



24 April 2019

To Councillor,  
"as addressed"

NOTICE is hereby given that an **ORDINARY MEETING** of the Hindmarsh Shire Council will be held at the Council Chamber, 92 Nelson Street, Nhill on Wednesday 1 May 2019, commencing at **3:00pm**.

A handwritten signature in black ink, appearing to read 'gwood', written over a horizontal line.

Greg Wood  
**Chief Executive Officer**

**AGENDA**

1. **Acknowledgement of the Indigenous Community and Opening Prayer**

2. **Apologies**

3. **Confirmation of Minutes**

4. **Declaration of Interests**

5. **Public Question Time**

6. **Deputations**

7. **Correspondence**

**8. Assembly of Councillors**

8.1 Record of Assembly

**9. Planning Permit Reports**

9.1 Application for Planning Permit PA1609-2018 – 2 X Lot Subdivision – CA68 Psh Dahwedarre (D Colberts Rd), Broughton

9.2 Application for Planning Permit PA1625-2019 - Lot 1 PS737805, 160 Rups Rd Nhill

**10. Reports Requiring a Decision**

10.1 Melbourne Cup Day Public Holidays 2019

10.2 Nhill Aerodrome Master Plan 2019 Adoption

10.3 Financial Report for the Period Ending 31 March 2019

10.4 Council Plan 2017-2021 Progress Report

10.5 Lease of Land High Street Dimboola

**11. Special Committees**

11.1 Rainbow Town Committee

11.2 Nhill Town Committee

**12. Late Reports**

No report

**13. Other Business**

**14. Confidential Matters**

14.1 Request for Quote – Award for Purchase of One (1) Tractor

**15. Meeting Close**

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

***Acknowledgement of the Indigenous Community***

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

***Opening Prayer***

*Dear Lord,*

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

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

**2. APOLOGIES**

**3. CONFIRMATION OF MINUTES**

***RECOMMENDATION:***

***That the Minutes of the Ordinary Council Meeting held on Wednesday 10 April 2019 at the Council Chambers, 92 Nelson Street Nhill as circulated to Councillors be taken as read and confirmed.***

*Attachment: 1*

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

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

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

---

**5. PUBLIC QUESTION TIME**

---

**6. DEPUTATIONS**

No deputations

---

---

**7. CORRESPONDENCE**

---

**7.1 GENERAL CORRESPONDENCE**

**Responsible Officer:** Chief Executive Officer

**Attachment:** 2

**Introduction:**

The following correspondence is tabled for noting by Council,

Inwards:

- Thank you letter Jan Ballard for attending Keep Australia Beautiful Event Tasmania
- Municipal Association of Victoria Notification of Resignation John Hennessey

Outwards:

- Nil

**RECOMMENDATION:**

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

*Attachment: 2*

---

---

**8. ASSEMBLY OF COUNCILLORS**

---

**Responsible Officer:** Chief Executive Officer

**Attachment:** 3

**Introduction:**

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

**Options:**

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

**RECOMMENDATION:**

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

*Attachment: 3*

---

**9. PLANNING PERMITS**

**9.1 APPLICATION FOR PLANNING PERMIT PA1609-2018 – 2 x LOT SUBDIVISION  
– CA68 PSH DAHWEDARRE (D COLBERTS RD), BROUGHTON**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	200404
<b>Applicant:</b>	Don Perry c/- Ferguson Perry Surveying Pty Ltd
<b>Owner:</b>	L & J Gordon
<b>Subject Land:</b>	CA68 Psh Dahwedarre
<b>Proposal:</b>	2 x Lot Subdivision
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ); Bushfire Management Overlay

**Summary:**

This report recommends that Council issue a planning permit to allow the subdivision of land into 2 x lots at CA68 Psh Dahwedarre (D Colberts Rd, Broughton). The purpose of the subdivision is to create a lot containing the majority of the cropping / grazing land (proposed Lot 1), with a large area of native vegetation remaining at the northern end of this proposed lot, with the balance lot (proposed Lot 2) containing mostly areas of native vegetation.

**Background:**

Planning permit application PA1609-2018 was lodged with Council on the 12 December 2018 for the purposes of more effective grazing and native vegetation land management.

