Permit 39-99.
- Building: Building Permit required.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme for use and construction of Poultry Farm (Duck Farm).

Planning Scheme Requirements:

Planning Policy Framework

Clause 11.01 –Victoria

Clause 12 - Environmental and landscape values

Clause 12.05-2S - Landscapes

Clause 13 - Environmental risks and amenity

Clause 13.07 - Amenity

Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee

Clause 14.01-2S - Sustainable agricultural land use

Clause 17 - Economic development

Clause 17.01-1R - Diversified economy - Wimmera Southern Mallee

Clause 18.02-3S - Road system

Clause 19.03-4S – Stormwater

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Clause 21.01-5 - Agriculture

Clause 21.01-6 - Economic Development

Clause 21.02-2 - Vision for the Future

Clause 21.03-2 - Economic Development

Clause 21.03-3 – Agriculture

Zoning Provisions

Clause 35.07 Farming Zone

Overlay Provisions

Clause 44.06 Bushfire Management Overlay.

The site is subject to a Bushfire Management Overlay; however the overlay only applies to the south of the site and therefore does not apply to the proposed siting of the use / buildings and works.

Particular Provisions:

Clause 53.09 Poultry Farm

Pursuant to Clause 53.09-1 the clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including 'to increase the farm capacity of an existing poultry farm'.

A Poultry Farm includes the growing of ducks, geese, turkey, quail, squab, emu and ostriches. The main focus of the provision is however on the growing of chickens and in particular the management and control of chicken broiler farms.

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 Planning Policy Framework and the Local Planning Policy Framework, and it is considered that the expansion of the existing use and associated buildings and works 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 proposal 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 proposal 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 is considered to support and enhance production on the site, enabling continued operation of the poultry farm which is part of the existing Luv-a-Duck enterprise.

The proposal is not considered to limit the operation and expansion of adjoining and nearby agricultural uses, and the site is considered highly appropriate for the expansion of the existing use at this scale.

The expansion of this form of agricultural use enjoys broad and strong policy support both within State sections of the Planning Policy Framework along with specific policy support within the Local Planning Policy Framework.

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 proposal 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.

Having regard to the above, Ducks do not generate odours, noise and waste to the same extent as chickens and as such can be farmed without the same degree of consideration of offsite impacts. This is reflected in the stronger, more stringent controls introduced under Amendment C150 (Clause 53.09 – Poultry Farms) that focus on piggeries and chicken broiler farms, which do have the potential to generate substantial offsite impacts. There are no applicable Codes of Practice applicable to the consideration of a poultry farm, yet there are specific codes for broiler farms, cattle feedlots and pig farms.

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 buildings 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, water, drainage, telecommunications and sewerage facilities supports the proposal.

It is considered the subject site is well suited for an expanded poultry farm in that it is located on a large rural parcel that is remote from residential areas and well separated from existing rural dwellings. Further, the nature of the use, being for growing ducks, will not result in inappropriate offsite amenity or environmental impacts by the nature of the production.

Applicable conditions can be applied addressing traffic impacts.

In summary, it is submitted to Council that the proposed expansion of the existing use and associated buildings and works will not only have minimal detrimental impact on the amenity of the area as a whole, but will support and enhance the agricultural production of the Shire, and continue to facilitate and enhance employment and economic development within Hindmarsh Shire in general.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and 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 26 October 2018. The report is being presented to Council at its meeting on the 19 December 2018 (32 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 – 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 the Council issues a Notice of Decision to approve an application to amend planning permit 39-1999 by:

- 1. Amending the preamble of the permit to “Use and construction of Poultry Farm (Duck Farm)”;***
- 2. Amending Condition 6 to allow for 24,000 ducks and to insert secondary consent provision; and***

3. ***Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works***

on Lot 1 PS432916, 142 Draper's Rd Nhill, subject to the following conditions:

Department of Natural Resources and Environment Conditions

1. ***That all works be carried out in accordance with the submitted plans and specifications.***
2. ***On-site waste management shall be in line with EPA guidelines thereby minimizing the risk of waste movement from the site.***
3. ***That all pest plant and animal infestations are actively controlled.***

