



**MINUTES OF THE COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL
HELD 19 SEPTEMBER 2018 AT THE COUNCIL CHAMBER, 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 1596 – 2018 – 59 Lloyd Street Dimboola

10.2 Application for Amendment to Planning Permit 1365 – 2012 – 760 Gerang
Glenlee Road

11. Reports Requiring a Decision

- 11.1 State Emergency Services Lease
- 11.2 Rainbow Desert Enduro
- 11.3 Financial Statements and Performance Statement for the Year ending 30 June 2018

12. Special Committees

- 12.1 Rainbow Town Committee

13. Late Reports

No report

14. Other Business

No report

15. Confidential Matters

- 15.1 Community Action Grants 2018/19
- 15.2 Contract Award - Management and Operation of Council owned Swimming Pool Facilities

16. Meeting Close

Present:

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

In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Shane Power (Director Infrastructure Services), Ms Shelley Gersch (Executive Assistant), Ms Sarah Dickinson (Acting Executive Assistant), Ms Janette Fritsch (Manager Strategic Assets and Planning) (items 1-11.1), Mr Wayne Schulze (Manager Operations) (items 1 – 15.2), Ms Janelle Reichelt (Manager Finance and Customer Service (items 11.2 – 11.3)

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

Cr T Schneider (leave of absence)

MOVED: Crs R Lowe/D Colbert

That Council accepts the apologies.

CARRIED

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 5 September 2018 at the Health and Fitness Centre, Dimboola as circulated to Councillors be taken as read and confirmed.

MOVED: Crs R Gersch/D Nelson

That the Minutes of the Ordinary Council Meeting held on Wednesday 5 September 2018 at the Health and Fitness Centre, Dimboola 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.

Cr D Colbert declared an indirect interest because of conflicting duties in item 15.1 Community Action Grants.

5. PUBLIC QUESTION TIME

Mr James Barry indicated he was present to answer any questions regarding his planning permit application, item 11.2.

Ms Wendy Bywaters requested that her thanks be conveyed to staff responsible for the recently laid bark over the gardens at the eastern end of Nhill, as it has made a dramatic improvement to the aesthetics of Nhill. Mr Power thanked Ms Bywaters for her comments and said he would pass her thanks onto the staff involved in the works.

Ms Marlene Dahlenburg requested to know the process and reasoning behind not advertising the planning permit in item 11.2. Mr Wood answered that certain criteria will trigger a permit to be advertised, and in this instance, he used his discretion not to advertise as he was satisfied *“that the grant of the permit would not cause material detriment to any person”* as required by Section 52 of the Planning and Environment Act 1987. The reasons for this decision included consent from neighbours and that the application was a variation to the existing use.

6. DEPUTATIONS

No deputations

7. ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: AUGUST 2018

Cr ISMAY, Mayor

Attended:

01/08/2018 Mayor/CEO meeting, Nhill
01/08/2018 Briefing meeting, Nhill
01/08/2018 Council meeting Nhill
01/08/2018 Vorra off-road race meeting
01/08/2018 Off-road race working bee
05/08/2018 HPV expo Dimboola
10/08/2018 Off-road race scrutineering and welcome
11/08/2018 Rainbow Desert Enduro day one
12/08/2018 Rainbow Desert Enduro day two
13/08/2018 Jeparit Town Committee meeting
15/08/2018 Mayor/CEO meeting, Nhill
15/08/2018 Briefing meeting, Nhill
15/08/2018 Council meeting, Nhill
21/08/2018 Wimmera Mallee Tourism meeting, Woomelang
27/08/2018 Rainbow Town Committee meeting

Cr LOWE, DEPUTY MAYOR

Attended:

01/08/2018 Council Briefing and Council Meeting, Nhill
11/08/2018 Rainbow Desert Enduro, Bird cage area and other locations
15/08/2018 Council Briefing and Council Meeting, Nhill
24/08/2018 Karen Book Launch, Lutheran School, Nhill
28/08/2018 Wimmera Mallee Pioneer Museum Meeting, Jeparit

Cr GERSCH

Attended:

01/08/2018 Council meeting
02/08/2018 Farewell function for MAV CEO Rob Spence
04/08/2018 Announcement by Emma Kealy for Nhill clubrooms
06/08/2018 Radio interview ABC re Rural future
10/08/2018 Rural Councils Victoria board meeting
15/08/2018 Council meeting
23/08/2018 Cocktail Evening at Parliament House re Regional Cities
24/08/2018 Regional Cities forum
26/08/2018 Meeting with Little Desert management
29/08/2018 Funeral for Bill Magrath
31/08/2018 Presentation of 35 years acknowledgement as a JP

MOVED: Crs R Gersch/R Lowe

That Council writes to retired MAV CEO Rob Spence, thanking him for his 25 years of service to local government, and in particular his support to Hindmarsh Shire Council during this time.

CARRIED

Cr COLBERT

Attended:

01/08/2018 Council Briefing and Council Meeting, Nhill
15/08/2018 Council Briefing and Council Meeting, Nhill

Cr NELSON

Attended:

01/08/2018 Briefing meeting, Nhill
01/08/2018 Council meeting, Nhill
05/08/2018 HPV event, Dimboola
06/08/2018 Wimmera Business Awards judges meeting, Horsham
12/08/2018 Allambi 50th Year Celebrations, Dimboola
14/08/2018 Wimmera Southern Mallee LLEN Finance meeting, Horsham
14/08/2018 Wimmera Development Association meeting, Horsham
15/08/2018 Briefing meeting, Nhill
15/08/2018 Council meeting, Nhill
15/08/2018 Dimboola Through My Eyes Exhibition, Dimboola
23/08/2018 Wimmera Business Awards judging
24/08/2018 Dual Language Book Launch, Nhill
27/08/2018 Wimmera Business Awards judging
28/08/2018 Wimmera Business Awards judging
29/08/2018 Wimmera Business Awards judges meeting, Horsham
31/08/2018 Community Action Network meeting, Dimboola