**Proposal Details:**

The proposal is to create 2 parcels of land as follows:

- Proposed Lot 1 – 323.5 ha in size, consisting of the existing grazing land and a portion of existing native vegetation on the northern third of the allotment, and
- Proposed Lot 2 – 323.5 ha in size, being the residual balance lot, wholly consisting of remnant native vegetation.

No buildings exist on the subject land.

The land is currently zoned farming, and is approximately 40.31 kilometres to the north west of the Nhill Post Office. It is considered that approval of the subdivision will facilitate better use of the land for agriculture, by permitting the balance land (proposed Lot 2) to be retained for native vegetation, thus facilitating further protection and retention of the native vegetation on the lot. Lot 2 is proposed to be made the subject of a Trust for Nature Conservation Covenant.

The proposal does not impact on any existing native vegetation and no native vegetation is proposed to be removed, nor are any separate uses, buildings or works proposed as a part of this application.

**Requirement for Permit:**

A planning permit is required under Clause 35.07-3 – Farming Zone of the Hindmarsh Planning Scheme to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone (40 hectares). If no area is specified, each lot must be at least 40 hectares.

**Definitions**

Section 3 of the Planning and Environment Act 1987 defines ‘subdivision’ as *“the division of land into two or more parts which can be disposed of separately”*.

‘Subdivision’ is not defined within the Hindmarsh Planning Scheme.

**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 subdivision of land into 2 lots is exempt from requiring a CHMP pursuant to the Aboriginal Heritage Regulations 2007, and the land is not affected by the Aboriginal Cultural Heritage Overlay in this instance.

**Subject site & locality:**

The subject land is located approximately 40.31 kilometres north west of Nhill, north of Shingle Hut Road, Broughton. The site is bounded to the north and west by unmade road reserve, and to the south and east by grazing land. Proposed Lot 1 is accessed from the south by Shingle Hut Road (Hierarchy 8 – Paper Road), and Proposed Lot 2 is accessed from Millers Road to the north then via Eldorado Road (Hierarchy 7 – Secondary access to farm paddocks). The subject land is primarily flat, 647 hectares in area, and is vacant. Land within the vicinity of the site is primarily used for agriculture (cropping and grazing), with the nearest dwelling being located approximately 2.85 kilometres to the south.

The proposed subdivision has been designed to maximise the amount of agricultural land to be contained in Lot 1, whilst including a large area of native vegetation in Lot 2. It is considered that this design achieves the best outcome in terms of ensuring agricultural land remains in production, and remnant vegetation can be managed on a single lot.

**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 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; and
- The application was made available for public exhibition at Council's Nhill Office.

No objections have been lodged with Council.

### **Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required.

Section 52 Notices: Not required. Although the land is affected by the Bushfire Management Overlay (BMO) primarily over the vegetated areas of the land, no referral to the CFA was required, as confirmed verbally with the CFA via telephone call on the 04 March 2019.

Internal Referrals:

- Engineering: See condition applied.
- Environmental Health: Not required.
- Building: Not required.
- Economic Development and Tourism: Not required.

### **Planning Assessment:**

Planning Scheme Requirements:

#### **Planning Policy Framework**

Clause 11.01 - Victoria

Clause 11.01-1S - Settlement

Clause 11.01-1R - Settlement - Wimmera Southern Mallee

Clause 13.02-1S - Bushfire planning

Clause 14.01 - Agriculture

Clause 14.01-1S - Protection of agricultural land



Clause 14.01-2S - Sustainable agricultural land use  
Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee  
Clause 17.01-1S - Diversified economy  
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**

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:

- 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. The proposal is supportive of, and complies with the Planning Policy Framework, having regard to the benefit the proposal will cause regarding appropriate use of land for agriculture.

#### **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.

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 stated. The site is appropriate for the proposed subdivision, having regard to the size of the land, the design of the proposed lots, the purpose of the subdivision, and the ability of the land to continue to be used for agriculture. Access to the site is provided by all-weather roads, and the proposal will not significantly impact on other forms of infrastructure in the area.

#### **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 to subdivide 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 not considered to limit the operation and expansion of adjoining and nearby agricultural uses and the site is considered appropriate for the subdivision, given the design of the proposed subdivision, which protects the remnant native vegetation on the land.