Environmental Protection Authority Conditions

4. ***The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority's Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".***

Responsible Authority Conditions

5. ***The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the responsible authority.***
6. ***The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority.***
7. ***A Building Permit is required for the construction of the buildings.***

Amenity

8. ***The construction of the proposed extensions 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.***

9. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
10. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

Engineering

11. ***The applicant shall engage a qualified civil engineer to undertake a Traffic Impact Assessment in accordance with the Infrastructure Design Manual (IDM) of L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the business entrance. The assessment will consider and make recommendations regarding:***
 - (a) ***The current road condition and the likely future impact due to increased traffic volumes and type;***
 - (b) ***Any safety concerns associated with the expected traffic increase and type; and***
 - (c) ***Suitability of the property access according to the IDM in association to the traffic type and drainage.***

The report shall be submitted to council for review.

12. ***Any actions identified from review of the report shall be undertaken at the cost of the applicant.***

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 & 7

This recommendation was superseded by the recommendation in the supplementary report 10.3.1

10.3.1 SUPPLEMENTARY REPORT: APPLICATION FOR AMENDMENT TO PLANNING PERMIT 39-1999 – 142 DRAPERS ROAD, NHILL

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 200136
Applicant: Mr Angus McGuckian, Journeyman Planning
Owner: Rosina Fine Foods Pty Ltd (Luv-a-Duck Pty Ltd)
Subject Land: Lot 1 PS432916, 142 Drapers Road, Nhill
Proposal: Use and Construction of Poultry Farm (Duck Farm)
Zoning & Overlays:

- Farming Zone (FZ)
- Bushfire Management Overlay (BMO)

Summary:

This supplementary report and alternative recommendation is presented to Council at its meeting on the 19 December 2018, to be read in conjunction with item 10.3 of the Agenda.

Council received two additional objections to those listed in report 10.3 of published the agenda. One objection was received by 16 December 2018 and the second objection on 18 December 2018.

The additional objections submitted can be summarised as follows:

Objection/ Submission	Applicant Response	Planning (Officer) Comment
Objector 1		
10. Likely to be the family most affected by the noise, increased traffic and degradation to the gravel road that we use every day	No response provided.	Appropriate traffic management, traffic impacts and amenity conditions are proposed to be applied to the Notice of Decision to mitigate these impacts, including limitation on construction times, pre and post condition assessments, and preparing a Traffic

		Impact Assessment Report.
<p>2. Recognition that a doubling of production from the breeder farm will effectively double the heavy road traffic (plus more during the construction phase) and that an independent assessment of the suitability and road maintenance requirements for L Creek and Drapers Rd be carried out by an independently appointed civil engineer.</p>	<p>Luv-a-Duck has stated as part of its application that traffic will increase as a result of the increase in ducks and that this may impact on the roads. It is agreed that an assessment of the roads and minor mitigation works for safety and improved usage may be warranted, however Luv-a-Duck is not responsible for the ongoing maintenance of the roads. This is the responsibility of Council. Luv-a-Duck is accepting of the condition of the amended permit to engage an engineer to do a TIAR.</p>	<p>Appropriate traffic management, traffic impacts and amenity conditions are proposed to be applied to the Notice of Decision to mitigate these impacts, including limitation on construction times, pre and post condition assessments of impacted Council managed roads, and the preparation of a Traffic Impact Assessment Report (TIAR) by an independent and suitably qualified civil engineer.</p>
<p>3. The effects of dust, noise, traffic and road degradation be minimised by the implementation of speed restriction signs and daylight hour transporting of goods wherever possible.</p>	<p>(a) L Creek Road and Drapers Road are both roads under the control of Council and their ongoing maintenance is also the responsibility of Council. Currently the road does not appear to be signed with speed limits and there are no posted restrictions on its use. However the formation and the width of the road practically limit a safe travelling speed to around</p>	<p>The increase in intensity of the use may result in detrimental impacts and conditions relating to amenity. Protection can be applied to any Notice of Decision, however, the application of conditions relating to speed limits and daylight transportation cannot be applied, as the use is existing. A condition can be</p>