Cr SCHNEIDER

Leave of absence for August

SENIOR MANAGEMENT ACTIVITIES: AUGUST 2018

GREG WOOD, Chief Executive Officer:

Attended:

01/08/2018 Mayor/CEO meeting, Nhill
01/08/2018 Briefing meeting, Nhill
01/08/2018 Council meeting Nhill
01/08/2018 Watoto Signs and Wonders Concert, Nhill
02/08/2018 Rob Spence Farewell, Melbourne
05/08/2018 Human Powered Vehicle (HPV) Expo, Dimboola
09/08/2018 Wimmera Regional CEO Meeting, Horsham
10/08/2018 Antwerp Woorak Road inspection
10/08/2018 Rainbow Desert Enduro Scrutineering
11/08/2018 Rainbow Desert Enduro
12/08/2018 Rainbow Desert Enduro
14/08/2018 Meeting with Uniting Wimmera, Nhill
14/08/2018 WDA Meeting, Horsham
15/08/2018 Mayor/CEO Meeting, Nhill
15/08/2018 Council briefing and meeting, Nhill
16/08/2018 MAV Rural and Regional Forum, Melbourne
16/08/2018 LGPro CEO Forum, Melbourne
22/08/2018 Wimmera Regional Library review, Nhill
23/08/2018 Early Years Trial meeting, Nhill
23/08/2018 Rural Councils Transformation Program, Horsham
24/08/2018 Nhill Lutheran School Karen Book Launch, Nhill
25/08/2018 "Prevention is Better than Cure" Project Launch, Nhill
27/08/2018 Victorian Grants Commission, Warracknabeal
27/08/2018 Rural Councils Transformation fund CEO Meeting, Warracknabeal
28/08/2018 Municipal Liaison Meeting – VicRoads and Transport for Victoria, Nhill
30/08/2018 Local Government CEO Speakers Forum with David Wolf, Chief
Municipal Inspector, Melbourne

SHANE POWER, Director Infrastructure Services:

Attended:

1-7/08/2018 Leave
13/08/2018 Capital Works Group, Nhill
14/08/2018 Senior Management Team meeting, Nhill
15/08/2018 Council Briefing, Nhill
15/08/2018 Council Meeting, Nhill
16/08/2018 Wimmera Emergency Management Resource Sharing Program
Steering Group, Dimboola
20/08/2018 Nhill Township Committee, Nhill
21/08/2018 Senior Management Team meeting, Nhill
23/08/2018 Meeting with Telstra, Nhill
27/08/2018 DELWP Listening Tour, Nhill

28/08/2018 Senior Management Team meeting, Nhill
28/08/2018 Municipal Liaison Meeting with VicRoads and Transport for Victoria,
Nhill
28/08/2018 Environmental Water Management Forum, Horsham
31/08/2018 Seasonal Conditions Outlook, Horsham

MONICA REVELL, Director Corporate and Community Services:

Attended:

01/08/2018 Council Briefing
01/08/2018 Council Meeting
03/08/2018 Profile ID workshop
05/08/2018 Human Powered Vehicle (HPV) Expo, Dimboola
08/08/2018 Corporate & Community Services Rainbow / Jeparit Tour
09/08/2018 Emergency Management Working Group Meeting
13/08/2018 MAV Workshop – Developing a decision making framework
14/08/2018 Meeting with Uniting Wimmera
15/08/2018 Council Briefing
15/08/2018 Council Meeting
16/08/2018 Wimmera Emergency Management Resource Sharing Steering Group
Meeting
17/08/2018 Wimmera Regional Library Corporation Board Meeting
21/08/2018 Rainbow / Jeparit HACC staff meeting
22/08/2018 Wimmera Libraries Review consultation Meeting
23/08/2018 Dimboola HACC staff meeting
23/08/2018 Rural Councils Transformation Program Meeting
27/08/2018 Victorian Grants Commission Regional Information session
29/08/2018 Early Years information session – Dimboola
30/08/2018 Wimmera Regional Library Corporation – various meetings

8. CORRESPONDENCE

8.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council:

-) Tony Clark
 - o *Letter to Council regarding truck access on the Nhill-Rainbow Road*
-) Hindmarsh Shire Council
 - o *Response to Tony Clark regarding truck access on the Nhill-Rainbow Road*
-) Tony Clark
 - o *Response to Hindmarsh Shire Council regarding truck access on the Nhill-Rainbow Road and attached petition*
-) Rainbow P12 College (late correspondence)
 - o *Nhill-Rainbow Road*

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: Crs R Gersch/D Nelson

That Council:

- 1. notes the attached correspondence***
- 2. Continues to advocate for funding to upgrade the Nhill-Rainbow Road***

CARRIED

Attachment: 2

MOVED: Crs R Gersch/R Lowe

That the upgrading of the footpath in Lake Street, Rainbow be referred to the 2019/2020 Budget

CARRIED

9. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

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/D Colbert

That Council accepts the Assembly of Councillors Record as presented.

CARRIED

Attachment: 2

10. PLANNING PERMITS

**10.1 APPLICATION FOR PLANNING PERMIT 1596-2018 – 59 LLOYD ST
DIMBOOLA – BUILDINGS AND WORKS TO DWELLING IN HERITAGE
OVERLAY**

Responsible Officer: Director Infrastructure Services
File: Planning – Applications
Assessment: 24700
Applicant: Robin Barber
Owner: Victoria Police c/- Minister for Finance
Subject Land: CA12A Sec 9 Tsh Dimboola Psh Dimboola
Proposal: Buildings and works – alterations to existing dwelling
Zoning & Overlays: Public Park & Recreation Zone (PPRZ);
Environmental Significance Overlay Schedule 6 (ESO 6) –
Catchments of Wetlands of Conservation Value;
Heritage Overlay Schedule 34 - Dimboola Town Centre
Heritage Precinct (HO34)

Attachments: Attachment 4 – Site plans & Elevations

Summary:

This report recommends that Council approves planning permit 1596-2018 for Buildings and Works – alterations to existing dwelling, by enclosing the garage (including removal of the garage door), and replacing with two additional bedrooms. No additional building works to increase the footprint of the existing dwelling is proposed.