The facility 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 enhance the use of the land for agriculture by segregating the agricultural activities from the remnant vegetation on proposed Lot 2. The applicant, in their submission, addresses these issues as follows:

1. *“The proposed subdivision is to contain a large area of dense native vegetation on a single lot, and will have minimal effect on the natural physical features and resources of the area. Soil and water quality will be unaffected.*
2. *The land will continue to be used as it was previous to this proposal, whilst containing a large area of the dense native vegetation on a single lot. It is considered that the proposal will have little additional adverse effect on the fauna.*

3. *The retention of the dense native vegetation on both lots, and existing trees with faunal habitat on Lot 1 will facilitate protection and enhance the biodiversity of the area.*
4. *There are no existing or contemplated dwellings for either lot, so there will be no impact of nutrient loads on water ways 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:**

Not applicable. No buildings or works are proposed as a part of this application.

### **Clause 44.06 - Bushfire Management Overlay**

No additional dwellings, or other buildings, are proposed in this application. As such, it is considered that there is no change to the existing conditions on the land that would result in an increased risk to human life from bushfire.

### **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 12 December 2018. The report is being presented to Council at its meeting on the 01 May 2019 (141 statutory days). The statutory processing time requirements of the Planning and Environment Act 1987 have not been satisfied in this instance.

### **Conflict of Interest:**

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

Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

**RECOMMENDATION:**

***That Council approves an application for a 2 lot subdivision at CA 68 Psh Dahwedarre (D Colberts Rd Broughton), subject to the following conditions:***

***1. Formal Plan of Subdivision***

***The formal plan of subdivision lodged with Council for certification must be in accordance with the endorsed plan and must not be modified except to comply with the statutory requirements or with the written consent of the Responsible Authority.***

***2. Infrastructure***

***Any upgrades to road access points to either lot 1 and / or lot 2 will be at the owner's cost.***

***3. Permit Expiry***

***This permit will expire if:***

***a) The plan of subdivision is not certified within three years of the date of this permit; or***

***b) is not completed within five years of the date of the certification of the plan of subdivision.***

***The Responsible Authority may extend the permit if a request is made in writing before the permit expires or within six months afterwards.***

---

**9.2 APPLICATION FOR PLANNING PERMIT PA1625-2019 - LOT 1 PS737805, 160 RUPPS RD NHILL**

<b>Responsible Officer:</b>	Acting Director Infrastructure Services
<b>File:</b>	Planning – Applications
<b>Assessment:</b>	167460
<b>Applicant:</b>	Angus McGuckian, Journeyman Planning c/- Hazkem Pty Ltd
<b>Owner:</b>	Luv-a-Duck Pty Ltd
<b>Subject Land:</b>	Lot 1 PS737805, 160 Rupps Road, Nhill
<b>Proposal:</b>	Buildings and works for the construction of a gas storage tank
<b>Zoning &amp; Overlays:</b>	Farming Zone (FZ), No Overlays
<b>Attachment:</b>	4

**Summary:**

This report recommends that Council approve planning permit PA1625-2019 for the construction of a gas storage tank at 160 Rupps Road, Nhill.

**Background and Proposal Details:**

On Friday 05 April 2019, an application was submitted for a planning permit for building and works for the construction of a gas storage tank on the site of Luv-a-Duck's primary abattoir at 160 Rupps Rd, Nhill. The land is already developed extensively with a large processing facility, maintenance buildings, industrial infrastructure, water storage, car parking and loading facilities, office facilities, caretakers dwelling, and duck sheds established on site.

In the applicant's submission, it states that:

*"It is proposed to install a new 50KL LPG storage vessel to the north-west of the existing Luv-a-Duck abattoir at 160 Rupps Road, Nhill. The proposal is detailed on plans by Hazkem Pty Ltd Drawing No. HAZ-2296-AO1, G01 & G02, Issue 2, dated 29 March 2019.*

*The new tank [is] a larger version of the 7 LPG storage vessels currently located around the subject site which will be progressively decommissioned and removed. The larger tank is being installed by Luv-a-Duck as part of an infrastructure upgrade to the facility which includes the recent approval by Council of an extension to its boiler room to accommodate two new larger commercial boilers.*

*The current facility has been extended a number of times with individual smaller boilers and other infrastructure being added upon extension. Along with these extensions, smaller LPG vessels were installed and connected and are therefore dotted around the site. This, with the increased production needs for the plant, has led to inefficiencies, siting issues for future upgrades and increasing energy costs. Luv-a-Duck is now undertaking a program of improvements to the facility to centralise heating and cooling plant. The installation of a larger vessel is part of this upgrade.*