	<p>60mkm/hr. Luv-a-Duck would not object to including within the TIAR required under Condition 11 a requirement for the engineer to review and make recommendations on posted speed limits. Council can then elect to post speed limits if considered warranted. Luv-a-Duck will of course remind all contractors that they are expected to obey current, in force speed restrictions and any terms on the use of public roads.</p> <p>(b) It is expected that the majority of deliveries to and from the site will occur during daylight hours, however this cannot always be controlled. Much like many of the surrounding agricultural properties, transport contractors are used and Luv-a-Duck does not directly control their scheduling. As such there will be, at times, need to utilise the road after hours. It is not the intention of Luv-a-Duck to utilise L Creek Road and Drapers Road frequently for after-hours truck usage.</p> <p>(c) Impacts from noise and dust are to be expected on roads in rural areas and in this instance this is unavoidable as Drapers and L Creek Road are the</p>	<p>applied, however, relating to construction traffic times. The TIAR will also recommend speed reductions if necessary. If warranted Council will apply to VicRoads to seek a speed reduction.</p>
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	<p>only access to the site. Luv-a-Duck will endeavour to undertake truck movements during daytime to limit impacts. Again, it is noted that the highest movements occur during clean out which are only over a couple of days. The road will not be subject to continual, high volumes of traffic.</p>	
<p>4. As a result of this proposal from Luv a Duck, we believe that L Creek Rd and Drapers road will require significantly more regular inspection and upkeep than other similar roads in our local area.</p>	<p>The maintenance scheduling and requirements for L Creek Road and Drapers Road are under the control of Council. It is anticipated that after the development occurs that Council may have to monitor and assess the impact on the roads and adjust maintenance requirements accordingly.</p>	<p>The TIAR is to recommend mitigation measures to be implemented at the cost of the applicant to reduce any increased road maintenance requirements on Council.</p>
<p>Objector 2</p>		
<p>Objection/ Submission</p>	<p>Applicant Response</p>	<p>Planning (Officer) Comment</p>
<p>1. The current application for a doubling of bird output is likely to be the first of many.</p>	<p>Any application for amendment must be considered on its merits and whether there is potential for future expansions is of no relevance to the current application. Luv-a-Duck do not currently have any immediate plans to further increase the capacity of the farm. It should be noted that the farm was established in</p>	<p>The application before council does not consider future expansions beyond that proposed in the application.</p>

	<p>1996 and was upgraded in 2009 to the current 12,000 duck capacity. The requested increase is expected to facilitate growth of the business for at least the next 10 years, however this is dependent on how the market continues to develop and evolve.</p>	
<p>2. If unchecked, expansion will have the potential to negatively impact the Lodge property and Little Desert tourism. The increase in heavy vehicle traffic for the transportation of birds, pine shavings and waste, increased noise and higher levels of artificial light need to be monitored to ensure this impact is minimal.</p>	<p>The use of the subject site is controlled under a planning permit with conditions that limit the extent and operation of the use and as such the site is not and there is no potential for the site to expand unchecked. Any future expansion or change to the number of ducks will require further permission from Hindmarsh Shire Council.</p> <p>The Lodge property is located over 1.8km from the nearest shed on the subject site which is ample distance to mitigate any noise, odour or dust impacts to negligible levels. Any increase in vehicle traffic to the farm is not expected to impact on users of the lodge given different access routes are utilised. Luv-a-Duck is satisfied that the impact on the Little Desert NP and the Lodge will continue to be minimal. It should be noted further that Luv-a-Duck have voluntarily produced an EMP for the site and requested its endorsement under the permit as demonstration of its</p>	<p>As per planning comment 1. Appropriate traffic management, traffic impacts and amenity conditions are proposed to be applied to the Notice of Decision to mitigate these impacts, including limitation on construction times, pre and post condition assessments, and preparing a Traffic Impact Assessment Report.</p>