Background:

On 31 July 2018, a planning permit for the alterations to the existing dwelling was lodged. The works are relatively minor in nature. The requirement for a planning permit is discussed within the body of this report.

Proposal Details:

The proposal is to alter the existing garage by enclosing the door space with a solid wall and window, and construct two additional bedrooms. The proposed building works will not increase the footprint of the existing dwelling.

Subject site & locality:

The subject site is known as 59 Lloyd Street Dimboola, and is currently used for a dwelling – police residence - defined under the scheme as “Dwelling”, being “*a building used as a self contained residence which must include:*

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

It includes out-buildings and works normal to a dwelling”.

The surrounding properties are primarily residential in nature.

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

Public Notification

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

s52 Notice of application

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

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

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

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

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

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

-) Engineering: Not required, as the local road network will not be significantly impacted upon.*

-) Environmental Health: Not required.
-) Building: A Building Permit is required, due to structural work proposed.

Planning Assessment:

Permit Requirement:

A planning permit is required under Clause 36.02-2 – Public Parks and Recreation Zone of the Hindmarsh Planning Scheme to:

-) Construct a building or construct or carry out works.

Further to this, A planning permit is required under Clause 43.01-1 of the Heritage Overlay, which states:-

A permit is required to:

-) Construct a building or construct or carry out works, including:
 - Externally alter a building by structural work, rendering, sandblasting or in any other way.

No permit is required under the provisions of the Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value.

Planning Scheme Requirements:

Planning Policy Framework:

Clause 11 – Settlement
Clause 11.01 –Victoria
Clause 15 - Built Environment and Heritage
Clause 15.01 – Built Environment
Clause 15.03 – Heritage
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:

Clause 42.01 - Schedule 6 to the Environmental Significance Overlay Catchments of Wetlands of Conservation Value;
Clause 43.01 - Heritage Overlay Schedule 34 - Dimboola Town Centre Heritage Precinct

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 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.

Decision Guidelines:

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

The proposal does not increase the overall footprint of the building.

Clause 43.01-8 of the Heritage Overlay - Decision guidelines – states:

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

-) The Municipal Planning Strategy and the Planning Policy Framework.
-) The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
-) Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
-) Any applicable heritage design guideline specified in the schedule to this overlay.
-) Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
-) Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
-) Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
-) Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
-) Whether the proposed subdivision will adversely affect the significance of the heritage place.
-) Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
-) Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

- J) Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

Planning Response:

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

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

The site itself does not exhibit any significant heritage characteristics, and is a single storey brick façade dwelling of 70's to 80's style of construction, and the works proposed are not considered to have any impact upon the heritage significance of the Dimboola Town Centre streetscape.

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 July 2018. The report is being presented to Council for approval at its meeting on 19 September 2018 (51 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 issues a planning permit for buildings and works – alterations to existing dwelling, on CA 12A Tsh Dimboola (59 Lloyd St Dimboola) 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 alterations to 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.***

Permit Lapse/Extension

- 5. The development approved by this permit will expire if one of the following circumstances applies:***
 - (a) Construction is not commenced within two years of the date of this permit.***
 - (b) Construction is not completed within four years of the date of this permit.***

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

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

Notes:

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

MOVED: Crs D Nelson/D Colbert

That Council issues a planning permit for buildings and works – alterations to existing dwelling, on CA 12A Tsh Dimboola (59 Lloyd St Dimboola) 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 alterations to 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.**

Permit Lapse/Extension

- 5. The development approved by this permit will expire if one of the following circumstances applies:**
 - (a) Construction is not commenced within two years of the date of this permit.**
 - (b) Construction is not completed within four years of the date of this permit.**

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

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

Notes:

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

CARRIED

Attachment: 4

**10.2 APPLICATION FOR AMENDED PLANNING PERMIT 1365-2012 – 760
GERANG-GLENLEE RD, GERANG GERUNG**

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications
Assessment:	71860
Applicant:	Angus McGuckian – Journeyman Planning
Owner:	James & Kylie Barry
Subject Land:	Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung
Proposal:	Use and development of land (including buildings and works) – Intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of growing ducks from 60,000 to 88,000.
Zoning & Overlays:	Farming Zone (FZ); Environmental Significance Overlay Schedule 6 (ESO 6) – Catchments of Wetlands of Conservation Value; Bushfire Management Overlay (BMO)
Attachments:	Attachment 5 – Site plan overview and Elevations

Summary:

This report recommends that Council approve an amendment to planning permit 1365-2012 for the Use and Development of Land (Including Buildings and Works) – Intensive Animal Husbandry – to permit the construction of two additional duck breeding sheds and an extension of two existing duck sheds in order to expand current operations from 60,000 ‘growing ducks’ to 88,000 ‘growing ducks’, at 760 Gerang-Glenlee Rd Gerang Gerung.

In the applicant’s submission, it states that:

“The subject farm has already been established and is operating on the subject site under planning permit 1365-12. This amendment to the permit only seeks to expand the existing use, increasing the duck numbers from 60,000 to 88,000 ducks, add two additional sheds and expand the existing sheds to match. This is not proposing a new use that requires a full reassessment of the operations on the site, rather it is a logical expansion of the existing farm. The additional 22,000 ducks can be accommodated on the site without any environmental or amenity impacts on adjoining land uses.

It should also be noted that the planning permit had already granted approval for a total of 4 sheds on the site, however this approval has expired due to inarticulate wording in the permit. This amendment largely seeks to correct some issues with the current permit, seek re-approval for the sheds and approval to increase the number of ducks permitted under the permit”.

Background:

On 6 December 2012, a planning permit for the construction of four duck sheds to house up to 60,000 growing ducks was approved, subject to conditions. Condition 16 of this permit – ‘Permit Lapse / Extension’ states:-

“The time for commencement of the use and development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time of the development may be issued if application is made less than three months after the date on which the permit would have lapsed”.