*The tank is proposed to be installed in an existing level, cleared, grassed space to the north-*

*west of the existing facilities. It does not require the removal of any vegetation or for any earthworks apart from minor levelling of the site for footings of the various installations.*

*The vessel and associated buildings and works are described as follows:*

LPG Vessel:

- *Length: 13.4 metres*
- *Width/diameter: 2.3 metres*
- *Height: 3.56 metres*
- *Colour: white with ELGAS branding.*

**Requirement for Permit:**

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

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

**Subject site & locality:**

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

The abattoir is located approximately 3.32 km to the north west of the Nhill Post Office. The land surrounding the site is extensively cleared and developed for grazing and crop raising. It is within an open rural area with isolated examples of dwellings with the nearest dwellings being located (from property boundaries) as follows:

- 280 Nhill-Yanac Road, Nhill – 900m metres to the south
- 480 Nhill-Yanac Road, Nhill – 1100 metres to the south-west
- 171 Propodollah Road, Nhill – 750 metres to the east
- 181, 183, 185 & 221 Propodollah Road, Nhill – 1.2 kilometres to the 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**

(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:

- 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, having regard to the proposed location of the tank on the land and the fact that it will not be visible from the property boundaries;
- The proposal is in keeping with the existing use of the subject land; and
- The proposal is not considered to negatively impact on the agricultural productivity of the subject and or surrounding land in the area.

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

### **Referrals**

External Referrals/Notices Required by the Planning Scheme:

Section 55 Referrals: Not required

Section 52 Notices: Not required

Internal Referrals:

- Engineering: Not required, as the local road network will not be significantly impacted upon.
- Environmental Health: Not required.
- Building: A Building Permit is not required, due to the distance to any adjoining building being greater than 10 metres (as advised by Council's Municipal Building Surveyor).

### **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 gas storage tank.

Planning Scheme Requirements:

### **Planning Policy Framework**

Clause 11.01- Victoria

Clause 11.01-1S - Settlement



Clause 13.02 - Bushfire  
Clause 13.02-1S - Bushfire planning  
Clause 14.01 - Agriculture  
Clause 14.01-1S - Protection of agricultural land  
Clause 14.01-2S - Sustainable agricultural land use  
Clause 14.01-2R - Agricultural productivity - Wimmera Southern Mallee  
Clause 17 - Economic Development  
Clause 17.01- Employment  
Clause 17.01-1S - Diversified economy  
Clause 17.01-1R Diversified economy - Wimmera Southern Mallee

### **Local Planning Policy Framework**

Clause 21 – Municipal Strategic Statement (MSS)

### **Zoning Provisions**

Clause 35.07 - Farming Zone

### **Overlay Provisions**

None Applicable.

### **Particular Provisions:**

None applicable.

### **General Provisions**

Clause 65 – Decision Guidelines, states that:

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

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

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

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

#### **Discussion:**

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

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

#### **Clause 35.07 – Farming Zone 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:

In the applicant's submission, these decision guidelines are addressed as follows:

*“Clause 21.03 of the MSS - Objectives - Strategies - Implementation - specifically seeks to “Promote the continual expansion of the poultry industry such as Luv-a-Duck Pty. Ltd”. The proposed addition improves the operation and sustainability of the abattoir and assists in the*

*company's ongoing support of the local community as a major employer.*

*The subject site is in excess of 211 hectares in size with substantial setbacks to all adjoining dwellings. The installation will site amongst the existing buildings on site and will not increase any waste generation from the site. The site can easily accommodate the development.*

*The use of the site is established and is well located and separated from nearby sensitive uses. All dwellings are at least 750 metres from the boundaries of the site and the gas tank is located centrally to the site with setbacks of 160 and 250 metres. The installation is for building and works only, does not constitute a use of land and as such there are no impacts on surrounding land uses anticipated.*

*There are no current reticulated services to the site, with the exception of power and water, and as such the site cannot make use of existing gas services. Gas is the most appropriate and cost effective energy for heating in this instance, and the tank is therefore an appropriate development for the site. The proposal represents the consolidation of the site's tanks into one facility".*

### **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 use of the site for the abattoir and processing plant is well established on the site and the extension does not expand the extent of the site used for this purpose as the tank is to be located directly adjacent to the processing plant complex. There is no impact on the remaining balance of the site which can still be used for agriculture.