	<p>commitment to sound on site management.</p>	
<p>3. Currently, Mount Lee's operations can be heard at the eastern end of the Lodge property and this will only magnify with a doubling of birds and trucks</p>	<p>The farm being able to be heard from the eastern edge of the property is not demonstration of a noise impact. The lodge, being a sensitive noise receptor, is over 1.8km from the farms sheds and as such any noise will be very much dissipated. The farm does not currently produce any noise of any duration or intensity to cause impacts on any surrounding property and this will not substantially change as a result of the expansion. Noise being emitted from the site will comply with all EPA requirements, which in this case is the Noise from Industry in Rural Victoria (NIRV) guidelines.</p>	<p>Noise produced by the existing facility is considered appropriate to the agricultural nature of the area.</p>
<p>4. Increased artificial light levels has the potential to nullify the Dark Skies status that attracts astronomers to the location.</p>	<p>The application does not propose and the farm does not require extensive external lighting. All lighting for the breeder sheds is internal (apart from minor access lighting) and lighting is baffled and directed to within the site. Extensive night lighting is not conducive to the growing environment for the ducks. There will not be any light shed off the site that could reasonably affect surrounding ambient light of "nullify the Dark Skies status"</p>	<p>The permit is to be conditioned as such that any further external lighting proposed must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.</p>

	<p>of the adjoining land. This is not considered to be a valid planning concern as there will not be impact as a result of the amendment.</p>	
<p>5. Luv-A-Duck is vitally important to our local economy and expansion of its business is not in question. However, we believe our elected representatives should mindfully scrutinise the details of the application (which includes a secondary consent provision that suggests pre-approval on further development) to ensure our equally important ecology and tourism industry are not disadvantaged.</p>	<p>The submitters support of Luv-a-Duck and the role it plays in the local economy is noted and appreciated. It is to this end that the farm is being upgraded as it allows for the expansion throughout the growing chain, with many of the local contract growers being able to consider expansion.</p> <p>Luv-a-Duck has sought to lodge a thorough planning permit application for expansion of the existing breeder farm on site and Hindmarsh Council has, through this process as the Responsible Authority, had the opportunity to scrutinise the application. Luv-a-Duck additionally sought, with Council's guidance, to hold a community information night to discuss views of the proposed expansion to ensure that issues of concern were addressed.</p> <p>The request for the provision of a secondary consent provision into the permit does</p>	<p>Proposed permit condition 6: <i>"The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority"</i> requires the applicant to gain consent from Council prior to any increase in intensity.</p>

	<p>not suggest, in any manner, that pre-approval is already granted and to suggest this impugns Council's reputation. The discretion to grant secondary consent under the permit always rests with Council as the Responsible Authority and Council can always refuse a request for secondary consent. The provision of secondary consent is a standard in all planning permits and is intended to mainly deal with minor changes and improvements to the permit. A written request will still be required, Council can assess the request and ask for further information and can also direct the applicant that proceeding under Secondary Consent is not considered appropriate and that a full application under Section 72 of the Act should be lodged.</p>	
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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.

ALTERNATIVE RECOMMENDATION:

That the Council issues a Notice of Decision to approve an application to amend planning permit 39-1999 by:

- 1. Amending the preamble of the permit to “Use and construction of Poultry Farm (Duck Farm)”;***

2. ***Amending Condition 6 to allow for 24,000 ducks and to insert secondary consent provision; and***
3. ***Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works***

on Lot 1 PS432916, 142 Draper's Rd Nhill, subject to the following conditions:

Department of Natural Resources and Environment Conditions

4. ***That all works be carried out in accordance with the submitted plans and specifications.***
5. ***On-site waste management shall be in line with EPA guidelines thereby minimizing the risk of waste movement from the site.***
6. ***That all pest plant and animal infestations are actively controlled.***

Environmental Protection Authority Conditions

7. ***The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority's Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".***

Responsible Authority Conditions

8. ***The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the responsible authority.***
9. ***The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority.***
10. ***A Building Permit is required for the construction of the buildings.***

Amenity

11. ***The construction of the proposed extensions 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.*
12. *The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.*
13. *All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.*