Comment:

The use and development of the land for the intended purpose, inclusive of the construction of the two existing sheds commenced before the actual expiry of the permit on the 6 December 2016. Therefore, Permit 1365-2012 is deemed current.

This permit application was initially to construct four additional sheds (total six), however, at the applicant’s request, the application has been amended to reduce the total number of sheds to four, in order to expedite the process. The applicant intends to apply for the two additional sheds in a future amendment application.

The applicant has applied for the following amendments to permit 1365-2012:

- J Update the permit preamble to read “Use and development of duck farm (intensive animal husbandry)”.
- J Correct the legal description of the land from CA 42, Parish of Banu Bonyit to Lot 1 on Plan of Subdivision 703792T.
- J Amend condition 10 of the permit to increase the number of ducks to 88,000. It is also requested that Council amend the wording of this condition to include a secondary consent mechanism to increase the number of ducks and add the wording “without the further written consent of the Responsible Authority”.
- J Remove the reference in the permit description to 60,000 ducks. This duplicates unnecessarily the function of Condition 10 and if retained would necessitate a separate s.72 application to change what the permit allows should the capacity of the farm be sought to be increased. This would work against the insertion of the secondary consent into the condition.
- J Seek to amend and substitute new plans under the permit to:
 - Show the current as built form of the two sheds already constructed on site to effectively re-orientate them to run east-west as opposed to the currently permitted north-south alignment;
 - Construction of extensions to the eastern end of the two existing sheds on site;
 - Reflect the re-approval of the two additional sheds and silos originally permitted under planning permit 1365-12, to show them located to the north of the existing shed and in the amended east-west alignment;

J) That Council review the wording of Condition 16 of the permit with a view to substituting it with improved and updated wording. The following is suggested:

This permit will expire if one of the following circumstances applies:

- *the development and use is not commenced within two (2) years from the date of issue of this permit,*
- *the development is not completed within four (4) years from the date of this permit,*
- *the permitted use is discontinued for a period of two years.*

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

J) Extend the time of the permit pursuant to Section 69 of the Act, as it relates to the permitted building and works, to 6 December 2020. This is on the basis that the original permit should have permitted 4 years (minimum) to complete the works, extending the date to 6 December 2016.

The applicant is requesting that this be extended an additional 4 years to enable the construction of the two sheds subject of this application and to allow sufficient time for a further amendment application for sheds 5 and 6.

Proposal Details:

The proposal is to amend the existing planning permit to construct two additional duck sheds, 195 metres in length, x 4.8 metres in height (to the ridgeline), x 15.4 metres in width, extend the two existing duck sheds and to increase the number of ducks from the permitted 60,000 to 88,000.

Subject Site & Locality:

The subject site is known as 760 Gerang-Glenlee Rd, Gerang Gerung and is currently used for the purposes of 'intensive animal husbandry' – defined under the scheme as

“Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures. It does not include:

- a) an abattoir or sale yard;*
- b) emergency and supplementary feeding if incidental to the use of land for extensive animal husbandry; or*
- c) the penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of land for extensive animal husbandry”.*

The property (and surrounds) has been extensively cleared with remaining patches of established vegetation. The site is located approximately 6 km to the north east of the Nhill Post Office. There is a dwelling located approximately 2.5 km to the south and another dwelling located approximately 1.3km to the north.

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 reasons:

- J The applicant has provided letters of support for the proposal from all adjoining neighbours.
- J The proposal seeks to expand on the existing use of the subject land;
- J The proximity to dwellings on neighbouring properties, the design, siting, construction materials and colour scheme of the proposal will not adversely impact upon the landscape and general amenity of the area; and
- J The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

Referrals:

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- J Engineering: Not required, as the local road network will not be significantly impacted upon.
- J Environmental Health: Not required.
- J Building: A Building Permit is required, due to structural work proposed.

Planning Assessment:

Permit Requirement:

A Planning permit is required under Clause 35.07 – Farming Zone of the Hindmarsh Planning Scheme as the proposed sheds, extensions and associated works are associated with a use in Section 2 of the zone, being Intensive Animal Husbandry.

Planning Scheme Requirements:

Planning Policy Framework

Clause 11 – Settlement
Clause 11.01 –Victoria
Clause 12 – Environmental and Landscape Values
Clause 13.02 - Bushfire
Clause 13.07 - Amenity
Clause 14.01- Agriculture
Clause 17 - Economic Development
Clause 22.02 - Fire Protection

Local Planning Policy Framework

Clause 21 – Municipal Strategic Statement

Zoning Provisions

Clause 35.07 Farming Zone

Overlay Provisions

Clause 42.01 - Environmental Significance Overlay – Schedule 6 – Catchments of Wetlands of Conservation Value (ESO 6)
Clause 44.06 – Bushfire Management Overlay

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:

- J The matters set out in Section 60 of the Act.
- J The State Planning Policy Framework and the Local Planning Policy
- J Framework, including the Municipal Strategic Statement and local planning policies.

- J The purpose of the zone, overlay or other provision.
- J Any matter required to be considered in the zone, overlay or other provision.
- J The orderly planning of the area.
- J The effect on the amenity of the area.
- J The proximity of the land to any public land.
- J Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- J Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- J The extent and character of native vegetation and the likelihood of its destruction.
- J Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- J 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.
- J 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

General Issues:

- J The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- J Any Regional Catchment Strategy and associated plan applying to the land.
- J The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- J How the use or development relates to sustainable land management.
- J Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- J 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 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 provides for the expansion and efficient continued operation of the existing Luv-a-Duck enterprise.

Environmental issues:

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

Planning Response:

The proposed building and works is considered to:

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

Design and siting issues

- J 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.
- J 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.
- J 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.
- J The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- J Whether the use and development will require traffic management measures.