It is considered that there will be no impact as a result of the addition. The tank, while white, is not particularly high and will easily be screened by the existing large buildings to its north, east and south. The tank will not be visible outside of the site and such will have no impact on any landscape views and cannot cause any amenity impacts on nearby by dwelling by virtue of the substantial setbacks which are in the order of 750 metres to 1.2 kilometres.

The area surrounding the site is a typical rural landscape that does not have any specific significance. The processing plant is established and accessible via a dead-end road which

limits any public surveillance of the site. As stated above the extension cannot be seen from outside of the site and therefore will have no impact on the current character and appearance of the area.

The site does not have reticulated gas services and as such onsite storage must be constructed. No existing infrastructure or services will be impacted by the installation of the tank with it being clear of the nearby electricity line to the facility.

**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 05 April 2019. The report is being presented to Council for approval at its meeting on 01 May 2019 (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 – Janette Fritsch, Acting Director Infrastructure Services

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

Author – Andre Dalton, Coordinator Planning and Development

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

**RECOMMENDATION:**

***That Council approves an application for buildings and works to construct a gas storage tank on Lot 1 PS737805, 160 Rupps Rd Nhill, subject to the following conditions:***

***1. Endorsed Plans***

***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.***

## **2. Amenity**

***The construction of the gas storage tank 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.***

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

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

## **3. Permit Lapse/Extension**

***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.***

**Attachment: 4**

**10. REPORTS REQUIRING A DECISION**

**10.1 MELBOURNE CUP DAY PUBLIC HOLIDAYS 2019**

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

**Introduction:**

This report outlines the procedure and options for the declaration of substitute public holidays for Melbourne Cup Day in 2019.

**Discussion:**

In 2011, the Victorian Government amended the *Public Holidays Act 1993* to give regional Councils the ability to request alternative local public holiday arrangements in lieu of Melbourne Cup Day.

The Public Holidays Act 1993 section 8A (1) states:

*Council may request substitute holiday for Melbourne Cup Day*

- (1) *A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*
  - (a) *that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and*
  - (b) *that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.*
- (2) *A request under subsection (1) must—*
  - (a) *be made at least 90 days before the Melbourne Cup Day to which the request relate; and*
  - (b) *specify the day or 2 half-days of the substituted public holiday; and*
  - (c) *specify the reasons for making the request.*
- (3) *In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.*
- (4) *A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.*

Since 2012, Hindmarsh Shire Council has successfully applied to the Minister for Small Business for substitute public holidays to Melbourne Cup Day for the Rainbow and Nhill agricultural shows, as these are held each year on weekdays. The Dimboola and Jeparit districts continued to take Melbourne Cup Day as a public holiday, as their respective agricultural shows fall on a weekend.

Councils nominating substitute holiday arrangements need to make their request at least 90 days prior to Melbourne Cup Day 2019, that is, no later than Wednesday 17 July 2019.

The dates for the 2019 agricultural shows are:

<b>Rainbow</b>	Tuesday 15 October 2019;
<b>Nhill</b>	Thursday 17 October 2019;
<b>Dimboola</b>	Saturday 19 October 2019; and
<b>Jeparit</b>	Sunday 20 October 2019

The Nhill Show public holiday incorporates the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert.

The Rainbow Show public holiday incorporates the localities of Rainbow, Albacutya and Kenmare.

**Options:**

Council has several options to consider:

1. Council may choose not to nominate any substitutes and Melbourne Cup Day will automatically apply as a public holiday for the whole Shire on the first Tuesday in November;
2. Nominate a substitute public holiday for the whole Shire;
3. Nominate substitute public holidays in each part of the Shire; or
4. Parts of the Shire take Melbourne Cup Day on the first Tuesday of November and other parts of the Shire nominate a substitute public holiday.

**Link to Council Plan:**

Strategic Objective 1.3: A community that is physically active with access to a wide range of leisure, sporting and recreation facilities.

**Financial Implications:**

No Financial Implications.

**Risk Management Implications:**

There are no risk management implications.

**Conflict of Interest:**

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

Author and Officer Responsible – Monica Revell, Director Corporate and Community Services. In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

**Communication Strategy:**

Advertisements will be placed in each of the local papers following approval of the Gazetteal by the Minister for Small Business.