Engineering

14. *Within 3 months of the date of the amended permit, the applicant must submit to the satisfaction of the Responsible Authority a Traffic Impact Assessment Report (TIAR) in accordance with the Infrastructure Design Manual (IDM) published by Local Government Infrastructure Design Association (LGIDA), dated 11 January 2018 assessing L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site. The assessment must be undertaken by a suitably qualified engineer and must consider and make recommendations regarding:*
- (a) *The current road condition and the likely future impact due to increased traffic volumes and type as a result of the permitted farm capacity increase;*
 - (b) *Any safety issues associated with the expected traffic increase and type as a result of the permitted farm capacity increase;*
 - (c) *Suitability of the access/crossover to the subject site according to the IDM in association to the traffic type and drainage; and*
 - (d) *Mitigation measures to limit the burden of increased road maintenance demands on Council resulting from traffic impacts due to increased traffic volumes and type as a result of the permitted farm capacity increase.*
15. *Any recommendations identified by the Traffic Impact Assessment Report shall be undertaken at the cost of the applicant and within a timeframe to the satisfaction of the Responsible Authority.*
16. *The applicant is to provide an independent condition assessment of L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site prior to the commencement of works and is to meet any costs associated with remedial works resulting from damaged caused by construction traffic associated with the development of the site to the satisfaction of the Responsible Authority.*
17. *Traffic associated with construction to be limited to daylight hours on L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site to the satisfaction of the Responsible Authority.*

18. ***Any further external lighting proposed must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***

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.***

MOVED: Crs D Colbert/R Gersch

That the Council issues a Notice of Decision to approve an application to amend planning permit 39-1999 by:

1. ***Amending the preamble of the permit to “Use and construction of Poultry Farm (Duck Farm)”;***
2. ***Amending Condition 6 to allow for 24,000 ducks and to insert secondary consent provision; and***
3. ***Amending endorsed plans to show proposed extension to sheds, new amenities building and associated works***

on Lot 1 PS432916, 142 Draper’s Rd Nhill, subject to the following conditions:

Department of Natural Resources and Environment Conditions

4. ***That all works be carried out in accordance with the submitted plans and specifications.***
5. ***On-site waste management shall be in line with EPA guidelines thereby minimizing the risk of waste movement from the site.***
6. ***That all pest plant and animal infestations are actively controlled.***

Environmental Protection Authority Conditions

7. ***The buffer distance to the nearest residence from the nearest poultry sheds should be at least 500 metres, as recommended in the Authority’s Publication No AQ 2/86 “Recommended Buffer Distances for Industrial Residual Air***

Emissions”.

Responsible Authority Conditions

8. ***The use and development shall be in accordance with the plan and documentation submitted with the application, which shall not be altered or amended without the approval of the responsible authority.***
9. ***The number of ducks housed at the facility shall not exceed 24,000, without the written consent of the Responsible Authority.***
10. ***A Building Permit is required for the construction of the buildings.***

Amenity

11. ***The construction of the proposed extensions 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.***
12. ***The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.***
13. ***All loading and unloading of vehicles and delivery of goods to and from the premises must occur on site.***

Engineering

14. ***Within 3 months of the date of the amended permit, the applicant must submit to the satisfaction of the Responsible Authority a Traffic Impact Assessment Report (TIAR) in accordance with the Infrastructure Design Manual (IDM) published by Local Government Infrastructure Design Association (LGIDA), dated 11 January 2018 assessing L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site. The assessment must be undertaken by a suitably qualified engineer and must consider and make recommendations regarding:***
 - (a) ***The current road condition and the likely future impact due to increased traffic volumes and type as a result of the permitted farm capacity increase;***
 - (b) ***Any safety issues associated with the expected traffic increase and type as a***