Planning Response:

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

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

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

Further to the above planning assessment, the applicant's submission states:

"It is noted that at a state level the use of the subject site for intensive agriculture, including animal husbandry, is strongly supported by planning policy. The subject use is an appropriate and encouraged use within the Farming Zone and one that enjoys policy support in that it is well located and will not impact on adjoining uses. This support is continued at the local planning policy level with policy seeking to maintain a viable and sustainable agricultural industry with strategies focusing on promoting and supporting the traditional rural industries such as cropping, livestock and wool production. It is specifically noted that the scheme at 21.03-3 Agriculture, specifically states that planning is to promote the continual expansion of the poultry industry such as Luv-a-Duck Pty. Ltd. The subject farm is one of the main growing farms associated with Luv-a-Duck.

The site is located in the Farming Zone under Clause 35.07 of the Hindmarsh Shire Planning Scheme.

It is noted that the decision guidelines in the zone require consideration of agricultural issues, namely whether the use or development will support and enhance agricultural production, whether it would limit the operation and expansion of adjoining and nearby agricultural uses and if the site is of a capacity to sustain the agricultural use. The subject site is a very large 101.3 ha property that is surrounded by large farming zoned properties of similar size and there are no sensitive uses nearby. The nearest dwellings are located over 1.2km from the existing and proposed shed and will not be affected by the expansion.

With respect to design and siting issues, the zone requires consideration of 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 and consider the impact of the siting, design, height, bulk, colours and materials to be used on the surrounding landscape and vistas. The existing sheds along with the proposed sheds are located at the south west corner of the subject site, maintaining the remaining land on the site to be used for productive agricultural purposes. Further the sheds take advantage of the vegetative screening along Gerang-Glenlee Road and the topography of the site, being set back of the road and down the hill. This makes the sheds difficult to see in the surrounding environment and in particular from Maringa Road and Gerang-Glenlee Road.

It is submitted that the proposed amendments to the permit to increase the number of ducks on the site and to construct the two additional sheds are wholly consistent with the purpose of the zone, namely to provide for the use of land for agriculture. The proposed amendment is considered acceptable under the zoning for the following reasons:

-) The site of the farm is well separated from dwellings to the extent that any potential amenity impacts are mitigated. It is noted that letters of consent have been provided already to Council from surrounding neighbours indicating their support of the expansion. It is for this reason that it is submitted that the application does not warrant notification pursuant to Section 52 of the Act.*
-) The site is sufficiently large to accommodate and manage any increase in stormwater runoff due to the increased roof area.*
-) The materials of the shed are consistent with the existing approved sheds, consistent with this type of structure found in the area and suitable to the landscape context.*
-) There is no additional environmental load or impact as a result of the expansion of the number from 60,000 to 88,000 ducks with no need for any waste treatment and no waterways within proximity for nutrient run off to be an issue. It is noted that the permit currently requires the farm to be run on the dry shed system.*
-) There is an existing dwelling and farm infrastructure on the site to support the duck farm use and there is no additional upgrading required.*

Overlays

It is noted that the subject site is affected by the Environmental Significance Overlay (ESO) and also the Bushfire Management Overlay (BMO), however the buildings and works proposed under this amendment lie outside of both overlays.

The application does not propose the removal of any native vegetation, the development is outside of the ESO and as such a planning permit is not required under the ESO. Similarly, the development is outside the BMO area shown and are for building and works not associated with any of the uses listed under the BMO. As such a permit is not required under the BMO. The ESO and the BMO therefore are not relevant to the consideration of the application”.

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 29 August 2018. The report is being presented to Council for approval at its meeting on 19 September 2018 (22 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 amendment to planning permit 1365-2012 for the use and development of land (including buildings and works) – intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of permitted growing ducks from 60,000 to 88,000 on Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung, subject to the following conditions:

1. Amended Plans:

Prior to the commencement of buildings and works authorised under this amended permit, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, include a north point, and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The current 'as built' form of the two existing sheds already constructed on site as they exist on the land;***
 - (b) Construction of extensions to the eastern end of the two existing sheds on site; and***
 - (c) The two additional sheds and silos proposed, and to show them located to the north of the existing sheds and in the amended east-west alignment.***
- 2. Soil erosion and the resultant contamination of runoff from the site during and post construction must be minimized to ensure the water quality of nearby wetlands and watercourses is maintained. The Authority recommends that the guidelines documented in EPA Publication 275 — Construction Techniques for Sediment Pollution Control are followed.**
- 3. Duck litter, including solid waste made-up of wood shavings and duck manure must not be applied to wetlands of conservation value identified in the Hindmarsh Planning Scheme ESO 5 — Wetlands of Conservation Value.**
- 4. Any fencing on the allotment must not act as a barrier that would redirect surface water flow or impact on the movement of runoff to downstream wetlands.**
- 5. Earthworks must not alter the direction of natural drainage patterns leading to neighbouring wetlands and waterways.**
- 6. The waste management plan submitted as part of the application must be maintained and implemented for the site. No wastewater, shall be discharged to the land or water environments from operations on the premises.**

7. ***The detailed waste management plan, when approved, will be endorsed and form part of the planning permit.***
8. ***Any clearing or construction activity associated with the development on the subject land should be carried out in accordance with EPA Publication No 275, "Construction Techniques for Sediment Pollution control."***
9. ***Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the site.***
10. ***The development is limited to 88,000 birds. Written consent of the Responsible Authority is required for any future proposed increase in duck numbers.***
11. ***No duck carcasses are permitted to be disposed of on the property.***
12. ***All duck breeder sheds constructed on the property must be a 'dry shed' system.***
13. ***That the buffer distance to the nearest offsite residence from the poultry sheds be at least 500 metres, as recommended in the EPA Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".***
14. ***That all pest, plant and animal infestations are actively controlled to the satisfaction of the Responsible Authority.***
15. ***Permit Lapse/Extension***

This amended permit will expire if one of the following circumstances applies:

-) the development and use is not commenced within two (2) years from the date of issue of this amended permit,***
-) the development is not completed within four (4) years from the date of this amended permit,***
-) the permitted use is discontinued for a period of two years.***

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

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.**

Council noted that the report incorrectly stated that the site is located approximately 6 km to the north east of the Nhill Post Office, when it is actually approximately 26 km from the post office.