**RECOMMENDATION:**

*That Council writes to the Minister for Small Business expressing a preference for the*

***following:***

- 1. A substitute public holiday in lieu of Melbourne Cup Day for Rainbow Show (Tuesday 15 October 2019) for the localities of Rainbow, Albacutya and Kenmare within the Shire;***
  - 2. A substitute public holiday in lieu of Melbourne Cup Day for Nhill Show (Thursday 17 October 2019) for the localities of Broughton, Yanac, Netherby, Lorquon, Nhill, Glenlee, Kiata, Gerang Gerung and Little Desert within the Shire; and***
  - 3. Melbourne Cup Day for the remainder of the Shire.***
-



## 10.2 NHILL AERODROME MASTER PLAN 2019 ADOPTION

**Responsible Officer:** Acting Director Infrastructure Services

**Attachment:** 5

### **Introduction:**

At its meeting on Wednesday 23 May 2018, Council resolved to allocate funds to commission the services of a suitably qualified consultant to update the Nhill Aerodrome Master Plan. Following the revision of the plan which included public consultation, this report recommends that Council adopt the Nhill Aerodrome Master Plan 2019.

### **Discussion:**

The Nhill Aerodrome is owned and operated by Hindmarsh Shire Council. The Nhill Aerodrome was bequeathed to Council from the Federal Government after a significant number of years' service to both civil aviation and military service. The need for a master plan was an initiative of both Nhill Aviation Heritage Centre (NAHC Inc) and the Hindmarsh Shire Council identified through a community consultation process that commenced in May 2010.

The Nhill Aerodrome Master Plan was originally developed in 2011 in consultation with the Nhill Aerodrome Master Plan Advisory Committee, and was formally adopted by Council at its meeting 21 March 2012.

Council was approached in November 2017 by an interested party seeking to build a shed for the purposes of a private aircraft hangar. The application suggested a site that was reserved for aerodrome storage purposes in the Nhill Aerodrome Master Plan. As the master plan did not explicitly provide for private hangars, a meeting was convened with relevant stakeholders of the site including representatives from:

- Nhill Aerodrome Master Plan Advisory Committee
- Ambulance Victoria
- Nhill Aero Club
- Nhill Historical Society
- Nhill Aviation Heritage Centre Incorporated
- Department of Environment, Land, Water and Planning
- Hindmarsh Shire Council

Members of the meeting raised concerns that the proposed site may conflict with emergency services activities and that a public consultation process would be beneficial to gauge interests of other potential aviation enthusiasts. The members of the meeting thus resolved:

*"That Council revise the Nhill Aerodrome Master Plan to reflect current and future use of facilities, including emergency services and stakeholder needs and present to Council for budget consideration".*

To relieve concerns from the applicant and the Nhill Aerodrome Master Plan Advisory Committee relating to duration of the review of the plan, officers sought and received approval

from Council at its 23 May 2018 meeting, to allocate \$10,000 from the \$50,000 2017/2018 budget for Precinct and Recreation Plan Projects Funding for the purposes of revising the Nhill Aerodrome Master Plan.

On 8 June 2018 officers invited submissions by way of a request for quote process, to a number of aviation consultants for the revision of the Nhill Aerodrome Master Plan, awarding to To70 a multinational firm specializing in aviation planning and operations.

The master plan has been revised in consultation with the Nhill Aerodrome Masterplan Advisory Committee and Council officers and aims to:

- Promote the orderly future planning for the aerodrome site for the next 10 years;
- Provide a vehicle for all interested parties to document, prioritise and implement their respective objectives for the development of the site;
- Provide a timeframe, cost estimate and responsibility for key activities identified through the plan;
- Ensure the master plan for the aerodrome has due consideration to regulatory requirements;
- Promote the aerodrome as an important transport facility in the Hindmarsh Shire and its relationship to the region;
- Provide for aviation based recreational pursuits including hangars;
- Explore tourism opportunities; and
- Encourage light industry.

Notice of the revised plan was advertised in local newspapers and social media. At the time of closing no comments were received.

### **Options**

Council can choose to:

1. Formally adopt the revised Nhill Aerodrome Master Plan 2019; or
2. Not adopt the Nhill Aerodrome Master Plan 2019.

### **Link to Council Plan:**

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

### **Financial Implications:**

Council at its meeting 23 May 2018, approved to allocate \$10,000 from the \$50,000 2017/2018 budget for Precinct and Recreation Plan Projects Funding for the purposes of revising the Nhill Aerodrome Master Plan.