- result of the permitted farm capacity increase;*
- (c) *Suitability of the access/crossover to the subject site according to the IDM in association to the traffic type and drainage; and*
- (d) *Mitigation measures to limit the burden of increased road maintenance demands on Council resulting from traffic impacts due to increased traffic volumes and type as a result of the permitted farm capacity increase.*
15. *Any recommendations identified by the Traffic Impact Assessment Report shall be undertaken at the cost of the applicant and within a timeframe to the satisfaction of the Responsible Authority.*
16. *The applicant is to provide an independent condition assessment of L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site prior to the commencement of works and is to meet any costs associated with remedial works resulting from damaged caused by construction traffic associated with the development of the site to the satisfaction of the Responsible Authority.*
17. *Traffic associated with construction to be limited to daylight hours on L Creeks Rd and Drapers Rd from the datum of Winiam East Rd intersection through to the entrance to the subject site to the satisfaction of the Responsible Authority.*
18. *Any further external lighting proposed must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*

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.*

CARRIED

11. REPORTS REQUIRING A DECISION

11.1 NATIONAL TIDY TOWNS AWARDS

Responsible Officer: Director Corporate & Community Services

Introduction:

This report seeks approval to send a representative of Council to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities awards scheduled to be held in Smithton, Tasmania on Thursday 4 April and Friday 5 April 2019.

Discussion:

Dimboola was officially recognised as Victoria's tidiest town at the Keep Victoria Beautiful awards held on 13 October 2018 in Beechworth.

Dimboola now represents Victoria as a finalist at the 2019 Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event. The event commences Thursday 4 April 2019 with a welcome function held in the evening, followed by tours during the day and the awards dinner on Friday 5 April 2019.

Smithton is located 2½ hours drive from Launceston airport. Estimated costs to attend the National Awards are as follows:

- Return flights, two days car hire and fuel - approximately \$500.
- Two nights' accommodation - approximately \$400.
- National Tidy Towns registration - approximately \$250.

The representative will join Keep Victoria Beautiful staff and represent Dimboola bringing back ideas to share with Dimboola Town Committee on future activities for the Tidy Towns awards.

Options:

1. Council can choose to send a representative of Council to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019.
2. Council can choose not to send a representative to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019.

Link to Council Plan:

- 3.1 A strong rural economy and thriving towns

Financial Implications:

Approximate costs to send a representative to the Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event is \$1,150.

Risk Management Implications:

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

Communications Strategy:

Keep Victoria Beautiful will be notified of the Council nominated representative.

RECOMMENDATION:

That Council nominates XX as the representative for the 2019 Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019 to be held in Smithton Tasmania.

MOVED: Crs R Gersch/R Lowe

That Council nominates Cr R Ismay (Mayor) and Jan Ballard as the representatives for the 2019 Keep Australia Beautiful, Australian Tidy Town Sustainable Communities event on 4 and 5 April 2019 to be held in Smithton Tasmania.

CARRIED

12. SPECIAL COMMITTEES

No report.

13. LATE REPORTS

Late reports included: item 10.3.1 Supplementary Report to item 10.3 and confidential report item 15.6 Contract Award 2018-2019/07 Provision of Plant, Labour and Equipment.

14. OTHER BUSINESS

No other business.

15. 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:

- 15.1 2019 Hindmarsh Shire Youth Council***
- 15.2 Demolition and Clean Up Of Derelict Building***
- 15.3 Australia Day Awards 2019***
- 15.4 Chief Executive Officer Appraisal 2017/18***
- 15.5 Antwerp Woorak Road Deviation***

MOVED: Crs R Gersch/R Lowe

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

- 15.1 2019 Hindmarsh Shire Youth Council***
- 15.2 Demolition and Clean Up Of Derelict Building***
- 15.3 Australia Day Awards 2019***

15.4 Chief Executive Officer Appraisal 2017/18

15.5 Antwerp Woorak Road Deviation

15.6 Late Report: Contract Award 2018-2019/07 Provision of Plant, Labour and Equipment

CARRIED

Council moved into confidential session at 4:32pm.

Council resumed in open session at 5:28pm.

Shane Power returned to the room at 5:28pm.

Shane Power formally thanked Councillors, senior staff, the Infrastructure Services management team as well as other staff including the field staff for their work during his time as director.

Councillors acknowledged the resignation of Shane Power and noted his formal thank you.

17. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 5:32pm.