MOVED: Crs R Gersch/R Lowe

That Council approves an amendment to planning permit 1365-2012 for the use and development of land (including buildings and works) – intensive animal husbandry – construction of two additional duck breeding sheds, extension to two existing duck sheds and increasing the number of permitted growing ducks from 60,000 to 88,000 on Lot 1 PS703792, 760 Gerang-Glenlee Rd Gerang Gerung, subject to the following conditions:

1. Amended Plans:

Prior to the commencement of buildings and works authorised under this amended permit, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, include a north point, and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The current 'as built' form of the two existing sheds already constructed on site as they exist on the land;**
- (b) Construction of extensions to the eastern end of the two existing sheds on site; and**
- (c) The two additional sheds and silos proposed, and to show them located to the north of the existing sheds and in the amended east-west alignment.**

2. Soil erosion and the resultant contamination of runoff from the site during and post construction must be minimized to ensure the water quality of nearby wetlands and watercourses is maintained. The Authority recommends that the guidelines documented in EPA Publication 275 — Construction Techniques for Sediment Pollution Control are followed.

3. Duck litter, including solid waste made-up of wood shavings and duck manure must not be applied to wetlands of conservation value identified in the Hindmarsh Planning Scheme ESO 5 — Wetlands of Conservation Value.

4. Any fencing on the allotment must not act as a barrier that would redirect surface water flow or impact on the movement of runoff to downstream

wetlands.

- 5. Earthworks must not alter the direction of natural drainage patterns leading to neighbouring wetlands and waterways.**
- 6. The waste management plan submitted as part of the application must be maintained and implemented for the site. No wastewater, shall be discharged to the land or water environments from operations on the premises.**
- 7. The detailed waste management plan, when approved, will be endorsed and form part of the planning permit.**
- 8. Any clearing or construction activity associated with the development on the subject land should be carried out in accordance with EPA Publication No 275, "Construction Techniques for Sediment Pollution control."**
- 9. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the site.**
- 10. The development is limited to 88,000 birds. Written consent of the Responsible Authority is required for any future proposed increase in duck numbers.**
- 11. No duck carcasses are permitted to be disposed of on the property.**
- 12. All duck breeder sheds constructed on the property must be a 'dry shed' system.**
- 13. That the buffer distance to the nearest offsite residence from the poultry sheds be at least 500 metres, as recommended in the EPA Publication No AQ 2/86 "Recommended Buffer Distances for Industrial Residual Air Emissions".**
- 14. That all pest, plant and animal infestations are actively controlled to the satisfaction of the Responsible Authority.**
- 15. Permit Lapse/Extension**

This amended permit will expire if one of the following circumstances applies:

-) the development and use is not commenced within two (2) years from the date of issue of this amended permit,**
-) the development is not completed within four (4) years from the date of this amended permit,**
-) the permitted use is discontinued for a period of two years.**

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

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

Attachments: 5

11. REPORTS REQUIRING A DECISION

11.1 STATE EMERGENCY SERVICE, NHILL LEASE

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks to notify Council of the lease arrangements with the Nhill State Emergency Service (SES) over Council land 94 Nelson Street, Nhill.

Discussion:

Council entered into a lease with Nhill SES on 1 July 2016 for a term of 9 years for the site located at 94 Nelson Street Nhill, but following the construction of a large shed, new lease arrangements are required.

Particulars of the new lease terms are consistent with the previous lease dated 1 July 2016, being for a period of 9 years commencing in late 2018 and concluding in late 2027, and annual rent of \$1.00 per annum plus GST.

Under the lease agreement Nhill SES are responsible for general maintenance, cleaning, furnishings and equipment, fixtures and fittings, insurance, signage and general plumbing requirements.

Section 191(1)(c) of the *Local Government Act 1989* provides that a Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to any public body. It is in the best interest of Council and the SES to update the lease agreement, negotiations between Council staff and the State Emergency Services in relation to the lease are currently being finalised.

Options:

1. Enter into lease arrangements with the State Emergency Services for a period of 9 years for the Nhill SES.

Link to Council Plan:

- Strategic Objective 1.1.4: Support and celebrate volunteering and work collaboratively with volunteer groups.
- Strategic Objective 4.5: Support for the community in the areas of emergency preparedness, response and recovery.
- Strategic Objective 4.6: An organisation that takes risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

Council are responsible for major building repairs which will be included in annual budgets when required.

Risk Management Implications:

Nil

Conflict of Interest:

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

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

RECOMMENDATION:

That:

-) **Council enters into a lease with Nhill SES for the term of 9 years;**
-) **annual rental be \$1.00 per annum plus GST, and that all outgoings including utility costs, building insurance, Fire Services Levy, and public liability insurance, contents insurance and building insurance be payable by the Tenant.**

MOVED: Crs D Colbert/R Lowe

That:

-) **Council enters into a lease with Nhill SES for the term of 9 years;**
-) **annual rental be \$1.00 per annum plus GST, and that all outgoings including utility costs, building insurance, Fire Services Levy, and public liability insurance, contents insurance and building insurance be payable by the Tenant.**

CARRIED

11.2 RAINBOW DESERT ENDURO

Responsible Officer: Monica Revell, Director Corporate & Community Services

Introduction:

This report is intended to provide Council with a summary of the second edition of the Rainbow Desert Enduro, the final round of the BF Goodrich CAMS Australian Off Road Championship.

Discussion:

The Event

The Rainbow Desert Enduro was held over the weekend of 10 to 12 August 2018 which again provided a mix of weather conditions.

Hosting the final round of the BF Goodrich CAMS Australian Off Road Championship for the second year, the Rainbow Desert Enduro attracted entries from all mainland states and the Northern Territory. Though the numbers were down approximately 25% on last year Australia's top off road competitors were present, headlined by 8 times Australian Champions Shannon and Ian Rentsch in Pro Buggy and last year's Rainbow Desert Enduro winner Greg Gartner and Jamie Jennings in 2WD Extreme.