**Risk Management Implications:**

The Nhill Aerodrome Master Plan 2019 aims to adequately provide for growth of the site for a diverse range of existing and future users without compromising airfield operations.

The master plan recognizes and makes provision for the use of the site by emergency services.

The revised master plan should be incorporated in the Hindmarsh Planning Scheme to ensure appropriate land use and controls are in place to avoid encroachment to the airfield and potential conflict between competing land use.

**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.

Author and Officer Responsible – Janette Fritsch, Acting Director Infrastructure Services.  
In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

**Communications Strategy:**

The adopted Nhill Aerodrome Maser Plan will be available for download from Councils website.

***RECOMMENDATION:***

***That Council adopts the Nhill Aerodrome Master Plan 2019.***

*Attachment: 5*

---

### 10.3 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2019

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

**Attachment:** 6

**Introduction:**

The Financial Report for the third quarter of the 2018/19 financial year has been prepared, including explanations of variances where applicable, and is presented for the information of Council.

**RECOMMENDATION:**

*That Council notes the Financial Report as presented.*

*Attachment: 6*

---

### 10.4 COUNCIL PLAN 2017-2021 PROGRESS REPORT

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

**Attachment:** 7

Discussion to be held during the meeting regarding the status of the 2018/2019 strategic actions in the council plan 2017-2021.

**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 notes the Council Plan 2017-2021 progress report.*

*Attachment: 7*

---

## 10.5 LEASE OF LAND HIGH STREET DIMBOOLA

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

### **Introduction:**

This report proposes Council enters into a Lease Agreement over land contained in Certificate of Title Volume 4017 Folio 357, located at High Street Dimboola (**Land**).

### **Discussion:**

The current 10-year lease over the Land with Vodafone Network Pty Ltd ACN 081 918 461 (**Lessee**) is due to expire on 6 December 2019. The Lessee has provided a Letter of Offer for Council's consideration to enter into a 9-year lease with Council (5 years with a further 4 year term) with the yearly rent being \$7,000.00 (plus GST) with annual CPI increases.

Under section 190 of the *Local Government Act 1989 (Act) Restriction on power to lease land*, Council is required to advertise its intention to enter into the lease if the lease is to be –

- (a) for 1 year or more and –
  - (i) the rent for any period of lease is \$50,000 or more a year; or
  - (ii) the current market rental value of the land is \$50,000 or more a year; or
- (b) for 10 years or more; or
- (c) a building or improving lease-

*The Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*

Based on the proposed term of the lease, Council does not need to advertise in accordance with s190 of the Act.

### **Options:**

1. Council can choose to enter into the lease with the current Lessee.
2. Council can choose not to enter into a lease.

### **Link to Council Plan:**

Strategic Objective 3.1: A strong rural economy and thriving towns.

### **Financial Implications:**

Upon entering into the lease Council will receive \$7,000.00 per annum plus GST plus annual CPI increases for the lease.

### **Risk Management Implications:**

No risk management implications arise.

### **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—Helen Thomson, HR Governance and Compliance Coordinator

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

**Communications Strategy:**

N/A.

***RECOMMENDATION:***

***That Council enters into a Lease with Vodafone Network Pty Ltd for the property contained in Certificate of Title Volume 4017 Folio 357 located at High Street Dimboola for a period of 9 years (5 years with a further 4 year term).***

---

---

<b>11. SPECIAL COMMITTEES</b>
-------------------------------

### 11.1 RAINBOW TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 8

**Introduction:**

The Rainbow Town Committee held its meeting on 25 March 2019. 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 25 March 2019.***

*Attachment: 8*

---

### 11.2 NHILL TOWN COMMITTEE

**Responsible Officer:** Director Corporate and Community Services  
**Attachment:** 9

**Introduction:**

The Nhill Town Committee held its meeting on 15 April 2019. 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 Nhill Town Committee meeting held on 15 April 2019.***

*Attachment: 9*

---

---

**12. LATE REPORTS**

No report

---

**13. OTHER BUSINESS**

---

**14. CONFIDENTIAL REPORTS**

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

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

***RECOMMENDATION:***

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

***14.1 Request for Quote Award for Purchase of One (1) Tractor***

---

**15. MEETING CLOSE**

---