Milder weather greeted competitors on the Friday afternoon and evening for entry confirmation and race vehicle scrutineering ahead of the weekend's competitive activities. This took place in the main street of Rainbow which was closed to regular traffic, providing a great opportunity for race fans and locals to inspect the racing machines up close and chat with the drivers and navigators about their goals for the weekend.

Race qualifying took place on a shorter Prologue circuit to establish the running order for Saturday afternoon's two laps of the gruelling 75km course ahead of a further 5 laps on Sunday. Intermittent moisture (an emerging theme for the weekend) created slippery conditions for qualifying on the shorter prologue stage however Shannon Rentsch emerged fastest despite the traction advantage held by the smaller four wheel drive Side by Side (SXS) class vehicles.

The main race, 7 laps of the gruelling 75km course commenced on Saturday afternoon with 2 laps completed ahead of a long Sunday of competition where competitors raced for a further 5 laps to see who would be crowned the Rainbow Desert Enduro and Australian Off Road Champion for 2018. At the end of more than 500km of racing (the longest round of the Championship) the Rentsch family entry from Warrnambool took both crowns, winning the Enduro ahead of Western Australia's Beau Robinson and Australian Off Road Racing legend Mark Burrows of Victoria.

The event again received an outstanding report from the Confederation of Australian Motor Sports (CAMS) with only a few minor issues to be sorted ahead of next year's event.

Areas of concern

The GrainCorp pit area again suffered from the rain over the weekend, great for the farmers, but less so for competitors needing to work on their cars (in some places ankle deep mud).

Better communication between the army of local volunteers and the Victorian Off Road Racing Association (VORRA) is also required so that other minor issues are eliminated. This particular issue is currently being addressed.

Entries were lower in 2018, with several other events throughout Australia on the same date and weekends prior and after, spreading the available competitors thinly. Ensuring competitors are marking the Rainbow Desert Enduro on their calendar is a major focus (both locally and within CAMS).

Community Benefit

Small country towns don't often have the opportunity to welcome large numbers of visitors to their 'home' for the weekend, particularly when that small town is around an hour from any major highway.

Various local community and sporting groups provided catering for the event across Friday night, Saturday and Sunday, all raising significant funds for their organisations. The Rainbow Recreation Reserve raised several thousand dollars providing camping sites at the reserve and meals at the Community Pavilion on the Saturday and Sunday night.

Early feedback from the competitor survey has again highlighted the friendly and helpful local community and their efforts to make all visitors feel welcome when they arrived for the event.

Community Contribution

It is impossible to capture the exact number of volunteer hours and in-kind support that goes in to ensuring the Rainbow Desert Enduro is a successful event for both competitors and race fans each year. Support comes from across the community with the local population helping out when and where they can. This year the Enduro committee tried to measure just how much support has been provided by the local community, be it volunteering their time or providing their equipment and machinery for use before, during and after the event.

For the 2018 Rainbow Desert Enduro, the local community have contributed in excess of 1,600 volunteer hours and more than \$30,000 of equipment provision and material support. Local support via event meetings, working bees, providing tractors and operators, graders, trucks and trailers, generators, lighting towers, electrical installations and maintenance, marquees, fuel and food make the Rainbow Desert Enduro possible.

This is a fantastic local contribution which doesn't take in to account the many hours also provided by local clubs and organisations that catered for the event or the hundreds of hours committed by the Victorian Off Road Racing Association in organising the competition side of the weekend.

Whilst Council's contribution to the Rainbow Desert Enduro is significant, it is pleasing to see that the local community are making an even larger commitment to the success of this event.

Economic Benefit

Local businesses again enjoyed substantial economic benefits as a result of the Australian Off Road Championship visiting Rainbow. Competitors and their support

crews, event officials and spectators were accommodated across the Shire, ensuring Jeparit, Dimboola and Nhill also benefited from the event.

Planning for 2019

Meetings have already been held and plans are underway for further improvements to the event for 2019. Every competitor has been sent a short survey to provide them with an opportunity to provide feedback on the 2018 Rainbow Desert so that any areas of concern may be addressed.

Link to Council Plan:

Strategic Objective 3.1 A strong rural economy and thriving towns
Strategic Objective 3.2 A thriving tourism industry

Financial Implications:

Council contributed \$10,000 directly towards the running of this event.

Risk Management Implications:

Appropriate Risk Assessments were prepared in accordance with Councils procedures and policies prior to the event.

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 – Monica Revell, Director Corporate & Community Services

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

Author – Simon Landrigan, Community Development Coordinator

In providing this advice as the Author, I disclose an indirect interest because of conflicting duties as a member of VORRA.

Communications Strategy:

NA

RECOMMENDATION:

That Council notes the Rainbow Desert Enduro 2018 report and writes to the organising committee congratulating them on a successful event.

MOVED: Crs R Lowe/D Colbert

That Council notes the Rainbow Desert Enduro 2018 report and writes to the organising committees congratulating them on a successful event.

CARRIED

**11.3 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR
THE YEAR ENDING 30 JUNE 2018**

Responsible Officer: Director Corporate & Community Services
Attachment: 6 - Annual Accounts 2017/18
7 - Performance Statement 2017/18

Introduction:

The purpose of this report is to provide Council with the audited Financial Statements and Performance Statement for the year ended 30 June 2018 and for Council to adopt the statements pending no material change to the reports presented.

Discussion:

The Local Government Act 1989 (LGA) requires a resolution of Council to adopt the In-Principle Financial Statements and the In-Principle Performance Statement. The Act also requires a resolution of Council to appoint two Councillors to sign these documents in their final form on behalf of Council, Section 131 (4) and (5) and 132 (2) and (5) of the Act.

The Financial and Performance Statements are prepared in accordance with the requirements of the LGA and the applicable accounting standards. Copies of the Statements were provided to Crowe Horwath (external auditor acting for the Victorian Auditor-General's Office). The audit of the Statements has now been completed and a few adjustments were made at the request of Council's auditors.

The draft reports will be presented to Council's Audit Committee meeting on 13 September 2018 with the recommendation being, pending no material change to the Statements, that Council:

1. Adopts the In-Principle Financial Statements for the year ended 30 June 2018.
2. Adopts the In-Principle Performance Statement for the year ended 30 June 2018;
3. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form.

At the time of preparing this report, the audit committee meeting had not been held and the closing letter from the Victorian Auditor-General's Office (VAGO) had not yet been received. Any VAGO correspondence received will be provided as a late addition to this report.

Once finalised and certified by Council, the Auditor General will prepare the formal report on the Financial and Performance Statements.

The 2017/18 Financial Statements show a comprehensive surplus for the year of \$131,000.

Total revenue for the financial year was \$18.19 million, a decrease of \$3.51 million from the previous financial year. The decrease is due to reduction in grants received during 2017/18.

Total expenditure for the financial year was \$17.30 million an increase of \$0.14 million from the previous financial year.

During the financial year Council spent \$4.537 million on capital works, including \$2.76 million on renewal projects, \$1.063 million on new assets and \$0.714 million on upgrade projects.

At 30 June 2018 Council held \$11.228 million cash at bank. This is due to a number of large projects not being completed during the 2017/18 financial year, including the Albacutya Bridge, Dimboola Library incorporating the civic hub, Dimboola drainage works.

Options:

Council must comply with its obligations under the Local Government Act 1989 by passing the resolutions required by S131 and S132. Council has the option of nominating which Councillors certify the Financial Statements and the Performance Statements or appoint all Councillors to certify with any two Councillors to sign. Once all certifications are received the Annual Report must be forwarded to the Minister by 30 September 2018.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation

Financial Implications:

There are no financial implications in this process. The statements outline financial performance for the previous year but costs for their production are part of normal operating expenditure.

Risk Management Implications:

Management of risks will minimise Council's exposure to adverse financial impacts, improve effectiveness and generate efficiencies.

Communications Strategy:

Following signing of the final form of the Statements, the Statements will be included in Council's Annual Report for 2016/17 as well as being available on Council's website.

RECOMMENDATION:

That, pending no material changes to the Statements, Council:

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2018; and***
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

MOVED: Crs R Gersch/D Nelson

That, pending no material changes to the Statements, Council:

- 1. Approves in principle the Financial Statements and Performance Statement for the year ended 30 June 2018; and***
- 2. Authorises any two Councillors to sign the Financial Statements and Performance Statement in their final form after any changes recommended or agreed to by the Auditor General of Victoria have been made.***

CARRIED

Attachment: 6 & 7

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

Responsible Officer: Director Corporate and Community Services

Introduction:

This report seeks support from Council to approve the allocation of funds from the Wimmera Mallee Pioneer Museum (WMPM) Committee of Management to appoint a historian consultant to run training and establish procedures for collecting oral history.

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

Discussion:

At its meeting on 18 August 2018, the Wimmera Mallee Pioneer Museum Committee of Management unanimously agreed to proceed with the appointment of a historian consultant to run training and establish procedures for collecting oral history.

The Wimmera Mallee Pioneer Museum Committee of Management received quotations from two consultants and opted to appoint the lower of the two at a cost of \$2,500 (excluding GST).

This training and facilitation will enable members of the committee to begin collecting oral local histories. It is envisaged that these will be utilised in both audio/visual and static interpretive displays at the Museum. As such it is supported by the WMPM Masterplan and Interpretation Plan by working towards the initial capture of stories and information, the first step in developing interpretive displays.

The Wimmera Mallee Pioneer Museum Committee of Management has sufficient funds to appoint this consultant.

Link to Council Plan:

Strategic Objective 1.1:	An actively engaged community.
Strategic Objective 2.1:	Well-maintained physical assets and infrastructure to meet community and organisational needs.
Strategic Objective 3.1:	A strong rural economy and thriving towns
Strategic Objective 3.2:	A thriving tourism industry
Strategic Objective 3.2.2:	Appealing tourism facilities that promote visitation and meet visitor needs

Financial Implications:

The Wimmera Mallee Pioneer Museum have enough funds to cover the expenditure of \$2,500 (excluding GST).

Risk Management Implications:

There are no risk management implications.

Conflict of Interest:

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

Author: Jeff Woodward, Tourism and Economic Development Officer

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

Officer Responsible: Monica Revell, Director Corporate & Community Services

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

Communications Strategy:

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

Options:

1. Council can approve the Wimmera Mallee Pioneer Museum Committee of Management request to allocate funds towards the appointment of a historian consultant.
2. Council can decline the request and suggest to the Wimmera Mallee Pioneer Museum Committee of Management to identify another project where the funds can be allocated to.

RECOMMENDATION:

That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$2,500 (excluding GST) towards the appointment of a historian consultant.

MOVED: Crs D Colbert/D Nelson

That Council approves the Wimmera Mallee Pioneer Museum Committee of Management's request to allocate funds of \$2,500 (excluding GST) towards the appointment of a historian consultant.

CARRIED

12. SPECIAL COMMITTEES

12.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 8

Introduction:

The Rainbow Town Committee held its meeting on 27 August 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Town Committee meeting held on 27 August 2018.

MOVED: Crs R Lowe/D Nelson

That Council notes the minutes of the Rainbow Town Committee meeting held on 27 August 2018.

MOVED

Attachment: 8

13. LATE REPORTS

No report

14. OTHER BUSINESS

MOVED: Crs R Lowe/R Gersch

That Council purchases tickets for Cr D Nelson and Cr T Schneider to attend the Tidy Towns Awards dinner to be held in Beechworth on 13 October 2018.

CARRIED

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 Community Assistance Grants Round 1

15.2 Contract Award – Management and Operation of Council owned Swimming Pool Facilities

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 Community Assistance Grants Round 1

15.2 Contract Award – Management and Operation of Council owned Swimming Pool Facilities

CARRIED

Council resumed in open session at 4:07pm.

16. MEETING CLOSE

There being no further business, Cr R Ismay declared the meeting closed at 4:08pm
